

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

FRIDAY, JUNE 30, 2006

SESSION OF 2006

190TH OF THE GENERAL ASSEMBLY

No. 47

### HOUSE OF REPRESENTATIVES

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

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

#### PRAYER

REV. LOUISE WILLIAMS BISHOP, member of the House of Representatives, offered the following prayer:

Thank you, Mr. Speaker.

These are the times when men's souls are being tried.

Let us pray:

Thank You, Father; thank You that we are in Your presence, and as we enter in, we come with praise and thanksgiving. We are expressing our joy and our contentment, because You are our sovereign Lord, and in You do we put our trust, for our hope is built upon nothing less than You and Your righteousness.

When things go well, we are elated, and when hardship comes, we sink into depression, but true joy, Your joy, transcends the rolling waves of our circumstances. Our joy and Your joy strengthens us, and our consistent relationship with You helps us to lean not onto our own understanding, but to cast all of our cares upon You.

Help us today as we walk through the adversities of today's budget balancing, without sinking into long, divisive debates, and help us to keep level heads, no matter the circumstances.

You have ordered us, God, to love each other as You have loved us. Your love was enough to give us life and everlasting peace and happiness. I pray that peace now as I ask You to remember all those who have been devastated and whose lives have been altered by the dangerous waters and floods across this Commonwealth. Please bless those counties, all of them that are affected so desperately, and people who are depending solely upon You. Help us to remember at these times that to whom much has been given, much shall be required. And You have given us all in this chamber, Father, a chance to serve – to serve the old, to serve the needy, to serve the young, and all of those who have placed their confidence in us to do the right thing.

We have an awesome opportunity, each and every one of us, to do the right thing for all of the citizens who are depending upon us. So cover us with Your grace, Your mercy, and guide us along this journey today and always. Amen.

### PLEDGE OF ALLEGIANCE

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

### JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Thursday, June 29, 2006, will be postponed until printed.

### CALENDAR

### BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 940, PN 1548**, entitled:

An Act amending the act of June 30, 1981 (P.L.128, No.43), known as the Agricultural Area Security Law, further providing for the Agricultural Conservation Easement Purchase Fund; providing for the Land Trust Reimbursement Program, for proceeds from sales by the Department of Agriculture and for grants for agricultural land conservation assistance; and making a related repeal.

On the question,

Will the House agree to the bill on third consideration?

### BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.

Mr. S. SMITH. Mr. Speaker, I move that SB 940 be placed on the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

### BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

Mr. S. SMITH. Mr. Speaker, I move that SB 940 be taken off the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

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The House proceeded to third consideration of **HB 1419, PN 2211**, entitled:

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.

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

### BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.  
Mr. S. SMITH. Mr. Speaker, I move that HB 1419 be placed on the table.

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

### BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.  
Mr. S. SMITH. Mr. Speaker, I move that HB 1419 be taken off the table.

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

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The House proceeded to third consideration of **SB 143, PN 1688**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, establishing parent involvement programs and policies in school districts.

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

### BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.  
Mr. S. SMITH. Mr. Speaker, I move that SB 143 be placed on the table.

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

### BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.  
Mr. S. SMITH. Mr. Speaker, I move that SB 143 be taken off the table.

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

### BILLS SIGNED BY SPEAKER

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

#### HB 1320, PN 4308

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, restricting the transport, sale, importation or release of non-native injurious fish.

#### HB 1725, PN 3757

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.

#### HB 2425, PN 3822

An Act amending the act of April 24, 1931 (P.L.48, No.40), entitled "An act requiring the recording of certain written agreements pertaining to real property, and prescribing the effect thereof as to subsequent purchasers, mortgagees, and judgment creditors of the parties thereto," providing for the requirements for valid recording of documents.

#### HB 2542, PN 4003

An Act amending Title 13 (Commercial Code) of the Pennsylvania Consolidated Statutes, further providing, in secured transactions, for effectiveness of actions prior to amendment and for continued effectiveness of financing statements.

#### HB 2740, PN 4349

An Act designating the bridge to carry State Route 68 over the Allegheny River from East Brady Borough, Clarion County, to Brady's Bend Township, Armstrong County, as the Sergeant Carl F. Curran II Memorial Bridge.

#### SB 243, PN 1836

An Act amending the act of June 28, 1935 (P.L.477, No.193), referred to as the Enforcement Officer Disability Benefits Law, extending the payment of the salary, medical and hospital expenses to sheriffs and deputy sheriffs under certain circumstances.

#### SB 1007, PN 1650

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, providing for fire insurance contracts, standard policy provisions to exclude damage caused by terrorism.

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

The SPEAKER. Would the gentleman, Mr. Lescovitz, please come to the rostrum.

### LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the majority whip, who moves for a leave of absence for the day for the gentleman from Berks, Mr. LEH, and the gentleman from Lancaster, Mr. ARMSTRONG. Without objection, those leaves will be granted.

The Chair recognizes the minority whip, who moves for a leave of absence for the day for the gentleman from Philadelphia, Mr. RIEGER, and the gentleman from Allegheny, Mr. COSTA. Without objection, those leaves will also be granted.

### MASTER ROLL CALL

The SPEAKER. The Chair is about to take the master roll, and the members will proceed to vote.

The following roll call was recorded:

#### PRESENT—195

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

Evans, D.	Lescovitz	Rohrer	Zug
Evans, J.	Mackereth	Rooney	
Fabrizio	Maher	Ross	Perzel,
Fairchild	Maitland	Rubley	Speaker
Feese			

ADDITIONS—0

NOT VOTING—0

EXCUSED—8

Armstrong	Forcier	Levdansky	Shaner
Costa	Leh	Rieger	Wilt

LEAVES CANCELED—3

Armstrong	Costa	Leh
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### BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.  
Mr. S. SMITH. Mr. Speaker, I move that SB 993 be taken off the table.

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

### BILL ON SECOND CONSIDERATION

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

**SB 993, PN 1893.**

### BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.  
Mr. S. SMITH. Mr. Speaker, I move that SB 993 be recommitted to the Committee on Appropriations.

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

### BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.  
Mr. S. SMITH. Mr. Speaker, I move that SB 82 be taken off the table.

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

**BILL ON SECOND CONSIDERATION**

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

**SB 82, PN 1901.**

**BILL RECOMMITTED**

The SPEAKER. The Chair recognizes the majority leader.  
Mr. S. SMITH. Mr. Speaker, I move to recommit SB 82 to the Committee on Appropriations.

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

**GUESTS INTRODUCED**

The SPEAKER. The Chair would like to welcome to the hall of the House Jeff Frediani, who is a guest today of Representative Mario Scavello. Jeff is a 2005 graduate of East Stroudsburg High School and is attending Montana State University studying political science and wildlife biology. He is currently interning in Representative Mario Scavello's district office. Would he please rise and be recognized.

Representative Josh Shapiro has several guests with him today. They are Bob and Linda Powers and their children, Jennifer and Robert. They are seated to the left of the Speaker. Would they please rise and be recognized.

**HOUSE BILLS  
INTRODUCED AND REFERRED**

**No. 2865** By Representatives FRANKEL, MELIO, BEBKO-JONES, CALTAGIRONE, CLYMER, CORRIGAN, CRAHALLA, FREEMAN, JOSEPHS, PARKER, PISTELLA, RUBLEY, SAMUELSON, TIGUE, WHEATLEY, YOUNGBLOOD, CURRY and SIPTROTH

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

Referred to Committee on TRANSPORTATION, June 30, 2006.

**No. 2866** By Representative CORRIGAN

An Act amending the act of May 15, 1939 (P.L.134, No.65), referred to as the Fireworks Law, further providing for the regulation of the sale of fireworks and for facilities.

Referred to Committee on CONSUMER AFFAIRS, June 30, 2006.

**No. 2867** By Representatives CALTAGIRONE, GODSHALL, BEBKO-JONES, BENNINGHOFF, BUNT, COHEN, CREIGHTON, DENLINGER, FLAHERTY, GEIST, GOOD, GRELL, KOTIK, LEACH, LEH, MUNDY, MYERS,

PALLONE, READSHAW, REICHLEY, SIPTROTH, SOLOBAY, WALKO, WANSACZ, YOUNGBLOOD and HARRIS

An Act amending Titles 15 (Corporations and Unincorporated Associations) and 54 (Names) of the Pennsylvania Consolidated Statutes, defining "official notice"; requiring the Department of State to establish a certain Internet website; further providing for the definition of "officially publish," for advertisements by domestic business corporations, by foreign business corporations, domestic nonprofit corporations, foreign nonprofit corporations and domestic cooperative corporation ancillaries and for fictitious name registration; and making an editorial change.

Referred to Committee on COMMERCE, June 30, 2006.

**No. 2868** By Representatives CALTAGIRONE, GODSHALL, BEBKO-JONES, BENNINGHOFF, BUNT, COHEN, CREIGHTON, DENLINGER, FLAHERTY, GEIST, GOOD, GRELL, KOTIK, LEACH, LEH, MUNDY, MYERS, PALLONE, READSHAW, REICHLEY, SIPTROTH, SOLOBAY, WALKO, WANSACZ, YOUNGBLOOD and HARRIS

An Act amending Title 45 (Legal Notices) of the Pennsylvania Consolidated Statutes, providing for electronic publication of legal notices.

Referred to Committee on JUDICIARY, June 30, 2006.

**No. 2869** By Representatives DeLUCA, GEIST, DeWEESE, BARRAR, BELFANTI, BIANCUCCI, BOYD, CALTAGIRONE, COHEN, CRAHALLA, CREIGHTON, CRUZ, DERMODY, FABRIZIO, FLAHERTY, FREEMAN, GOODMAN, GRUCELA, KOTIK, MANN, MARKOSEK, McGEEHAN, MELIO, MYERS, NAILOR, O'NEILL, PALLONE, PARKER, PAYNE, PETRONE, READSHAW, RUFFING, SABATINA, SHAPIRO, SIPTROTH, STABACK, THOMAS, WALKO, WOJNAROSKI, YOUNGBLOOD, FRANKEL and LEDERER

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for the offense of homicide by vehicle while fleeing or attempting to elude police officer.

Referred to Committee on TRANSPORTATION, June 30, 2006.

**No. 2870** By Representative LEDERER

An Act authorizing the Department of General Services, with the concurrence of the Department of Environmental Protection, to lease to 1143 NCCB Associates, LP, land within the bed of the Delaware River in the City of Philadelphia.

Referred to Committee on STATE GOVERNMENT, June 30, 2006.

**No. 2871** By Representatives FAIRCHILD, CAWLEY, THOMAS, BELFANTI, CALTAGIRONE, CAPPELLI, CLYMER, CREIGHTON, DeWEESE, MUSTIO, MYERS, PALLONE, PHILLIPS, RUBLEY, SATHER, SONNEY, STURLA, TIGUE, YOUNGBLOOD, BEYER and GOODMAN

An Act amending Title 27 (Environmental Resources) of the Pennsylvania Consolidated Statutes, establishing the Pennsylvania Geospatial Coordinating Council; providing for the powers and duties of the Pennsylvania Geospatial Coordinating Council and for the Pennsylvania Mapping and Geospatial Technologies Fund.

Referred to Committee on INTERGOVERNMENTAL AFFAIRS, June 30, 2006.

**No. 2872** By Representatives REED, DALEY, SOLOBAY, SATHER, DeWEESE, ADOLPH, BAKER, BALDWIN, BEBKO-JONES, BENNINGHOFF, BEYER, BUNT, CALTAGIRONE, CAPPELLI, COHEN, CRAHALLA, CREIGHTON, DeLUCA, DENLINGER, J. EVANS, FAIRCHILD, GEIST, GEORGE, GINGRICH, HARHAI, HARHART, HENNESSEY, HERSHEY, JAMES, LEDERER, LEH, MAJOR, MARSICO, MYERS, PALLONE, PAYNE, PERZEL, PETRONE, PHILLIPS, RAMALEY, RAPP, REICHLEY, ROHRER, ROSS, RUBLEY, SAYLOR, SHANER, SIPTROTH, B. SMITH, SONNEY, STABACK, R. STEVENSON, SURRA, TANGRETTI, E. Z. TAYLOR, TIGUE, TRUE, TURZAI, WOJNAROSKI, YOUNGBLOOD, YUDICHAK and GOODMAN

An Act designating Interstate 70 in Washington County as the Kilo Co., 3/25, USMC Highway.

Referred to Committee on TRANSPORTATION, June 30, 2006.

### HOUSE RESOLUTIONS INTRODUCED AND REFERRED

**No. 822** By Representatives GERBER, GEORGE, BEBKO-JONES, BELFANTI, BEYER, BLACKWELL, BUXTON, CALTAGIRONE, COHEN, CRAHALLA, DALEY, DeWEESE, FABRIZIO, HERSHEY, JAMES, JOSEPHS, LEACH, LEDERER, MARKOSEK, McILHATTAN, MYERS, PARKER, READSHAW, REICHLEY, ROBERTS, SHAPIRO, SONNEY, THOMAS, WOJNAROSKI, YOUNGBLOOD, PISTELLA, KENNEY, PALLONE, SIPTROTH and FRANKEL

A Resolution urging the Congress of the United States to adopt H.R. 2730, the United States-Israel Energy Cooperation Act.

Referred to Committee on INTERGOVERNMENTAL AFFAIRS, June 30, 2006.

**No. 824** By Representatives GANNON, B. SMITH, PHILLIPS, CRAHALLA, DERMODY, GEORGE, FREEMAN, WANSACZ, MUSTIO, PISTELLA, SATHER, JAMES, SAYLOR, BEBKO-JONES, PETRONE, RAPP, SIPTROTH, FAIRCHILD, SAINATO, CRUZ, BEYER, CAPPELLI, CLYMER, HESS, MAJOR, READSHAW, VEON, TIGUE, SOLOBAY, COHEN, CALTAGIRONE, LEDERER, LEACH, GOODMAN, ADOLPH, YUDICHAK, SONNEY, HERSHEY, BOYD, PALLONE, MUNDY, FRANKEL, E. Z. TAYLOR, HARHAI and GINGRICH

A Resolution directing the Legislative Budget and Finance Committee to conduct a study of this Commonwealth's rail transportation systems to assess preparedness in the event of a natural disaster, terrorist attack or hazardous materials incident.

Referred to Committee on TRANSPORTATION, June 30, 2006.

**No. 826** By Representatives WRIGHT, ARGALL, BEBKO-JONES, CRAHALLA, GEORGE, GOOD, GOODMAN, JAMES, McILHATTAN, MILLARD, PAYNE, READSHAW, RUBLEY, SANTONI, SHAPIRO, SIPTROTH, SURRA, WHEATLEY, REICHLEY, CRUZ, BASTIAN, SAINATO, BEYER, MARSICO, WATSON, SOLOBAY, SAYLOR, TIGUE, CALTAGIRONE, FAIRCHILD, CREIGHTON, STABACK, CLYMER, YUDICHAK, BUNT, HERSHEY, BALDWIN, PHILLIPS, HESS, WALKO, PALLONE, RAPP, MICOZZIE, E. Z. TAYLOR, BARRAR, YOUNGBLOOD and GINGRICH

A Resolution memorializing the President and Congress of the United States to examine the current status of the nation's dependency on foreign oil to determine what the Federal Government can do to alleviate the escalating prices of fuel and to develop and implement a long-term energy strategy that decreases the nation's dependency on foreign oil and increases the utilization of natural or alternative fuel sources.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, June 30, 2006.

### SENATE BILL FOR CONCURRENCE

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

#### SB 896, PN 1177

Referred to Committee on CONSUMER AFFAIRS, June 30, 2006.

### BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 222, PN 4390**, entitled:

An Act establishing the Long-Term Care Quality Improvement Council; and providing for a system for data collection, for benchmarking and dissemination of long-term care provider quality performance reports, for annual reports to the General Assembly and for publication of reports for public use.

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—195

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

## NAYS—0

## NOT VOTING—0

## EXCUSED—8

Armstrong	Forcier	Levdansky	Shaner
Costa	Leh	Rieger	Wilt

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.

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The House proceeded to third consideration of **HB 2749, PN 4396**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for bail intercept; further providing for relatives' liability and procedure; and repealing provisions relating to guardian.

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, Mr. Vitali.

Mr. VITALI. Mr. Speaker, could we have a brief explanation of this?

The SPEAKER. Would the gentleman, Mr. Maitland, wish to give a brief explanation?

Is the gentleman interrogating, or is it a brief explanation?

Mr. VITALI. I am sorry. Did you ask me a question, Mr. Speaker? The din makes it very difficult to hear anything.

The SPEAKER. I asked if you were interrogating or you wanted an explanation.

Mr. VITALI. Let us call it interrogation, Mr. Speaker.

The SPEAKER. The gentleman will ask his question.

Mr. VITALI. Could we have a brief explanation of this bill?

Mr. MAITLAND. Yes, Mr. Speaker.

The bill as written provides for intercepting cash bail posted by an accused defendant for back child support, and then the bill was amended in Judiciary Committee to eliminate an archaic provision in the public welfare law that would allow DPW (Department of Public Welfare) to sue children for their parents' Medicaid expenses. It was never intended to be enacted and in fact had been repealed at one time, but when the law was codified, that provision got back in. We are just taking that out.

Mr. VITALI. Okay. I want to be clear, because we had some amendments— We discussed the issue in Judiciary. Is this the issue where if a person posts bail and after the disposition of the trial, when it is time to return the bail, if he has back child support, the bail goes to pay that before going to him. Is that this issue?

Mr. MAITLAND. That is correct, Mr. Speaker.

Mr. VITALI. Okay. Thank you, Mr. Speaker. I would like to speak on the bill.

The SPEAKER. The gentleman is in order.

Mr. VITALI. Thank you, Mr. Speaker.

I have a concern with this because an unintended consequence of this may be discouraging a person to get bail, which I think is something we do not want to have happen in our system of justice. The problem is, many people, although the bail is posted in their name, it comes from a mother or a friend or someone else, and the problem is that if in fact the person posting it on the person's behalf knows they are not going to get it back because it is going to go to child support obligations, they might have difficulty securing that.

Additionally, I think that there are many means at a custodial parent's disposal to collect child support. You have the Federal

tax intercept; you have contempt proceedings and others. I think we may be mixing apples and oranges here. One unintended consequence may be for a person not to get bail.

A second consequence of this may be to increase costs of the Commonwealth and overload the county public defender's office, because it is my understanding that some attorneys in representing criminal defendants have the accused sign a form assigning bail to them at the conclusion of the case. If in fact that bail was going to go for child support, that person could not secure the services of private counsel. This would cause more defendants to go to the public defender's office, which could overload that and increase the cost to the county for providing that representation.

So I think that the concept of this bill, which is to get kids their money, is an excellent one. I just think that this is going to have some unintended consequences.

The SPEAKER. The Chair thanks the gentleman.

Mr. VITALI. Thank you, Mr. Speaker.

The SPEAKER. Mr. Maitland.

Mr. MAITLAND. Thank you, Mr. Speaker.

The gentleman raised two points. The first is that if people would rather not post bail because they do not want to pay their child support and would prefer to sit in jail, that is probably a good place for them to be.

The second point about the priority of who gets paid out of any intercepted bail I think will be addressed in another piece of legislation that another member of the Judiciary Committee is putting forward. So I think it is the intention of this House to put in a priority of who gets paid in what pecking order from bail intercept that will be addressed elsewhere.

So I would ask for the members' support of this bill. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Vitali, for the second time.

Mr. VITALI. I just wanted to quickly correct something the speaker said. I was not saying that a person would rather not post bail and sit in jail because they do not want to pay child support. What I was saying is that typically bail is posted by a mother of the accused or a friend of the accused or someone else. I am saying that other person, who would be the only source of bail, they would not post the bail in that case because they, if this law would be passed, would not be getting that money back. They would only want to post bail if they knew they were getting it back. That was my point, not the person himself. He ought to be paying his child support, and if this were the case that it was only the money coming from the accused, I would have no problems with that going for child support.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Mr. Samuelson.

Mr. SAMUELSON. Thank you, Mr. Speaker.

I rise to interrogate the maker of the bill.

The SPEAKER. The gentleman indicates he will stand. The gentleman is in order and may proceed.

Mr. SAMUELSON. Thank you, Mr. Speaker.

My question is about a different section of the bill regarding guardianship. It looks like this legislation deletes some language from State law about guardianship where public agencies can currently seek guardianship for indigent people. What is the nature of that change in the State law?

Mr. MAITLAND. Well, I am told that going probably back to colonial days, it was the law that if someone is on public support, the government could sue to recover the government's money for that support from certain individuals — parents, children, and perhaps others — and it must have been in the thirties or forties that that provision was repealed; then later on the repealer was repealed, and then this section of law was codified so that archaic language became part of the current law.

So there is an article in the Pennsylvania Bar Review quarterly by a professor from Dickinson College that says that if they wanted to, DPW could now sue children for the money DPW spends on their medical assistance, say in long-term care or elsewhere, and while DPW says they do not intend to ever invoke that provision of the law, since it had been the past policy of the Commonwealth to not have that in the law, we are just striking that archaic language, to make people's minds rest easier.

Mr. SAMUELSON. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Roebuck.

Mr. ROEBUCK. Thank you, Mr. Speaker.

If I might interrogate the maker of the bill?

The SPEAKER. The gentleman indicates he will stand. The gentleman is in order and may proceed.

Mr. ROEBUCK. As the discussion has gone forward on this legislation, I want to make certain that I understand what we are doing, particularly around the proposal that would forfeit bail money for child support. Certainly I have no particular problem with aggressive pursuit of deadbeat parents, those who do not support their kids. I do have a problem, however, in transferring that responsibility to someone else.

If I put up bail money for someone in good faith and do not know that that person might be in arrears on child support, would then I as that person who provided that to that individual find that I have forfeited my money because the person receiving the bail has not done what they are supposed to do?

Mr. MAITLAND. There are two possible ways that you could assist someone with their bail. The first way is for you to post their bail in your name. You act as surety for them. So you are putting up your money, not the accused's money, and you take a risk then that they flee—

Mr. ROEBUCK. Sure.

Mr. MAITLAND. —or they do not show up for court, and then you are responsible for the entire amount of their bail and perhaps not the 10 percent that you put up in the first place. In that case that money that you put up in your name cannot go for the other person's child support. The only way it could would be if you give the defendant cash, then the defendant posts the bail in his own name, the Commonwealth has no way to know that that is actually your money, because the defendant is posting it in his own name, and in that case then, yes, your money would be at risk for their child support obligation.

Mr. ROEBUCK. So as long as I post the bail for someone, I am not obligated then under this legislation for that person's indebtedness for child support?

Mr. MAITLAND. Absolutely not.

Mr. ROEBUCK. Thank you, Mr. Speaker.

Mr. MAITLAND. 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—191

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

## NAYS—4

Blackwell	Manderino	Parker	Vitali
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## NOT VOTING—0

## EXCUSED—8

Armstrong	Forcier	Levdansky	Shaner
Costa	Leh	Rieger	Wilt

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 2498, PN 3672**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for Gold Star Family registration plate.

On the question,

Will the House agree to the bill on third consideration?

Mr. **GEIST** offered the following amendment No. **A08881**:

Amend Sec. 1 (Sec. 1365), page 1, line 10, by inserting after "military." accompanied by a fee of \$20 which shall be in addition to the annual registration fee, and by such documentation as the department shall require,

Amend Sec. 1 (Sec. 1365), page 1, line 11, by inserting after "plate" designating the vehicle so licensed as belonging to a family member of a person who was killed while serving on active duty in the military. The department shall design and produce the special registration plate

Amend Sec. 1 (Sec. 1365), page 1, line 13; page 2, lines 1 through 3, by striking out "The plate shall have a five-point gold star" in line 13, page 1, all of lines 1 and 2 and "center." in line 3, page 2

Amend Sec. 1 (Sec. 1365), page 2, line 4, by inserting a period after "plate"

Amend Sec. 1 (Sec. 1365), page 2, lines 4 through 7, by striking out "and the letters 'GSF' shall be" in line 4, all of lines 5 and 6 and "registration fee." in line 7

Amend Sec. 1 (Sec. 1365), page 2, lines 10 through 20, by striking out "For the purposes of this" in line 10, all of lines 11 through 20 and inserting

An applicant for a Gold Star Family plate shall certify on a form approved by the department that the applicant is a family member of a person who was killed while serving on active duty in the military.

Amend Sec. 1 (Sec. 1365), page 2, line 21, by striking out "(d)" and inserting

(c)

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. Geist, for an explanation of the bill and the amendment. The Democrats asked for an explanation, Mr. Geist, on both.

Mr. **GEIST**. Thank you, Mr. Speaker.

A Gold Star Mother is a mother who has lost a son or daughter in combat, and the plate was designed to honor them, and that is basically what it is. The amendment incorporates the administration and the department's technical changes, and it is agreed to.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:



## YEAS—195

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

## NAYS—0

## NOT VOTING—0

## EXCUSED—8

Armstrong	Forcier	Levdansky	Shaner
Costa	Leh	Rieger	Wilt

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.

(Members proceeded to vote.)

## VOTE STRICKEN

The SPEAKER. Strike the board.

The gentleman, Mr. Geist, is recognized.

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

I would like to stand up and praise Representative McIlhinney a little bit. He has done a fabulous job shepherding this piece of legislation through the General Assembly, and I would like to praise the Gold Star Mothers who have been so active in advocating this piece of legislation. All over the State the Gold Star Mothers have been very active, and we certainly appreciate the role that they played in making this possible.

I would urge a “yes” vote.

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

Denlinger	Keller, W.	Ramaley	Watson
Dermody	Kenney	Rapp	Wheatley
DeWeese	Killion	Raymond	Williams
DiGirolamo	Kirkland	Readshaw	Wojnaroski
Diven	Kotik	Reed	Wright
Donatucci	LaGrotta	Reichley	Yewcic
Eachus	Leach	Roberts	Youngblood
Ellis	Lederer	Roebuck	Yudichak
Evans, D.	Lescovitz	Rohrer	Zug
Evans, J.	Mackereth	Rooney	
Fabrizio	Maher	Ross	Perzel,
Fairchild	Maitland	Rubley	Speaker

NAYS—0

NOT VOTING—1

Hess

EXCUSED—8

Armstrong	Forcier	Levdansky	Shaner
Costa	Leh	Rieger	Wilt

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.

### REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the gentlelady from Chester, Mrs. Taylor, for the purpose of an announcement.

Mrs. TAYLOR. Thank you, Mr. Speaker.

At the call of recess, there will be an informal caucus, and a half-hour after the informal caucus, which would be about 12:30, there will be a formal caucus; a formal caucus.

The SPEAKER. The Chair thanks the gentlelady.

### DEMOCRATIC CAUCUS

The SPEAKER. The gentleman, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, we are going to follow the same schedule as the Republican Caucus chair just announced: informal discussions immediately upon the call of the recess and formal discussions around 12:30.

The SPEAKER. The Chair thanks the gentleman.

### STATE GOVERNMENT COMMITTEE MEETING

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

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, if I could have the attention of the members of State Government. We will be meeting in the rear of the hall at the call of recess. We have just one land transfer bill that we must deal with, and we need to do it today. So State Government Committee meeting at the call of recess.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

At the call of the recess, the State Government Committee will meet in the rear of the House.

### VOTE CORRECTION

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

Mr. HESS. Thank you, Mr. Speaker.

On HB 2498 my switch malfunctioned, and I would like to be recorded in the affirmative.

The SPEAKER. The Chair thanks the gentleman. The gentleman's remarks will be spread across the record.

### RECESS

The SPEAKER. This House will be in recess till 2:15.

### RECESS EXTENDED

The time of recess was extended until 3 p.m.; further extended until 3:45 p.m.

### AFTER RECESS

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

### PROFESSIONAL LICENSURE COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman, Mr. Gannon, who calls for an immediate meeting of the Professional Licensure Committee in the rear of the hall of the House.

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

**SB 1237, PN 1842**

By Rep. CLYMER

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey to the County of Lackawanna Transit System Authority (COLTS), certain lands situate in the City of Scranton, Lackawanna County, in exchange for a certain tract of land from COLTS situate in the City of Scranton, Lackawanna County.

STATE GOVERNMENT.

### LEAVE OF ABSENCE CANCELED

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

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

The clerk of the Senate, being introduced, returned **HB 2499, PN 4280**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

**SUPPLEMENTAL CALENDAR A****RESOLUTION PURSUANT TO RULE 35**

Mr. BELFANTI called up **HR 825, PN 4447**, entitled:

A Resolution commemorating the life of the late Martin “Marty” Berger and recognizing his contributions and achievements for working residents and retired residents in Pennsylvania and throughout the country.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

**YEAS—196**

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

DiGirolamo	Kirkland	Reed	Wright
Diven	Kotik	Reichley	Yewcic
Donatucci	LaGrotta	Roberts	Youngblood
Eachus	Leach	Roebuck	Yudichak
Ellis	Lederer	Rohrer	Zug
Evans, D.	Lescovitz	Rooney	
Evans, J.	Mackereth	Ross	
Fabrizio	Maher	Rubley	Perzel,
Fairchild	Maitland		Speaker

NAYS—0

NOT VOTING—0

EXCUSED—7

Armstrong	Leh	Rieger	Wilt
Forcier	Levdansky	Shaner	

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

**RULES COMMITTEE MEETING**

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

**BILLS ON CONCURRENCE  
REPORTED FROM COMMITTEE**

**HB 1528, PN 4309**

By Rep. S. SMITH

An Act amending Titles 3 (Agriculture) and 34 (Game) of the Pennsylvania Consolidated Statutes, providing for taxidermists; and further providing for licenses and fees relating to taxidermists.

RULES.

**HB 2383, PN 4459 (Amended)**

By Rep. S. SMITH

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for definitions; requiring the Bureau of Alcohol Education to make certain reports to the General Assembly; and further providing for special occasion permits and for limiting the number of special occasion permits.

RULES.

**BILL REPORTED AND REREFERRED  
TO COMMITTEE ON INSURANCE**

**HB 2816, PN 4320**

By Rep. GANNON

An Act amending the act of December 20, 1983 (P.L.260, No.72), referred to as the Public Adjuster Licensing Law, further providing for violations.

PROFESSIONAL LICENSURE.

## SUPPLEMENTAL CALENDAR B

BILL ON CONCURRENCE  
IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 1528, PN 4309**, entitled:

An Act amending Titles 3 (Agriculture) and 34 (Game) of the Pennsylvania Consolidated Statutes, providing for taxidermists; and further providing for licenses and fees relating to taxidermists.

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

The SPEAKER. It is moved by the gentleman, Mr. Wilt, that the House do concur in the amendments inserted by the Senate.

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

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

The following roll call was recorded:

## YEAS—194

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

Eachus	LaGrotta	Roberts	Youngblood
Ellis	Leach	Roebuck	Yudichak
Evans, D.	Lederer	Rohrer	Zug
Evans, J.	Lescovitz	Rooney	
Fabrizio	Mackereth	Ross	Perzel,
Fairchild	Maier	Rubley	Speaker

## NAYS—2

Casorio                      Petrarca

## NOT VOTING—0

## EXCUSED—7

Armstrong	Leh	Rieger	Wilt
Forcier	Levdansky	Shaner	

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

Ordered, That the clerk inform the Senate accordingly.

## CALENDAR CONTINUED

## BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 707, PN 1821**, entitled:

An Act amending the act of May 3, 1933 (P.L.242, No.86), referred to as the Cosmetology Law, further providing for definitions, for practice of cosmetology without license, for limited licenses, for practice in cosmetology shops only, for temporary licenses, for fees and regulations; and substituting the term "salon" for the term "shop" throughout the act.

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

Mr. GANNON offered the following amendment No. **A08996**:

Amend Title, page 1, line 12, by inserting after "license,"  
for eligibility requirements,

Amend Title, page 1, line 12, by inserting after "licenses,"  
for requirements of a school of cosmetology,

Amend Title, page 1, line 13, by inserting after "only,"  
for booth rental,

Amend Title, page 1, line 14, by inserting after "fees"  
, for duration and renewal of licenses, for  
penalties

Amend Sec. 2 (Sec. 1), page 4, line 2, by striking out  
"HAIR TECHNOLOGY."

Amend Sec. 2 (Sec. 1), page 4, line 3, by striking out  
"HAIRSTYLING" and inserting  
hair braiding

Amend Sec. 2 (Sec. 1), page 5, lines 6 through 11, by striking out  
all of said lines

Amend Sec. 2 (Sec. 1), page 5, lines 14 and 15, by striking out  
"HAIRSTYLING, HAIR TECHNOLOGY" and inserting  
hair braiding

Amend Sec. 2 (Sec. 1), page 5, line 26, by striking out  
"HAIRSTYLING" and inserting  
hair braiding

Amend Sec. 2 (Sec. 1), page 6, line 2, by striking out “HAIRSTYLIST” and inserting  
hair braider

Amend Sec. 2 (Sec. 1), page 6, line 4, by striking out “HAIRSTYLING” and inserting  
hair braiding

Amend Sec. 2 (Sec. 1), page 6, lines 10 through 13, by striking out all of said lines and inserting  
cosmetology.

Amend Sec. 3 (Sec. 2), page 7, line 10, by striking out “HAIRSTYLING” and inserting  
hair braiding

Amend Sec. 3 (Sec. 2), page 7, line 11, by removing the comma after “COMPENSATION”

Amend Sec. 3 (Sec. 2), page 7, line 12, by striking out “HAIRSTYLING” and inserting  
hair braiding

Amend Sec. 3 (Sec. 2), page 7, lines 13 through 16, by striking out “COMPENSATION, OR TO USE OR MAINTAIN ANY PLACE FOR” in line 13 and all of lines 14 through 16 and inserting  
compensation.

Amend Sec. 3 (Sec. 4), page 8, lines 8 and 9, by striking out “HAIR TECHNOLOGY, NATURAL HAIRSTYLING” and inserting  
natural hair braiding

Amend Sec. 3 (Sec. 4), page 8, line 11, by inserting after “COSMETOLOGY”  
or a limited license

Amend Sec. 6 (Sec. 5), page 10, lines 9 through 16, by striking out all of said lines

Amend Sec. 6 (Sec. 5), page 10, line 17, by striking out “(3)” and inserting

(2)

Amend Sec. 6 (Sec. 5), page 10, line 24, by striking out “(4) (i) Natural hair stylist” and inserting

(3) (i) Natural hair braiding

Amend Sec. 6 (Sec. 5), page 10, line 25, by striking out “styling” and inserting

braiding

Amend Sec. 6 (Sec. 5), page 10, line 26, by striking out “stylist” and inserting

braiding

Amend Sec. 6 (Sec. 5), page 10, line 29, by striking out “styling” and inserting

braiding

Amend Sec. 6 (Sec. 5), page 10, line 30, by striking out “stylists” and inserting

braidiers

Amend Sec. 6 (Sec. 5), page 11, line 2, by striking out “(4)(i)” and inserting

(3)(i)

Amend Sec. 6 (Sec. 5), page 11, line 4, by striking out “HAIRSTYLING” and inserting

hair braiding

Amend Sec. 6 (Sec. 5), page 11, line 9, by striking out “HAIRSTYLING” and inserting

hair braiding

Amend Sec. 6 (Sec. 5), page 11, line 18, by striking out “(B)(4)(II)” and inserting

(b)(3)(ii)

Amend Sec. 6.1 (Sec. 6), page 13, lines 18 through 24, by striking out all of said lines

Amend Sec. 6.1 (Sec. 6), page 13, line 25, by striking out “(A.1)” and inserting

(a)

Amend Sec. 6.1 (Sec. 6), page 14, line 22, by striking out “EXCEPT AS SET FORTH IN SUBSECTION (D), A” and inserting

A

Amend Sec. 6.1 (Sec. 6), page 15, line 4, by striking out “HAIR TECHNOLOGY.”

Amend Sec. 6.1 (Sec. 6), page 15, line 5, by striking out “HAIRSTYLING” and inserting  
hair braiding

Amend Sec. 6.1 (Sec. 6), page 15, line 6, by striking out “HAIR TECHNOLOGY.”

Amend Sec. 6.1 (Sec. 6), page 15, line 7, by striking out “HAIRSTYLING” and inserting  
hair braiding

Amend Sec. 6.1 (Sec. 6), page 15, lines 11 and 12, by striking out “HAIR TECHNOLOGY.”

Amend Sec. 6.1 (Sec. 6), page 15, line 12, by striking out “HAIRSTYLING” and inserting  
hair braiding

Amend Sec. 6.1 (Sec. 6), page 15, lines 25 through 30; page 16, line 1, by striking out all of said lines on said pages and inserting  
for the practice of natural hair braiding, nail technology or esthetics shall require the following with respect to hours of instruction:

Amend Sec. 6.1 (Sec. 6), page 16, line 2, by striking out “(2) FOR NATURAL HAIRSTYLING” and inserting

(1) for natural hair braiding

Amend Sec. 6.1 (Sec. 6), page 16, line 4, by striking out “(3)” and inserting

(2)

Amend Sec. 6.1 (Sec. 6), page 16, line 6, by striking out “(4)” and inserting

(3)

Amend Sec. 6.2 (Sec. 8), page 16, line 16, by inserting after “A]₂”

or

Amend Sec. 6.2 (Sec. 8), page 16, line 22, by striking out “HAIRSTYLING” and inserting  
hair braiding

Amend Sec. 6.2 (Sec. 8), page 16, lines 24 through 26, by striking out “HAIRSTYLING; OR” in line 24 and all of lines 25 and 26 and inserting

hair braiding.

Amend Sec. 7 (Sec. 8.1), page 17, line 5, by striking out “HAIRSTYLING” and inserting

hair braiding

Amend Sec. 13 (Sec. 16), page 20, line 15, by striking out “hair technicians.”

Amend Sec. 13 (Sec. 16), page 20, line 16, by striking out “stylists, natural hair styling” and inserting  
braidiers, natural hair braiding

Amend Sec. 13 (Sec. 16), page 20, line 22, by striking out “hair technicians.”

Amend Sec. 13 (Sec. 16), page 20, line 23, by striking out “stylists” and inserting

braidiers

Amend Sec. 13 (Sec. 16), page 20, line 25, by striking out “styling” and inserting

braiding

Amend Sec. 14 (Sec. 19), page 21, line 19, by striking out “HAIR TECHNOLOGY, NAIL TECHNOLOGY, NATURAL HAIRSTYLING” and inserting

nail technology, natural hair braiding

Amend Sec. 15 (Sec. 20), page 22, line 25, by striking out “HAIR TECHNOLOGY, NATURAL HAIRSTYLING” and inserting  
natural hair braiding

Amend Sec. 15 (Sec. 20), page 23, line 3, by striking out “HAIRSTYLIST, HAIR TECHNICIAN.” and inserting  
natural hair braider.

Amend Sec. 16, page 23, line 8, by striking out “board” and inserting

State Board of Cosmetology

Amend Sec. 16, page 23, line 10, by inserting after "SECTION." The board shall provide a written report every 60 days regarding the steps taken to promulgate regulations to the Consumer Protection and Professional Licensure Committee of the Senate, the Professional Licensure Committee of the House of Representatives, the Commissioner of the Bureau of Professional and Occupational Affairs and the Secretary of the Commonwealth.

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

The SPEAKER. Does the gentleman, Mr. Gannon, seek recognition?

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, as a result of negotiations between the interested parties, this amendment was crafted to solve several issues that were brought up after the bill was referred to the House and was worked on by the Professional Licensure Committee.

As originally drafted, the bill amended the Cosmetology Law to create a limited license for the practice of working with hair only, and this was called a hair technology license. It created a limited license for the practice of braiding hair only called a natural hairstyling license and provided a grandfathering period for a hair braider who could show 3 years of consecutive practice. It also allowed the State Board of Cosmetology to license schools that only wanted to offer a curriculum limited to natural hairstyling, otherwise known as braiding or nails or skin. At the request of vo-tech administrators and Representative Nickol and Representative Wilt, it allowed vo-tech schools to enroll students entering the ninth grade. The bill also had language that provided for certain home services to be provided by some cosmetologists.

The amendment which I am offering now and was worked out with the interested parties and agreed to I believe by Representative Sturla as well as Representative Youngblood, who has led this issue since its inception in coming to the House, would remove the hair technology as a separate category of licensee. It would remove the ability of the State Board of Cosmetology to license a school with a curriculum limited to hair braiding, skin, or nails only.

In addition, it changes the term "natural hair stylist" to "natural hair braider," which is a much better description of what the legislation is attempting and intended to do.

Mr. Speaker, I would ask for an affirmative vote on the amendment.

The SPEAKER. On the amendment, the gentleman, Mr. Allen.

Mr. ALLEN. Thank you, Mr. Speaker.

May I interrogate the chairman of the committee?

The SPEAKER. The gentleman is in order and may proceed.

Mr. ALLEN. Thank you, Mr. Speaker.

Mr. Speaker, for the purpose of the legislative intent of this bill, it is my understanding with this amendment that this bill is only intended to license hair braiders and will not allow the licensee to cut hair or conduct any other codes of cosmetology services as determined under the current law. Is that correct?

Mr. GANNON. Yes, Mr. Speaker.

In addition, the bureau has indicated publicly that if any of these individuals are cutting hair or doing anything that a cosmetologist would be eligible to do, the board will prosecute those individuals.

Mr. ALLEN. Thank you, Mr. Speaker.

I am done with my interrogation. May I address the amendment?

The SPEAKER. The gentleman is in order.

Mr. ALLEN. Mr. Speaker, I would like to thank Chairman Gannon and Chairman Sturla for working with us to work this out.

I support the amendment, and I support the legislative intent that Chairman Gannon has guaranteed us.

Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

#### YEAS—171

Adolph	Fairchild	Maher	Ruffing
Allen	Feece	Maitland	Sabatina
Argall	Fichter	Major	Sainato
Baker	Flaherty	Manderino	Samuelson
Baldwin	Fleagle	Mann	Santoni
Barrar	Flick	Markosek	Sather
Bastian	Frankel	McCall	Saylor
Bebko-Jones	Freeman	McGeehan	Semmel
Belardi	Gannon	McGill	Shapiro
Belfanti	Geist	McIlhattan	Siproth
Benninghoff	George	McIlhinney	Smith, B.
Beyer	Gerber	Melio	Smith, S. H.
Biancucci	Gergely	Micozzie	Solobay
Birmelin	Gillespie	Millard	Staback
Bishop	Gingrich	Miller, R.	Stairs
Blackwell	Godshall	Miller, S.	Steil
Blaum	Good	Mundy	Stern
Bunt	Goodman	Mustio	Stetler
Buxton	Grucela	Myers	Stevenson, T.
Caltagirone	Gruitza	Nailor	Sturla
Cappelli	Haluska	Nickol	Surra
Casorio	Hanna	O'Brien	Tangretti
Cawley	Harhai	Oliver	Taylor, E. Z.
Civera	Harhart	Pallone	Taylor, J.
Clymer	Harper	Parker	Thomas
Cohen	Harris	Payne	Tigue
Cornell	Hasay	Petrarca	Veon
Corrigan	Hennessey	Petri	Vitali
Costa	Herman	Petrone	Walko
Crahalla	Hershey	Phillips	Wansacz
Cruz	Hess	Pickett	Waters
Curry	James	Pistella	Watson
Daley	Josephs	Preston	Wheatley
Dally	Keller, W.	Pyle	Williams
DeLuca	Kenney	Ramaley	Wojnarowski
Dermody	Killion	Raymond	Wright
DeWeese	Kirkland	Readshaw	Yewcic
DiGirolamo	Kotik	Reichley	Youngblood
Diven	LaGrotta	Roberts	Yudichak
Donatucci	Leach	Roebuck	Zug
Eachus	Lederer	Rooney	
Evans, D.	Lescovitz	Ross	Perzel,
Evans, J.	Mackereth	Rubley	Speaker
Fabrizio			

#### NAYS—25

Boyd	Hickernell	Metcalf	Scavello
Causer	Hutchinson	O'Neill	Schroder
Creighton	Kauffman	Quigley	Sonney
Denlinger	Keller, M.	Rapp	Stevenson, R.
Ellis	Marsico	Reed	True

Gabig Grell	McNaughton	Rohrer	Turzai
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NOT VOTING—0

EXCUSED—7

Armstrong Forcier	Leh Levdansky	Rieger Shaner	Wilt
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The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

On the question,

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—168

Adolph	Feese	Major	Samuelson
Allen	Fichter	Manderino	Santoni
Argall	Flaherty	Mann	Sather
Baker	Fleagle	Markosek	Saylor
Baldwin	Flick	McCall	Scavello
Barrar	Frankel	McGeehan	Schroder
Bastian	Freeman	McGill	Semmel
Bebko-Jones	Gannon	McIlhatten	Shapiro
Belardi	Geist	McIlhinney	Siptroth
Belfanti	George	Melio	Smith, B.
Beyer	Gerber	Micozzie	Smith, S. H.
Biancucci	Gergely	Millard	Solobay
Birmelin	Gillespie	Miller, R.	Staback
Bishop	Gingrich	Miller, S.	Stairs
Blackwell	Godshall	Mundy	Steil
Blaum	Good	Mustio	Stetler
Bunt	Goodman	Myers	Stevenson, T.
Buxton	Grucela	Nailor	Sturla
Caltagirone	Gruitza	Nickol	Surra
Cappelli	Haluska	O'Brien	Tangretti
Casorio	Hanna	Oliver	Taylor, E. Z.
Cawley	Harhai	Pallone	Taylor, J.
Clymer	Harhart	Parker	Thomas
Cohen	Harper	Payne	Tigue
Cornell	Harris	Petrarca	Turzai
Corrigan	Hasay	Petri	Veon
Costa	Hennessey	Petrone	Vitali
Crahalla	Herman	Phillips	Walko
Cruz	Hershey	Pickett	Wansacz
Curry	James	Pistella	Waters
Daley	Josephs	Preston	Watson
Dally	Keller, W.	Pyle	Wheatley
DeLuca	Kenney	Ramaley	Williams
Dermody	Killion	Readshaw	Wojnaroski
DeWeese	Kirkland	Roberts	Wright
DiGirolamo	Kotik	Roebuck	Yewcic
Diven	LaGrotta	Rooney	Youngblood
Donatucci	Leach	Ross	Yudichak
Eachus	Lederer	Rubley	Zug

Evans, D. Evans, J. Fabrizio Fairchild	Lescovitz Mackereth Maher Maitland	Ruffing Sabatina Sainato	Perzel, Speaker
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NAYS—28

Benninghoff Boyd Causer Civera Creighton Denlinger Ellis	Gabig Grell Hess Hickernell Hutchinson Kauffman Keller, M.	Marsico McNaughton Metcalf O'Neill Quigley Rapp Raymond	Reed Reichley Rohrer Sonney Stern Stevenson, R. True
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NOT VOTING—0

EXCUSED—7

Armstrong Forcier	Leh Levdansky	Rieger Shaner	Wilt
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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 return the same to the Senate with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

### STATEMENT BY MS. YOUNGBLOOD

The SPEAKER. For what purpose does the gentledady, Ms. Youngblood, rise?

Ms. YOUNGBLOOD. Mr. Speaker, I would like to thank the members of the House of Representatives for voting positive on SB 707. This is a tremendous effort for a lot of the hair braiders in the city of Philadelphia that are routinely being fined \$1,000 for being open and there was not a license and \$500 from the Department of Licenses and Inspections. That has a major impact on an individual when they are trying to provide an income for their family and trying to be good citizens of our great Commonwealth.

I would like to thank every member for supporting them and helping them realize their dream.

Thank you.

The SPEAKER. The Chair thanks the gentledady.

### BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2178, PN 4391**, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, regulating the solicitation of insurance to certain elders; and prescribing penalties.

On the question,

Will the House agree to the bill on third consideration?

Mr. **BARRAR** offered the following amendment No. **A08866**:

Amend Title, page 1, line 24, by striking out “and prescribing penalties.” and inserting

prescribing penalties; and providing for the retroactive denial of reimbursement of payments to health care providers by insurers.

Amend Sec. 1, page 2, lines 5 and 6, by striking out “AN ARTICLE” and inserting articles

Amend Sec. 1, page 11, by inserting between lines 19 and 20

#### ARTICLE VI-C

#### RETROACTIVE DENIAL OF REIMBURSEMENTS

##### § 601-C. Scope of article.

This article shall not apply to reimbursements made as part of an annual contracted reconciliation of a risk-sharing arrangement under an administrative service provider contract.

##### § 602-C. Definitions.

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

“Code.” Any of the following codes:

(1) The applicable Current Procedural Terminology (CPT) code, as adopted by the American Medical Association.

(2) If for dental service, the applicable code adopted by the American Dental Association.

(3) Another applicable code under an appropriate uniform coding scheme used by an insurer in accordance with this article.

“Coding guidelines.” Those standards or procedures used or applied by a payor to determine the most accurate and appropriate code or codes for payment by the payor for a service or services.

“Fraud.” The intentional misrepresentation or concealment of information in order to deceive or mislead.

“Health care provider.” A person, corporation, facility, institution or other entity licensed, certified or approved by the Commonwealth to provide health care or professional medical services. The term includes, but is not limited to, a physician, dentist, orthodontist, chiropractor, optometrist, professional nurse, certified nurse-midwife, podiatrist, hospital, nursing home, ambulatory surgical center or birth center.

“Insurer.” An entity subject to any of the following:

(1) 40 Pa.C.S. Ch. 61 (relating to hospital plan corporations) or 63 (relating to professional health services plan corporations).

(2) This act.

(3) The act of December 29, 1972 (P.L.1701, No.364), known as the Health Maintenance Organization Act.

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

“Medicare.” The Federal program established under Title XVIII of the Social Security Act (49 Stat. 620, 42 U.S.C. § 301 et seq. or 1395 et seq.).

“Reimbursement.” Payments made to a health care provider by an insurer on either a fee-for-service, capitated or premium basis.

##### § 603-C. Retroactive denial of reimbursement.

(a) General rule.—If an insurer retroactively denies reimbursement to a health care provider, the insurer may only:

(1) retroactively deny reimbursement for services subject to coordination of benefits with another insurer, the medical assistance program or the Medicare program during the 12-month period after the date that the insurer paid the health care provider; and

(2) except as provided in paragraph (1), retroactively deny reimbursement during a 12-month period after the date that the insurer paid the health care provider.

(b) Written notice.—An insurer that retroactively denies reimbursement to a health care provider under subsection (a) shall provide the health care provider with a written statement specifying the basis for the retroactive denial. If the retroactive denial of reimbursement results from coordination of benefits, the written statement shall provide the name and address of the entity acknowledging responsibility for payment of the denied claim.

##### § 604-C. Effect of noncompliance.

Except as provided in section 605-C, an insurer that does not comply with the provisions of section 603-C may not retroactively deny reimbursement or attempt in any manner to retroactively collect reimbursement already paid to a health care provider.

##### § 605-C. Fraudulent or improperly coded information.

(a) Reasons for denial.—The provisions of section 603-C do not apply if an insurer retroactively denies reimbursement to a health care provider because:

(1) the information submitted to the insurer was fraudulent;

(2) the information submitted to the insurer was improperly coded and the insurer has provided to the health care provider sufficient information regarding the coding guidelines used by the insurer at least 30 days prior to the date the services subject to the retroactive denial were rendered; or

(3) the claim submitted to the insurer was a duplicate claim.

(b) Improper coding.—Information submitted to the insurer may be considered to be improperly coded under subsection (a)(2) if the information submitted to the insurer by the health care provider:

(1) uses codes that do not conform with the coding guidelines used by the carrier applicable as of the date the service or services were rendered; or

(2) does not otherwise conform with the contractual obligations of the health care provider to the insurer applicable as of the date the service or services were rendered.

##### § 606-C. Coordination of benefits.

If an insurer retroactively denies reimbursement for services as a result of coordination of benefits under provisions of section 605-C(a), the health care provider shall have six months from the date of the denial, unless an insurer permits a longer time period, to submit a claim for reimbursement for the service to the insurer, the medical assistance program or Medicare program responsible for payment.

On the question,

Will the House agree to the amendment?

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

Mr. BARRAR. Thank you, Mr. Speaker.

This amendment deals with the health insurance company's ability to review and audit payments to a health-care provider and deny payment retroactively. It sets the time period of 12 months.

Thank you. I would ask for a “yes” vote.

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

Mr. VITALI. Thank you, Mr. Speaker.

Will the maker stand for brief interrogation?

The SPEAKER. The gentleman indicates he will stand. The gentleman is in order and may proceed.

Mr. VITALI. I just want to thresh this issue out a little bit because it is the subject of some controversy, and I do not quite have a handle on it. Could you just review what current law is right now?

Mr. BARRAR. Right now the health insurance companies, there is no limitation to how far back they can go and review. In the public hearing we had, one of the doctors had testified



that they had actually gone back as far as 8 years and asked for payment, asked for retroactive payment back as far as 8 years.

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

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Nickol.

Mr. NICKOL. Thank you, Mr. Speaker.

I would like to put some of my concerns with regard to this amendment on the record.

I understand why the gentleman is offering this amendment, and I think probably there is a need for the General Assembly to take some kind of action to set some boundary with regard to the retroactive considerations of claims that already have been paid.

I have two amendments that were drafted to it, but I have decided not to offer them because I think this amendment itself with just my amendments changing the time frame would be totally inadequate because there are a number of other items within the amendment which are problematic and I would not even be addressing those, and I do not have the time to offer a real corrective amendment.

For example, if you look at the language of this amendment, they have their own definition of “fraud,” which includes two lines. I am not sure why the gentleman does not accept the definition of “fraud” that currently appears within the Insurance Company Law that he is amending, but that definition is 38 lines long, including a definition of “fraudulent insurance act.” All I can assume from that is it is a lot less comprehensive definition of “fraud” than already appears in the same law. So I do not know why we are sidestepping the existing definition of “fraud.”

A second concern I have on line 8 of his amendment, on page 2, is he includes workers’ compensation carriers and auto insurance carriers in this. I sat through one hearing in the House Insurance Committee in which some of the provider groups who want this amendment said they have absolutely no problem with workers’ comp claims and auto insurance claims, which actually fall under other laws, although the companies themselves are regulated under this act as referenced in this amendment.

A third item of serious concern to me is, the way it is worded, it says that essentially if a company, an insurance company is allowed to review but they cannot retroactively deny a claim unless, and I will read the language, “...the insurer has provided to the health care provider sufficient information regarding the coding guidelines used by the insurer at least 30 days prior to the date the services....” Well, that is somewhat problematic if you are talking about an indemnity carrier; for example, an auto insurance carrier or many health insurance carriers where you can go to any insurance provider you want; it is your choice. Well, how are those insurance providers going to know what the coding policies are of the individual insurance company? There is just no way practical that this can work with this existing language, or in fact, we actually create a situation where if you are the health-care provider, you can actually fraudulently code or miscode it, and no one will ever be able to question your coding the way this is written. I think this amendment is seriously flawed.

Currently – and this problem exists across the nation – currently the insurance companies and many of these provider groups are in litigation. There is a multidistrict litigation, which I believe is in Florida – do not hold me true to the exact location of that, but I believe it is Florida – where they are right now in

Federal court trying to resolve these problems, and in fact, some of the major national carriers have already reached settlements outside of that agreement, and reading from one of those settlements, what I find is the overpayment recoveries that they are tending to agree on nationally are 24 months, not the 12 months as offered in this amendment.

I think this amendment is quite problematic. This is a primary example of what happens when you do not go through the committee process. My perspective as a member of the House Insurance Committee was that the House Insurance Committee was indeed progressing toward taking up consideration of this bill. So now we have an amendment before us with serious flaws. It is going to be up and down on this amendment. I think many of us would like a straight vote on a clean version of the amendment, but we are denied that because we are bypassing this system. I mean, I would much rather see this have gone through the Insurance Committee, and for these reasons I will be making a “no” vote on this bill.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Maher.

Mr. MAHER. Thank you, Mr. Speaker.

This is a complicated subject area, and I have no doubt that the prior speaker’s observations of improvements and refinements that would come from a different process are well founded, but it really is very simple. We have medical professionals who are providing services and asking to be paid, and those that are responsible for paying them can come back 2 years, 3 years, 4 years after making the payment and take it back. That is an unreasonable amount of time.

The industry has had the opportunity to resolve this on its own. Certainly other legislation may be appropriate to offer further refinements, but I think this is a very good starting point, that 1 year to determine whether or not a claim should be paid is plenty of time. After that it is justice denied because the justice has been delayed.

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

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

Mr. WRIGHT. Thank you, Mr. Speaker.

I, too, rise and have concerns about this particular bill.

The Insurance Committee has started to review this process. We have had stakeholder meetings; we have sat down. The progression has not been very well, but there has been progress. We have had the various interested parties meet, and the issue is not as clean as everybody thinks it is.

Generally speaking, what happens is a medical provider submits a claim, and on the surface, that claim is accepted by the insurance company, and when it is accepted, then they pay out the reimbursement level. Then over a period of time later, they start to then actually analyze the data and audit the actual case to determine whether it was filed correctly and whether the codes that were actually used were correct. The various medical procedure codes will generate different reimbursement levels.

All of our health-care insurers for years have been going back and reviewing records. Currently the State law has no limit whatsoever. They have been going back usually a year, 2 years – in some extreme cases, maybe 3 years – and identified some mistakes that have occurred. Those mistakes are payments that the insurers have overpaid the medical provider, and make that clear: They have overpaid the medical provider due to coding mistakes, and they, on behalf of their policyholders, which are

all of our constituents and our businesses who are paying those premiums, they are attempting to identify where they have made mistakes and have overpaid in reimbursements.

Trying to hold it to 1 year might eventually be the right thing to do, but whether it is 1 year, whether it is 18 months, 24 months, I do not believe, as we stand here on the House floor, we are prepared as a body to determine whether 12 months is the correct amount of time.

I want to point out, a lot of other States are going down the same path that we are. They are starting to put limits to how long an insurance company can go back and check into records, and I want to make it clear, the standard has been set. Almost all of the States have been deciding on 18 months, not 12 months, as a fair mechanism. I, too, have concerns that 12 months might be too short, but I am not too sure, and I cannot imagine any person on this House floor is knowledgeable enough to know whether it should be 12 months, 18 months, or 24 months.

So any votes on this issue, it is not really an issue if it is a “no” vote to deny a limitation, but in fact, it may be a discussion point of maybe the Insurance Committee should continue its discussions on the existing bills to determine what is the correct amount of time. I truly believe overwhelmingly the members of the legislature support a limitation, but to just pick a number out of the air that is contrary to what the rest of the nation is doing, I think, is shortsighted. I do not believe the members have the full experience and knowledge of the issue to just grab a certain time frame out of the air.

So I am asking the members to please think this through and decide whether you have the ability, the knowledge, and the experience to choose a length of time or whether the Insurance Committee should continue its work and allow them to continue to work to pick a time.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Fleagle.

Mr. FLEAGLE. Thank you, Mr. Speaker.

Mr. Speaker, I stand in support of this amendment.

There is no reason, absolutely no reason in this age of technology that claims cannot be reviewed and decided upon in a more timely manner. We are talking about health-care professionals in our communities and in our districts who are inundated with paperwork from all sides and must use their valuable resources to take care of problems like this and have worries like this instead of taking care of our patients.

Mr. Speaker, I would say to my colleagues in this House that we are not the most stellar State when it comes to attracting medical personnel. Let us give our constituents a break and our medical providers a break and take care of them for a change.

I ask my colleagues to vote “yes” on this amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Hanna.

Mr. HANNA. Thank you, Mr. Speaker.

Mr. Speaker, may I interrogate the maker of the amendment?

The SPEAKER. The gentleman indicates he will stand. The gentleman is in order.

Mr. HANNA. Mr. Speaker, I understood you to say that insurance companies could look back maybe as much as 8 years on one of these payments.

Mr. BARRAR. Yes; that is right.

Mr. HANNA. Would the health-care provider be able to rebill if in fact there was an error?

Mr. BARRAR. According to testimony that was given at our public hearing held by the Insurance Committee, the furthest they could go back is 12 months. We did not just pull this number out of the air, as the previous speaker had said. That is where we came up. We want to be fair. We want the health insurance companies to live under the same guidelines as they require health-care providers to live under, and that is how we came up with the 12-month number.

Mr. HANNA. Thank you, Mr. Speaker.

On the amendment, Mr. Speaker? On the amendment, Mr. Speaker?

The SPEAKER. The gentleman is in order.

Mr. HANNA. Thank you, Mr. Speaker.

I rise in support of the amendment for the reasons that were just stated by the maker of the amendment.

I think that the time period that a provider should be able to rebill should match the time period for which the insurer is able to look back. So I would ask that we support this amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Stairs.

Mr. STAIRS. Thank you, Mr. Speaker.

I support this amendment, and I think it is a matter of fairness to our medical community. You know, they have a lot of pressures today that they are under, and I certainly feel that as business people, in a way, as well as health providers, they need a surety that there is a level playing field here with the technology available to address things in an expedient manner. Whether it is 12 months, 13 months, 6 months, 18 months, you know, I do not have the expertise to give that exact time, but certainly I do think we do not want to bog this bill down in further debate. Let us get it moving, get it over to the Senate, and then bring this into reality and bring fairness and some closure to concerns that the medical community has.

Last year when we were debating helping community colleges, one of their concerns was that there was a 4- or 5- or 6-year duration in auditing by the State of their expenditure of tax moneys, of their budget expenditures, and this was kind of a very difficult situation for them to be in because they could not plan because there is always that cloud over their head of, are we going to be billed for this?

So if there is a mistake made, certainly let us address it, but with the technology today, 1 year, to me, is adequate time, and let us bring this into this 21st century of billing and responding both to the medical community, and I think they can do a better job responding to their patients with help in this manner.

So I would hope we could support this amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Micozzie.

Mr. MICOZZIE. Thank you, Mr. Speaker.

Mr. Speaker, this is a very difficult issue, and there are good points on each side of this issue. We conducted one public hearing. I met with both sides individually. I met with the stakeholders all together. Monday night there was another stakeholders’ meeting, which they could not reach agreement. I was supposed to have a meeting this morning with all stakeholders, and I had canceled it.

Mr. Speaker, I believe bypassing the committee, the Insurance Committee, is not really the way to do business. This is a complex issue; it is not an easy issue, and the amount of members that we have on the Insurance Committee who have

spoken and have the experience to resolve this very difficult situation.

### AMENDMENT TABLED

Mr. MICOZZIE. Therefore, Mr. Speaker, I make a motion to table this issue, amendment A08866, and to come back, for the Insurance Committee to continue to work on it and come back in October with a bill and place it on the floor of the House.

Thank you, Mr. Speaker.

The SPEAKER. Mr. Micozzie, are you tabling the bill and the amendment or just the amendment? Just the amendment.

On the question,

Will the House agree to the motion?

The SPEAKER. On the Barrar amendment, it is only debatable by the floor leaders.

The gentleman, Mr. Smith, defers to the gentleman, Mr. Maher.

Mr. MAHER. Thank you, Mr. Speaker.

A quarter century ago when I began my career as a C.P.A. (certified public accountant), I worked with a lot of mom-and-pop health-care providers, community hospitals, and so forth. This was a problem 25 years ago. Industry insurers have always said they will get better. The technology from a quarter century ago to today is enormously advanced. Health-care providers are held to a standard for when they must bill and bill completely and accurately. It is quite reasonable that we would expect the same. Twenty-five years is long enough for health-care providers and community hospitals to wait.

I would encourage you to oppose the motion to table.

Thank you, Mr. Speaker.

The SPEAKER. The Democrat leader defers to the gentleman, Mr. DeLuca.

Mr. DeLuca.

Mr. DeLUCA. Thank you, Mr. Speaker.

I had a sidebar conversation and did not realize you recognized me.

Mr. Speaker, I rise to support my colleague on the other side of the aisle, Representative Micozzie.

While I commend the maker of the amendment, 12 months certainly is not enough time to give these insurance companies and providers the time to do that. We have met and we were trying to iron out a compromise. We thought we had a compromise, but evidently it fell through.

Now, let me just say this to you: We have to realize that the insurers pay these claims off within 10 days. They are not required to do this. They can wait the full 45 days to pay it, but I will guarantee you, if this amendment goes through, Mr. Speaker, they will take the full 45 days to pay these claims, to scrutinize them longer. These individuals are small business people. They cannot afford that cash flow to wait that long. Eighteen months would certainly be enough time to do that.

We were working on that compromise. We have a commitment from the chairman, the majority chairman, and myself. When we come back, we will put a bill out. Regardless of what the stakeholders are going to do, we will put the best bill out for both individuals to come back to this House and give

you a bill that not only protects the chiropractors but also protects the ratepayers.

And let me say why I say protect the ratepayers. When they recoup this money, you know, it is the ratepayers' money. It is not out there to pick it out of a tree, you know. It is our tax dollars as ratepayers, and they are recouping money on that issue.

The SPEAKER. Mr. DeLuca, the argument is eloquent, but you are off the motion.

Mr. DeLUCA. Okay. Thank you.

I apologize for going on with it.

I certainly support the motion to table. I think it is a good motion. It certainly will give us enough time over the summer. The commitment will be to come back here and report that bill out the second week we are in session.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

For what purpose does the gentleman, Mr. McGill, rise?

Mr. MCGILL. Mr. Speaker, to speak on the tabling of—

The SPEAKER. Only the two floor leaders are allowed to speak.

Mr. MCGILL. Could I ask a—

The SPEAKER. The gentleman, Mr. Smith, yielded to the gentleman, Mr. Maher, and the gentleman, Mr. DeWeese, yielded to the gentleman, Mr. DeLuca.

### PARLIAMENTARY INQUIRY

The SPEAKER. Mr. McGill.

Mr. MCGILL. Could I ask why – an inquiry – why then the leader yielded to someone against my chairman on the Insurance Committee rather than talking or allowing someone else to debate this issue?

The SPEAKER. Under unanimous consent, the gentleman, Mr. McGill, will be recognized.

Mr. MCGILL. Thank you, Mr. Speaker.

Mr. Speaker, I rise to ask for the motion to table.

Both chairmen of the Insurance Committee are honorable people, and to do an end around to the committee process when these gentlemen have asked for a specific period of time in order to look into this issue— As a member of the Insurance Committee, we have already started the debate on this issue, and to have promises from both the majority and minority chairmen of the Insurance Committee to come back with a bill by October I think is admirable, and I would ask everyone to vote for the motion to table.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Barrar, under unanimous consent.

Mr. Barrar, the Parliamentarian says that is the end.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

### YEAS—105

Adolph	Fichter	Mann	Sabatina
Bebko-Jones	Frankel	McCall	Samuelson
Biancucci	Geist	McGeehan	Sather

Bishop	George	McGill	Saylor
Blackwell	Gerber	McIlhattan	Shapiro
Blaum	Gergely	McNaughton	Siptroth
Bunt	Gillespie	Melio	Smith, B.
Buxton	Godshall	Micozzie	Smith, S. H.
Cappelli	Good	Millard	Stetler
Causar	Grell	Miller, R.	Stevenson, R.
Cawley	Gruitza	Myers	Thomas
Clymer	Harper	Nailor	Tigue
Corrigan	Hennessey	Nickol	Turzai
Costa	Hershey	O'Brien	Veon
Cruz	Hutchinson	Oliver	Vitali
Curry	James	Parker	Walko
Daley	Josephs	Pistella	Wansacz
Dally	Keller, M.	Preston	Waters
DeLuca	Keller, W.	Pyle	Wheatley
Dermody	Kirkland	Quigley	Williams
Donatucci	Kotik	Readshaw	Wojnaroski
Eachus	LaGrotta	Reichley	Wright
Ellis	Leach	Roberts	Yewcic
Evans, D.	Lederer	Rooney	Youngblood
Evans, J.	Lescovitz	Ross	Yudichak
Fabrizio	Mackereth	Ruffing	Zug
Feese			

## NAYS—91

Allen	Flaherty	Major	Rubley
Argall	Fleagle	Manderino	Sainato
Baker	Flick	Markosek	Santoni
Baldwin	Freeman	Marsico	Scavello
Barrar	Gabig	McIlhinney	Schroder
Bastian	Gannon	Metcalfe	Semmel
Belardi	Gingrich	Miller, S.	Solobay
Belfanti	Goodman	Mundy	Sonney
Benninghoff	Grucela	Mustio	Staback
Beyer	Haluska	O'Neill	Stairs
Birmelin	Hanna	Pallone	Steil
Boyd	Harhai	Payne	Stern
Caltagirone	Harhart	Petrarca	Stevenson, T.
Casorio	Harris	Petri	Sturla
Civera	Hasay	Petrone	Surra
Cohen	Herman	Phillips	Tangretti
Cornell	Hess	Pickett	Taylor, E. Z.
Crahalla	Hickernell	Ramaley	Taylor, J.
Creighton	Kauffman	Rapp	True
Denlinger	Kennedy	Raymond	Watson
DeWeese	Killion	Reed	
DiGirolamo	Maher	Roebuck	Perzel,
Diven	Maitland	Rohrer	Speaker
Fairchild			

## NOT VOTING—0

## EXCUSED—7

Armstrong	Leh	Rieger	Wilt
Forcier	Levdansky	Shaner	

The majority 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. GRELL offered the following amendment No. A08817:

Amend Sec. 1 (Sec. 602-B), page 3, line 6, by inserting after  
“FUNERAL”  
or cemetery

Amend Sec. 1 (Sec. 602-B), page 3, lines 7 and 8, by striking out  
“A PREARRANGED FUNERAL.” and inserting  
prearranged funeral or cemetery arrangements.

Amend Sec. 1 (Sec. 605-B), page 9, line 14, by inserting after  
“FUNERAL”  
or cemetery

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

(Members proceeded to vote.)

## VOTE STRICKEN

The SPEAKER. The Chair rescinds.  
Strike the board.

The gentleman, Mr. Readshaw.  
Mr. READSHAW. Thank you, Mr. Speaker.  
I would like to interrogate the sponsor of the amendment.  
The SPEAKER. The gentleman, Mr. Grell, indicates he will stand for interrogation. The gentleman is in order and may proceed.

Mr. READSHAW. Thank you, Mr. Speaker.  
On the amendment I understand the lines and what you are striking and what you are adding. I was just wondering what we were attempting to accomplish by doing this.

Mr. GRELL. Thank you, Mr. Speaker.  
In the committee the bill was amended to exclude from coverage under the bill prepaid funeral contracts. Following the adoption of that amendment, it was made known to us that that language should be tightened to include cemetery arrangements. So that is all this amendment does, adds the words “cemetery” and “cemetery arrangements” to the amendment.

Mr. READSHAW. Thank you, Mr. Speaker.  
That ends the inquiry, Mr. Speaker. I would just like to make a comment.

The SPEAKER. The gentleman is in order.  
Mr. READSHAW. Mr. Speaker, I find this amendment troublesome because it comes under the part of the legislation which creates exemptions, and I just do not feel that the legislation— And I am not speaking on the legislation. I have to mention that simply to express my point with these amendments, the fact of exempting something that we are trying to do. This is for the elderly; this is for their safety. This is to gain confidence and provide certain specifications and regulations for the advertising of insurances, and I just do not see fit that anyone should be exempted if we are trying to pass a law to regulate this. I think everyone should be covered.

I would ask for a “no” on this amendment.  
Thank you, Mr. Speaker.  
The SPEAKER. The Chair thanks the gentleman.  
The gentleman, Mr. Allen.  
Mr. ALLEN. Thank you, Mr. Speaker.

I am not going to be redundant on this. I think Mr. Readshaw did a good job explaining his position.  
I am asking for a “no” vote.  
The SPEAKER. The Chair thanks the gentleman.

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

(Members proceeded to vote.)

### LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair returns to leaves of absence and notes the presence on the floor of the House of the gentleman from Lancaster, Mr. Armstrong. His name will be added to the roll.

### CONSIDERATION OF HB 2178 CONTINUED

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

The following roll call was recorded:

#### YEAS—72

Armstrong	Gabig	McIlhatten	Rohrer
Baker	Geist	McIlhinney	Rooney
Bastian	Gillespie	McNaughton	Ross
Beyer	Gingrich	Metcalfe	Saylor
Birmelin	Godshall	Millard	Schroder
Boyd	Grell	Miller, R.	Smith, B.
Bunt	Gruitza	Miller, S.	Stairs
Causer	Hickernell	Nailor	Steil
Clymer	Hutchinson	Nickol	Stern
Cornell	Kauffman	O'Brien	Taylor, J.
Crahalla	Keller, M.	O'Neill	True
Creighton	Kenney	Payne	Turzai
Curry	LaGrotta	Petri	Watson
Dally	Leach	Pickett	Wright
DiGirolamo	Mackereth	Pyle	Zug
Donatucci	Maitland	Quigley	
Ellis	Major	Rapp	
Fichter	Marsico	Reed	Perzel,
Flick	McGill		Speaker

#### NAYS—125

Adolph	Fabrizio	Lederer	Samuelson
Allen	Fairchild	Lescovitz	Santoni
Argall	Feese	Maher	Sather
Baldwin	Flaherty	Manderino	Scavello
Barrar	Fleagle	Mann	Semmel
Bebko-Jones	Frankel	Markosek	Shapiro
Belardi	Freeman	McCall	Siptroth
Belfanti	Gannon	McGeehan	Smith, S. H.
Benninghoff	George	Melio	Solobay
Bianucci	Gerber	Micozzie	Sonney
Bishop	Gergely	Mundy	Staback
Blackwell	Good	Mustio	Stetler
Blaum	Goodman	Myers	Stevenson, R.
Buxton	Gruclera	Oliver	Stevenson, T.
Caltagirone	Haluska	Pallone	Sturla
Cappelli	Hanna	Parker	Surra
Casorio	Harhai	Petrarca	Tangretti
Cawley	Harhart	Petrone	Taylor, E. Z.
Civera	Harper	Phillips	Thomas
Cohen	Harris	Pistella	Tigue
Corrigan	Hasay	Preston	Veon
Costa	Hennessey	Ramaley	Vitali
Cruz	Herman	Raymond	Walko
Daley	Hershey	Readshaw	Wansacz
DeLuca	Hess	Reichley	Waters
Denlinger	James	Roberts	Wheatley
Dermoddy	Josephs	Roebuck	Williams
DeWeese	Keller, W.	Rubley	Wojnaroski
Diven	Killion	Ruffing	Yewcic
Eachus	Kirkland	Sabatina	Youngblood
Evans, D.	Kotik	Sainato	Yudichak
Evans, J.			

NOT VOTING—0

EXCUSED—6

Forcier	Levdansky	Shaner	Wilt
Leh	Rieger		

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. DeLUCA offered the following amendment No. **A08842:**

Amend Title, page 1, line 24, by striking out “to certain elders”

Amend Sec. 1 (Article Heading), page 2, line 8, by striking out “TO ELDERS”

Amend Sec. 1 (Sec. 601-B), page 2, lines 12 and 13, by striking out “to individuals 65 years of age or older”

Amend Sec. 1 (Sec. 602-B), page 2, line 29, by striking out all of said line

Amend Sec. 1 (Sec. 603-B), page 4, line 8, by striking out “which is directed at an elder”

Amend Sec. 1 (Sec. 603-B), page 4, line 13, by striking out “an elder” and inserting any person

Amend Sec. 1 (Sec. 603-B), page 4, line 14, by striking out “elder's” and inserting person's

Amend Sec. 1 (Sec. 603-B), page 4, line 15, by striking out “elder” and inserting person

Amend Sec. 1 (Sec. 603-B), page 4, line 16, by striking out “individual's” and inserting person's

Amend Sec. 1 (Sec. 603-B), page 4, line 19, by striking out “which is directed at an elder”

Amend Sec. 1 (Sec. 603-B), page 5, line 2, by striking out “an elder” and inserting a person

Amend Sec. 1 (Sec. 603-B), page 5, line 4, by striking out “elder” and inserting person

Amend Sec. 1 (Sec. 603-B), page 5, line 6, by striking out “elder” and inserting person

Amend Sec. 1 (Sec. 603-B), page 5, line 13, by striking out “elder” and inserting person

Amend Sec. 1 (Sec. 605-B), page 7, line 21, by striking out “elder”

Amend Sec. 1 (Sec. 605-B), page 7, line 26, by striking out “an elder” and inserting a person

Amend Sec. 1 (Sec. 605-B), page 7, line 27, by striking out “elder's” and inserting person's

Amend Sec. 1 (Sec. 605-B), page 7, line 29, by striking out “elder” and inserting person

Amend Sec. 1 (Sec. 605-B), page 7, line 30, by striking out “elder” and inserting person

Amend Sec. 1 (Sec. 605-B), page 8, line 3, by striking out “AN ELDER” and inserting

the person

Amend Sec. 1 (Sec. 605-B), page 8, line 6, by striking out “elder” and inserting

person

Amend Sec. 1 (Sec. 605-B), page 8, line 28, by striking out “an elder” and inserting

a person

Amend Sec. 1 (Sec. 605-B), page 8, line 29, by striking out “elder’s” and inserting

person’s

Amend Sec. 1 (Sec. 605-B), page 9, line 2, by striking out “elder” and inserting

person

Amend Sec. 1 (Sec. 605-B), page 9, line 6, by striking out “elder’s” and inserting

person’s

Amend Sec. 1 (Sec. 605-B), page 9, line 16, by striking out “an elder” and inserting

the person

Amend Sec. 1 (Sec. 605-B), page 9, line 18, by striking out “elder” and inserting

person

Amend Sec. 1 (Sec. 605-B), page 9, line 20, by striking out “an elder” and inserting

a person

Amend Sec. 1 (Sec. 605-B), page 9, line 22, by striking out “an elder” and inserting

a person

Amend Sec. 1 (Sec. 605-B), page 9, line 24, by striking out “elder” and inserting

person

Amend Sec. 1 (Sec. 606-B), page 9, line 27, by striking out “an elder” and inserting

a person

Amend Sec. 1 (Sec. 606-B), page 9, line 29, by striking out “an elder during which time the elder” and inserting

the person during which time the person

Amend Sec. 1 (Sec. 606-B), page 10, line 1, by striking out “elder” and inserting

person

Amend Sec. 1 (Sec. 606-B), page 10, line 5, by striking out “an elder” and inserting

a person

Amend Sec. 1 (Sec. 606-B), page 10, line 8, by striking out “an elder” and inserting

the person

Amend Sec. 1 (Sec. 606-B), page 10, line 10, by striking out “elder” and inserting

person

Amend Sec. 1 (Sec. 606-B), page 10, line 15, by striking out “an elder” and inserting

a person

Amend Sec. 1 (Sec. 606-B), page 10, line 17, by striking out “elder” and inserting

person

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

The following roll call was recorded:

YEAS—197

Adolph	Fairchild	Maitland	Ruffing
Allen	Feese	Major	Sabatina
Argall	Fichter	Manderino	Sainato

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Forcier	Levdansky	Shaner	Wilt
Leh	Rieger		

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?

Mr. **DeLUCA** offered the following amendment No. **A08843**:

Amend Title, page 1, line 23, by inserting after “**LAWS**,” ”  
providing for the protection of insurance  
consumers in annuity transactions;

Amend Title, page 1, line 24, by striking out “to certain elders”

Amend Sec. 1, page 2, lines 5 and 6, by striking out “AN ARTICLE” and inserting articles

Amend Sec. 1, page 2, by inserting between lines 6 and 7

#### ARTICLE IV-B

#### SUITABILITY OF ANNUITY TRANSACTIONS

##### Section 401-B. Definitions.

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

“Annuity.” A fixed annuity or variable annuity that is individually solicited, whether the product is classified as an individual or group annuity.

“Commissioner.” The Insurance Commissioner of the Commonwealth.

“Insurance producer.” A person who sells, solicits or negotiates contracts of insurance as defined in section 601-A of the act of May 17, 1921 (P.L.789, No.285), known as The Insurance Department Act of 1921.

“Insurer.” A life insurance company licensed or required to be licensed under section 202 or a fraternal benefit society as defined in section 2403.

“Managing general agent.” As defined in section 801 of the act of May 17, 1921 (P.L.789, No.285), known as The Insurance Department Act of 1921.

“Recommendation.” Advice provided by an insurance producer, or an insurer where no producer is involved, to an individual consumer that results in a purchase or exchange of an annuity in accordance with that advice.

##### Section 402-B. Applicability and scope.

(a) General rule.—This article shall apply to any recommendation to purchase or exchange an annuity made to a consumer by an insurance producer, or an insurer where no producer is involved, that results in the purchase or exchange recommended.

(b) Exclusions.—Unless otherwise specifically included, this article shall not apply to recommendations involving the following:

(1) Direct response solicitations where there is no recommendation based on information collected from the consumer pursuant to this article.

(2) Annuity contracts used to fund:

(i) An employee pension or welfare benefit plan that is covered by the Employee Retirement Income Security Act of 1974 (Public Law 93-406, 88 Stat. 829).

(ii) A plan described by sections 401(a) or (k), 403(b), 408(k) or (p) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. §§ 401(a) or (k), 403(b), 408(k) or (p)), when the plan, for purposes of the Employee Retirement and Income Security Act of 1974, is established or maintained by an employer.

(iii) A governmental or church plan defined in section 414 of the Internal Revenue Code of 1986 or a deferred compensation plan of a State or local government or tax exempt organization under section 457 of the Internal Revenue Code of 1986.

(iv) A nonqualified deferred compensation arrangement established or maintained by an employer or plan sponsor.

(v) Settlements of or assumptions of liabilities associated with personal injury litigation or any dispute or claim resolution process.

(vi) Formal prepaid funeral contracts.

##### Section 403-B. Duties of insurers and insurance producers.

(a) General duties.—In making a recommendation to a consumer for the purchase of an annuity or the exchange of an annuity that results in another insurance transaction or series of insurance transactions, the insurance producer, or the insurer where no insurance producer is involved, shall have reasonable grounds for believing that the

recommendation is suitable for the consumer on the basis of the facts disclosed by the consumer as to the consumer’s investments and other insurance products and as to the consumer’s financial situation and needs.

(b) Consumer information.—Prior to the execution of a purchase or exchange of an annuity resulting from a recommendation, an insurance producer, or an insurer where no insurance producer is involved, shall make reasonable efforts to obtain information concerning all of the following:

(1) The consumer’s financial status.

(2) The consumer’s tax status.

(3) The consumer’s investment objectives.

(4) Other information used or considered to be reasonable by the insurance producer, or the insurer where no insurance producer is involved, in making recommendations to the consumer.

##### (c) Obligation limits.—

(1) Neither an insurance producer nor an insurer where no insurance producer is involved shall have any obligation to a consumer under subsection (a) related to any recommendation that is reasonable under all the circumstances actually known to the insurer or insurance producer at the time of the recommendation when a consumer:

(i) Refuses to provide relevant information requested by the insurer or insurance producer.

(ii) Decides to enter into an insurance transaction that is not based on a recommendation of the insurer or insurance producer.

(iii) Fails to provide complete or accurate information.

##### (d) Supervision of recommendations.—

(1) An insurer shall assure that a system to supervise recommendations that is reasonably designed to achieve compliance with this article is established and maintained by complying with paragraphs (3) and (4), or shall establish and maintain such a system that includes at least the following:

(i) Maintaining written procedures.

(ii) Conducting periodic reviews of its records that are reasonably designed to assist in detecting and preventing violations of this article.

(2) A managing general agent shall adopt a system established by an insurer to supervise recommendations of its insurance producers that is reasonably designed to achieve compliance with this article, or shall establish and maintain a system that is reasonably designed to achieve compliance with this article. The system must include at least the following:

(i) Maintaining written procedures.

(ii) Conducting periodic reviews of records that are reasonably designed to assist in detecting and preventing violations of this article.

(3) An insurer may contract with a third party, including a managing general agent, to establish and maintain a system of supervision as required by paragraph (1) with respect to insurance producers under contract with or employed by the third party.

(4) An insurer shall make reasonable inquiry to assure that the third party contracting under paragraph (3) is performing the functions required under paragraph (1) and shall take such action as is reasonable under the circumstances to enforce the contractual obligation to perform the functions. An insurer may comply with its obligation to make reasonable inquiry by doing both of the following:

(i) The insurer annually obtains a certification from a third party senior manager who has responsibility for the delegated functions that the manager has a reasonable basis to represent, and does represent, that the third party is performing the required functions.

(ii) The insurer, based on reasonable selection criteria, periodically selects third parties contracting under paragraph (3) for a review to determine whether the third parties are performing the required functions. The insurer shall perform procedures to conduct the review that are reasonable under the circumstances.

(5) Where there is no purchase or exchange of an annuity, an insurer or managing general agent is not required to do either of the following:

(i) Review or provide for review of all insurance producer-solicited transactions.

(ii) Include in its system of supervision an insurance producer's recommendations to consumers of products other than the annuities offered by the insurer or managing general agent.

(6) A managing general agent contracting with an insurer pursuant to paragraph (3) shall promptly, when requested by the insurer pursuant to paragraph (4), give a certification as described in paragraph (4) or give a clear statement that it is unable to meet the certification criteria.

(7) No person may provide a certification under paragraph (4)(i) unless both the following conditions are met:

(i) The person is a senior manager with responsibility for the delegated functions.

(ii) The person has a reasonable basis for making the certification.

(e) Compliance with other rules.—Compliance with the National Association of Securities Dealers Conduct Rules pertaining to suitability shall satisfy the requirements under this section for the recommendation of variable annuities. Nothing in this subsection shall limit the commissioner's ability to enforce the provisions of this article.

(f) Internal audit and compliance procedures.—Nothing in this article shall exonerate an insurer from the internal audit and compliance procedure requirements under section 405-A.

#### Section 404-B. Mitigation of responsibility.

(a) Corrective actions.—The commissioner may order:

(1) An insurer to take reasonably appropriate corrective action for any consumer harmed by the insurer's or by its insurance producer's violation of this article.

(2) An insurance producer to take reasonably appropriate corrective action for any consumer harmed by the insurance producer's violation of this article.

(3) A managing general agent that employs or contracts with an insurance producer to sell or solicit the sale of annuities to consumers, to take reasonably appropriate corrective action for any consumer harmed by the insurance producer's violation of this article.

(b) Reduction of penalty.—Any applicable penalty permitted under section 406-B may be reduced or eliminated if corrective action for the consumer was taken promptly after a violation was discovered.

#### Section 405-B. Recordkeeping.

An insurer, managing general agent and insurance producer shall maintain or be able to make available to the commissioner records of the information collected from the consumer and other information used in making the recommendations that were the basis for insurance transactions for five years after the insurance transaction is completed by the insurer. An insurer is permitted but shall not be required to maintain documentation on behalf of an insurance producer.

#### Section 406-B. Enforcement.

(a) Penalties and remedies.—Upon a determination by hearing that this article has been violated, the commissioner may pursue one or more of the following courses of action:

(1) Issue an order requiring the person in violation to cease and desist from engaging in the violation.

(2) Suspend or revoke or refuse to issue or renew the certificate or license of the person in violation.

(3) Impose a civil penalty of not more than \$5,000 for each violation.

(4) Impose any other penalty or remedy deemed appropriate by the commissioner, including restitution.

(b) Other remedies.—The enforcement remedies imposed under this section are in addition to any other remedies or penalties that may be imposed by any other applicable statute, including the act of July 22, 1974 (P.L.589, No.205), known as the Unfair Insurance Practices Act. Violations of this article are deemed and defined by the commissioner to be an unfair method of competition and an unfair or deceptive act or practice pursuant to the Unfair Insurance Practices Act.

#### Section 407-B. Private cause of action.

Nothing in this article shall be construed to preclude a private cause of action for a violation of this article if the commissioner fails to investigate and rule on a complaint alleging a violation of this article within 60 days.

Amend Sec. 1 (Article Heading), page 2, line 8, by striking out "TO ELDERS"

Amend Sec. 1 (Sec. 601-B), page 2, lines 12 and 13, by striking out "or annuity contracts to individuals 65 years of age or older"

Amend Sec. 1 (Sec. 601-B), page 2, line 29, by striking out all of said line

Amend Sec. 1 (Sec. 602-B), page 3, line 10, by striking out "or annuity"

Amend Sec. 1 (Sec. 602-B), page 3, lines 14 and 15, by striking out "long-term care insurance or annuity" and inserting

or long-term care insurance

Amend Sec. 1 (Sec. 603-B), page 4, line 8, by striking out "which is directed at an elder"

Amend Sec. 1 (Sec. 603-B), page 4, line 9, by striking out "or an annuity"

Amend Sec. 1 (Sec. 603-B), page 4, line 13, by striking out "an elder" and inserting

any person

Amend Sec. 1 (Sec. 603-B), page 4, line 14, by striking out "elder's" and inserting

person's

Amend Sec. 1 (Sec. 603-B), page 4, line 15, by striking out "elder" and inserting

person

Amend Sec. 1 (Sec. 603-B), page 4, line 16, by striking out "individual's" and inserting

person's

Amend Sec. 1 (Sec. 603-B), page 4, line 19, by striking out "which is directed at an elder"

Amend Sec. 1 (Sec. 603-B), page 4, line 20, by striking out "or an annuity"

Amend Sec. 1 (Sec. 603-B), page 5, line 1, by striking out "or annuity"

Amend Sec. 1 (Sec. 603-B), page 5, line 2, by striking out "an elder" and inserting

a person

Amend Sec. 1 (Sec. 603-B), page 5, line 4, by striking out "elder" and inserting

person

Amend Sec. 1 (Sec. 603-B), page 5, line 6, by striking out "elder" and inserting

person

Amend Sec. 1 (Sec. 603-B), page 5, line 11, by striking out "or annuity"

Amend Sec. 1 (Sec. 603-B), page 5, line 13, by striking out "elder" and inserting

person

Amend Sec. 1 (Sec. 603-B), page 5, line 21, by striking out "or annuity"

Amend Sec. 1 (Sec. 603-B), page 6, line 1, by striking out "or annuity"

Amend Sec. 1 (Sec. 603-B), page 5, lines 4 and 5, by striking out "or an annuity"



Amend Sec. 1 (Sec. 603-B), page 5, line 10, by striking out “or annuity”

Amend Sec. 1 (Sec. 605-B), page 7, line 21, by striking out “elder”

Amend Sec. 1 (Sec. 605-B), page 7, line 26, by striking out “an elder” and inserting

a person

Amend Sec. 1 (Sec. 605-B), page 7, line 27, by striking out “elder’s” and inserting

person’s

Amend Sec. 1 (Sec. 605-B), page 7, line 28, by striking out “or an annuity”

Amend Sec. 1 (Sec. 605-B), page 7, line 29, by striking out “elder” and inserting

person

Amend Sec. 1 (Sec. 605-B), page 7, line 30, by striking out “elder” and inserting

person

Amend Sec. 1 (Sec. 605-B), page 8, line 3, by striking out “AN ELDER” and inserting

the person

Amend Sec. 1 (Sec. 605-B), page 8, line 6, by striking out “elder” and inserting

person

Amend Sec. 1 (Sec. 605-B), page 8, line 28, by striking out “an elder” and inserting

a person

Amend Sec. 1 (Sec. 605-B), page 8, line 29, by striking out “elder’s” and inserting

person’s

Amend Sec. 1 (Sec. 605-B), page 9, line 2, by striking out “elder” and inserting

person

Amend Sec. 1 (Sec. 605-B), page 9, line 6, by striking out “elder’s” and inserting

person’s

Amend Sec. 1 (Sec. 605-B), page 9, line 16, by striking out “an elder” and inserting

the person

Amend Sec. 1 (Sec. 605-B), page 9, line 18, by striking out “elder” and inserting

person

Amend Sec. 1 (Sec. 605-B), page 9, line 20, by striking out “an elder” and inserting

a person

Amend Sec. 1 (Sec. 605-B), page 9, line 21, by striking out “or an annuity”

Amend Sec. 1 (Sec. 605-B), page 9, line 22, by striking out “an elder” and inserting

a person

Amend Sec. 1 (Sec. 605-B), page 9, line 24, by striking out “elder” and inserting

person

Amend Sec. 1 (Sec. 606-B), page 9, line 26, by striking out “or annuity”

Amend Sec. 1 (Sec. 606-B), page 9, lines 26 and 27, by striking out “or annuity”

Amend Sec. 1 (Sec. 606-B), page 9, line 27, by striking out “an elder” and inserting

a person

Amend Sec. 1 (Sec. 606-B), page 9, line 29, by striking out “or annuity by an elder during which time the elder” and inserting

by the person during which time the person

Amend Sec. 1 (Sec. 606-B), page 9, line 30, by striking out “or annuity”

Amend Sec. 1 (Sec. 606-B), page 9, line 30, page 10, line 1, by striking out “or” in line 30, page 9; and “annuity” in line 1, page 10

Amend Sec. 1 (Sec. 606-B), page 10, line 1, by striking out “elder” and inserting

person

Amend Sec. 1 (Sec. 606-B), page 10, line 2, by striking out “or annuity”

Amend Sec. 1 (Sec. 606-B), page 10, line 5, by striking out “an elder” and inserting

a person

Amend Sec. 1 (Sec. 606-B), page 10, line 7, by striking out “or annuity receives the returned policy or annuity” and inserting

receives the returned policy

Amend Sec. 1 (Sec. 606-B), page 10, line 8, by striking out “an elder” and inserting

the person

Amend Sec. 1 (Sec. 606-B), page 10, line 8, by striking out “or annuity”

Amend Sec. 1 (Sec. 606-B), page 10, line 10, by striking out “elder” and inserting

person

Amend Sec. 1 (Sec. 606-B), page 10, line 13, by striking out “or annuity”

Amend Sec. 1 (Sec. 606-B), page 10, line 14, by striking out “or annuity”

Amend Sec. 1 (Sec. 606-B), page 10, line 15, by striking out “an elder” and inserting

a person

Amend Sec. 1 (Sec. 606-B), page 10, line 16, by striking out “or annuity”

Amend Sec. 1 (Sec. 606-B), page 10, line 17, by striking out “elder” and inserting

person

Amend Sec. 1 (Sec. 606-B), page 10, line 18, by striking out “or annuity”

On the question,

Will the House agree to the amendment?

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

Mr. VITALI. Thank you, Mr. Speaker.

Will the maker of the amendment stand for brief interrogation?

The SPEAKER. The gentleman indicates he will stand. The gentleman is in order and may proceed.

Mr. VITALI. Mr. Speaker, can we have a brief explanation of this amendment?

The SPEAKER. Mr. DeLuca, the gentleman, Mr. Vitali, would like an explanation of this amendment.

Mr. DeLUCA. Mr. Speaker?

The SPEAKER. The gentleman, Mr. DeLuca.

Mr. DeLUCA. What this amendment does, this is based on the model legislation developed by the NAIC, National Association of Insurance Commissioners.

This would add a new article to the act to regulate suitability standards in the sale and marketing of annuities. In addition, this amendment would expand the protections in the bill to include all consumers, not just seniors. Consumers rely on their agents for expert advice and deserve to have honest recommendations based on their agent’s expertise. Unfortunately, some agents harm clients by selling inappropriate policies. Suitability standards are designed to ensure that an insurer or producer agent does not profit from the sale of an unsuitable product to a consumer. When an agent makes a recommendation, the agent should consider many factors that would responsibly affect the

consumer's needs – the consumer's financial status, tax status, and investment objectives. That is what this bill does.

Mr. VITALI. Thank you, Mr. Speaker.

Mr. Speaker, are you aware of any groups who oppose your amendment?

Mr. DeLUCA. No.

Mr. VITALI. Thank you, Mr. Speaker.

That concludes my interrogation.

The SPEAKER. The Chair recognizes the gentlelady, Mrs. Crahalla.

Mrs. CRAHALLA. Thank you, Mr. Speaker.

I would like my colleagues to know that this is an agreed-to amendment, and I ask for their support.

Thank you.

The SPEAKER. The Chair thanks the gentlelady.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

#### YEAS–196

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

Evans, J.  
Fabrizio

Maher  
Maitland

Rubley

Perzel,  
Speaker

NAYS–1

Gabig

NOT VOTING–0

EXCUSED–6

Forcier  
Leh

Levdansky  
Rieger

Shaner

Wilt

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. Mr. DeLuca, for what purpose does the gentleman rise?

Mr. DeLUCA. Mr. Speaker, I apologize. I was not paying attention to what you were doing. I was busy doing a reconsideration motion.

I would like to withdraw this amendment, too. There are two amendments I am going to withdraw. Do I need to file another reconsideration motion or what?

The SPEAKER. Yes.

Mr. DeLUCA. Thank you. I apologize to the House.

#### AMENDMENT A08842 RECONSIDERED

The SPEAKER. The Chair has immediately before it a reconsideration motion by the gentleman, Mr. DeLuca, who moves that the vote for amendment No. 8842, which was passed to HB 2178, PN 4391, on the 30th day of June, be reconsidered.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

#### YEAS–197

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

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Forcier	Levdansky	Shaner	Wilt
Leh	Rieger		

The majority 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 amendment?

The clerk read the following amendment No. **A08842**:

Amend Title, page 1, line 24, by striking out “to certain elders”  
Amend Sec. 1 (Article Heading), page 2, line 8, by striking out “**TO ELDERS**”  
Amend Sec. 1 (Sec. 601-B), page 2, lines 12 and 13, by striking out “to individuals 65 years of age or older”  
Amend Sec. 1 (Sec. 602-B), page 2, line 29, by striking out all of said line  
Amend Sec. 1 (Sec. 603-B), page 4, line 8, by striking out “which is directed at an elder”  
Amend Sec. 1 (Sec. 603-B), page 4, line 13, by striking out “an elder” and inserting  
any person  
Amend Sec. 1 (Sec. 603-B), page 4, line 14, by striking out “elder's” and inserting  
person's  
Amend Sec. 1 (Sec. 603-B), page 4, line 15, by striking out “elder” and inserting  
person

Amend Sec. 1 (Sec. 603-B), page 4, line 16, by striking out “individual's” and inserting  
person's  
Amend Sec. 1 (Sec. 603-B), page 4, line 19, by striking out “which is directed at an elder”  
Amend Sec. 1 (Sec. 603-B), page 5, line 2, by striking out “an elder” and inserting  
a person  
Amend Sec. 1 (Sec. 603-B), page 5, line 4, by striking out “elder” and inserting  
person  
Amend Sec. 1 (Sec. 603-B), page 5, line 6, by striking out “elder” and inserting  
person  
Amend Sec. 1 (Sec. 603-B), page 5, line 13, by striking out “elder” and inserting  
person  
Amend Sec. 1 (Sec. 605-B), page 7, line 21, by striking out “elder”  
Amend Sec. 1 (Sec. 605-B), page 7, line 26, by striking out “an elder” and inserting  
a person  
Amend Sec. 1 (Sec. 605-B), page 7, line 27, by striking out “elder's” and inserting  
person's  
Amend Sec. 1 (Sec. 605-B), page 7, line 29, by striking out “elder” and inserting  
person  
Amend Sec. 1 (Sec. 605-B), page 7, line 30, by striking out “elder” and inserting  
person  
Amend Sec. 1 (Sec. 605-B), page 8, line 3, by striking out “AN ELDER” and inserting  
the person  
Amend Sec. 1 (Sec. 605-B), page 8, line 6, by striking out “elder” and inserting  
person  
Amend Sec. 1 (Sec. 605-B), page 8, line 28, by striking out “an elder” and inserting  
a person  
Amend Sec. 1 (Sec. 605-B), page 8, line 29, by striking out “elder's” and inserting  
person's  
Amend Sec. 1 (Sec. 605-B), page 9, line 2, by striking out “elder” and inserting  
person  
Amend Sec. 1 (Sec. 605-B), page 9, line 6, by striking out “elder's” and inserting  
person's  
Amend Sec. 1 (Sec. 605-B), page 9, line 16, by striking out “an elder” and inserting  
the person  
Amend Sec. 1 (Sec. 605-B), page 9, line 18, by striking out “elder” and inserting  
person  
Amend Sec. 1 (Sec. 605-B), page 9, line 20, by striking out “an elder” and inserting  
a person  
Amend Sec. 1 (Sec. 605-B), page 9, line 22, by striking out “an elder” and inserting  
a person  
Amend Sec. 1 (Sec. 605-B), page 9, line 24, by striking out “elder” and inserting  
person  
Amend Sec. 1 (Sec. 606-B), page 9, line 27, by striking out “an elder” and inserting  
a person

Amend Sec. 1 (Sec. 606-B), page 9, line 29, by striking out “an elder during which time the elder” and inserting  
the person during which time the person

Amend Sec. 1 (Sec. 606-B), page 10, line 1, by striking out “elder” and inserting  
person

Amend Sec. 1 (Sec. 606-B), page 10, line 5, by striking out “an elder” and inserting  
a person

Amend Sec. 1 (Sec. 606-B), page 10, line 8, by striking out “an elder” and inserting  
the person

Amend Sec. 1 (Sec. 606-B), page 10, line 10, by striking out “elder” and inserting  
person

Amend Sec. 1 (Sec. 606-B), page 10, line 15, by striking out “an elder” and inserting  
a person

Amend Sec. 1 (Sec. 606-B), page 10, line 17, by striking out “elder” and inserting  
person

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

#### AMENDMENT WITHDRAWN

The SPEAKER. The Chair recognizes the gentleman for a withdrawal of amendment No. 8842.

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

The SPEAKER. Amendment 8844 has been withdrawn.

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

Ms. **BEBKO-JONES** offered the following amendment No. **A08916**:

Amend Title, page 1, line 23, by inserting after “LAWS,” ”  
providing for third-party reimbursement for  
services of registered nurse first assistants;

Amend Bill, page 2, lines 4 through 6, by striking out all of said lines and inserting

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

Section 635.2. Third-party Reimbursement for Services of Registered Nurse First Assistants.—(a) Every hospital, health or medical expense insurance policy, hospital or medical service contract, employee welfare benefit plan, health maintenance organization subscriber agreement, health and accident insurance policy or other insurance contract of this type, including a group insurance plan or self-insurance plan that provides medical and surgical benefits which are delivered, issued for delivery or renewed in this Commonwealth on or after January 1, 2004, shall provide coverage of perioperative services rendered by a registered nurse first assistant. Payments for registered nurse first assistants for such services shall be subject to the same credentialing and contracting requirements that apply to other health care providers paid for such services.

(b) As used in this section:

(1) “Perioperative services” means preoperative, intraoperative and postoperative nursing care provided to surgical patients.

(2) “Registered nurse first assistant” means a person who:  
(i) is licensed as a registered nurse in accordance with the laws of this Commonwealth;

(ii) is experienced in perioperative services; and  
(iii) has completed a national certification program of perioperative services.

Section 2. The act is amended by adding an article to read:

Amend Sec. 2, page 11, line 20, by striking out “2” and inserting

3

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

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

The Chair recognized the gentleman. Did the gentleman waive off? The gentleman waives off.

The gentleman, Mr. Vitali.

Mr. VITALI. I wonder if the maker of the amendment could give us a brief explanation.

The SPEAKER. She is standing in front of you. She is ready to make that explanation.

Ms. BEBKO-JONES. Yes, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Vitali, has asked for a brief explanation from the gentledady, Ms. Bebkco-Jones. Does the gentleman wish to interrogate?

Ms. BEBKO-JONES. Yes, I will, Mr. Speaker.

The SPEAKER. Does the gentleman wish to interrogate the gentledady?

Mr. VITALI. Yes, Mr. Speaker.

The SPEAKER. The gentleman is in order.

Mr. VITALI. Could the maker of the amendment give us a brief explanation?

Ms. BEBKO-JONES. Yes, Mr. Speaker.

Mr. Speaker, amendment A8916 simply says it requires any health-related insurance policy, hospital or medical service contract, employee’s welfare benefit plan, and HMO (health maintenance organization) subscriber’s agreement to provide coverage for presurgery services rendered by a registered nurse first assistant.

Mr. Speaker, if anyone here has ever been admitted to the hospital for surgery, you might be aware of before you go in for surgery, you must come in for a preop, and they ask you all these questions and they also give you some pretesting, which is not covered by your insurance, and I am asking that this part would be covered. It is part of the continuum of care, I would think, Mr. Speaker.

Mr. VITALI. Thank you, Mr. Speaker.

I have no other questions.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentledady, Mrs. Crahalla.

Mrs. CRAHALLA. Thank you, Mr. Speaker.

I would like to interrogate the maker of the amendment.

The SPEAKER. The gentledady indicates she will stand for interrogation. The gentledady is in order and may proceed.

Ms. BEBKO-JONES. Yes, Mr. Speaker.

Mrs. CRAHALLA. Okay. I am just wondering, do you have a fiscal note for this and also, too, is there any opposition to this that you are aware of?

Ms. BEBKO-JONES. I do have a fiscal note, Mr. Speaker, and according to the fiscal note, adoption of this amendment

will have no adverse fiscal impact to the Commonwealth funds. To my knowledge, Mr. Speaker, I have had no opposition from anyone before I introduced this. This has been around for a long time.

Mrs. CRAHALLA. Thank you, Mr. Speaker.

I would like to speak on the amendment.

The SPEAKER. The gentlelady is in order and may proceed.

Mrs. CRAHALLA. I would recommend that my colleagues vote “no” on this particular amendment. It is not agreed to.

Thank you.

The SPEAKER. The Chair thanks the gentlelady.

The Chair recognizes the gentleman, Mr. Gabig.

Mr. GABIG. Thank you, Mr. Speaker.

Would the maker of the amendment respond to some interrogation, please?

The SPEAKER. The gentlelady indicates she will stand. The gentleman is in order.

Mr. GABIG. Mr. Speaker, I reviewed the amendment, the proposed amendment, on my notebook system, and it indicates, as I am reading it – I had not had a chance to look at it before – that these benefits that are issued on or received by January 1, 2004, will be covered. I saw the date on there, 2004, and I was just trying to get an understanding of what that meant. What would be the legal implications of having January 1, 2004, Mr. Speaker?

Ms. BEBKO-JONES. Mr. Speaker, could you repeat your question, please. I am sorry.

Mr. GABIG. Yes, Mr. Speaker.

I reviewed the amendment on my desktop, and so I do not have it in front of me. I see you have a paper in front of you.

Ms. BEBKO-JONES. Yes.

Mr. GABIG. But there is a date referenced on there, January 1, 2004, that benefits received, issued, covered – I am not sure of the exact language – and I was just wondering what the significance of that date was for the gentlelady’s amendment, Mr. Speaker?

Ms. BEBKO-JONES. Thank you, Mr. Speaker.

I know here what you are referring to, and I can honestly tell you that that date is a mistake. This originally, Mr. Speaker, was a bill that was in Insurance, and now I amended this one.

I do not know what the procedure is, if I should withdraw this amendment at this particular time, to— Yeah. I will withdraw it and make that correction, Mr. Speaker.

Mr. GABIG. I would thank the gentlelady.

Thank you, Mr. Speaker.

#### AMENDMENT WITHDRAWN

The SPEAKER. The gentlelady withdraws amendment A8916.

On the question recurring,

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

Ms. BEBKO-JONES offered the following amendment No. **A08917**:

Amend Title, page 1, line 23, by inserting after “LAWS,” ”  
providing for coverage for impotence treatment;

Amend Bill, page 2, lines 4 through 6, by striking out all of said lines and inserting

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

Section 635.2. Coverage for Impotence Treatment.—(a) Any individual or group health, sickness or accident insurance policy or subscriber contract or certificate issued by any entity subject to 40 Pa.C.S. Ch. 61 (relating to hospital plan corporations) or 63 (relating to professional health services plan corporations) or this act, providing hospital or medical/surgical coverage, shall include within its coverage treatment for individuals who suffer impotence as a result of undergoing therapy for prostate cancer.

(b) This section does not include the following types of insurance or any combination thereof: hospital indemnity, accident, specified disease, disability income, dental, vision, CHAMPUS supplement, Medicare supplement, long-term care and other limited benefit plans.

(c) This section shall apply to policies, contracts and certificates issued or renewed on or after the effective date of this section.

Section 2. The act is amended by adding an article to read:

Amend Sec. 2, page 11, line 20, by striking out “2” and inserting

3

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the gentlelady, Mrs. Crahalla.

Mrs. CRAHALLA. Thank you, Mr. Speaker.

I would like to interrogate the maker of the amendment.

The SPEAKER. The gentlelady indicates she will stand for interrogation. The gentlelady is in order and may proceed.

Mrs. CRAHALLA. Could the gentlelady from Erie explain the need for this legislation.

Ms. BEBKO-JONES. Yes, Mr. Speaker.

Mr. Speaker, can I have the attention of the House, please?

The SPEAKER. The gentlelady is correct. There is entirely too much noise. The gentlelady deserves to be heard.

Ms. Bebko-Jones.

Ms. BEBKO-JONES. Mr. Speaker, as we know, cancer is the worst disease that there is. When one has prostate cancer, Mr. Speaker – and I think this bill, you know, all of my male colleagues should pay attention to this bill, okay? – that when you receive treatment, and that is chemo, radiation, your insurance company pays for that treatment. Almost 90 percent of men after receiving that treatment become impotent. Do you male colleagues want that to happen to you?

Mr. Speaker, can I have your attention again? I know they are excited about this.

The SPEAKER. The gentlelady is entitled to be heard.

Ms. BEBKO-JONES. And all I am saying is, Mr. Speaker, that we need the continuum of care for prostate cancer. What good is it to receive initial treatment, radiation and chemotherapy, and because of that treatment, my male counterparts cannot perform? All I am saying, all I am saying, Mr. Speaker, is that there is treatment to correct that, and why should they not be entitled to receive that coverage, Mr. Speaker?

I realize my colleague, my good friend whom I respect on the other side of the aisle, has problems with mandates and so forth, but I happen to think that this is a very, very important issue, and it is a part of the big health-care continuum of care, and I would ask, especially my male colleagues on both sides of the aisle—

The SPEAKER. Would the gentlelady suspend.

Ms. BEBKO-JONES. —to support this amendment.  
 The SPEAKER. Ms. Bebko-Jones, this is the House of Representatives. We would prefer that you—  
 Ms. BEBKO-JONES. Pardon me?  
 The SPEAKER. You are in the House of Representatives.  
 Ms. BEBKO-JONES. Yes.  
 The SPEAKER. It is on television.  
 On the amendment, the gentleman, Mr. Micozzie.  
 Mr. MICOZZIE. Mr. Speaker, we all are concerned about the cost of health care. You pick up the newspapers, articles that talk about the spiraling cost of health care. Mandates, mandates are the makeup that increases health care.  
 I ask my colleagues to vote “no” on this mandate. Thank you.  
 The SPEAKER. The Chair thanks the gentleman.  
 The gentlelady, Mrs. Crahalla.  
 Mrs. CRAHALLA. Thank you, Mr. Speaker.  
 Once again I ask for a “no” vote on this particular amendment. Thank you.

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

The following roll call was recorded:

## YEAS—92

Allen	Evans, D.	Lederer	Sabatina
Argall	Evans, J.	Lescovitz	Sainato
Bebko-Jones	Fabrizio	Manderino	Samuelson
Belardi	Flaherty	Mann	Santoni
Belfanti	Frankel	Markosek	Shapiro
Biancucci	Freeman	McCall	Siptroth
Bishop	George	McGeehan	Solobay
Blackwell	Gerber	Melio	Staback
Blaum	Gergely	Mundy	Stetler
Caltagirone	Goodman	Myers	Sturla
Casorio	Grucela	Oliver	Surra
Cawley	Gruitza	Pallone	Tangretti
Cohen	Haluska	Parker	Thomas
Corrigan	Hanna	Petrarca	Tigue
Costa	Harhai	Petrone	Veon
Cruz	Harris	Pistella	Walko
Curry	James	Preston	Wansacz
Daley	Josephs	Ramaley	Waters
DeLuca	Keller, W.	Readshaw	Williams
Dermody	Kirkland	Roberts	Wojnaroski
DeWeese	Kotik	Roebuck	Yewcic
Donatucci	LaGrotta	Rooney	Youngblood
Eachus	Leach	Ruffing	Yudichak

## NAYS—105

Adolph	Fleagle	Marsico	Rubley
Armstrong	Flick	McGill	Sather
Baker	Gabig	McIlhattan	Saylor
Baldwin	Gannon	McIlhinney	Scavello
Barrar	Geist	McNaughton	Schroder
Bastian	Gillespie	Metcalfe	Semmel
Benninghoff	Gingrich	Micozzie	Smith, B.
Beyer	Godshall	Millard	Smith, S. H.
Birmelin	Good	Miller, R.	Sonney
Boyd	Grell	Miller, S.	Stairs
Bunt	Harhart	Mustio	Steil
Buxton	Harper	Nailor	Stern
Cappelli	Hasay	Nickol	Stevenson, R.
Causar	Hennessey	O'Brien	Stevenson, T.
Civera	Herman	O'Neill	Taylor, E. Z.
Clymer	Hershey	Payne	Taylor, J.

Cornell	Hess	Petri	True
Crahalla	Hickernell	Phillips	Turzai
Creighton	Hutchinson	Pickett	Vitali
Dally	Kauffman	Pyle	Watson
Denlinger	Keller, M.	Quigley	Wheatley
DiGirolamo	Kenney	Rapp	Wright
Diven	Killion	Raymond	Zug
Ellis	Mackereth	Reed	
Fairchild	Maher	Reichley	Perzel,
Feece	Maitland	Rohrer	Speaker
Fichter	Major	Ross	

## NOT VOTING—0

## EXCUSED—6

Forcier	Levdansky	Shaner	Wilt
Leh	Rieger		

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?

Ms. **BEBKO-JONES** offered the following amendment No. **A08923**:

Amend Title, page 1, line 24, by striking out “and”

Amend Title, page 1, line 24, by removing the period after “penalties” and inserting

; and providing for a conscience protection clause in managed care plans.

Amend Bill, page 11, by inserting between lines 19 and 20

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

Section 2114. Conscience Protection.—(a) A managed care plan may not exclude, discriminate against or penalize a provider for its refusal to allow, perform, participate in or refer for health care services when the refusal of the provider is by reason of moral or religious grounds if that provider makes available the information to enrollees or, if applicable, prospective enrollees.

(b) The following shall apply:

(1) No public institution, public official or public agency may impose penalties, take disciplinary action against or deny or limit public funds, licenses, authorizations or other approvals or documents of qualification to any person, association or corporation attempting to establish a plan, or operating, expanding or improving an existing plan, because the person, association or corporation refuses to pay for or arrange for the payment of any particular form of health care services or other services or supplies covered by other plans when the refusal is by reason of objection thereto on moral or religious grounds.

(2) An enrollee, under a managed care plan which has a contract with the Department of Public Welfare to provide medical assistance benefits through a capitation plan and which refuses on moral or religious grounds to provide family planning service shall be entitled to obtain direct access to family planning services, including prescriptions, from a doctor, clinic or pharmacy, that is Medicaid qualified to provide those services on a fee-for-service basis billed directly by the provider to the State Medicaid program. An enrollee under this type of plan seeking family planning services shall not be required to seek a prior approval or referral from a primary care provider.

Amend Sec. 2, page 11, line 20, by striking out “2” and inserting

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

The SPEAKER. On that question, the Chair recognizes the gentlelady, Mrs. Crahalla.

Mrs. CRAHALLA. Thank you, Mr. Speaker.

May I interrogate the maker of the amendment?

The SPEAKER. The gentlelady indicates she will stand for interrogation. The gentlelady is in order and may proceed.

Mrs. CRAHALLA. Could you please explain the intent of this amendment.

Ms. BEBKO-JONES. Thank you, Mr. Speaker. Yes, I will.

In my district, a situation occurred, and not just in my district but in several counties in the Commonwealth. When one has a medical insurance policy, that insuror is informed of the medications that they provide. They go to the pharmacy to fill those medications. We had a situation where a woman went to her pharmacy to get a prescription filled for the day-after pill, which the pharmacy has a contract to fill that, but because of the philosophical and moral ideals of the pharmacist, he refused to fill that prescription. All I am saying is that if we have coverage for certain medications, they should be filled by your pharmacy, not by the pharmacist's moral and philosophical views on that particular medication.

Mrs. CRAHALLA. Thank you, Mr. Speaker.

We need to define "moral" in this case. I do not understand the need for this. On the religious side, the Federal law, I would say, covers this—

The SPEAKER. Has the gentlelady finished the interrogation?

Mrs. CRAHALLA. Pardon?

Ms. BEBKO-JONES. I am sorry, Mr. Speaker. Could you repeat the question, please?

Mrs. CRAHALLA. Well, my question is, is this really necessary? If a person was refused a product at one pharmacy, why would they not go to another then? This is a mandate again, and I just want to ask one more time to my colleagues to please vote "no" on this one also.

Thank you, Mr. Speaker.

Ms. BEBKO-JONES. Mr. Speaker, on the amendment.

The insurance should let the insured know up front what pharmacies participate in accepting different prescriptions. That is what I am trying to do here. But again, I understand my good colleague on the other side does not like mandates, but I still would ask my colleagues on both sides of the aisle for an affirmative vote.

The SPEAKER. The Chair thanks the gentlelady.

The Chair recognizes the gentleman, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

Will the maker of the amendment stand for further interrogation?

The SPEAKER. The gentlelady indicates she will stand. The gentleman is in order and may proceed.

Mr. VITALI. I just want to stay with that hypothetical where the woman comes in for the morning-after pill and the pharmacist in her plan says, sorry, I am not giving you that because I do not believe in that on religious grounds. Under current law, what happens there, and under your amendment, what would happen under that hypothetical?

Ms. BEBKO-JONES. I think under current law, and I do not know that for sure, Mr. Speaker, they can do anything that they want. This amendment would correct that.

Mr. VITALI. Okay. With this amendment, under that hypothetical, what would happen under that current hypothetical?

Ms. BEBKO-JONES. Well, the person would know before they went to that pharmacy that their insurer provides coverage for that particular prescription. So they would go to the pharmacy that they know would cover it to avoid going to one that might not, or the pharmacist saying what I said earlier, because of his or her moral feelings against the particular drug we are talking about.

Mr. VITALI. Now, is this amendment about notice requirements or is it about something else? I am just trying to reconcile what you are telling me with a quick scan of the language on the screen.

Ms. BEBKO-JONES. Mr. Speaker, what this does is we know ahead of time what providers provide these particular prescriptions, and so we would know not to go somewhere else if they do not provide. We are trying to protect the consumer here when they go to the pharmacy.

Mr. VITALI. Under current law, can a pharmacist be penalized for refusing to provide that morning-after pill?

Ms. BEBKO-JONES. In the situation that I dealt with in my district, it was a mom-and-pop-type pharmacy, so they could do what they wanted to do, if the pharmacist did not want to give them that. But in law now, no; no, there is really nothing other than being informed of the medication that you are covered by and to go to the pharmacist that covers that medication.

Mr. VITALI. Okay. Thank you, Mr. Speaker. That concludes my interrogation.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Micozzie.

Mr. MICOZZIE. Thank you, Mr. Speaker.

Again, Mr. Speaker, this is another mandate that will increase the cost of health care. I ask my colleagues to vote "no" on this amendment.

The SPEAKER. The Chair thanks the gentleman.

## HARRISBURG LEGISLATIVE LEAVE

The SPEAKER. The gentleman, Mr. Blaum.

Mr. BLAUM. Thank you, Mr. Speaker.

Just to request a Capitol leave for the gentleman, Mr. LaGROTTA.

The SPEAKER. Without objection, that leave will be granted.

## CONSIDERATION OF HB 2178 CONTINUED

The SPEAKER. The gentleman, Mr. Barrar. The gentleman waives off.

The gentleman, Mr. Birmelin.

Mr. BIRMELIN. Thank you, Mr. Speaker.

I am going to ask the members to vote "no" for a couple of reasons. Number one, as I read the amendment, I had a difficult time matching the amendment and what I was reading and understanding with what the maker of the amendment was saying. I think that is a fundamental problem we need to straighten out and understand exactly what it is that this amendment is trying to do. But I think at this point in time, I am having a difficult time understanding if it is really doing what I think it is doing.

The second reason is, I think that in relationship to the particular bill, it has nothing to do with the bill; it is sort of another issue out there from some other direction, and I would suspect that there has been very little legislative work done on this. I suspect there have been no public hearings. I will stand corrected if I am wrong on that. But this is a pretty serious issue to be addressing at this moment in time, with this amendment, with the confusion that I see on the faces of some of my colleagues here.

So to err on the side of caution, I am going to ask members, if they would, to please vote “no” on this amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Maher.

Mr. MAHER. Thank you, Mr. Speaker.

The system indicates there is not a fiscal note for this amendment. Is the system accurate?

The SPEAKER. The Chair recognizes the gentlelady, Ms. Bebko-Jones, for an answer for that.

#### AMENDMENT WITHDRAWN

Ms. BEBKO-JONES. Thank you, Mr. Speaker.

Mr. Speaker, I think at this time I am going to withdraw this amendment.

The SPEAKER. The Chair thanks the gentlelady.

On the question recurring,

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

Mr. GRUCELA offered the following amendment No. **A08933**:

Amend Title, page 1, line 24, by striking out “and prescribing penalties.” and inserting

prescribing penalties; and further providing for health insurance coverage for hearing aids.

Amend Bill, page 2, lines 4 through 6, by striking out all of said lines and inserting

Section 1. Section 635 of the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, added October 16, 1998 (P.L.784, No.98), is amended to read:

Section 635. Hearing Aid Coverage.—[Any insurer that underwrites Medicare or Medicaid insurance for insureds residing in this Commonwealth shall provide coverage in such insurance for a hearing aid sold in accordance with section 403 of the act of November 24, 1976 (P.L.1182, No.262), known as the “Hearing Aid Sales Registration Law.”] (a) A health insurance policy shall provide coverage for hearing aids sold in accordance with section 403 of the act of November 24, 1976 (P.L.1182, No.262), known as the “Hearing Aid Sales Registration Law.” Nothing in this section shall be construed to prevent application of deductible or copayment provisions contained in the policy.

(b) This section shall apply to any health insurance policy offered, issued or renewed on or after the effective date of this subsection.

(c) This section shall not apply to the following types of policies:

- (1) Hospital indemnity.
- (2) Accident only.
- (3) Limited benefit.
- (4) Credit.
- (5) Dental.
- (6) Vision.

(7) Specified disease.

(8) Medicare supplement.

(9) Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) supplement.

(10) Long-term care or disability income.

(11) Workers’ compensation.

(12) Automobile medical payment.

(d) As used in this section:

“Health insurance policy” means any individual or group health insurance policy, subscriber contract, certificate or plan which provides medical or health care coverage by any health care facility or licensed health care provider which is offered by or is governed under this act or any of the following:

(1) Subarticle (f) of Article IV of the act of June 13, 1967 (P.L.31, No.21), known as the “Public Welfare Code.”

(2) The act of December 29, 1972 (P.L.1701, No.364), known as the “Health Maintenance Organization Act.”

(3) The act of May 18, 1976 (P.L.123, No.54), known as the “Individual Accident and Sickness Insurance Minimum Standards Act.”

(4) Any entity subject to 40 Pa.C.S. Ch. 61 (relating to hospital plan corporations) or 63 (relating to professional health services plan corporations).

“Insurer” means any entity that issues a health insurance policy.

Section 2. The act is amended by adding an article to read:

Amend Sec. 2, page 11, line 20, by striking out “2” and inserting  
3

On the question,

Will the House agree to the amendment?

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

Mr. VITALI. Would the maker of the amendment stand for brief interrogation?

The SPEAKER. He indicates he will stand for interrogation. The gentleman is in order.

Mr. VITALI. Would the maker of the amendment give a brief explanation.

Mr. GRUCELA. Thank you, Mr. Speaker.

Mr. Speaker, the amendment was gone over in caucus, and I believe the gentleman was present. Thank you.

The SPEAKER. The gentleman, Mr. Vitali.

Mr. VITALI. I am just looking for a brief explanation. If I did not need one, I would not have asked for one. If the gentleman is unwilling to do it, perhaps there might be someone else I could ask to give that explanation. I would hope it would not come to that. I would hope that the gentleman would defend his own amendment.

The SPEAKER. Mr. Grucela.

Mr. GRUCELA. Thank you, Mr. Speaker.

As was explained in our Democratic caucus, this particular amendment would have the insurance companies allow for coverage for hearing aids. Thank you.

Mr. VITALI. Thank you, Mr. Speaker. That concludes my interrogation.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Micozzie.

Mr. MICOZZIE. Again, Mr. Speaker, this is a mandate that will increase the cost of health care. I ask for a “no” vote.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?



The following roll call was recorded:

## YEAS—98

Bebko-Jones	Flick	Mann	Sainato
Belardi	Frankel	Markosek	Samuelson
Belfanti	Freeman	McCall	Santoni
Beyer	George	McGeehan	Schroder
Biancucci	Gerber	Melio	Shapiro
Bishop	Gergely	Miller, S.	Siptroth
Blackwell	Goodman	Mundy	Solobay
Blaum	Grucela	Myers	Staback
Caltagirone	Gruitza	Oliver	Stevenson, T.
Casorio	Haluska	Pallone	Sturla
Cawley	Hanna	Parker	Surra
Cohen	Harhai	Petrarca	Tangretti
Corrigan	Harhart	Petrone	Thomas
Costa	James	Pistella	Tigue
Cruz	Josephs	Preston	Veon
Curry	Keller, W.	Ramaley	Walko
Daley	Kenney	Readshaw	Wansacz
DeLuca	Kirkland	Reichley	Waters
Dermody	Kotik	Roberts	Wheatley
DeWeese	LaGrotta	Roebuck	Williams
Donatucci	Leach	Rooney	Wojnaroski
Eachus	Lederer	Rubley	Yewcic
Evans, D.	Lescovitz	Ruffing	Youngblood
Fabrizio	Maher	Sabatina	Yudichak
Flaherty	Manderino		

## NAYS—99

Adolph	Fairchild	Maitland	Rohrer
Allen	Feese	Major	Ross
Argall	Fichter	Marsico	Sather
Armstrong	Fleagle	McGill	Saylor
Baker	Gabig	McIlhatten	Scavello
Baldwin	Gannon	McIlhinney	Semmel
Barrar	Geist	McNaughton	Smith, B.
Bastian	Gillespie	Metcalfe	Smith, S. H.
Benninghoff	Gingrich	Micozzie	Sonney
Birmelin	Godshall	Millard	Stairs
Boyd	Good	Miller, R.	Steil
Bunt	Grell	Mustio	Stern
Buxton	Harper	Nailor	Stetler
Cappelli	Harris	Nickol	Stevenson, R.
Causar	Hasay	O'Brien	Taylor, E. Z.
Civera	Hennessey	O'Neill	Taylor, J.
Clymer	Herman	Payne	True
Cornell	Hershey	Petri	Turzai
Crahalla	Hess	Phillips	Vitali
Creighton	Hickernell	Pickett	Watson
Dally	Hutchinson	Pyle	Wright
Denlinger	Kauffman	Quigley	Zug
DiGirolamo	Keller, M.	Rapp	
Diven	Killion	Raymond	Perzel,
Ellis	Mackereth	Reed	Speaker
Evans, J.			

## NOT VOTING—0

## EXCUSED—6

Forcier	Levdansky	Shaner	Wilt
Leh	Rieger		

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

## VOTE CORRECTION

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

Mr. J. EVANS. Thank you, Mr. Speaker.

I wish to make a correction to the record, please.

The SPEAKER. The gentleman will state his correction.

Mr. J. EVANS. On amendment No. 8917 I was voted “yes,” in the affirmative, a malfunction of my switch. I would like to change that to a negative vote, please.

The SPEAKER. The Chair thanks the gentleman. The gentleman’s remarks will be spread across the record.

## CONSIDERATION OF HB 2178 CONTINUED

On the question recurring,

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

Mr. **GEORGE** offered the following amendment No. **A08941**:

Amend Title, page 1, line 23, by inserting after “LAWS,” ”

further providing for notice of policyholder’s right to examine life and endowment insurance policies and for notice of contractholders’s right to examine annuity or pure endowment contracts;

Amend Bill, page 2, lines 4 through 6, by striking out all of said lines and inserting

Section 1. Section 410D and 410E of the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, amended December 18, 1996 (P.L.1003, No.154), are amended to read:

Section 410D. Notice of Policyholder’s Right to Examine Life and Endowment Insurance Policies.—(a) (1) Except as provided in paragraphs (2) and (3), individual fixed dollar life insurance or endowment insurance policies shall not be delivered in the Commonwealth of Pennsylvania unless they shall have prominently printed on the first page of such policy or attached thereto a notice stating in substance that the policyholder shall be permitted to return the policy within at least [ten (10)] forty-five (45) days of its delivery and to have the premium paid refunded if after examination of the policy, the policyholder is not satisfied with it for any reason.

(2) Individual fixed dollar life insurance or endowment insurance policies which are offered as replacements for an existing life insurance policy or annuity contract with the same insurer or insurer group shall not be delivered in the Commonwealth of Pennsylvania unless they shall have prominently printed on the first page of such policy or attached thereto a notice stating in substance that the policyholder shall be permitted to return the policy within at least forty-five (45) days of its delivery and to have the premium refunded if after examination of the policy the policyholder is not satisfied with it for any reason.

(3) Individual fixed dollar life insurance or endowment insurance policies which are offered as replacements for an existing life insurance policy or annuity contract with an insurer or insurer group other than the one which issued the original policy or contract shall not be delivered in the Commonwealth of Pennsylvania unless they shall have prominently printed on the first page of such policy or attached thereto a notice stating in substance that the policyholder shall be permitted to return the policy within at least [twenty (20)] forty-five (45) days of its delivery and to have the premium refunded if after examination of the policy the policyholder is not satisfied with it for any reason.

(b) (1) Except as provided in paragraphs (2) and (3), individual variable life policies shall not be delivered in the Commonwealth of Pennsylvania unless they shall have prominently printed on the first

page of such policy or attached thereto a notice stating in substance that the policyholder shall be permitted to return the policy within at least [ten (10)] forty-five (45) days of its delivery if after examination of the policy the policyholder is not satisfied with it for any reason, and the notice shall state that in such event the insurer shall pay to the policyholder an amount equal to any of the following:

- (i) the stipulated payment or premium paid;
- (ii) the difference between:

(A) the premiums paid, including any policy fees or other charges and the amounts, if any, allocated to any separate accounts under the policy; and

(B) the cash value of the policy or, if the policy does not have a cash value, the reserve for the policy on the date of surrender attributable to the amounts so allocated; or

- (iii) the greater of subparagraph (i) or (ii).

(2) Individual variable life insurance policies which are offered as replacements for an existing life insurance policy or annuity contract with the same insurer or insurer group shall not be delivered in the Commonwealth of Pennsylvania unless they shall have prominently printed on the first page of such policy or attached thereto a notice stating in substance that the policyholder shall be permitted to return the policy within at least forty-five (45) days of its delivery if after examination of the policy the policyholder is not satisfied with it for any reason, and the notice shall state that in such event the insurer shall pay to the policyholder an amount equal to any of the following:

- (i) the stipulated payment or premium paid;
- (ii) the difference between:

(A) the premiums paid, including any policy fees or other charges and the amounts, if any, allocated to any separate accounts under the policy; and

(B) the cash value of the policy or, if the policy does not have a cash value, the reserve for the policy on the date of surrender attributable to the amounts so allocated; or

- (iii) the greater of subparagraph (i) or (ii).

(3) Individual variable life insurance policies which are offered as replacements for an existing life insurance policy or annuity contract with an insurer or insurer group other than the one which issued the original policy or contract shall not be delivered in the Commonwealth of Pennsylvania unless they shall have prominently printed on the first page of such policy or attached thereto a notice stating in substance that the policyholder shall be permitted to return the policy within at least [twenty (20)] forty-five (45) days of its delivery if after examination of the policy the policyholder is not satisfied with it for any reason, and the notice shall state that in such event the insurer shall pay to the policyholder an amount equal to any of the following:

- (i) the stipulated payment or premium paid;
- (ii) the difference between:

(A) the premiums paid, including any policy fees or other charges and the amounts, if any, allocated to any separate accounts under the policy; and

(B) the cash value of the policy or, if the policy does not have a cash value, the reserve for the policy on the date of surrender attributable to the amounts so allocated; or

- (iii) the greater of subparagraph (i) or (ii).

Section 410E. Notice of Contractholder's Right to Examine Annuity or Pure Endowment Contracts.—(a) (1) Except as provided in paragraphs (2) and (3), individual fixed dollar annuity or pure endowment contracts shall not be entered into in the Commonwealth of Pennsylvania unless they shall have prominently printed on the first page of such contract or attached thereto a notice stating in substance that the contractholder shall be permitted to return the contract within at least [ten (10)] forty-five days of its delivery and to have the stipulated payment or premium paid refunded if after examination of the contract, the contractholder is not satisfied with it for any reason.

(2) Individual fixed dollar annuity contracts which are offered as replacements for an existing annuity contract or life insurance policy with the same insurer or insurer group shall not be entered into in the Commonwealth of Pennsylvania unless they shall have prominently

printed on the first page of such contract or attached thereto a notice stating in substance that the contractholder shall be permitted to return the contract within at least forty-five (45) days of its delivery and to have the premium refunded if after examination of the contract the contractholder is not satisfied with it for any reason.

(3) Individual fixed dollar annuity contracts which are offered as replacements for an existing annuity contract or life insurance policy with an insurer or insurer group other than the one which issued the original contract or policy shall not be entered into in the Commonwealth of Pennsylvania unless they shall have prominently printed on the first page of such contract or attached thereto a notice stating in substance that the contractholder shall be permitted to return the contract within at least [twenty (20)] forty-five (45) days of its delivery and to have the premium refunded if after examination of the contract the contractholder is not satisfied with it for any reason.

(b) (1) Except as provided in paragraphs (2) and (3), individual variable annuity contracts shall not be entered into in the Commonwealth of Pennsylvania unless they shall have prominently printed on the first page of such contract or attached thereto a notice stating in substance that the contractholder shall be permitted to return the contract within at least [ten (10)] forty-five (45) days of its delivery if after examination of the contract the contractholder is not satisfied with it for any reason. The notice shall state that in such event the insurer shall pay to the contractholder an amount equal to any of the following:

- (i) the stipulated payment or premiums paid;
- (ii) the difference between:

(A) the premiums paid, including any contract fees or other charges and the amounts, if any, allocated to any separate accounts under the contract; and

(B) the cash value of the contract or, if the contract does not have a cash value, the reserve for the contract on the date of surrender attributable to the amounts so allocated; or

- (iii) the greater of subparagraphs (i) or (ii).

(2) Individual variable annuity contracts which are offered as replacements for an existing annuity contract or life insurance policy with the same insurer or insurer group shall not be entered into in the Commonwealth of Pennsylvania unless they shall have prominently printed on the first page of such contract or attached thereto a notice stating in substance that the contractholder shall be permitted to return the contract within at least forty-five (45) days of its delivery if after examination of the contract the contractholder is not satisfied with it for any reason, and in such event the notice shall state that in such event the insurer shall pay to the contractholder an amount equal to any of the following:

- (i) the stipulated payment or premium paid;
- (ii) the difference between:

(A) the premiums paid, including any contract fees or other charges and the amounts, if any, allocated to any separate accounts under the contract; and

(B) the cash value of the contract or, if the contract does not have a cash value, the reserve for the contract on the date of surrender attributable to the amounts so allocated; or

- (iii) the greater of subparagraph (i) or (ii).

(3) Individual variable annuity contracts which are offered as replacements for an existing annuity contract or life insurance policy with an insurer or insurer group other than the one which issued the original contract or policy shall not be entered into in the Commonwealth of Pennsylvania unless they shall have prominently printed on the first page of such contract or attached thereto a notice stating in substance that the contractholder shall be permitted to return the contract within at least [twenty (20)] forty-five (45) days of its delivery if after examination of the contract the contractholder is not satisfied with it for any reason, and in such event the notice shall state that in such event the insurer shall pay to the contractholder an amount equal to any of the following:

- (i) the stipulated payment or premium paid;
- (ii) the difference between:

(A) the premiums paid, including any contract fees or other charges and the amounts, if any, allocated to any separate accounts under the contract; and

(B) the cash value of the contract or, if the contract does not have a cash value, the reserve for the contract on the date of surrender attributable to the amounts so allocated; or

(iii) the greater of subparagraph (i) or (ii).

Section 2. The act is amended by adding an article to read:

Amend Sec. 2, page 11, line 20, by striking out “2” and inserting  
3

On the question,

Will the House agree to the amendment?

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

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, I support this bill, and I believe this amendment would strengthen the bill. At this time the Insurance Law gives people different time frames to review a newly purchased life insurance policy, making changes to the policy or asking for a refund. Some are 15 days, some are 20 days, et cetera. This amendment creates a standard 45-day period in which to do these things. This will create less confusion with consumers and more consistency for the insurance industry, and I believe our senior citizens would welcome this.

I ask that we support this.

The SPEAKER. The Chair thanks the gentleman.

### VOTE CORRECTION

The SPEAKER. The gentleman, Mr. Scavello.

Mr. SCAVELLO. Would it be appropriate, Mr. Speaker, to have an amendment vote corrected? Amendment 08933, I was recorded in the negative, and I would like it to be changed to the positive.

The SPEAKER. The gentleman's remarks will be spread across the record.

### CONSIDERATION OF HB 2178 CONTINUED

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

#### YEAS—111

Adolph	Donatucci	Lederer	Rubley
Baker	Eachus	Lescovitz	Ruffing
Bebko-Jones	Evans, D.	Manderino	Sabatina
Belardi	Fabrizio	Mann	Sainato
Belfanti	Fairchild	Markosek	Samuelson
Beyer	Flaherty	McCall	Santoni
Biancucci	Frankel	McGeehan	Shapiro
Bishop	Freeman	McGill	Siptroth
Blackwell	George	Melio	Solobay
Blaum	Gerber	Metcalfe	Staback
Bunt	Gergely	Mundy	Stetler
Buxton	Godshall	Mustio	Sturla
Caltagirone	Good	Myers	Surra
Cappelli	Goodman	Oliver	Tangretti
Casorio	Grucela	Pallone	Thomas
Cawley	Gruitza	Parker	Tigue
Civera	Haluska	Payne	Veon
Cohen	Hanna	Petrarca	Vitali

Cornell	Harhai	Petrone	Walko
Corrigan	Hershey	Phillips	Wansacz
Costa	James	Pickett	Waters
Crahalla	Josephs	Pistella	Wheatley
Cruz	Keller, W.	Preston	Williams
Curry	Kenney	Ramaley	Wojnaroski
Daley	Kirkland	Readshaw	Yewcic
DeLuca	Kotik	Roberts	Youngblood
Dermody	LaGrotta	Roebuck	Yudichak
DeWeese	Leach	Rooney	

#### NAYS—86

Allen	Gabig	Marsico	Saylor
Argall	Gannon	McIlhattan	Scavello
Armstrong	Geist	McIlhinney	Schroder
Baldwin	Gillespie	McNaughton	Semmel
Barrar	Gingrich	Micozzie	Smith, B.
Bastian	Grell	Millard	Smith, S. H.
Benninghoff	Harhart	Miller, R.	Sonney
Birmelin	Harper	Miller, S.	Stairs
Boyd	Harris	Nailor	Steil
Causer	Hasay	Nickol	Stern
Clymer	Hennessey	O'Brien	Stevenson, R.
Creighton	Herman	O'Neill	Stevenson, T.
Dally	Hess	Petri	Taylor, E. Z.
Denlinger	Hickernell	Pyle	Taylor, J.
DiGirolamo	Hutchinson	Quigley	True
Diven	Kauffman	Rapp	Turzai
Ellis	Keller, M.	Raymond	Watson
Evans, J.	Killion	Reed	Wright
Feesse	Mackereth	Reichley	Zug
Fichter	Maher	Rohrer	
Fleagle	Maitland	Ross	Perzel,
Flick	Major	Sather	Speaker

#### NOT VOTING—0

#### EXCUSED—6

Forcier	Levdansky	Shaner	Wilt
Leh	Rieger		

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

On the question recurring,

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

Mr. **GEORGE** offered the following amendment No. **A08965**:

Amend Sec. 1 (Sec. 606-B), page 10, line 11, by striking out “2%” and inserting

5%

On the question,

Will the House agree to the amendment?

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

Mr. GEORGE. Thank you, Mr. Speaker.

This amendment is meant to create a real incentive for a company to refund a premium due a consumer within 30 days. Under this provision, a company that delays refunding a premium for more than 30 days will be subject to a penalty

equal to the legal rate of interest plus 5 percent. This is truly a consumer protection provision, and I ask for your affirmative vote for this amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Wright.

Mr. WRIGHT. I would like to ask a question of the maker of the amendment.

The SPEAKER. The gentleman, Mr. George, indicates he will stand for interrogation. The gentleman is in order and may proceed.

Mr. WRIGHT. Well, I do not have the amendment in front of me, but I was reading off of our caucus statement. It says that you are going to increase the interest to be paid on a refund for elders from the 2 percent to 5 percent interest rate? What about everybody else?

Mr. GEORGE. This bill only applies to the elderly.

Mr. WRIGHT. Okay.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

## YEAS—178

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

## NAYS—17

Birmelin	Gillespie	McNaughton	Petri
Bunt	Keller, M.	Miller, R.	Saylor
Creighton	Killion	Nailor	Schroder
Diven	Mackereth	Nickol	Zug
Gabig			

## NOT VOTING—2

McGill	Yudichak
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## EXCUSED—6

Forcier	Levdansky	Shaner	Wilt
Leh	Rieger		

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

## HARRISBURG LEGISLATIVE LEAVE

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

Mr. GRUCELA. Thank you, Mr. Speaker.

Request Capitol leave for the gentleman from Philadelphia, Mr. OLIVER.

The SPEAKER. Without objection, the leave will be granted.

## CONSIDERATION OF HB 2178 CONTINUED

On the question recurring,

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

## AMENDMENT REMOVED FROM TABLE

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

Mr. BARRAR. Thank you, Mr. Speaker.

Mr. Speaker, I would like to make a motion to take amendment 08866 off the table.

On the question,

Will the House agree to the motion?

The SPEAKER. That motion is not debatable except by the floor leaders.

On the motion, does the gentleman, Mr. Smith, wish to yield to the gentleman, Mr. Barrar? The gentleman indicates that he will yield to the gentleman, Mr. Barrar.

Mr. BARRAR. I think the members have heard the argument. This issue has been around for 4 years. I would ask you to allow us again to try to get this amendment up for a vote. I do not think there was an honest attempt by the health insurance companies to really compromise on this issue that was stated earlier, and I would again ask the members to vote "yes" on this motion.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the Democrat leader, the gentleman, Mr. DeWeese.

Mr. DeWEESE. I support Mr. Barrar.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

#### YEAS—155

Adolph	Fabrizio	Maher	Rubley
Allen	Fairchild	Maitland	Ruffing
Argall	Feese	Major	Sabatina
Armstrong	Flaherty	Manderino	Sainato
Baker	Fleagle	Markosek	Santoni
Baldwin	Flick	Marsico	Sather
Barrar	Freeman	McCall	Saylor
Bastian	Gabig	McGeehan	Schroder
Bebko-Jones	Gannon	McIlhatten	Semmel
Belardi	Geist	McIlhinney	Shapiro
Belfanti	George	McNaughton	Siptroth
Beyer	Gerber	Metcalfe	Smith, B.
Biancucci	Gillespie	Millard	Smith, S. H.
Birmelin	Gingrich	Miller, R.	Solobay
Bishop	Godshall	Miller, S.	Sonney
Blackwell	Good	Mundy	Staback
Blaum	Goodman	Mustio	Stairs
Boyd	Grucela	Myers	Steil
Caltagirone	Gruitza	O'Brien	Stern
Cappelli	Hanna	Oliver	Stevenson, R.
Casorio	Harhai	Pallone	Stevenson, T.
Causar	Harhart	Parker	Surra
Cawley	Harris	Payne	Tangretti
Civera	Hasay	Petri	Taylor, E. Z.
Clymer	Hennessey	Petrone	Taylor, J.
Cohen	Herman	Phillips	Thomas
Corrigan	Hershey	Pickett	True
Costa	Hess	Pistella	Vitali
Crahalla	Hickernell	Preston	Wansacz
Creighton	James	Pyle	Waters
Cruz	Josephs	Ramaley	Watson
Daley	Kauffman	Rapp	Williams
DeLuca	Keller, W.	Raymond	Wojnaroski
Denlinger	Kenney	Readshaw	Yewcic
DeWeese	Kirkland	Reed	Youngblood
DiGirolamo	LaGrotta	Roberts	Zug
Diven	Leach	Roebuck	
Donatucci	Lederer	Rohrer	Perzel,
Evans, D.	Lescovitz	Ross	Speaker
Evans, J.			

#### NAYS—42

Benninghoff	Gergely	Melio	Scavello
Bunt	Grell	Micozzie	Stetler
Buxton	Haluska	Nailor	Sturla
Cornell	Harper	Nickol	Tigue
Curry	Hutchinson	O'Neill	Turzai
Dally	Keller, M.	Petrarca	Veon
Dermoddy	Killion	Quigley	Walko
Eachus	Kotik	Reichley	Wheatley
Ellis	Mackereth	Rooney	Wright
Fichter	Mann	Samuelson	Yudichak
Frankel	McGill		

#### NOT VOTING—0

#### EXCUSED—6

Forcier	Levdansky	Shaner	Wilt
Leh	Rieger		

The majority 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 amendment?

Mr. **BARRAR** offered the following amendment No. **A08866**:

Amend Title, page 1, line 24, by striking out “and prescribing penalties.” and inserting

prescribing penalties; and providing for the retroactive denial of reimbursement of payments to health care providers by insurers.

Amend Sec. 1, page 2, lines 5 and 6, by striking out “AN ARTICLE” and inserting articles

Amend Sec. 1, page 11, by inserting between lines 19 and 20

#### ARTICLE VI-C

#### RETROACTIVE DENIAL OF REIMBURSEMENTS

##### § 601-C. Scope of article.

This article shall not apply to reimbursements made as part of an annual contracted reconciliation of a risk-sharing arrangement under an administrative service provider contract.

##### § 602-C. Definitions.

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

“Code.” Any of the following codes:

(1) The applicable Current Procedural Terminology (CPT) code, as adopted by the American Medical Association.

(2) If for dental service, the applicable code adopted by the American Dental Association.

(3) Another applicable code under an appropriate uniform coding scheme used by an insurer in accordance with this article.

“Coding guidelines.” Those standards or procedures used or applied by a payor to determine the most accurate and appropriate code or codes for payment by the payor for a service or services.

“Fraud.” The intentional misrepresentation or concealment of information in order to deceive or mislead.

“Health care provider.” A person, corporation, facility, institution or other entity licensed, certified or approved by the Commonwealth to provide health care or professional medical services. The term includes, but is not limited to, a physician, dentist, orthodontist, chiropractor, optometrist, professional nurse, certified nurse-midwife, podiatrist, hospital, nursing home, ambulatory surgical center or birth center.

“Insurer.” An entity subject to any of the following:

(1) 40 Pa.C.S. Ch. 61 (relating to hospital plan corporations) or 63 (relating to professional health services plan corporations).

(2) This act.

(3) The act of December 29, 1972 (P.L.1701, No.364), known as the Health Maintenance Organization Act.

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

“Medicare.” The Federal program established under Title XVIII of the Social Security Act (49 Stat. 620, 42 U.S.C. § 301 et seq. or 1395 et seq.).

“Reimbursement.” Payments made to a health care provider by an insurer on either a fee-for-service, capitated or premium basis.

##### § 603-C. Retroactive denial of reimbursement.

(a) General rule.—If an insurer retroactively denies reimbursement to a health care provider, the insurer may only:

(1) retroactively deny reimbursement for services subject to coordination of benefits with another insurer, the medical assistance program or the Medicare program during the 12-month period after the date that the insurer paid the health care provider; and

(2) except as provided in paragraph (1), retroactively deny reimbursement during a 12-month period after the date that the insurer paid the health care provider.

(b) Written notice.—An insurer that retroactively denies reimbursement to a health care provider under subsection (a) shall provide the health care provider with a written statement specifying the basis for the retroactive denial. If the retroactive denial of reimbursement results from coordination of benefits, the written statement shall provide the name and address of the entity acknowledging responsibility for payment of the denied claim.  
§ 604-C. Effect of noncompliance.

Except as provided in section 605-C, an insurer that does not comply with the provisions of section 603-C may not retroactively deny reimbursement or attempt in any manner to retroactively collect reimbursement already paid to a health care provider.  
§ 605-C. Fraudulent or improperly coded information.

(a) Reasons for denial.—The provisions of section 603-C do not apply if an insurer retroactively denies reimbursement to a health care provider because:

(1) the information submitted to the insurer was fraudulent;

(2) the information submitted to the insurer was improperly coded and the insurer has provided to the health care provider sufficient information regarding the coding guidelines used by the insurer at least 30 days prior to the date the services subject to the retroactive denial were rendered; or

(3) the claim submitted to the insurer was a duplicate claim.

(b) Improper coding.—Information submitted to the insurer may be considered to be improperly coded under subsection (a)(2) if the information submitted to the insurer by the health care provider:

(1) uses codes that do not conform with the coding guidelines used by the carrier applicable as of the date the service or services were rendered; or

(2) does not otherwise conform with the contractual obligations of the health care provider to the insurer applicable as of the date the service or services were rendered.

§ 606-C. Coordination of benefits.

If an insurer retroactively denies reimbursement for services as a result of coordination of benefits under provisions of section 605-C(a), the health care provider shall have six months from the date of the denial, unless an insurer permits a longer time period, to submit a claim for reimbursement for the service to the insurer, the medical assistance program or Medicare program responsible for payment.

On the question recurring,

Will the House agree to the amendment?

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

Mr. VITALI. Thank you.

I really got up just so this would not roll without note that this was an extremely controversial amendment which failed, and I just want the members to be cognizant of that – that was tabled and brought back. This involves the issue of the length of time that health-care providers can look back to reimbursements.

Thank you, Mr. Speaker.

The SPEAKER. Mr. Vitali, I am quite sure that the membership knows how important the amendment was. They did not need your reminder.

Mr. Samuelson.

Mr. SAMUELSON. Thank you, Mr. Speaker.

I was listening to the earlier debate on this amendment, and a couple of the speakers talked about hearings that were held, a public hearing that was held before the Insurance Committee, but this bill was never before the Insurance Committee. I think what the speakers were referring to is that another bill, a standalone bill on retroactive denial of reimbursements, was having a hearing before the Insurance Committee. This bill that we are voting on is regarding solicitation of insurance to elders, trying to provide some consumer protection to our senior citizens about solicitation of insurance sales. So if you look on your computer, the bill that we are voting on, HB 2178, was never before the Insurance Committee. The Barrar amendment in another form was before the Insurance Committee.

I think this raises a problem that we face quite often on the House floor. You can get some guidance in our Pennsylvania Constitution when it says, Article III, section 3, a bill shall be about one subject, and when we try to add a bill about retroactive denial of reimbursements to a bill about solicitation of insurance to elders, we are combining two topics.

So the references earlier to public hearings, that was not before the Aging and Older Adult Services Committee, where this bill went through; that is talking about another bill, which is the subject matter of this amendment. We should proceed with caution when trying to combine two subjects. In fact, we should have us, if Representative Barrar wants to vote on this amendment, we should bring up his bill, not try to tack it on to another subject matter.

Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

#### YEAS—146

Adolph	Evans, D.	Lederer	Roberts
Allen	Evans, J.	Lescovitz	Roebuck
Argall	Fabrizio	Maher	Rohrer
Armstrong	Fairchild	Maitland	Rubley
Baker	Feese	Major	Ruffing
Baldwin	Fleagle	Manderino	Sabatina
Barrar	Flick	Markosek	Sainato
Bastian	Freeman	Marsico	Santoni
Bebko-Jones	Gabig	McCall	Sather
Belardi	Gannon	McGeehan	Scavello
Belfanti	Geist	McIlhatten	Schroder
Benninghoff	George	McIlhinney	Semmel
Beyer	Gerber	Metcalfe	Shapiro
Biancucci	Gillespie	Millard	Siptroth
Birmelin	Gingrich	Miller, S.	Smith, S. H.
Bishop	Godshall	Mundy	Solobay
Blackwell	Good	Mustio	Sonney
Blaum	Goodman	Myers	Staback
Boyd	Grucela	O'Brien	Stairs
Caltagirone	Gruitza	Oliver	Stern
Cappelli	Haluska	O'Neill	Stevenson, R.
Casorio	Hanna	Pallone	Stevenson, T.
Causar	Harhai	Parker	Surra
Cawley	Harhart	Payne	Tangretti
Civera	Harris	Petrarca	Taylor, J.
Clymer	Hasay	Petri	True
Cohen	Hershey	Petrone	Veon
Cornell	Hess	Phillips	Wansacz
Costa	Hickernell	Pickett	Waters
Crahalla	James	Pistella	Watson

Creighton	Josephs	Preston	Williams
Cruz	Kauffman	Ramaley	Wojnaroski
Daley	Keller, W.	Rapp	Yewcic
Denlinger	Kenney	Raymond	Youngblood
DeWeese	Killion	Readshaw	
DiGirolamo	Kirkland	Reed	Perzel,
Donatucci	LaGrotta	Reichley	Speaker

## NAYS-51

Bunt	Gergely	Melio	Stetler
Buxton	Grell	Micozzie	Sturla
Corrigan	Harper	Miller, R.	Taylor, E. Z.
Curry	Hennessey	Nailor	Thomas
Dally	Herman	Nickol	Tigue
DeLuca	Hutchinson	Pyle	Turzai
Dermody	Keller, M.	Quigley	Vitali
Diven	Kotik	Rooney	Walko
Eachus	Leach	Ross	Wheatley
Ellis	Mackereth	Samuelson	Wright
Fichter	Mann	Saylor	Yudichak
Flaherty	McGill	Smith, B.	Zug
Frankel	McNaughton	Steil	

## NOT VOTING-0

## EXCUSED-6

Forcier	Levdansky	Shaner	Wilt
Leh	Rieger		

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?

**AMENDMENT A08817 RECONSIDERED**

The SPEAKER. The Chair has before it a reconsideration motion for amendment No. A8817 to HB 2178, by which it was defeated on the 30th day of June be reconsidered.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

## YEAS-190

Adolph	Fabrizio	Mackereth	Ross
Allen	Fairchild	Maher	Rubley
Argall	Feese	Maitland	Ruffing
Armstrong	Fichter	Major	Sabatina
Baker	Flaherty	Manderino	Sainato
Baldwin	Fleagle	Mann	Samuelson
Barrar	Flick	Markosek	Santoni
Bastian	Frankel	Marsico	Sather
Bebko-Jones	Freeman	McCall	Saylor
Belardi	Gabig	McGeehan	Scavello
Belfanti	Gannon	McGill	Schroder
Benninghoff	Geist	McIlhattan	Semmel
Beyer	George	McIlhinney	Shapiro
Biancucci	Gerber	McNaughton	Siptroth
Birmelin	Gergely	Melio	Smith, B.
Bishop	Gillespie	Metcalfe	Smith, S. H.
Blaum	Gingrich	Micozzie	Solobay

Boyd	Godshall	Millard	Sonney
Bunt	Good	Miller, R.	Staback
Buxton	Goodman	Miller, S.	Stairs
Caltagirone	Grell	Mundy	Steil
Cappelli	Grucela	Mustio	Stern
Casorio	Gruitza	Myers	Stetler
Causar	Haluska	Nailor	Stevenson, R.
Cawley	Hanna	Nickol	Stevenson, T.
Civera	Harhai	O'Brien	Sturla
Clymer	Harhart	Oliver	Surra
Cohen	Harper	O'Neill	Tangretti
Cornell	Harris	Parker	Taylor, E. Z.
Corrigan	Hasay	Payne	Taylor, J.
Costa	Hennessey	Petrarca	Thomas
Crahalla	Herman	Petri	Tigue
Creighton	Hershey	Petrone	True
Cruz	Hess	Phillips	Turzai
Curry	Hickernell	Pickett	Veon
Daley	Hutchinson	Pistella	Vitali
Dally	James	Preston	Walko
DeLuca	Josephs	Pyle	Wansacz
Denlinger	Kauffman	Quigley	Waters
Dermody	Keller, M.	Ramaley	Watson
DeWeese	Keller, W.	Rapp	Wright
DiGirolamo	Kenney	Raymond	Yewcic
Diven	Killion	Reed	Youngblood
Donatucci	Kirkland	Reichley	Yudichak
Eachus	LaGrotta	Roberts	Zug
Ellis	Leach	Roebuck	
Evans, D.	Lederer	Rohrer	Perzel,
Evans, J.	Lescovitz	Rooney	Speaker

## NAYS-7

Blackwell	Pallone	Wheatley	Wojnaroski
Kotik	Readshaw	Williams	

## NOT VOTING-0

## EXCUSED-6

Forcier	Levdansky	Shaner	Wilt
Leh	Rieger		

The majority 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 amendment?

The clerk read the following amendment No. **A08817**:

Amend Sec. 1 (Sec. 602-B), page 3, line 6, by inserting after **"FUNERAL"**

or cemetery

Amend Sec. 1 (Sec. 602-B), page 3, lines 7 and 8, by striking out **"A PREARRANGED FUNERAL."** and inserting prearranged funeral or cemetery arrangements.

Amend Sec. 1 (Sec. 605-B), page 9, line 14, by inserting after **"FUNERAL"**

or cemetery

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

## YEAS—120

Baker	Fairchild	Mackereth	Ross
Baldwin	Feese	Major	Rubley
Bastian	Fichter	Marsico	Sabatina
Belardi	Flaherty	McCall	Sather
Beyer	Flick	McGeehan	Saylor
Birmelin	Frankel	McGill	Scavello
Bishop	Gabig	McIlhinney	Schroder
Blackwell	Geist	McNaughton	Smith, B.
Boyd	George	Metcalfe	Sonney
Bunt	Gillespie	Millard	Staback
Cappelli	Gingrich	Miller, R.	Stairs
Cawley	Godshall	Miller, S.	Steil
Civera	Good	Myers	Stern
Clymer	Grell	Nailor	Stetler
Cohen	Gruitza	O'Brien	Stevenson, R.
Cornell	Hanna	Oliver	Sturla
Crahalla	Harhai	O'Neill	Taylor, E. Z.
Creighton	Harhart	Petri	Thomas
Cruz	Harris	Petrone	True
Curry	Hasay	Phillips	Turzai
Daley	Herman	Pickett	Veon
Dally	Hess	Pistella	Waters
Denlinger	Hickernell	Pyle	Watson
DeWeese	James	Quigley	Williams
DiGirolamo	Josephs	Rapp	Wright
Diven	Keller, M.	Reed	Yewcic
Donatucci	Keller, W.	Reichley	Youngblood
Eachus	Kenney	Roberts	
Ellis	Kirkland	Roebuck	
Evans, D.	Lederer	Rooney	Perzel,
Evans, J.	Lescovitz		Speaker

## NAYS—75

Adolph	Fleagle	Mann	Santoni
Allen	Freeman	Markosek	Semmel
Argall	Gannon	McIlhatten	Shapiro
Armstrong	Gerber	Melio	Siptroth
Barrar	Gergely	Micozzie	Smith, S. H.
Bebko-Jones	Goodman	Mundy	Solobay
Belfanti	Haluska	Mustio	Stevenson, T.
Benninghoff	Harper	Nickol	Surra
Biancucci	Hennessey	Pallone	Tangretti
Blaum	Hershey	Parker	Taylor, J.
Buxton	Hutchinson	Petrarca	Tigue
Caltagirone	Kauffman	Preston	Vitali
Casorio	Killion	Ramaley	Walko
Causer	Kotik	Raymond	Wansacz
Corrigan	LaGrotta	Readshaw	Wheatley
Costa	Leach	Rohrer	Wojnaroski
DeLuca	Maher	Ruffing	Yudichak
Dermody	Maitland	Sainato	Zug
Fabrizio	Manderino	Samuelson	

## NOT VOTING—2

Grucela	Payne
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## EXCUSED—6

Forcier	Levdansky	Shaner	Wilt
Leh	Rieger		

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

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

## YEAS—195

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

## NAYS—2

Mackereth	Nickol
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## NOT VOTING—0

## EXCUSED—6

Forcier	Levdansky	Shaner	Wilt
Leh	Rieger		



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.

### APPROPRIATIONS COMMITTEE MEETING

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

Mr. FLEAGLE. Thank you, Mr. Speaker.

There will be an immediate meeting of the House Appropriations Committee at the rear of the hall of the House. House Appropriations Committee at the rear of the House, immediately.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Appropriations Committee will meet immediately at the rear of the House.

### HEALTH AND HUMAN SERVICES COMMITTEE MEETING

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

Mr. KENNEY. Mr. Speaker, there will be an immediate meeting of the Health and Human Services Committee in the rear of the House. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Health and Human Services Committee will meet immediately in the rear of the House.

### PARLIAMENTARY INQUIRY

The SPEAKER. The gentleman, Mr. Myers.

Mr. MYERS. Thank you, Mr. Speaker.

Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state.

Mr. MYERS. As you know, I have discharge resolutions, and I am trying to figure out what the process is for me to move them forward, and if I could learn when?

The SPEAKER. Mr. Myers, there are committee meetings going on at this current time. You will be recognized at a further point in the evening to be able to do your discharge resolutions.

Mr. MYERS. Thank you, Mr. Speaker.

The SPEAKER. The Chair will not forget you, Mr. Myers.

### BILL SIGNED BY SPEAKER

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

#### HB 1528, PN 4309

An Act amending Titles 3 (Agriculture) and 34 (Game) of the Pennsylvania Consolidated Statutes, providing for taxidermists; and further providing for licenses and fees relating to taxidermists.

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

### HOUSE BILL INTRODUCED AND REFERRED

**No. 2880** By Representatives BUNT, PRESTON, STERN, FICHTER, BUXTON, ADOLPH, ALLEN, ARMSTRONG, BALDWIN, BEBKO-JONES, BELARDI, BEYER, BIRMELIN, BLACKWELL, BLAUM, CALTAGIRONE, CAPPELLI, CIVERA, CLYMER, CORNELL, CORRIGAN, CRAHALLA, CREIGHTON, CRUZ, DALEY, DALLY, DONATUCCI, J. EVANS, FABRIZIO, GANNON, GEIST, GEORGE, GILLESPIE, GOOD, GRUCELA, GRUITZA, HANNA, HARHART, HARRIS, HENNESSEY, HERMAN, HERSHEY, HESS, KAUFFMAN, W. KELLER, KENNEY, KILLION, KIRKLAND, LaGROTTA, LEH, MAITLAND, McGEEHAN, MCGILL, McILHATTAN, McNAUGHTON, METCALFE, MICOZZIE, OLIVER, PAYNE, PHILLIPS, QUIGLEY, RAYMOND, REED, REICHLEY, ROONEY, SATHER, SCHRODER, SEMMEL, SHANER, SONNEY, STABACK, STAIRS, STEIL, SURRA, J. TAYLOR, TIGUE, WANSACZ, WILLIAMS, WOJNAROSKI, YEWICIC, YOUNGBLOOD, YUDICHAK, ZUG, E. Z. TAYLOR and BENNINGHOFF

An Act amending Title 15 (Corporations and Unincorporated Associations) of the Pennsylvania Consolidated Statutes, further providing for duties of the Secretary of State; providing for State-issued cable and video franchises and for municipal regulation of franchise holders of State-issued certificates of franchise authority; and making a related repeal.

Referred to Committee on CONSUMER AFFAIRS, June 30, 2006.

### VOTE CORRECTION

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

Mr. HARRIS. To correct the record, Mr. Speaker.

The SPEAKER. The gentleman is in order.

Mr. HARRIS. On HB 2178, the Bebko-Jones amendment 8917, I was inadvertently recorded in the affirmative. I wish to be recorded in the negative.

The SPEAKER. The Chair thanks the gentleman.

The gentleman's remarks will be spread across the record.

### BILL REPORTED AND REREFERRED TO COMMITTEE ON INSURANCE

#### HB 2818, PN 4322

By Rep. KENNEY

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

HEALTH AND HUMAN SERVICES.

## SUPPLEMENTAL CALENDAR D

**BILL ON CONCURRENCE  
IN SENATE AMENDMENTS  
AS AMENDED**

The House proceeded to consideration of concurrence in Senate amendments to the following **HB 2383, PN 4459**, as further amended by the House Rules Committee:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for definitions; requiring the Bureau of Alcohol Education to make certain reports to the General Assembly; and further providing for special occasion permits and for limiting the number of special occasion permits.

On the question,

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

The SPEAKER. It is moved by the gentleman, Mr. Donatucci, that the House do concur in the amendments inserted by the Senate.

On the question recurring,

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

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

The following roll call was recorded:

## YEAS—181

Adolph	Feese	Mann	Sainato
Allen	Fichter	Markosek	Samuelson
Argall	Flaherty	Marsico	Santoni
Armstrong	Flick	McCall	Saylor
Baker	Frankel	McGeehan	Scavello
Baldwin	Freeman	McGill	Schroder
Barrar	Gabig	McIlhattan	Semmel
Bastian	Gannon	McIlhinney	Shapiro
Bebko-Jones	George	McNaughton	Siptroth
Belardi	Gerber	Melio	Smith, B.
Belfanti	Gergely	Metcalfe	Smith, S. H.
Benninghoff	Gillespie	Micozzie	Solobay
Beyer	Gingrich	Millard	Sonney
Biancucci	Godshall	Miller, R.	Staback
Birmelin	Good	Miller, S.	Stairs
Bishop	Goodman	Mundy	Steil
Blackwell	Grell	Mustio	Stern
Blaum	Grucela	Myers	Stetler
Bunt	Gruitza	Nailor	Stevenson, R.
Buxton	Haluska	Nickol	Stevenson, T.
Caltagirone	Hanna	O'Brien	Sturla
Cappelli	Harhai	Oliver	Surra
Casorio	Harhart	O'Neill	Tangretti
Causer	Harper	Pallone	Taylor, E. Z.
Cawley	Harris	Parker	Taylor, J.
Civera	Hennessey	Payne	Thomas
Cohen	Herman	Petrarca	Tigue
Cornell	Hershey	Petri	Turzai
Corrigan	James	Petrone	Veon
Costa	Josephs	Pickett	Vitali
Crahalla	Kauffman	Pistella	Walko
Cruz	Keller, M.	Preston	Wansacz
Curry	Keller, W.	Quigley	Waters
Daley	Kenney	Ramaley	Watson
Dally	Killion	Rapp	Wheatley
DeLuca	Kirkland	Raymond	Williams

Dermody	Kotik	Readshaw	Wojnaroski
DeWeese	LaGrotta	Reed	Wright
DiGirolamo	Leach	Reichley	Yewcic
Donatucci	Lederer	Roberts	Youngblood
Eachus	Lescovitz	Roebuck	Yudichak
Ellis	Mackereth	Rooney	Zug
Evans, D.	Maher	Ross	
Evans, J.	Maitland	Rubley	
Fabrizio	Major	Ruffing	Perzel,
Fairchild	Manderino	Sabatina	Speaker

## NAYS—16

Boyd	Diven	Hess	Pyle
Clymer	Fleagle	Hickernell	Rohrer
Creighton	Geist	Hutchinson	Sather
Denlinger	Hasay	Phillips	True

## NOT VOTING—0

## EXCUSED—6

Forcier	Levdansky	Shaner	Wilt
Leh	Rieger		

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

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

## CALENDAR CONTINUED

## BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 1090, PN 1957**, entitled:

An Act amending the act of January 17, 1968 (P.L.11, No.5), known as The Minimum Wage Act of 1968, giving effect to Federal changes in wage rates; providing for preemption; and making editorial changes.

On the question,

Will the House agree to the bill on third consideration?

## RULES SUSPENDED

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

Mr. ALLEN. Mr. Speaker, I move for a suspension of the rules for amendment No. A9008.

On the question,

Will the House agree to the motion?

The SPEAKER. On that question, Mr. Allen.

Mr. ALLEN. Thank you, Mr. Speaker.

This amendment is really a technical correction. It inserts a missing reference to enclose a blanket application for the training wage to all employees, including those employers who employ 10 or less. It was skipped in the printing of the bill.

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

The following roll call was recorded:

## YEAS—196

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

## NAYS—0

## NOT VOTING—1

Armstrong

## EXCUSED—6

Forcier	Levdansky	Shaner	Wilt
Leh	Rieger		

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. ALLEN offered the following amendment No. **A09008**:

Amend Sec. 2 (Sec. 4), page 20, line 7, by inserting after “(A)”  
and section 5(c)

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

The SPEAKER. On that question, the gentleman, Mr. Vitali.  
Mr. VITALI. Thank you, Mr. Speaker.

Will the maker of the amendment stand for brief interrogation?

The SPEAKER. The gentleman indicates he will stand for interrogation. The gentleman is in order.

Mr. VITALI. Could the maker of the amendment give a brief explanation?

The SPEAKER. The gentleman did that, Mr. Vitali.

Mr. ALLEN. I will gladly give it again, Mr. Speaker.

The SPEAKER. The gentleman will give it again, Mr. Vitali.

Mr. VITALI. Okay.

Mr. ALLEN. This is a technical amendment that inserts a missing reference to ensure a blanket application of the training wage to all employees, including those with 10 or less employees. It covered all employees except that, and that was the mistake in the printing of the bill.

Mr. VITALI. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

While we did not originally support the concept of this exemption or carve-out, we understand that without it the bill does not get through the Senate, does not get to the Governor's desk, so we are agreeing to the amendment.

The SPEAKER. The Chair thanks the gentleman.

Does anyone else seek recognition?

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

The following roll call was recorded:

## YEAS—197

Adolph	Fairchild	Maitland	Ruffing
Allen	Feese	Major	Sabatina
Argall	Fichter	Manderino	Sainato
Armstrong	Flaherty	Mann	Samuelson
Baker	Fleagle	Markosek	Santoni
Baldwin	Flick	Marsico	Sather
Barrar	Frankel	McCall	Saylor
Bastian	Freeman	McGeehan	Scavello
Bebko-Jones	Gabig	McGill	Schroder
Belardi	Gannon	McIlhatten	Semmel
Belfanti	Geist	McIlhinney	Shapiro
Benninghoff	George	McNaughton	Siptroth
Beyer	Gerber	Melio	Smith, B.
Biancucci	Gergely	Metcalfe	Smith, S. H.
Birmelin	Gillespie	Micozzie	Solobay
Bishop	Gingrich	Millard	Sonney
Blackwell	Godshall	Miller, R.	Staback
Blaum	Good	Miller, S.	Stairs
Boyd	Goodman	Mundy	Steil
Bunt	Grell	Mustio	Stern

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Forcier	Levdansky	Shaner	Wilt
Leh	Rieger		

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?

Mr. **SCHRODER** offered the following amendment No. **A08942**:

Amend Sec. 2 (Sec. 4), page 18, line 14, by striking out "SIX DOLLARS TWENTY-FIVE CENTS (\$6.25)" and inserting five dollars seventy cents (\$5.70)

Amend Sec. 2 (Sec. 4), page 18, lines 16 and 17, by striking out all of said lines and inserting

(8) Six dollars twenty-five cents (\$6.25) an hour beginning January 1, 2008.

Amend Sec. 3 (Sec. 5), page 23, line 18, by striking out "(1)"

Amend Sec. 3 (Sec. 5), page 23, lines 22 through 28, by striking out "PAY:" in line 22 and all of lines 23 through 28 and inserting

pay the amount required by section 6(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. § 206(a)).

On the question,

Will the House agree to the amendment?

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

Mr. SCHRODER. Thank you, Mr. Speaker.

Mr. Speaker, this amendment will adjust the proposed increase in the minimum wage. It takes it and it makes an increase to \$5.70 an hour effective January 1, 2007, and \$6.25 effective January 1, 2008, and also eliminates the minimum increase for employers with 10 or fewer employees.

Mr. Speaker, I feel this is a much more reasonable level, just a little over a dollar in which to increase the minimum wage, and it also provides much-needed protection to our small businesses, the same small businesses that will be hit the hardest by this government-mandated wage policy. So I would ask for your support for this amendment.

The SPEAKER. On that question, Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker – and I understand the gentleman, Mr. Cohen, probably has a comment on this – we strongly oppose this amendment. We dealt with issues with the Senate, the Senate staff, and our staff and committee to put some protections in for the mom-and-pop people. We have already taken care of the 10 or fewer employee businesspersons, and we also have allowed for a training wage for those folks that are under 18 years of age. We have accommodated the small business community in that regard, and we really do not want to settle for a penny less than \$7.15 an hour. It has been almost 10 years. Over a 2 1/2 year period is what we are looking at to get those people to \$7.15. They are not going to \$7.15 next week, unfortunately, which is where they should have been 4 years ago.

We strongly oppose the amendment.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Cohen.

Mr. COHEN. Thank you.

Mr. Speaker, I would add to Representative Belfanti's excellent comments that very few people in this Commonwealth work under \$6.25 an hour, and this really eliminates over three-quarters of the people who would benefit from a minimum-wage increase. It effectively guts the bill.

I join in urging a "no" vote.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Maher.

Mr. MAHER. I would just like to thank the gentleman, Mr. Cohen, for observing that so few people in the Commonwealth currently earn less than \$6.25 an hour and illustrating that the market has already solved your concerns.

The SPEAKER. The Chair thanks the gentleman.

The Chair sees no one else.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—74

Armstrong	Grell	Metcalfe	Rubley
Baker	Harhart	Millard	Sather
Baldwin	Harper	Miller, R.	Saylor
Bastian	Harris	Miller, S.	Scavello
Birmelin	Hennessey	Mustio	Schroder
Boyd	Herman	Nailor	Semmel
Causer	Hershey	Nickol	Smith, B.

Clymer	Hess	O'Neill	Sonney
Creighton	Hickernell	Payne	Stairs
Dally	Hutchinson	Petri	Steil
Denlinger	Kauffman	Phillips	Stern
Diven	Keller, M.	Pickett	Stevenson, R.
Ellis	Mackereth	Pyle	Stevenson, T.
Fairchild	Maher	Rapp	Taylor, E. Z.
Feese	Maitland	Reed	True
Flick	Major	Reichley	Turzai
Gabig	Marsico	Rohrer	Watson
Gillespie	McIlhinney	Ross	Zug
Gingrich	McNaughton		

## NAYS—123

Adolph	Donatucci	LaGrotta	Sabatina
Allen	Eachus	Leach	Sainato
Argall	Evans, D.	Lederer	Samuelson
Barrar	Evans, J.	Lescovitz	Santoni
Bebko-Jones	Fabrizio	Manderino	Shapiro
Belardi	Fichter	Mann	Sipitroth
Belfanti	Flaherty	Markosek	Smith, S. H.
Benninghoff	Fleagle	McCall	Solobay
Beyer	Frankel	McGeehan	Staback
Biancucci	Freeman	McGill	Stetler
Bishop	Gannon	McIlhattan	Sturla
Blackwell	Geist	Melio	Surra
Blaum	George	Micozzie	Tangretti
Bunt	Gerber	Mundy	Taylor, J.
Buxton	Gergely	Myers	Thomas
Caltagirone	Godshall	O'Brien	Tigue
Cappelli	Good	Oliver	Veon
Casorio	Goodman	Pallone	Vitali
Cawley	Grucela	Parker	Walko
Civera	Gruitza	Petrarca	Wansacz
Cohen	Haluska	Petrone	Waters
Cornell	Hanna	Pistella	Wheatley
Corrigan	Harhai	Preston	Williams
Costa	Hasay	Quigley	Wojnarowski
Crahalla	James	Ramaley	Wright
Cruz	Josephs	Raymond	Yewcic
Curry	Keller, W.	Readshaw	Youngblood
Daley	Kenney	Roberts	Yudichak
DeLuca	Killion	Roebuck	
Dermody	Kirkland	Rooney	Perzel,
DeWeese	Kotik	Ruffing	Speaker
DiGirolamo			

## NOT VOTING—0

## EXCUSED—6

Forcier	Levdansky	Shaner	Wilt
Leh	Rieger		

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?

Mr. **SCHRODER** offered the following amendment No. **A08957**:

Amend Sec. 3 (Sec. 5), page 23, lines 18 through 28, by striking out all of said lines

Amend Sec. 8, page 29, by inserting between lines 9 and 10

(3) The increase in the minimum wage under section 4(a) of the act shall not apply to an employer that has less than

\$500,000 in gross sales during the 2005 calendar year and during all subsequent calendar years.

On the question,

Will the House agree to the amendment?

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

Mr. **SCHRODER**. Thank you, Mr. Speaker.

Mr. Speaker, I want to stress that this amendment does nothing to change the minimum-wage increases that are in the current version of the bill, unlike the last amendment. This amendment does not touch them at all, except — except — for the following category. Employers with less than \$500,000 in gross sales would not be subject to the minimum-wage increases being imposed by the bill.

Now, why is that important? Mr. Speaker, once again, this provides much-needed protections to our small businesses, the backbone of our economy, the economic engine that drives Pennsylvania's job creation in our State and for our economy. Mr. Speaker, small businesses, I think everyone acknowledges, have the roughest time when we impose government mandates, whether it is a wage mandate such as this, whether it is insurance mandates, or others.

Mr. Speaker, we have a situation right now in this State where small businesses are practically at the crisis level in being able to afford health insurance, and, Mr. Speaker, this House has not taken a single step to aid that, the problems that have been caused by going to demographic rating in the small business insurance market. Why do I bring that up? Because what we will have happening here if we raise the minimum wage on these small businesses is that they will be forced to choose. They will have to, according to our dictates, because apparently we here in Harrisburg know better how to run their businesses than they do, they will have to put more money on the payroll side to pay their employees, and they are going to have to make decisions on where to cut back, and one of the areas that small businesses have had to make cutbacks in is the area of health insurance provided to their employees. Now, Mr. Speaker, if they have to do that, I ask you this: How are we helping employees if we raise their minimum wage by a buck or two, yet they lose their health-care coverage? Mr. Speaker, that is a step backward, not a step forward for employees who are employed by small businesses.

So, Mr. Speaker, we cannot look at raising the minimum wage in isolation. It has to be looked at and studied and considered with all the other economic factors and pressures that these small businesses come under. For that reason, Mr. Speaker, and many others, I ask for a positive vote for this amendment.

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

The gentleman, Mr. Belfanti.

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

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

Mr. **DeWEESE**. To make a quick comment.

The **SPEAKER**. The gentleman is in order.

Mr. **DeWEESE**. I would like to respond to the honorable gentleman from Chester. This is a bill upon the minimum wage. His party has been in control of the House for the last 12 years. If he wanted to do something for small business and health care,

he should have gotten the job done a long time ago. Tonight is the minimum wage.

The SPEAKER. Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, with regard to the comments made by the previous speaker, this amendment is far more onerous than the one we previously defeated. According to the Department of Labor and Industry, 87 percent of the employers in this State that are now paying \$6.15 or less would not be affected at all by the minimum-wage increase. Eighty-seven percent of the employees – I am sorry – would not be impacted at all. The second point he made was they will lose their health care. Mr. Speaker, if there are many people in this room that believe that employers that are paying minimum wage are also paying health care, I would like to know about it, because that just does not make sense.

I again ask for opposition to this amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

In addition, I would say that many employers do not really have gross sales, like the nonprofit sector often does not have gross sales, and it is not at all clear to me that under the minimum-wage law, professional fees count as gross sales. I think this amendment exempts a lot of people beyond the people with gross receipts under \$500,000.

I join in urging a “no” vote.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to the Schroder amendment. I think the Schroder argument can be viewed in the reverse. Mr. Speaker, the architect of this amendment articulates that minimum wage is going to hurt businesses because they are going to have to lay off and are going to have to cancel amenities that they might provide to workers. Mr. Speaker, I think minimum wage is going to actually help small businesses, because if you look in my district, I have double-digit unemployment, and for those people who are working, Mr. Speaker, especially for that group of people who are under the so-called welfare reform model and are out there working, over 80 percent of those people are having to work two and three jobs for a living wage, because the minimum wage that they are receiving is not enough to pay their rent, buy food, and take care of their families. It is just not enough. So they are having to work two and three jobs and thereby leading to a whole generation of people, young people, that are having to raise themselves because nobody is home.

So I think minimum wage will get us a step closer to a living wage, and with a living wage, people can go out and work and can give their best and be able to also spend some time at home with their children. So I think it is actually going to create a more committed and more productive work force. So it will not work in the negative; it will work in the positive.

Mr. Speaker, reject amendment 8957.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Boyd.

Mr. BOYD. Thank you, Mr. Speaker.

I rise and just would encourage the members to support amendment A08957. I brought this up when we had a committee meeting, and I am going to try and relate it for the members at large. The number of employees that a company has

is not related specifically to the amount of its gross revenue. You can have a company that has 10 or fewer employees and it can make a tremendous amount of money and have it not related at all to their ability to pay, as some prior speakers have related, a living wage. By the same token, your gross revenue does, because your gross revenue, when you have a business, you have a specific amount of fixed costs that have to come off of your top line to your bottom line by definition, and you can have a company that has 10 employees that might be doing \$4 or \$5 million in sales, whereas you can have a company that has 20 employees that is not doing \$500,000 in sales. Those are the companies that are least able to pay this increase in minimum wage.

The other point that I would like to point out regarding this is that to have companies below 10 employees excluded does not mean that there is not going to be pressure on them to increase their wages, because they will compete in the marketplace with other companies that are going to be forced to pay these wages, and the employees are going to shop their services where they can get the most amount of revenue. So you have a company that has 12 employees that is paying \$7.15 an hour, and the company that has 9, they are going to be forced to raise that wage anyway. This is really going to be an inflationary factor on everybody's wages. The real measure of whether a corporation can survive by this increase is their gross revenue, and \$500,000 is a good number.

One last thing, Mr. Speaker. The National Federation of Independent Business reports that the average gross sales of their membership, the 29,000-plus members in Pennsylvania, is slightly over \$300,000. Their net margin averages 2 to 3 percent, which is somewhere between \$30,000 and \$45,000 a year. Those are the companies that are the backbone to Pennsylvania's economy, and those are the companies that I believe will feel the greatest effect of this increase.

I understand the pressure to increase the minimum wage, and I understand where people fall out on this issue. This amendment, I think, is fundamental to helping protect small business in Pennsylvania. It makes much more sense to me as a small businessperson having owned a company and having had employees than it does to go with the number of employees. I think that this is a much fairer gauge, and I would seriously ask the members to consider this. This is not an amendment that is being offered to try and kill the minimum-wage increase. This is an amendment that is being offered to try and protect, save, preserve, and enhance small business in the Commonwealth of Pennsylvania, and I would ask the members for a positive vote.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Metcalfe. The gentleman waives off.

The Chair recognizes the gentleman, Mr. Gabig.

Mr. GABIG. Thank you, Mr. Speaker.

If I could ask the maker of the amendment a couple of questions.

The SPEAKER. The gentleman is in order. The gentleman indicates he will stand for interrogation.

Mr. GABIG. Mr. Speaker, if I understood Mr. Belfanti, the maker of the bill, or the person standing in support of the bill, I thought he told me that they have worked out something where small business is protected under his bill, and I thought I heard you argue that what your amendment is trying to do is

protect small business. How are you trying to, how is your attempt different than the bill?

Mr. SCHRODER. Mr. Speaker, for the small businesses – I believe you are referring to the 10-and-under clause that is in there – that minimum wage still goes up. It goes up at a slower rate, and I believe— It goes to \$7.15 an hour, but there is a slower schedule. So the minimum wage still increases for those businesses 10 and under. Under this amendment, there would be no minimum-wage increase from the current level for those businesses with sales of \$500,000 a year or less.

Mr. GABIG. So then if I understood that explanation, under the proposed bill, there is a smaller minimum wage if you have 10 or fewer employees than otherwise, no matter how large your company is by the amount of revenue, and you are going to exclude the minimum wage if you are such a small company that you only have \$500,000 or less in revenue. Do I understand that basic concept?

Mr. SCHRODER. I think you have the basics, yes.

Mr. GABIG. All right. Let me ask you this question: I know we have some small businessmen in here. I spent most of my time in the public sector. Sales, gross sales of \$500,000, if the company has expenses – inventory, rent, mortgages, personnel, health insurance – is the \$500,000 you are talking about profit or do you take that off the revenue?

Mr. SCHRODER. That comes out of gross sales, is my understanding, Mr. Speaker.

Mr. GABIG. Gross sales is the total amount of sales that comes into the business. I guess I could give a specific example. Say we are selling hamburgers. You made \$500,000 from that, but you have to deduct the amount for the bread and the meat and the personnel and the insurance and the legal fees and all of that. Am I following that correctly?

Mr. SCHRODER. You are following that correctly. You are selling \$500,000 but not necessarily making that as a profit.

Mr. GABIG. So after you deduct all your expenses, you might have \$5,000 of profit or net revenue. Is that—

Mr. SCHRODER. It would surely depend on the business and the many differences, but it is safe to say you would have something less, yes.

Mr. GABIG. Thank you very much for that explanation.

Mr. Speaker, on the amendment.

The SPEAKER. The gentleman is in order.

Mr. GABIG. Mr. Speaker, I understand the differences in the minimum-wage debate, and as some of my colleagues here understand, I have a philosophical difference. I do not think the minimum wage accomplishes what some of the proponents say, and I guess I will save my comments for that on final passage of the bill. But on this particular amendment, I just find it hard to believe that we are going to have any division on this. We are talking about very small businesses that only bring in \$500,000 total sales. These are mom-and-pops; these are the backbone of the American economy; these are small businesses, and I cannot see how anyone would want to impose these government mandates if we were in fact trying to help the small businesses as we move forward on this minimum-wage issue.

If it is a big corporation, these big companies, the big steel companies or whoever, sure, we want to make sure they are paying minimum wage I guess, those that believe in that concept, but I think we should be protecting with this amendment those small businesses that are only bringing in \$500,000 in gross revenue, have all these expenses, including government mandates already on top of them, taxes they have to

pay. Let us exclude them. Give them a break. That is what I would ask, for the little guy. Give the little guy that is struggling out there a break.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Belfanti, for the second time.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, Mr. Gabig made some of the comments that I actually wanted to make. The fact is, Mr. Speaker, a \$500,000 number does not mean anything. Gross sales do not mean anything. It is very dependent upon the type or the nature of the business that you are running. A grocery store, for example, might be working on 1- or 2-percent margins. They have the huge light fixtures. They have the air conditioners on the roof, apart from all of the inventory that they have to buy at wholesale and try and sell it retail.

If there was any genuine idea, apart from the 10-employee carve-out and the underage, or the under-20 carve-outs that we agree to, which were, by the way, insisted upon by the Senate Republicans – I objected to them; I am going along with them – but if we were to do anything meaningful, we would be talking about employers whose net profits are at a certain margin.

As I mentioned, a grocery store might be working at 2 percent, but a landscaper making \$500,000 a year, his profit margin might be 30 percent. I have an employee who is sitting in the back of the chamber whose wife works at a day-care center. There is not a great deal of overhead in a day-care center, not a great deal at all. She started working in a day-care center at \$5.15 an hour in my hometown almost 6 years ago. Today guess what she is making; \$5.15 an hour. She will never get a raise working in that day-care center, and the day-care center is making, I am sure, a much better profit margin than a grocery store.

The other argument he made was, yeah, well, we want minimum wage for people that are working for the big companies out there. Well, guess what? The big companies out there are already paying way more than minimum wage or they would not get employees.

As I said before, according to the Department of Labor and Industry, this is a gutting amendment. Only 14 percent of Pennsylvanians that are not making \$6.15 an hour or more now will get a minimum-wage increase in the second tier if we do not defeat this amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

I totally concur with Mr. Belfanti. You know, somebody in a business could be earning \$100,000 to \$200,000 a year with gross sales of under \$500,000 a year. The real issue here is not the amount of gross sales; the real issue is fairness to workers. All workers ought to be treated fairly no matter whom they work for.

I would urge a “no” vote on the Schroder amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Leach.

Mr. LEACH. Thank you, Mr. Speaker.

Mr. Speaker, may I briefly interrogate the maker of the amendment?

The SPEAKER. The gentleman is in order. The gentleman indicates he will stand. The gentleman may proceed.

Mr. LEACH. Mr. Speaker, how does this amendment deal with large economic entities that do not have a lot of what we classically think of as sales; for example, universities or churches or things like that, that do not actually sell products? I am just curious how this amendment deals with that.

Mr. SCHRODER. Mr. Speaker, there is a definition of “gross sales” in the Tax Code, and what that does is, it really limits it to the smaller businesses and not the type of entities that you are referring to.

Mr. LEACH. So you are saying that a church, a charity, a university would have to pay the full minimum wage under your amendment regardless of their total, and again, I do not know how you measure sales in a situation like that, but regardless of their size or their economic activity, they would have to pay the full minimum wage. Is that correct?

Mr. SCHRODER. And, Mr. Speaker, those entities that you mentioned, the churches and everything, would be required to pay minimum wage under this law, under the Revenue Code.

Mr. LEACH. Thank you, Mr. Speaker. That concludes my interrogation. I have no further comments.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Schroder, for the second time.

Mr. SCHRODER. Thank you, Mr. Speaker.

We heard a couple members give examples of companies with \$500,000 in revenue that might actually be hauling in a lot of profit and net returns, but those are the exceptions rather than the rule. The NFIB, the National Federation of Independent Business, reports of their 29,000 members in Pennsylvania, their net return only averages 3 percent. So that is really what we are talking about here, protecting those small businesses, such as those represented by NFIB and other organizations, who have a much, much smaller rate of net return than some of the examples given, which really represent the exception rather than the rule.

And I would ask for a positive vote on the amendment.

The SPEAKER. The Chair thanks the gentleman.

### THE SPEAKER PRO TEMPORE (MATTHEW E. BAKER) PRESIDING

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

The following roll call was recorded:

#### YEAS—70

Armstrong	Gabig	McNaughton	Rubley
Baker	Gillespie	Metcalfe	Sather
Baldwin	Gingrich	Millard	Saylor
Bastian	Grell	Miller, R.	Scavello
Benninghoff	Harhart	Miller, S.	Schroder
Birmelin	Harper	Mustio	Semmel
Boyd	Harris	Nailor	Smith, B.
Causar	Hennessey	Nickol	Sonney
Cawley	Herman	Payne	Stairs
Clymer	Hickernell	Pickett	Stern
Creighton	Hutchinson	Pyle	Stevenson, R.
Dally	Kauffman	Quigley	Stevenson, T.
Denlinger	Keller, M.	Rapp	Taylor, E. Z.
Diven	Mackereth	Reed	True
Ellis	Maher	Reichley	Turzai
Feese	Maitland	Rohrer	Watson

Fleagle  
Flick

Major  
Marsico

Ross

Zug

#### NAYS—127

Adolph	Evans, J.	Lederer	Sabatina
Allen	Fabrizio	Lescovitz	Sainato
Argall	Fairchild	Manderino	Samuelson
Barrar	Fichter	Mann	Santoni
Bebko-Jones	Flaherty	Markosek	Shapiro
Belardi	Frankel	McCall	Siptroth
Belfanti	Freeman	McGeehan	Smith, S. H.
Beyer	Gannon	McGill	Solobay
Biancucci	Geist	McIlhattan	Staback
Bishop	George	McIlhinney	Steil
Blackwell	Gerber	Melio	Stetler
Blaum	Gergely	Micozzie	Sturla
Bunt	Godshall	Mundy	Surra
Buxton	Good	Myers	Tangretti
Caltagirone	Goodman	O'Brien	Taylor, J.
Cappelli	Grucela	Oliver	Thomas
Casorio	Gruitza	O'Neill	Tigue
Civera	Haluska	Pallone	Veon
Cohen	Hanna	Parker	Vitali
Cornell	Harhai	Petrarca	Walko
Corrigan	Hasay	Petri	Wansacz
Costa	Hershey	Petrone	Waters
Crahalla	Hess	Phillips	Wheatley
Cruz	James	Pistella	Williams
Curry	Josephs	Preston	Wojnaroski
Daley	Keller, W.	Ramaley	Wright
DeLuca	Kenney	Raymond	Yewcic
Dermody	Killion	Readshaw	Youngblood
DeWeese	Kirkland	Roberts	Yudichak
DiGirolamo	Kotik	Roebuck	
Donatucci	LaGrotta	Rooney	Perzel,
Eachus	Leach	Ruffing	Speaker
Evans, D.			

#### NOT VOTING—0

#### EXCUSED—6

Forcier	Levdansky	Shaner	Wilt
Leh	Rieger		

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?

Mr. SCHRODER offered the following amendment No. **A08939**:

Amend Sec. 8, page 29, by inserting between lines 9 and 10

(3) The increase in the minimum wage under section 4(a) or 5(c) of the act shall not apply to minors subject to the act of May 13, 1915 (P.L.286, No.177), known as the Child Labor Law, except those minors described in section 7.2 of the Child Labor Law; nor shall it apply to persons covered by a collective bargaining agreement.

On the question,

Will the House agree to the amendment?



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

Mr. SCHRODER. Thank you, Mr. Speaker.

Mr. Speaker, this amendment will change the existing bill so that the minimum-wage increase does not apply to minors and those subject to the Child Labor Law. Mr. Speaker, many of the minimum-wage jobs that are out there for our businesses today, many of them go to first-time employees, our young folks in their teens who really have no job experience, really bring no meaningful skills to the work force, yet they need the ability to have an entry-level job, as I am sure most of us in this room had at one time, so that they can learn valuable work skills, start working their way up in the work world, and establish their bona fides, you know, to be out there and doing well in the economy.

And, Mr. Speaker, with the impact of raising the minimum wage and the threat of job losses or employers deciding not to hire and not to expand at the rate that they otherwise would have been had they been able to spend this money as they see fit as opposed to the way the legislature sees fit, this will just give a measure of protection to help make sure the jobs are still available for our young people, our sons and daughters, who will go into the work force and learn those entry-level jobs so that they can earn a good, solid wage as time goes on, as they get experience and as they move up the ladder.

I urge support for the amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Northumberland County, Mr. Belfanti.

Mr. BELFANTI. Mr. Speaker, do we have to stand here and dislike poor people and young people all at the same time?

I oppose this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, the Child Labor Act applies to the younger children. They are the people who most need protection. They are the people who can most easily be exploited, because they have less understanding of the marketplace, and this amendment also includes, rather bizarrely, an exemption to persons covered by a collective-bargaining agreement. There is no such thing as a union in the Commonwealth of Pennsylvania that opposes the minimum wage. There is no reason why there should be an exemption for unions.

I would urge a “no” vote.

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

Mr. THOMAS. Thank you, Mr. Speaker.

Yes, I represent Philadelphia County, but tonight I represent Pennsylvania, and, Mr. Speaker, to that end, let me say this: I have heard the last three Governors, along with my esteemed colleagues, acknowledge over and over again that young people are leaving Pennsylvania at an alarming rate. They are going to Atlanta; they are going to the South, and many are going North, and in fact, Mr. Speaker, the last three budgets that we have entertained indicated or provided for special initiatives to help encourage young people to stay in Pennsylvania. And so, Mr. Speaker, to that end, I ask, what message are we sending with this amendment? Are we saying that we cherish, we cherish the young?

Mr. Speaker, the issue is a living wage. Living wages produce good workers; good workers produce good products; good products drive up revenue. Let me say that again. Living wages produce good workers; good workers produce good products; good products drive up revenue. Mr. Speaker, if there is anybody that should be entitled to a living wage, it is those who are coming into the world of work, because if we start them out on a good foot – and for those who want to work, they will learn and they will become good at what they do – so if we start them out on a good foot, if we start them out with some expectation of a living wage, then, Mr. Speaker, we maximize our effort; we do not minimize it.

And so I urge my colleagues from both sides of the aisle, say yes to young people and no to the Schroder amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Anyone else seeking recognition? Mr. Schroder would like to speak last.

The gentleman, Mr. Gabig, is recognized.

Mr. GABIG. Thank you, Mr. Speaker. I need to respond to those last comments.

I do not think that the bill itself applies to bus boys, waiters. I think those are excluded. I am not sure. Maybe we will hear later. Maybe I am wrong about that. And I know I was a bus boy in one of the local restaurants around here, and maybe some of the people that have been here for a real long time, maybe I used to be their bus boy. I do not know. That is subminimum wage. It was the first job I had. I lived with my parents. My brothers worked. It was the second, third income in our family. It taught me great values. It taught me one thing: that the government takes too much money out of your paycheck – I learned that very early on – too much money out of your paycheck. This stands up for children.

Whom this is for? This is for big labor and big business, against the little guy, and it is going to take away from children the opportunity to have jobs like I had. Those jobs will be eliminated. As you increase the cost of labor, those jobs will go away. They will go to Atlanta; they will go South; they will go to where the economy is growing. It is not growing here in Pennsylvania. It is because of this kind of law that it is not growing here, and it is going to take away the opportunity for children and families to have second and third incomes to bring themselves up to someday maybe be able to stand here with the rest of, some of the big shots that grew up in big families that did not need to have those kinds of jobs like I had when I was a kid. You are taking away those opportunities.

So I know I disagree with some of the people on this issue, but to say that Mr. Schroder’s amendment is antichild, it is prochild. It gives them an opportunity to work rather than big labor taking their opportunities away from them and big business.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. DeWeese.

Mr. DeWEESE. Just another 30-second reminder to my honorable colleague. There are more men and women working in Pennsylvania tonight than have ever been working in Pennsylvania in the history of the Commonwealth.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Waters.

Mr. WATERS. Thank you, Mr. Speaker.

I would like to ask the maker of the amendment for a brief interrogation.

The SPEAKER pro tempore. The gentleman has agreed, and you may proceed.

Mr. WATERS. I am not clear on this, so maybe you could help me with some technical clarity on this.

If the minimum wage goes up to \$6.25 or \$6.15, what will be the bottom for a person that does not make that money? You are talking about children. What will be the requirement for a child, if the minimum wage is \$7.15, what will a child by law be— What will an employer be required to pay a child if he can go under the minimum wage? How low under the minimum wage will he be able to go once we pass this bill?

Mr. SCHRODER. The Federal minimum wage, which is \$5.15 an hour.

Mr. WATERS. The Federal minimum wage is— So we will have two minimum wages? We will have an A minimum wage and a B minimum wage, and the children will be subjected to a lower minimum wage, just by virtue of their age?

Mr. SCHRODER. Mr. Speaker, I think you must understand that children, young adults, teenagers, whatever we want to refer to them as, they take these jobs, and it is mostly for training. You know, it is mostly for a time in their lives where, you know, they are just stepping out into the world. They are not experienced yet. They do not have business skills. It is somewhat of a burden, you know, on the employer to bring a youngster on, because they really have to shape and mold them and teach them good work habits. Mr. Speaker, after a while, then, you know, they certainly develop those habits, and they usually go on and get raises and are able to make more money.

Mr. Speaker, all we want to see is that these jobs continue to be available for our young people, and that is the intent of this amendment, and I believe by passing it, that is what we will accomplish.

Mr. WATERS. All right. Well, I am just trying to get some clarity on this. I am still not sure about how— When does the child become old enough that they can start earning the minimum wage?

Mr. SCHRODER. The Child Labor Act covers all minors 17 and under who are working, and so that would be the criteria used here.

Mr. WATERS. All right. Can I just speak on the amendment, please?

The SPEAKER pro tempore. The gentleman is in order and may proceed.

Mr. WATERS. I just wanted to say that I would ask both sides of the aisle to give this a negative vote. I think that we need to work on making sure that young people feel appreciated in our Commonwealth and be given an ample opportunity to get into the workplace and earn a livable wage.

They still are subjected to the cost of living. They still want to be able to buy the things that they want to see in their closet. They want to be able to buy the things or go out to dinner or go out to the nice places that we all want to go out to. I do not think that we should discourage them and tell them that they have a substandard wage for them. We in this Commonwealth should be doing as much as we can to encourage them to go to work and showing that we appreciate them.

So I want to ask my colleagues for a negative vote on this. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Metcalfe.

Mr. METCALFE. Mr. Speaker, if I could briefly interrogate the maker of the amendment?

The SPEAKER pro tempore. The gentleman has agreed, and you may proceed.

Mr. METCALFE. Mr. Speaker, one of the prior speakers referenced the past census results, although not specifically, but inferred to the past census results that showed that we were losing a high number of 20- to 30-year-olds from the State of Pennsylvania. Would this amendment affect that 20- to 30-year-old bracket, Mr. Speaker, or is it more targeted at someone younger?

Mr. SCHRODER. It would certainly be only affecting ages younger than that.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, if I could make some brief comments?

The SPEAKER pro tempore. The gentleman is in order and may proceed.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of this amendment. I know earlier the minority leader stood and made proclamations about all the things that the majority has had a chance to do prior to this evening with this minimum-wage vote, and, Mr. Speaker, the minority leader knows as well as any of us here, as I have exclaimed many times to my own caucus, that the majority, the majority caucus has been turned into a functional minority. This bill shows that. The Republican Caucus has been turned into a dysfunctional majority caucus, Mr. Speaker, and this vote tonight scheduled by our majority leader and allowed by our majority caucus is evidence of that.

The SPEAKER pro tempore. Will the gentleman suspend. We are on the amendment, 8939. Please limit your remarks to the amendment, please.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, this amendment is attempting to correct one of the many deficiencies in this policy change that is not supported by the majority of my caucus, the Republican Caucus, evidenced by past votes that we have made with the majority of us voting for other amendments that were attempting to change some of the deficiencies in this bill, Mr. Speaker.

Mr. Speaker, many of the comments that have been made tonight are incorrect. This amendment will help to address the deficiency that is going to kill more jobs in Pennsylvania, Mr. Speaker. That is why I support this amendment of the gentleman who has proposed it.

Thank you, Mr. Speaker.

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

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, New York has a \$7.15 minimum wage. It does not have this exemption. Delaware has a \$7.15 minimum wage. It does not have this exemption. New Jersey has a \$7.15 minimum wage. It does not have this exemption. When the Federal government started raising minimum wages in the 1930s, there were 30 million jobs in America. Today, after numerous minimum-wage increases, there are 140 million jobs

in America. Minimum wages do not take jobs away. They build a stable lower middle class which eventually becomes a stable middle class.

I strongly urge defeat of this amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Thomas, for the second time.

Mr. THOMAS. Thank you.

Very quickly, Mr. Speaker. The architect of the amendment indicated that for some reason or another young people do not have skills, need training, and that hiring minors would represent a negative for employers and that for some reason or another, employers need this protection, and I only share with the speaker, whom I have a lot of respect for, the last time I checked, employers in the Commonwealth of Pennsylvania have more protection than employers in most other States. The last time I checked, Pennsylvania is still an at-will State. I will say that again. Pennsylvania remains an at-will State, which means that employers can fire you at any time they want.

So if an employer hires a young person who is not able to satisfy his or her expectations, they can get rid of them, but, Mr. Speaker, we all have agreed at one point or another that one of the challenges that we face with young people in Pennsylvania and throughout this country, and that is, that it is important for us to invest in them on the front end so that we do not have to pay for their anger on the back end.

Mr. Speaker, access to a livable wage is an investment on the front end of young people, and let me assure you, let me reiterate, livable wage equals good worker; good worker equals good products; good products equal increase in revenues. That is the formula. Let us invest.

Say yes to investing in young people on the front end and no to the Schroder amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentlelady, Miss Parker.

Miss PARKER. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to the Schroder amendment. I think it makes a very bad assumption that young people under the age of 17 do not contribute to the quality of life within their home. Mr. Speaker, I am reminded of a poem by a poet laureate by the name of Langston Hughes, who has a line in a poem which simply states, "Life for me ain't been no crystal stair." And so, Mr. Speaker, as I think about this amendment and some other issues that we have been dealing with in this body recently, particularly that of immigration, I think about the stories that I have heard from immigrants who come from all walks of life, worked hard to come here to the United States to raise a family. They talked about working as children to help to ensure that their family could live a high-quality standard of living.

I think we assume, Mr. Speaker, like many others did during the 1990s during the Federal administration when we ended welfare as we know it in this country, Mr. Speaker, and as a result of it, lots of people were trained, Mr. Speaker, and told that they had to go out to find jobs, because we wanted to move people to self-sufficiency. That was the message, Mr. Speaker. Well, what message do we send to our children, Mr. Speaker, if we tell them that they are not worth the minimum wage, particularly those who are right now as teenagers, speaking, Mr. Speaker, of myself, I have worked since the tender age of 14 and proudly contributed to my household when my grandparents, who raised me, needed help.

Mr. Speaker, I ask my colleagues on both sides of the aisle to think about what life is like for those whose life "...ain't been no crystal stair." It is real and teenagers and young people do make contributions to their quality of life.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentlelady.

The Chair recognizes the gentleman, Mr. Maher.

Mr. MAHER. Thank you, Mr. Speaker.

I want to ensure that the members recognize that this amendment would preclude this law from abrogating collective-bargaining agreements. To this point in my service in the legislature, I had been under the impression that our friends on the other side of the aisle generally preferred that we not attempt to abrogate collective-bargaining agreements through legislation. I now have a fresh understanding that you welcome it, and I will keep this in mind as we look forward to other topics, that my past misunderstanding of your view, I apologize for, but if you vote against this amendment, you are in fact voting for abrogation of collective-bargaining agreements by legislation, and the opportunities to help point our State in the right direction are many.

So thank you for the education, and I will be voting for this amendment, respecting my friends in labor. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Blackwell. The gentleman waives off.

The gentleman, Mr. Adolph.

Mr. ADOLPH. Thank you, Mr. Speaker.

Mr. Speaker, I was not going to speak on this amendment or the other amendments regarding raising the minimum wage throughout Pennsylvania, but a couple speakers ago made some comments which I thought were really not what this place is all about. And you know, I think the taxpayers and the residents of Pennsylvania are tired of playing party politics, and because you are a member of one party, you have to tote the party line. Well, I do not believe that. I think you are here to represent the people from the area that you are from and then, secondly, what is best for the Commonwealth of Pennsylvania.

I sat on the minority side for almost 8 years. Okay? And it is difficult and it is frustrating, but you have to vote your district. I was not going to read into the record, but the chamber of commerce that I am a member of, because I am a small businessman for 30 years, and I have not paid \$5.15 an hour to anyone in over 20 years. It is not a livable wage, whether you are 17 years old or 35 years old.

A couple amendments ago there was a gross sales figure for \$500,000. Well, there was no definition of that "gross sales," and if you are a doctor with gross sales of \$500,000, there is no cost to goods sold. If you are a dentist that grosses \$500,000, there is no cost to goods sold on that. All right?

So I rise to, let us get on this and vote your district; vote your district. That is what the people here want us to do. They do not want us to tote party lines, whether you are a Democrat or whether you are a Republican. Let us do the people's business, and let us get to work, and let us pass the budget tomorrow, as soon as possible.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. SCHRODER. Thank you, Mr. Speaker.

Mr. Speaker, first of all, I believe there are reasons why businessmen like the last gentleman who just spoke, as well as many other businesses, pay their employees more than \$5.15 an hour, you know, well above the minimum wage right now. I think that is an argument for final passage, and I do plan to get up and make that.

Let me respond to a couple speakers back who was asking the question, what message do we send to our children and to our young people if we are only going to pay them \$5.15? Well, let me ask this: What message are we sending to our young people if there are no jobs available for them because we have priced them out of the market? Mr. Speaker, we are saying, hey, you are going to be able to earn \$7.15, or whatever it is an hour, if, if you can find a job.

Now, what is better for that young person – finding a job at \$5.15 or some lower rate or being unemployed at a rate of \$7.15 an hour because the jobs have left and there is no more room to hire young people? Mr. Speaker, that is not a message I want to send. I do not know about all of you over there, but I do not want to send that message. Furthermore, Mr. Speaker, I think we walk a dangerous line when we imbue young people with a sense of entitlement. That sense of entitlement has been ruining our country.

We need to be very careful of what messages we send to our young people. We do not want them to think that they are automatically entitled to anything. Anything has to be earned. It has to be gotten by merit, not by government fiat. That is wrong, and, Mr. Speaker, I would personally like to thank the Democratic leader for giving the Republican majority and this body its due for the fact that we have more people employed in Pennsylvania than ever before, but if they get their way tonight, you better believe that that will not be the case.

Mr. Speaker, please vote in favor for this amendment.

Mr. DeWEESE. Mr. Speaker?

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

Mr. DeWEESE. Another 30-second observation to set the record straight. I was giving Edward G. Rendell the credit for putting Pennsylvanians back to work.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. George.

Mr. GEORGE. Mr. Speaker, I have got a rough voice and I will not be long, and I am sure you will all applaud that, but you know, as I listen, I think maybe it was either precipitation all week or the lateness of the evening because I think maybe the things I am hearing just cannot be made believable.

Now, the last speaker talked about worrying about what these young people are going to do and worried about that it might put them out of work. I am worried about them, too. That is why I do not have the education that some of you do and I am not as smart, but I can read and write and count, and 8 hours times 7 is \$56, and going 30 miles one way and 30 miles back takes about 4 gallons of gas. That is \$12. Take that \$12 off of that \$56 and that leaves an individual with \$5.40 an hour. Maybe you guys do not care what has happened in the last year, but we should start caring and take care of these young people that want to be active and want to be a part of this community and want to make a living on their own.

I say that we vote against this amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Frankel.

Mr. FRANKEL. Mr. Speaker, I will be very brief, but after those last comments from the prime sponsor of this amendment about entitled children, entitled young people, I know, putting two kids through college today, and I am pretty fortunate, and I know as I look around for people who are less fortunate than me whose children have to work their way through school, that State-related universities are \$20,000 to \$30,000 a year, going up every year, the State System. The private universities are \$40,000, \$45,000 a year. Work study is an important part of that program. They need to work their way through school.

This is a big problem, and our President, the President of the United States, is cutting back on Federal grants and Federal loan programs for students. They need to make a living wage to help them get through school. They are not entitled. They are not spoiled. They are working very hard to cope with the cost of higher education today, and that is an outrage.

So I believe that this ought to be defeated handily by everybody in this House. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Rohrer.

Mr. ROHRER. Thank you, Mr. Speaker.

I was not going to stand as well, but I think that this debate or arguments or whatever we are hearing does bring out some very distinctive differences, because every vote we make on this floor is being driven from some economic and/or philosophical basis, or political it could be. This one sure is not being driven, except from the maker of the amendment's perspective. The economics are on his side. The economics are on the side of what this does to small business in removing options that they may have. But this is about children. That is what this is about, a certain age range and saying it should not apply to them.

Now, let me speak from personal experience. I have six children – five sons and a daughter. Three of them are out of college, one is still in, and two are coming up. I can tell you this, that I have taught my children to work, and when they were small, they picked up sticks; they swept stones off of the road after winter was over and the stones are on the road after they, you know, they haul salt and things in the neighborhood, to clean it up and to volunteer for their neighbors and offer to do a simple, menial job, and they made 25 cents an hour, 50, 75 cents, and they said, Daddy, is that enough? And I said, at this point in your life, it is not so critical how much you earn as the fact that you learn how to do a good job and work hard and fulfill a responsibility to the person, the neighbor, for whom you are going to work, and I can assure you, Nathan and David – those are my sons' names – when you work hard as a small child, in this age, which very few people, or too many people, let us put it that way, do not know how to work hard, it will be obvious to your neighbors, to our neighbors, and they will pay you well. The result is, they have been paid well. They were never paid the minimum wage. They were always paid more, and frankly, they have always— And they have put themselves through school, and they have bought their clothes since they were 12 years of age, and they have never asked or demanded a minimum wage. They have never asked the employer for whom they are going to work, how much are you going to pay me, first? It was, I am available to work; tell me what needs to be done, and I will do it, and they always got rewarded and their pay always went up.

And that is the problem with a mandated minimum wage. It does create an attitude of, this is what I deserve. No; no; no; no; no; no; no; no. Young person, you do not deserve, frankly, anything. You work for it and you will be given the reward. That is the way I teach in my household. That is the way I grew up and was taught, and I would daresay that the majority of the people in here probably were that same way, and that is why I believe at the heart of this amendment it goes to that issue.

We do not need to mandate anything, particularly for our young people. If they are willing to work, they will be paid, and if they are willing to work extra hard, they will be paid more. I have never seen it any way to the contrary. The gentleman from Delaware County said he hired people; he never paid them the minimum wage. I agree. I do not find too many who are paid \$5.15 an hour. It is always more. The point is, you do not mandate it. You let it be the determination of the young person and the employer.

Let us teach our children how to work, work hard, and they will be rewarded for it. That is what is at the heart of this amendment, and that is why I believe we ought to support the amendment that is before us right now.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Philadelphia, Mr. Williams. The gentleman waives off.

### HARRISBURG LEGISLATIVE LEAVES

The SPEAKER. The Chair recognizes the majority whip, who moves for a Capitol leave for the gentleman, Mr. STAIRS. Without objection, that leave will be granted.

The Chair recognizes the minority whip, who requests a Capitol leave for the gentleman, Mr. WHEATLEY. Without objection, that leave will be granted.

### LEAVE OF ABSENCE CANCELED

The SPEAKER. The gentleman, Mr. Leh, is on the floor of the House. His name will be added to the master roll.

### CONSIDERATION OF SB 1090 CONTINUED

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

The following roll call was recorded:

#### YEAS—62

Armstrong	Geist	Major	Sather
Baker	Gillespie	Marsico	Saylor
Baldwin	Gingrich	McNaughton	Schroder
Bastian	Harhart	Metcalfe	Semmel
Birmelin	Harris	Millard	Smith, B.
Boyd	Herman	Miller, R.	Sonney
Causar	Hershey	Miller, S.	Stairs
Clymer	Hess	Mustio	Steil
Creighton	Hickernell	Nickol	Stern
Denlinger	Hutchinson	Phillips	Stevenson, R.
Ellis	Kauffman	Pickett	Stevenson, T.
Fairchild	Keller, M.	Quigley	Taylor, E. Z.
Feese	Leh	Rapp	True
Fleagle	Mackereth	Rohrer	Wright

Flick  
Gabig

Maier  
Maitland

Rubley

Zug

#### NAYS—136

Adolph	Eachus	Manderino	Ruffing
Allen	Evans, D.	Mann	Sabatina
Argall	Evans, J.	Markosek	Sainato
Barrar	Fabrizio	McCall	Samuelson
Bebko-Jones	Fichter	McGeehan	Santoni
Belardi	Flaherty	McGill	Scavello
Belfanti	Frankel	McIlhattan	Shapiro
Benninghoff	Freeman	McIlhinney	Siptroth
Beyer	Gannon	Melio	Smith, S. H.
Biancucci	George	Micozzie	Solobay
Bishop	Gerber	Mundy	Staback
Blackwell	Gergely	Myers	Stetler
Blaum	Godshall	Nailor	Sturla
Bunt	Good	O'Brien	Surra
Buxton	Goodman	Oliver	Tangretti
Caltagirone	Grell	O'Neill	Taylor, J.
Cappelli	Gruclera	Pallone	Thomas
Casorio	Gruitza	Parker	Tigue
Cawley	Haluska	Payne	Turzai
Civera	Hanna	Petrarca	Veon
Cohen	Harhai	Petri	Vitali
Cornell	Harper	Petrone	Walko
Corrigan	Hasay	Pistella	Wansacz
Costa	Hennessey	Preston	Waters
Crahalla	James	Pyle	Watson
Cruz	Josephs	Ramaley	Wheatley
Curry	Keller, W.	Raymond	Williams
Daley	Kenney	Readshaw	Wojnaroski
Dally	Killion	Reed	Yewcic
DeLuca	Kirkland	Reichley	Youngblood
Dermody	Kotik	Roberts	Yudichak
DeWeese	LaGrotta	Roebuck	
DiGirolamo	Leach	Rooney	
Diven	Lederer	Ross	Perzel,
Donatucci	Lescovitz		Speaker

#### NOT VOTING—0

#### EXCUSED—5

Forcier	Rieger	Shaner	Wilt
Levdansky			

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?

Mr. **SCHRODER** offered the following amendment No. **A08854**:

Amend Title, page 1, line 18, by inserting after "preemption;" making a related repeal;

Amend Sec. 2 (Sec. 4), page 20, by inserting between lines 20 and 21

(f) Workers on public projects subject, prior to the effective date of this subsection, to the act of August 15, 1961 (P.L.987, No.442), known as the "Pennsylvania Prevailing Wage Act," shall be paid at a rate of not less than the minimum wage set by this section.

Amend Sec. 7, page 28, line 27, by striking out all of said line and inserting

Section 7. Repeals are as follows:

(1) The General Assembly declares that the repeal set forth in paragraph (2) is necessary to effectuate the addition of section 4(f) of the act.

(2) The act of August 15, 1961 (P.L.987, No.442), known as the Pennsylvania Prevailing Wage Act, is repealed.

(3) All acts and parts of acts are repealed insofar

On the question,

Will the House agree to the amendment?

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

Mr. SCHRODER. Thank you, Mr. Speaker.

Mr. Speaker, this amendment is being offered by me and on behalf of Representative Ron Marsico as well.

Mr. Speaker, I believe one of the biggest scams ever perpetrated on the taxpayer is the concept of prevailing wage. Mr. Speaker, prevailing wage has bloated public construction projects and the price that the taxpayers pay for those projects, whether it is a new township building, whether it is a school building, and it bloats them unnecessarily. Mr. Speaker, this amendment would repeal the prevailing wage law in Pennsylvania, and it would subject public projects to the minimum wage as opposed to the prevailing wage.

Mr. Speaker, I ask for support for this amendment.

The SPEAKER. The Chairs thanks the gentleman.

The Chair recognizes the gentleman, Mr. Belfanti.

### GERMANENESS QUESTIONED

The SPEAKER. The gentleman, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, Mr. Belfanti and I have tried to be very brief, and we would like to save this House a 2-hour debate on the prevailing wage. This is a minimum-wage amendment. The minimum wage, despite the fact that it has got "wage" in it, is very, very different from the prevailing wage. This is not germane. I move the House declare this amendment to be not germane to the bill.

The SPEAKER. The gentleman from Philadelphia, Mr. Cohen, has raised the question of whether the amendment 8854 is germane. Under House rule 27, questions involving whether an amendment is germane to the subject shall be decided by the House.

On the question,

Will the House sustain the germaneness of the amendment?

The SPEAKER. On that question, the gentleman, Mr. Schroder.

Mr. SCHRODER. Thank you, Mr. Speaker.

Mr. Speaker, I do not know why the gentleman is afraid of a floor debate on prevailing wage and wants to spare us that. How many years has it been since this body has actually had a debate on this issue? I do not remember one in my 12 years of being here. I think it is high time that we have this debate, Mr. Speaker, and as far as this germaneness motion, this amendment is absolutely germane. The overarching topic under consideration in this bill is the topic of wages. This amendment deals with the topic of wages for public construction projects. Mr. Speaker, it could not be any more germane.

So, Mr. Speaker, let us do the intellectually consistent and honest thing here and vote against the motion of the gentleman.

The SPEAKER. The gentleman, Mr. Marsico.

Mr. MARSICO. Thank you, Mr. Speaker.

I want to talk on the germaneness issue. Like my colleague, Representative Schroder, said, this is a wage bill. This is a State-mandated wage bill. So we are mandating the minimum wage and we are mandating the prevailing wage. So I ask that we vote down the germaneness that Representative Cohen had offered and think of the fact that these are wages paid on public construction projects and they certainly are germane to the bill.

Thank you.

The SPEAKER. Mr. Cohen, for the second time.

Mr. COHEN. Mr. Speaker, the minimum wage and the prevailing wage have both been in existence for many, many decades. They are in separate codes. There is no relationship between them at all, other than the fact they have the word "wage" in them.

Mr. Speaker, could you instruct the members on how they should vote, to vote "yes" or "no" on the germaneness motion?

The SPEAKER. That will be done when the debate is finished.

### PARLIAMENTARY INQUIRY

The SPEAKER. The gentleman, Mr. Schroder.

Mr. SCHRODER. Actually, Mr. Speaker, along the same lines of what the gentleman was requesting there, I believe I misspoke when I said how I would prefer members to vote. Could you clarify, I guess as a point of parliamentary inquiry, could you clarify—

The SPEAKER. Those who believe the amendment is germane will vote "aye"; those who believe the amendment is not germane will vote "no."

Mr. SCHRODER. Thank you, Mr. Speaker.

I believe the amendment is germane, and I would ask for a "yes" vote. Thank you.

The SPEAKER. The gentleman, Mr. DeWeese.

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

For the reasons that Mr. Cohen enumerated, I would ask that we vote that this is not germane. It is a different code. The only thing they have in common is that one four-letter word, "w-a-g-e." And the gentleman from Dauphin, from Lower Paxton, he has a gut-the-prevailing-wage amendment drafted to every single education bill, and yet when push comes to shove, my honorable colleague pulls the amendment.

Now, notwithstanding the fact that one of my honorable colleagues referred to the leadership echelon of the Republican establishment here in the room as being dysfunctional, they still control the calendar; they still control the calendar. If the Republican Party wants to put up a prevailing-wage gut bill, then they can do it. They should not interlard it upon this minimum-wage bill. There are a lot of poor people in Pennsylvania tonight that want us to pass a minimum-wage bill. To burden that measure, to menace that measure with this extraneous amendment, would be shortsighted and not in the best interest of our constituency.

I would ask for a vote on nongermaneness.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Marsico.

Mr. MARSICO. Thank you, Mr. Speaker.

It is obvious the minority leader does not have the guts to vote on a prevailing-wage bill, and I would also say that I will not be pulling any more, a local-option prevailing-wage bill. I can guarantee you that.

Thank you.

Mr. DeWEESE. I would like to respond.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. DeWeese.

Mr. DeWEESE. And by the way, in the olden days I would have considered those remarks an ad hominem attack, but not anymore. I have said so many times that we should further reflect the animation, the electricity, the excitement of the British Parliament, and I think we should rough it up once in a while; roll up our sleeves and go at it. But notwithstanding that, I do have the fortitude to vote for a prevailing-wage proposal, but tonight I want to vote for a minimum-wage proposal.

The SPEAKER. On the germaneness, those who believe the amendment is germane will vote “aye”; those who believe the amendment is not germane will vote “no.”

On the question recurring,

Will the House sustain the germaneness of the amendment?

The following roll call was recorded:

#### YEAS—81

Adolph	Gabig	Major	Rubley
Allen	Geist	Marsico	Sather
Armstrong	Gillespie	McNaughton	Saylor
Baker	Gingrich	Metcalfe	Scavello
Baldwin	Grell	Micozzie	Schroder
Barrar	Harper	Miller, R.	Semmel
Bastian	Hennessey	Miller, S.	Smith, B.
Benninghoff	Herman	Nailor	Smith, S. H.
Birmelin	Hershey	Nickol	Sonney
Boyd	Hess	O'Brien	Stairs
Causer	Hickernell	O'Neill	Steil
Civera	Hutchinson	Payne	Stern
Clymer	Kauffman	Phillips	Stevenson, R.
Creighton	Keller, M.	Pickett	Stevenson, T.
Dally	Kenney	Pyle	Taylor, E. Z.
Denlinger	Killion	Quigley	Taylor, J.
Ellis	Leh	Rapp	True
Fairchild	Mackereth	Reichley	Turzai
Feese	Maher	Rohrer	Watson
Fleagle	Maitland	Ross	Zug
Flick			

#### NAYS—117

Argall	Evans, D.	Lescovitz	Sabatina
Bebko-Jones	Evans, J.	Manderino	Sainato
Belardi	Fabrizio	Mann	Samuelson
Belfanti	Fichter	Markosek	Santoni
Beyer	Flaherty	McCall	Shapiro
Biancucci	Frankel	McGeehan	Siptroth
Bishop	Freeman	McGill	Solobay
Blackwell	Gannon	McIlhatten	Staback
Blaum	George	McIlhinney	Stetler
Bunt	Gerber	Melio	Sturla
Buxton	Gergely	Millard	Surra
Caltagirone	Godshall	Mundy	Tangretti
Cappelli	Good	Mustio	Thomas
Casorio	Goodman	Myers	Tigue
Cawley	Grucela	Oliver	Veon
Cohen	Gruitza	Pallone	Vitali
Cornell	Haluska	Parker	Walko
Corrigan	Hanna	Petrarca	Wansacz

Costa	Harhai	Petri	Waters
Crahalla	Harhart	Petrone	Wheatley
Cruz	Harris	Pistella	Williams
Curry	Hasay	Preston	Wojnaroski
Daley	James	Ramaley	Wright
DeLuca	Josephs	Raymond	Yewcic
Dermody	Keller, W.	Readshaw	Youngblood
DeWeese	Kirkland	Reed	Yudichak
DiGirolamo	Kotik	Roberts	
Diven	LaGrotta	Roebuck	
Donatucci	Leach	Rooney	Perzel,
Eachus	Lederer	Ruffing	Speaker

#### NOT VOTING—0

#### EXCUSED—5

Forcier	Rieger	Shaner	Wilt
Levdansky			

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

On the question recurring,

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

Mr. **SCHRODER** offered the following amendment No. **A08853**:

Amend Title, page 1, line 17, by striking out all of said line and inserting  
penalties,” regulating payroll deductions and political contributions in employment; further providing for definitions; providing for employee authorization for payroll deductions; further providing for minimum wages, for exemptions and for penalties;

Amend Bill, page 15, lines 15 through 18, by striking out all of said lines and inserting

Section 1. The title and section 2 of the act of January 17, 1968 (P.L.11, No.5), known as The Minimum Wage Act of 1968, are amended to read:

#### AN ACT

[Establishing] Regulating payroll deductions and political contributions in employment; establishing a fixed minimum wage and overtime rates for employes, with certain exceptions; providing for minimum rates for learners and apprentices; creating a Minimum Wage Advisory Board and defining its powers and duties; conferring powers and imposing duties upon the Department of Labor and Industry; imposing duties on employers; and providing penalties.

Section 2. Short Title.—This act shall be known and may be cited as “The Payroll Deduction, Political Contribution and Minimum Wage Act of 1968.”

Section 2. Section 3 of the act, amended December 15, 1988 (P.L.1232, No.150), and December 21, 1998 (P.L.1290, No.168), is amended to read:

Amend Bill, page 17, by inserting between lines 23 and 24

(j) “Labor organization” means an association or organization of employes and an agency, employee representation committee or plan in which employes participate that exists, in whole or in part, to advocate the interests of public or private employes related to grievances, labor disputes, wages, rates of pay, hours of employment or conditions of work.

Section 3. The act is amended by adding a section to read:

Section 3.1. Employee Authorization for Payroll Deductions.—(a) Written authorization is required as follows:

(1) No employer or other person responsible for the disbursement of money shall deduct money from an employee's wages or salary for political purposes except upon the written authorization of the employee. This requirement shall include that portion of labor organization dues deductions that are used for political purposes. In order to be valid, the written authorization must have been received by the employer within the previous twelve months.

(2) The written authorization must be provided on a form specified by the Department of State, the sole purpose of which shall be to serve as documentation of the authorization. The form shall at a minimum contain the name of the individual granting the authorization, the organization to which the money is to be forwarded, the total amount of the deduction and the signature of the individual authorizing the political deduction.

(3) The form's title shall read, in at least 24-point boldface type, "Authorization for Payroll Deduction for Political Purposes" and shall state, in at least 14-point boldface type, the following immediately above the signature line:

Signing this form authorizes a deduction from your paycheck of moneys to be used for political contributions or expenditures. You are not obligated to sign this authorization. Your signature below is completely voluntary and cannot in any way affect your employment.

(b) An employee may terminate the authorization granted in subsection (a) by providing a written request to do so to the employer. The employer shall terminate the political dues deduction by the next regular payday after the pay period the request is submitted.

(c) The conditions of this section may not be waived by the employee. Waiver of the authorization requirement may not be a condition of employment or continued employment.

(d) Nothing in this section shall prohibit an individual from making voluntary contributions to a political committee.

Amend Sec. 2, page 17, line 24, by striking out "2" and inserting 3.1

Amend Sec. 3, page 20, line 21, by striking out "3" and inserting 3.2

Amend Sec. 5 (Sec. 12), page 28, line 12, by inserting brackets before and after "Any" and inserting immediately thereafter

Except as set forth in subsection (d), any

Amend Sec. 5 (Sec. 12), page 28, by inserting between lines 18 and 19

(d) For a violation of section 3.1, the following apply:

(1) An employer shall be subject to a maximum fine of up to five thousand dollars (\$5,000) for each violation.

(2) A labor organization shall be subject to a maximum fine of up to five thousand dollars (\$5,000) for each violation.

Amend Sec. 9, page 29, line 10, by striking out "IMMEDIATELY" and inserting as follows:

(1) The following provisions shall take effect in 60 days.

(i) The amendment of the title of the act.

(ii) The amendment of section 2 of the act.

(iii) The addition of section 3(j) of the act.

(iv) The addition of section 3.1 of the act.

(v) The amendment or addition of section 12(c)

and (d) of the act.

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

On the question,

Will the House agree to the amendment?

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

Mr. SCHRODER. Thank you, Mr. Speaker.

Well, Mr. Speaker, I was actually thinking about not offering this amendment until that last procedural move by the other side of the aisle. So I guess I will subject us to one more amendment.

Mr. Speaker, if we are going to be raising the minimum wage for workers across Pennsylvania, I think we need to make sure that they are able to keep as much of that wage in their pocket and not have it go to their union or their employer to be spent on political purposes, for which they might not agree and really have no say in. Mr. Speaker, this amendment would require written permission from an employee before any money was taken from their paycheck to be used for political campaign purposes.

Mr. Speaker, we cannot have real campaign finance reform in this State, which many of us agree we need to do, before we have some protections like this in place. Mr. Speaker, an employee who has money taken from their check and spent in ways that they do not agree with, that process is violative of their First Amendment rights of freedom of speech and freedom of association.

Mr. Speaker, this amendment will return those rights to all employees across Pennsylvania, and I urge a "yes" vote.

The SPEAKER. The Chair thanks the gentleman.

## GERMANENESS QUESTIONED

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, this amendment is not germane either, for obvious reasons. The minimum-wage bill has nothing to do with unions or union dues or political contributions. All it has to do with is raising the wage for the lowest paid people in our society.

I move, Mr. Speaker, the House declare this amendment, too, to be not germane.

The SPEAKER. The gentleman from Philadelphia, Mr. Cohen, has raised the question about whether amendment No. 8853 is germane. Again, under House rule 27, questions involving whether an amendment is germane to the subject shall be decided by the House of Representatives.

On the question,

Will the House sustain the germaneness of the amendment?

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

Mr. SCHRODER. Mr. Speaker, once again we have another stunning example of the weak-kneed mentality of the other side in bringing these issues to the floor of the House and allowing meaningful debate and discussion and votes and putting people on record. Mr. Speaker, that is all we are asking for.

Mr. Speaker, once again, this amendment is positively germane. It deals with the amount of money that an employee is going to be taking home at the end of the day. So, Mr. Speaker, I would just ask once again, let us have an intellectually honest and consistent vote on this. Let us vote "yes" that it is germane so that we can then get to the underlying issue here.

Mr. Speaker, these are issues that have been skirted for many years because of procedural motions just like this one on the floor of the General Assembly, and it is time that all members



step up to the plate tonight and make their views known to the citizens of Pennsylvania. Do you want people to keep more money in their paychecks, or do you want union bosses or business people spending it at their own behest for political purposes? That is what this boils down to.

Let us vote “yes” on germaneness.

The SPEAKER. The Chair thanks the gentleman.

Those who believe the amendment is germane will vote “aye”; those who believe the amendment is not germane will vote “no.”

On the question recurring,

Will the House sustain the germaneness of the amendment?

The following roll call was recorded:

#### YEAS—84

Adolph	Fichter	Marsico	Rubley
Allen	Flick	McGill	Sather
Armstrong	Gabig	McNaughton	Saylor
Baker	Geist	Metcalfe	Schroder
Baldwin	Gillespie	Micozzie	Semmel
Barrar	Gingrich	Miller, R.	Smith, B.
Bastian	Grell	Miller, S.	Smith, S. H.
Benninghoff	Harper	Mustio	Sonney
Birmelin	Hennessey	Nailor	Stairs
Boyd	Herman	Nickol	Steil
Bunt	Hershey	O'Neill	Stern
Causer	Hess	Payne	Stevenson, R.
Civera	Hickernell	Phillips	Stevenson, T.
Clymer	Hutchinson	Pickett	Taylor, E. Z.
Cornell	Kauffman	Pyle	True
Crahalla	Keller, M.	Quigley	Turzai
Creighton	Killion	Rapp	Wright
Dally	Leh	Reed	Zug
Denlinger	Mackereth	Reichley	
Ellis	Maher	Rohrer	
Fairchild	Maitland	Ross	Perzel,
Feese	Major		Speaker

#### NAYS—114

Argall	Fabrizio	Lescovitz	Sabatina
Bebko-Jones	Flaherty	Manderino	Sainato
Belardi	Fleagle	Mann	Samuelson
Belfanti	Frankel	Markosek	Santoni
Beyer	Freeman	McCall	Scavello
Biancucci	Gannon	McGeehan	Shapiro
Bishop	George	McIlhattan	Siptroth
Blackwell	Gerber	McIlhinney	Solobay
Blaum	Gergely	Melio	Staback
Buxton	Godshall	Millard	Stetler
Caltagirone	Good	Mundy	Sturla
Cappelli	Goodman	Myers	Surra
Casorio	Grucela	O'Brien	Tangretti
Cawley	Gruitza	Oliver	Taylor, J.
Cohen	Haluska	Pallone	Thomas
Corrigan	Hanna	Parker	Tigue
Costa	Harhai	Petrarca	Veon
Cruz	Harhart	Petri	Vitali
Curry	Harris	Petrone	Walko
Daley	Hasay	Pistella	Wansacz
DeLuca	James	Preston	Waters
Dermody	Josephs	Ramaley	Watson
DeWeese	Keller, W.	Raymond	Wheatley
DiGirolamo	Kenney	Readshaw	Williams
Diven	Kirkland	Roberts	Wojnaroski
Donatucci	Kotik	Roebuck	Yewcic
Eachus	LaGrotta	Rooney	Youngblood
Evans, D.	Leach	Ruffing	Yudichak
Evans, J.	Lederer		

NOT VOTING—0

EXCUSED—5

Forcier	Rieger	Shaner	Wilt
Levdansky			

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

#### VOTE CORRECTION

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

Mr. CAWLEY. Thank you, Mr. Speaker.

Am I in order to correct the record on an amendment to this bill?

The SPEAKER. The gentleman is in order.

Mr. CAWLEY. Thank you, Mr. Speaker.

On amendment A8857 I was recorded in the affirmative. I would like to be recorded in the negative, please.

The SPEAKER. The Chair thanks the gentleman.

The gentleman's remarks will be spread across the record.

Mr. CAWLEY. Thank you.

#### GUESTS INTRODUCED

The SPEAKER. We have a special guest in the balcony tonight. Brenda Baker is the wife of Representative Matt Baker. Would she please stand and be recognized.

The Chair would also like to apologize because of the length of the debate to Representative Kauffman because he had Niki, Abby, Will, and Andrew Kauffman here today. They were his entire family. They were here. So let us just give them a round of applause and welcome them.

#### CONSIDERATION OF SB 1090 CONTINUED

On the question recurring,

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

Mr. **TURZAI** offered the following amendment No. **A08950**:

Amend Sec. 2 (Sec. 4), page 18, lines 16 and 17, by striking out all of said lines

Amend Sec. 3 (Sec. 5), page 23, line 18, by striking out “(1)”

Amend Sec. 3 (Sec. 5), page 23, line 19, by striking out “AND (8)”

Amend Sec. 3 (Sec. 5), page 23, lines 22 through 28, by striking out the colon after “PAY” in line 22 and all of lines 23 through 28 and inserting

wages required by section 6(a) of the Fair Labor Standards Act of 1938 (52 Stat. 1060, 29 U.S.C. § 206(a)).

On the question,

Will the House agree to the amendment?

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

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

Mr. Speaker, the Senate bill sends over a two-bump minimum-wage increase. The first is at \$6.25 that is to take place on January 1 of 2007, and the second is to \$7.15 in 6 months hence, July of 2007.

This amendment represents a compromise, a reasonable compromise, and it would eliminate the second bump but leave the existing first bump to \$6.25 in place, and it would take effect on January 1 of 2007. And the number of employers I would like to set forth, the significant bump in the second level would have a negative effect on employers, and I just want to cite two examples. One is a small business in my district that presently would contemplate laying off individuals and putting in new automated machinery because it would make sense, given the cost of jumping up to \$7.15, and it would also be true that less restaurants that a particular chain would open up in our area and instead go to a more flourishing market in West Virginia and Ohio that have lower dollar figures.

The fact of the matter is our present minimum wage is tied to the Federal government standard, and much of what has been at issue is that we have not seen what the Federal government would do. By bumping up to \$6.25 on January 1 of 2007 but eliminating the second bump, we could see exactly what might take place on a Federal level and we would be striking a balance that helped employers but also took into account workers and what a minimum wage should be.

Now, I recognize that there are some that are opposed to a minimum wage at any length, but given where it looks like the bill is going, like an earlier amendment, the fact of the matter is, by voting in favor of this, we are helping employers and still maintaining some balance, and I would urge that all members would take this approach. I think it is a reasonable approach, and it takes into account both how we maintain employment in the State of Pennsylvania and a sense of fair play as well. So I would ask everybody for an affirmative vote in favor of this amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Cohen.

Mr. COHEN. Thank you.

Mr. Speaker, if minimum wage had kept up with inflation to where it was in the seventies, it would already be over \$8. Seven fifteen is a compromise figure. We are going to have, by the time \$7.15 takes effect, we are going to be only the 12th, at the very most we will be the 12th highest minimum wage in the country, and probably in the ensuing 2 years other States will also pass us.

Seven fifteen is a very moderate figure. Six fifteen is a figure that is, as I had said before, almost completely irrelevant. There are very few workers in Pennsylvania earning under \$6.15. Our goal is to raise the standard of living of people. It is not just to ratify what has already happened by inflation.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

#### YEAS—71

Armstrong	Gabig	Marsico	Rubleby
Baker	Geist	McNaughton	Sather
Baldwin	Gillespie	Metcalfe	Saylor
Bastian	Gingrich	Millard	Scavello
Benninghoff	Grell	Miller, R.	Schroder
Birmelin	Harhart	Miller, S.	Semmel
Boyd	Harris	Mustio	Smith, B.
Causer	Herman	Nailor	Sonney
Clymer	Hess	Nickol	Stairs
Cornell	Hickernell	Payne	Steil
Creighton	Hutchinson	Phillips	Stern
Dally	Kauffman	Pickett	Stevenson, R.
Denlinger	Keller, M.	Pyle	Stevenson, T.
Ellis	Leh	Quigley	Taylor, E. Z.
Fairchild	Mackereth	Rapp	True
Feese	Maher	Reed	Turzai
Fleagle	Maitland	Reichley	Zug
Flick	Major	Rohrer	

#### NAYS—127

Adolph	Evans, D.	Lederer	Sabatina
Allen	Evans, J.	Lescovitz	Sainato
Argall	Fabrizio	Manderino	Samuelson
Barrar	Fichter	Mann	Santoni
Bebko-Jones	Flaherty	Markosek	Shapiro
Belardi	Frankel	McCall	Siptroth
Belfanti	Freeman	McGeehan	Smith, S. H.
Beyer	Gannon	McGill	Solobay
Biancucci	George	McIlhatten	Staback
Bishop	Gerber	McIlhinney	Stetler
Blackwell	Gergely	Melio	Sturla
Blaum	Godshall	Micozzie	Surra
Bunt	Good	Mundy	Tangretti
Buxton	Goodman	Myers	Taylor, J.
Caltagirone	Gruclera	O'Brien	Thomas
Cappelli	Gruitza	Oliver	Tigue
Casorio	Haluska	O'Neill	Veon
Cawley	Hanna	Pallone	Vitali
Civera	Harhai	Parker	Walko
Cohen	Harper	Petrarca	Wansacz
Corrigan	Hasay	Petri	Waters
Costa	Hennessey	Petrone	Watson
Crahalla	Hershey	Pistella	Wheatley
Cruz	James	Preston	Williams
Curry	Josephs	Ramaley	Wojnaroski
Daley	Keller, W.	Raymond	Wright
DeLuca	Kenney	Readshaw	Yewcic
Dermody	Killion	Roberts	Youngblood
DeWeese	Kirkland	Roebuck	Yudichak
DiGirolamo	Kotik	Rooney	
Diven	LaGrotta	Ross	Perzel,
Donatucci	Leach	Ruffing	Speaker
Eachus			

#### NOT VOTING—0

#### EXCUSED—5

Forcier	Rieger	Shaner	Wilt
Levdansky			

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?

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.

(Members proceeded to vote.)

#### VOTE STRICKEN

The SPEAKER. The clerk will strike the board.

The gentleman, Mr. Clymer, was up on final passage.

Mr. Clymer. The Chair recognizes the gentleman, Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

I appreciate the opportunity just to make a few comments on final passage.

Mr. Speaker, I rise in opposition to SB 1090, the minimum-wage proposal.

According to both Governor Rendell and, I thought, the minority leader, the State's employment, as they had indicated, is at an all-time record and wages and salaries have never been higher. In fact, there is an \$800 million surplus in the State's Treasury, underlying the State's prosperity.

There is little doubt employment opportunities are on the increase in the Keystone State. Governor Rendell has indicated that the State has taken a major leap forward in growing new businesses.

The current minimum wage does provide job opportunities for those struggling to be placed on the employment rolls. In many situations those who show promise on the job are bumped up to a higher salary. Employers reward hard work and promise. "Opportunity" is the key word here. Without opportunity, job opportunities and an advancement within the business community is very limited. So why disrupt the movement of this economic train that is rolling across Pennsylvania so successfully?

Therefore, I rise to oppose the minimum-wage law bill, SB 1090.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

#### REMARKS SUBMITTED FOR THE RECORD

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

Mr. COHEN. Thank you.

Mr. Speaker, I have statements I will submit for the record.

In very brief rebuttal, with all the groups against the minimum wage, I am sure if there was such a thing in the United States as a State in which the minimum wage actually costs jobs, we would have heard of it by now. In the real world the minimum wage does not cost jobs. In the real world the minimum wage increases economic growth and leads to the increase of jobs as long as the minimum wage is at a reasonable level, which \$7.15 certainly is.

The SPEAKER. The Chair thanks the gentleman.

The gentleman's remarks will be spread across the record.

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

Poverty guidelines released by the U.S. Department of Health and Human Services last February show that the value of the minimum wage for low-income families has dropped again. A family of three, with a full-time minimum-wage worker, has experienced a \$500 drop in real wages over the last year or the equivalent to the loss of about 24 cents an hour.

Now \$5.15 an hour represents only 64 percent of the poverty level for a family of three. That is the lowest minimum wage in terms of buying power in my lifetime. A minimum-wage worker today would have to work 62 hours a week, 52 weeks a year at two jobs just to meet the family of three poverty guideline of \$16,600.

Remember throughout the 1960s and 1970s? A minimum-wage worker was able to keep a family of three out of poverty on a 40-hour-a-week job. Today even two full-time minimum-wage earners can barely keep up with what one minimum-wage worker could provide in 1968. Today even the smallest family of two, usually a mother and her child, earns barely 80 percent of the poverty guideline for a family of two.

Twenty States and the District of Columbia, representing over half of the U.S. population, have passed minimum wages significantly higher than the Federal government. Both chambers in North Carolina have already passed legislation and others will soon be added to that list. Five new States – Arizona, Colorado, Montana, Nevada, and Ohio – are expected to have minimum-wage increases on the ballot in November. The Pennsylvania House of Representatives overwhelmingly passed my minimum-wage bill to increase the minimum to \$7.15.

Think of the tens of thousands of low-income working families trying to make ends meet and losing the battle. Do they not deserve a raise? Teenagers and young adults working to help support themselves and their families or to pay for their education? What about seniors trying to supplement meager pensions and pay for prescription coverage? Do they not deserve a raise?

When we introduced HB 257 and HB 2021 early last year, we made a conscious decision to piggyback our efforts on the successful efforts in neighboring New York and New Jersey. But with the release of these new poverty guidelines, it is apparent that the delay has had terrible costs to the low-wage worker we are trying to help. The wage target in the House bills we sponsored now represents less than 90 percent of the poverty line for a family of three. When it was first introduced in the New York legislature in June of 2004, \$7.15 an hour was very close to the poverty line target, but it is no longer. Today it would take a full-time wage of \$8 to keep a small family at the poverty line.

I believe we should provide for a minimum wage of \$8 in 2008, with full recognition of the U.S. Department of Health and Human Services guideline as the standard in 2009 and thereafter. Never again should people suffer because of political indifference and the gross obstinacy that we have experienced in this minimum-wage battle. For me, SB 1090, providing for \$7.15 an hour by July of next year, does not end the fight for decent wages in Pennsylvania. This is just the bare minimum, the least we should do, the first step.

Five States have already passed legislation over the \$7.15 that we have been seeking – Washington State, \$7.63; Oregon, \$7.50; Connecticut, \$7.40; Rhode Island, \$7.40; Vermont, \$7.25 – with other States soon to follow. The Massachusetts legislature is passing legislation to raise their State's minimum to \$8.25 as we speak. I do not think Pennsylvania workers and their families are worth less than residents of Massachusetts. I do not understand why we must make minimum-wage workers wait until next January for any increase. They have already waited for 9 years. For me \$7.15 is the minimum. It should be more and it should be now.

I will support this bill today and begin work on a new minimum-wage increase tomorrow.

Pennsylvanians desperately need a minimum wage that provides dignity instead of poverty, and they deserve nothing less.

\* \* \*

(For further remarks and charts, see Appendix.)

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

Mr. McNAUGHTON. Thank you, Mr. Speaker.

Mr. Speaker, I will be brief.

I just wanted to make note of the fact and appreciate that the leadership in the House of Representatives, the Republican and Democratic sides of the aisle, has brought this issue to the forefront. I noticed that a majority of the majority caucus is voting in favor of this initiative, and I would like to thank the leadership for bringing it to the House floor.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Daley. The gentleman from Washington, Mr. Daley.

Mr. DALEY. Thank you, Mr. Speaker.

What a great debate this afternoon and this evening. We have talked about minimum wage for so long. It is great that we have had the opportunity philosophically to be able to argue that point, but I can tell you this, Mr. Speaker: Over 1.5 million Pennsylvanians, nearly 12 percent, are living in poverty, about 1 out of every 8 people.

The Pennsylvania poverty rate has worsened over the last 2 years. In my county I represent, 26 percent of my young people live in poverty. Next to Philadelphia, it is the second worst county in the State.

This issue tonight, now is the time, now is the place. We have kicked it around too long. Let the people's will be spoken, spoken here on the floor.

I ask for an affirmative vote. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Schroder.

Mr. SCHRODER. Thank you, Mr. Speaker.

Mr. Speaker, we all know how the vote is going to go on this tonight. I just want to say one thing, though. There will no doubt be analysis of this vote and a lot of things said, particularly about those who make a principled vote against this proposal.

Mr. Speaker, no one is against increasing wages in the State of Pennsylvania. Mr. Speaker, I think that is a goal that we all share. I do believe, however, that the difference here, Mr. Speaker, is, how do we get there? For those who believe that government is the answer to everything, we know how they are going to vote, but, Mr. Speaker, what we should be trying to do is create an economy and an economic environment where jobs are so plentiful that they actually outpace the number of workers available. That drives the wages up.

Mr. Speaker, there are areas in this State where your convenience stores, where your fast food restaurants, where your small department stores pay well above minimum wage, and they also offer benefits. Why do they do that? Because, Mr. Speaker, the economic conditions are there so that the market determines that the wage is higher than minimum wage and that benefits are offered.

Mr. Speaker, the market does work, and what we should be about in this body, in this General Assembly, is trying to make

and provide the conditions so that the market works that way in every corner, in every segment of Pennsylvania.

Mr. Speaker, that is the best way to increase wages for our people that we represent and for our constituents – for our young people, our old people, and everyone in between.

So, Mr. Speaker, I just want to be clear that it is not a matter of anyone being against higher wages for our employees. We all favor that. It is how we get there, and that is where the philosophical disagreement is.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Ellis.

Mr. ELLIS. Thank you, Mr. Speaker.

Mr. Speaker, I rise tonight to just correct something that was said on the other side, that this in fact will not cause anyone to lose their job. You know, we have heard tonight in this debate – and I agree with my colleague from Greene County that we should engage in lively debates – but we have heard tonight the “I feel” arguments, the “I think” arguments, the “I believe” arguments – I believe no one is going to lose their job; I believe, I think that small businesses are going to benefit, that competition is going to rise because we are increasing the minimum wage. Those are all false arguments. The truth is that people will lose their jobs, and I do not know how many exactly, and I am not going to take a guess and quantify it, but I can speak specifically about my district, because I got an e-mail from someone in my district that owns a business and employs six people at minimum wage. She sent me a letter and she told me specifically, and I will read it exactly as she said it, I will eliminate at least one of the part-time positions, if not both, increasing work for the workers that will not lose their jobs.

So thank you very much, Mr. Speaker, for allowing me to share what is going to happen to these real people back in my district that are going to lose their jobs because of the actions taken in this chamber tonight. That is what we have to understand, that real people are going to lose their jobs. And do you know what? Our youngsters that are leaving our State after college, they are not leaving because they cannot find a minimum-wage job that pays slightly higher than minimum wage. They are leaving because our business climate has done nothing to really propel itself.

So I encourage a “no” vote on this. I voted “no” on it in the past, and I am going to vote “no” on it again tonight.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Rohrer.

Mr. ROHRER. Thank you, Mr. Speaker.

My comment on this is very brief. Each of us, no doubt, already determined what we are going to do on this issue because it does come down to, as I mentioned earlier, a very philosophical issue, but at the end of the day, Mr. Speaker, for me, I look at the economic data and I believe what the economic data says. It will affect employment for those at the lowest end who need it the most, and it will not be positive for them; that is a fact. We can disagree. To what extent, we do not really know, although the numbers are there. Some say 10,000 may lose their jobs if this goes to \$7.15 as in here. I do not know if that is a fact or not, but certainly it is not the other way. There will not be increased employment as the result of this; that we can say.

Mr. Speaker, it is very, very nice for us as we stand here considering legislation that would be passed that impacts the

millions of people across our State, we have the ability, Mr. Speaker, to pass laws that are very small or very, very all-encompassing, and as I look at this issue of a matter of wage and salary, I asked myself the question, can we and should we as a body be mandating a wage? And I come down to this, Mr. Speaker, and I think this is what all of us need to consider: Whereas this Assembly has the power to mandate an artificial wage, which is a matter of a contractual arrangement between an employer and an employee, I would suggest that we do not have the right. I do not believe that we possess the right, because if we do, then at what point does it stop? Why not \$9 and \$10 and \$20? Why not mandate minimum houses in which our people would have to live? Why not mandate everybody has a car? Why not mandate a certain amount of meals per day? Mr. Speaker, we could mandate all of those things by law, but should we? The answer is absolutely not, and, Mr. Speaker, that is the reason why I have opposed the mandating of this or anything like this. We have the power, but we do not have the right.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, I did not plan on even speaking on final passage. I know the body is tired and I know we have other issues to move on to, but the speaker, two speakers ago, read a letter, and I appreciate that, but I have in front of me a handful of studies conducted by Princeton, the Economy League, and I can go on and on and on, but the facts are that in States that have raised the minimum wage, employment has gone up. The Labor Standards Act shows that wages have gone up in those States. The FPI (Fiscal Policy Institute) study, which will be the only one that I will go into detail because that is the national Fiscal Policy Institute, a nonpartisan research and educational organization, and they released their study in 2004 on the effects of minimum wage on employment and payrolls. In small businesses that make several comparisons between States with a higher minimum wage than the Federal \$5.15 an hour and all States where Federal minimum wage prevails, the overall conclusion of this analysis was that States would hire minimum wages performed at least as favorably as in States with the Federal minimum wage. However, between 1998 and 2001, the number of small business establishments grew twice as quickly, twice as quickly with the higher minimum wage, and employment growth was nearly 50 percent higher in high-minimum-wage States by a percent of 4.8 to 3.3 percent for those that are still paying the Federal minimum wage.

I could go on and on with the Princeton study, the Wisconsin study, and many other studies. I can tell you one thing: In our neighboring State of New Jersey, the Princeton study does say that job growth increased, not decreased; the number of new job hires increased, not decreased, and I am sure that that same thing could be said by all of our surrounding States that it has enhanced their economy, it has put more spending dollars into the pockets of the working poor so they could pay for more goods from those small businesses and those mom-and-pop stores.

So statistics, if you want to talk statistics, I have a box full of them, and the box full of them says that what we are doing tonight is going to be good for Pennsylvania's economy and much needed and far too late, but better late than never.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Thomas.

Mr. THOMAS. Yes, Clymer did start it.

I had gone to the back, but, Mr. Speaker, I respect my colleague, Representative Clymer. I respect the hard effort put up by my colleague, Representative Schroder.

But, Mr. Speaker, and I am going to try to be brief, Mr. Speaker, I look to history oftentimes when I want to examine where I have come from, where I am, and where I need to go, and some writers have said that history is the best teacher of providing a yardstick as to the future. And so to that end, Mr. Speaker, I was in this august body when we raised the minimum wage, and, Mr. Speaker, at no time since that action by this General Assembly has there been a negative effect on jobs or the economy. In fact, Mr. Speaker, I heard someone say that under this Governor we have increased jobs more than we ever had, at least during my tenure.

So, Mr. Speaker, history does not speak well of an increase in minimum wage being tantamount to a loss of jobs. In fact, history would provide the opposite view. History tells us good wages equal good workers, good workers equal good products, good products equal increased revenues; that is what history tells us. So we can reject these notions that minimum wage is going to cause irreparable damage to our economy or to our employment base.

Mr. Speaker, the second point that I would like to make is that I have been here long enough, and I have sat through debates on gay marriages, I have sat through debates on renaming bridges, I have sat through all kinds of debates, Mr. Speaker, and I have been a gentleman through it all, even though I know that the outcome of some of those debates will wreak havoc on the people that I represent, but that is the beauty of democracy. The beauty of democracy is that we can disagree without being disagreeable.

So, Mr. Speaker, I know that there are many people in here and some people out there who say to themselves, what will happen if I put up a "yes" vote for an increase in minimum wage? Mr. Speaker, I would like to change that conversation and say to them, and I will use an analogy, the analogy of the rabbi and the priest who were walking up a hill one day and saw a man lying in the alley bleeding, and one said to the other, there is a man dying in the alley; should we stop and help him? And one looked at the other and said, the question is not what will happen to me if I stop to help that man; the question is, what will happen to me if I do not stop to help that man?

My analogy to this discussion tonight, Mr. Speaker: The question is not what will happen if I vote "yes" for minimum wage; the question is, what will happen if I do not vote "yes" for minimum wage? Because, Mr. Speaker, a "yes" vote means that there are some single mothers out there who are working two and three jobs who now might be able to work just one job and give some attention to their children at home. A "yes" vote, Mr. Speaker, will say to young people who are planning to leave Pennsylvania that Pennsylvania is a good place to come. A "yes" vote, Mr. Speaker, will say to the State of New York, to the State of New Jersey, to the State of Delaware that Pennsylvania is a competitive place to live, work, and raise your family; that is what a "yes" vote would do, Mr. Speaker. So I say to all of those that have doubt, vote "yes" now; vote "yes." Let this august body provide leadership to changing the conditions that are facing many people throughout Pennsylvania.

So, Mr. Speaker, for once, for once in 2006, for once going all the way back a decade, Mr. Speaker, I am standing tonight for people rather than profit. I am standing tonight for folks who want to stay in Pennsylvania and access a livable wage for hard work.

Mr. Speaker, I ask my colleagues from both sides of the aisle to rise up tonight and vote “yes” for your constituents, vote “yes” for all Pennsylvanians, vote “yes” on SB 1090.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

### **HARRISBURG LEGISLATIVE LEAVE CANCELED**

The SPEAKER. The Chair notes the presence on the floor of the House of the gentleman, Mr. Wheatley. He will be canceled from legislative leave.

### **CONSIDERATION OF SB 1090 CONTINUED**

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

The gentleman, Mr. Benninghoff, is entitled to be heard.

Mr. BENNINGHOFF. Thank you, Mr. Speaker, and to the members, I will keep this less than a minute.

We could talk about statistics and studies and all types of things, but I want to share with you what I call a human study and which has changed my vote. I pulled into a gas station recently. A gentleman pulled in beside me with a car that was probably from 1978 or '82 at the oldest. To make a long story short, he pulled \$4 out of his pocket and he put it in the gas pump. I asked him where he was from. He said, Huntingdon County over in Representative Sather's area. He drives to Bellefonte every day, which is no less than a 70-mile round trip, for \$6.15 an hour. I quickly did the math, as I put \$35 in my car, and wondered how this man works for \$40 a day gross, nets probably \$30, if my math is correct, and fills his car, and it quickly told me why he put \$4 in his tank. A young man, 28, has two children. I do not know how they do it.

Tonight I am voting “yes,” and I would ask you to consider, too.

The SPEAKER. Mr. Gabig.

Mr. GABIG. Thank you, Mr. Speaker.

I will be voting “no” tonight not because I want to vote for profit against people or because I do not care about somebody that works at a gas station. It is because I believe as a matter of principle in free markets, free enterprise, private property – and guess what? – free labor, free labor. That has been a Republican, by the way, a Republican principle since Abraham Lincoln was around – free labor. All right? A man has the dignity to walk into an employer and say, I will work for you, and the employer has free labor, free markets, free enterprise, private property. Those are the principles upon which this economy and on which this country is founded. It creates wealth.

I am not a neosocialist that believes you walk into some government assembly hall and sit there and decide how you value people and what their rate should be, what their wages should be, what the prices should be. That is not our function

here. We should be protecting the liberty of the people. That is what the Declaration of Independence says. It says we as a government should be protecting the liberty of the people to decide these issues.

And if what you care about, if you think this is the way to do it, I disagree. I certainly respect your right to think the way that you do, and I respect that. I think it is wrong economics. I do not think it is what built this country, but if you really believe that principle, where in the world do we come up with this number? What is it, \$7.15? Is that what the number is – \$7.15? Why is it not \$20? Why is it not \$20 an hour? If you really cared and you think that we can do that sitting here deciding what people should make, I disagree. I do not think that is how you build wealth.

So that is why I think it is a better system and leave the free markets make wage and price decisions. So that is why I wanted to make sure people understood that when I vote “no.” I know I am going to lose and we are in the minority here, and I guess I am getting yelled down because I am in the minority, but I am going to vote my principles because I think that will help people, raise them up. I think that is what this country was built on. I think many countries around the world, by the way, are realizing that. The Soviet Union and all these Communist countries are putting behind this command-and-control economy, moving their free markets and free economy. They realize that is what works, what puts money in people's pockets.

Lowering taxes. How do you keep increasing taxes on the working man and say you care about the working man? How? How do you put \$52 taxes on somebody making \$12,000 and say you care about them? That is not true. Lower their taxes. That will give them more money in their pocket.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Metcalfe.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, I wanted to raise an issue that I raised earlier on in an earlier amendment, as we saw one amendment after the other to try and improve this legislation that the majority of us voted for on my side of the aisle.

Mr. Speaker, one of the prior speakers to me at that point had said how he expected that that prior amendment and ultimately this bill was going to, if it did not pass, would seemingly drive young people out of the State, but it is just exactly the opposite, Mr. Speaker. Mr. Speaker, the effect that this minimum-wage legislation will have on jobs in Pennsylvania is a historical fact that when government tries to dictate wages like this and we artificially increase wages, we will kill jobs; we will drive more young people out of this State. We are not doing anybody any favors by artificially raising wages that the market will not bear.

I would ask for a negative vote on the bill. It is seemingly going to pass overwhelmingly, but there is still hope as long as the vote has not been taken.

Thank you, Mr. Speaker.

On the question recurring,  
Shall the bill pass finally?

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

The following roll call was recorded:

## YEAS-161

Adolph	Fairchild	Mann	Ruffing
Allen	Feese	Markosek	Sabatina
Argall	Fichter	McCall	Sainato
Baker	Flaherty	McGeehan	Samuelson
Barrar	Fleagle	McGill	Santoni
Bebko-Jones	Frankel	McIlhatten	Sather
Belardi	Freeman	McIlhinney	Scavello
Belfanti	Gannon	McNaughton	Semmel
Benninghoff	Geist	Melio	Shapiro
Beyer	George	Micozzie	Siptroth
Biancucci	Gerber	Millard	Smith, S. H.
Bishop	Gergely	Miller, S.	Solobay
Blackwell	Godshall	Mundy	Staback
Blaum	Good	Mustio	Stairs
Bunt	Goodman	Myers	Steil
Buxton	Grucela	Nailor	Stetler
Caltagirone	Gruitza	O'Brien	Sturla
Cappelli	Haluska	Oliver	Surra
Casorio	Hanna	O'Neill	Tangretti
Causar	Harhai	Pallone	Taylor, E. Z.
Cawley	Harhart	Parker	Taylor, J.
Civera	Harper	Payne	Thomas
Cohen	Harris	Petrarca	Tigue
Cornell	Hasay	Petri	True
Corrigan	Hennessey	Petrone	Veon
Costa	Herman	Phillips	Vitali
Crahalla	Hershey	Pickett	Walko
Cruz	Hess	Pistella	Wansacz
Curry	James	Preston	Waters
Daley	Josephs	Pyle	Watson
Dally	Keller, W.	Quigley	Wheatley
DeLuca	Kenney	Ramaley	Williams
Dermody	Killion	Raymond	Wojnaroski
DeWeese	Kirkland	Readshaw	Wright
DiGirolamo	Kotik	Reed	Yewcic
Diven	LaGrotta	Reichley	Youngblood
Donatucci	Leach	Roberts	Yudichak
Eachus	Lederer	Roebuck	
Evans, D.	Lescovitz	Rooney	
Evans, J.	Maher	Ross	Perzel,
Fabrizio	Manderino	Rubley	Speaker

## NAYS-37

Armstrong	Gabig	Mackereth	Saylor
Baldwin	Gillespie	Maitland	Schroder
Bastian	Gingrich	Major	Smith, B.
Birmelin	Grell	Marsico	Sonney
Boyd	Hickernell	Metcalfe	Stern
Clymer	Hutchinson	Miller, R.	Stevenson, R.
Creighton	Kauffman	Nickol	Stevenson, T.
Denlinger	Keller, M.	Rapp	Turzai
Ellis	Leh	Rohrer	Zug
Flick			

## NOT VOTING-0

## EXCUSED-5

Forcier	Rieger	Shaner	Wilt
Levdansky			

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

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

\* \* \*

The House proceeded to third consideration of **SB 1205, PN 1869**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for insurance proceeds intercept; and further providing for State disbursement unit.

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-198

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

Evans, J.      Lescovitz      Rooney      Perzel,  
Fabrizio      Mackereth      Ross      Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

Forcier      Rieger      Shaner      Wilt  
Levdansky

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

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

\* \* \*

The House proceeded to third consideration of **SB 300, PN 1902**, entitled:

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 personal income tax, for medical and health savings accounts; and repealing provisions relating to taxation of medical and health savings accounts.

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?

The Chair recognizes the gentleman, Mr. Vitali.

Mr. VITALI. Mr. Speaker, I am just wondering if we can get someone to give a brief explanation of this?

The SPEAKER. The gentleman, Mr. Boyd, or the gentleman, Mr. Turzai?

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

SB 300 deals with health savings accounts, and my colleague, Representative John Payne, has a similar bill that we passed and is sitting presently over in the Senate. It was part of our Keystone Manufacturing Initiative package, and last year we were able to get half of the health savings accounts agenda done under Representative Payne's leadership, and that was to remove the State impediments so that we could get the Federal tax benefits. What SB 300 does is it provides State tax benefits for employers and individuals who want to make use of health savings accounts.

This is a bill that makes sure that employers actually do offer vehicles for health-care coverage for their employees, and while it may not be the be-all or the end-all in terms of promoting good health-care coverage, it is a significant step in the right direction, and I applaud Representative Payne and Senator Armstrong for their hard work and would appreciate a unanimous vote in favor of the bill.

Thank you very much.

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—198

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Forcier      Rieger      Shaner      Wilt  
Levdansky



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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same with amendment.

### **RULES COMMITTEE MEETING**

The SPEAKER. The Chair recognizes the majority leader, who calls for an immediate Rules Committee meeting.

### **BILL REREPORTED FROM COMMITTEE**

**HB 2499, PN 4280**

By Rep. S. SMITH

An Act to provide from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and for the public schools for the fiscal year July 1, 2006, to June 30, 2007, for certain institutions and organizations, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2006; to provide appropriations from the State Lottery Fund, the Energy Conservation and Assistance Fund, the Hazardous Material Response Fund, The State Stores Fund, the Milk Marketing Fund, the Home Investment Trust Fund, the Emergency Medical Services Operating Fund, the Tuition Payment Fund, the Banking Department Fund, the Firearm Records Check Fund, the Ben Franklin Technology Development Authority Fund, the Tobacco Settlement Fund, the Health Care Provider Retention Account and the Community Health Reinvestment Restricted Account to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department for the fiscal year July 1, 2006, to June 30, 2007; to provide appropriations from the Motor License Fund for the fiscal year July 1, 2006, to June 30, 2007, for the proper operation of the several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund moneys; to provide for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the establishment of restricted receipt accounts for the fiscal year July 1, 2006, to June 30, 2007, and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2006; to provide for the additional appropriation of Federal and State funds from the General Fund and the Motor License Fund, for the Executive Department of the Commonwealth for the fiscal year July 1, 2005, to June 30, 2006, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2005.

RULES.

### **SUPPLEMENTAL CALENDAR C**

### **RULES SUSPENDED**

The SPEAKER. The Chair recognizes the gentlelady, Ms. Harper.

Ms. HARPER. Mr. Speaker, I move that the rules of the House be suspended for immediate consideration of HB 2625, PN 3956.

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

(Members proceeded to vote.)

### **VOTE STRICKEN**

Mr. S. SMITH. Mr. Speaker? Mr. Speaker, just a minute, please.

The SPEAKER. The clerk will strike the vote.

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

Mr. Speaker, I apologize.

I would ask the members to support the motion to suspend the rules.

### **BILLS REREPORTED FROM COMMITTEE**

**HB 881, PN 3321**

By Rep. FEESE

An Act amending the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, further providing for administration and enforcement, for applications and inspections, for changes in Uniform Construction Code, for appeals and for education and training program.

### **APPROPRIATIONS.**

**HB 1695, PN 4331**

By Rep. FEESE

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, providing for a special license and license auction to hunt one elk.

### **APPROPRIATIONS.**

**HB 2625, PN 3956**

By Rep. FEESE

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

### **APPROPRIATIONS.**

**HB 2650, PN 4020**

By Rep. FEESE

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for the organization of the Pennsylvania Game Commission.

### **APPROPRIATIONS.**

**SB 82, PN 1901**

By Rep. FEESE

An Act providing for the display of the American flag, Commonwealth flag or military flag by residents in a unit owners association, homeowners association or master association.

### **APPROPRIATIONS.**

**SB 1159, PN 1608**

By Rep. FEESE

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

### **APPROPRIATIONS.**

**SB 1160, PN 1599**

By Rep. FEESE

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

## APPROPRIATIONS.

**SB 1161, PN 1600**

By Rep. FEESE

An Act making appropriations from the Workmen's Compensation Administration Fund to the Department of Labor and Industry and the Department of Community and Economic Development to provide for the expenses of administering the Workers' Compensation Act, The Pennsylvania Occupational Disease Act and the Office of Small Business Advocate for the fiscal year July 1, 2006, to June 30, 2007, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2006.

## APPROPRIATIONS.

**SB 1162, PN 1601**

By Rep. FEESE

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

## APPROPRIATIONS.

**SB 1163, PN 1602**

By Rep. FEESE

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

## APPROPRIATIONS.

**SB 1164, PN 1603**

By Rep. FEESE

An Act making an appropriation from the Public School Employees' Retirement Fund to provide for expenses of the Public School Employees' Retirement Board for the fiscal year July 1, 2006, to June 30, 2007, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2006.

## APPROPRIATIONS.

**SB 1165, PN 1604**

By Rep. FEESE

An Act making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the fiscal year July 1, 2006, to June 30, 2007, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2006.

## APPROPRIATIONS.

**SB 1166, PN 1972 (Amended)**

By Rep. FEESE

An Act providing for the capital budget for the fiscal year 2006-2007 and itemizing transportation assistance and redevelopment assistance projects to be constructed or acquired or assisted by the Department of Community and Economic Development and the Department of Transportation, together with their estimated financial costs; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects to be constructed or

acquired or assisted by the Department of Community and Economic Development and the Department of Transportation; stating the estimated useful life of the projects; and making appropriations.

## APPROPRIATIONS.

**SB 1224, PN 1955**

By Rep. FEESE

An Act amending the act of May 15, 1945 (P.L.547, No.217), known as the Conservation District Law, further providing for Commonwealth appropriations.

## APPROPRIATIONS.

**RULES SUSPENSION CONTINUED**

The SPEAKER. The Chair returns to suspension of the rules on HB 2625, PN 3956.

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

The following roll call was recorded:

## YEAS—198

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

Ellis	Lederer	Roebuck	Zug
Evans, D.	Leh	Rohrer	
Evans, J.	Lescovitz	Rooney	Perzel,
Fabrizio	Mackereth	Ross	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

Forcier	Rieger	Shaner	Wilt
Levdansky			

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.

### BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2625, PN 3956**, entitled:

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

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?

The Chair recognizes the gentleman, Mr. Vitali.  
Mr. VITALI. Thank you, Mr. Speaker.

I just wanted to rise in opposition to this bill and give a brief explanation why, because the reasons are very similar to a bill we passed earlier which would have diverted bail money to pay child support. In this particular bill it would divert bail money to pay for things like fines, costs, restitution, and so forth.

I think the lady from Montgomery County's intentions are excellent, and I totally concur in her desire that one defendant should pay those items, absolutely should. However, I think her bill suffers the same deficit as the bill we considered earlier, which is it suffers from the law of unintended consequences.

My view is, if we enact this law, a couple of things would happen, and I think we have to deal with the reality that many times when defendants put up bail money, it is not their money; it is the money of a friend, a relative, and so forth. What will happen here if that bail money which is put up, given by the mother to the defendant, and then if that money at the conclusion of the trial goes for restitution, goes for court costs, that money will not be there to begin with because people do not want to lose their own money. So, one, it will dry up a source of bail for one accused of a crime, and that is not a result we want to achieve in our criminal justice system.

The second unintended consequence that we discussed previously was it may prevent those accused of crimes from getting private counsel and thus overload the public defender's

office, and for reasons we discussed before, many times defense counsel rely on assignment of bail agreements. In other words, they will not take on a defendant's case if the defendant does not have money unless the defendant agrees to assign bail after the case is over. If this were enacted, that source of funds to pay for private counsel would no longer be there.

Mr. Speaker, I think that there are resources at the disposal of the courts to collect things like fines, costs, restitution. I think if bail money were used for that, it would suffer from the consequences I mentioned.

So I reluctantly will be voting "no." Thank you.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Gannon.

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, I have to disagree with the gentleman's interpretation of this bill. It specifically says that if the individual is acting as a surety – in other words, they are guaranteeing the payment of the bail – that that money cannot be used to pay the fines and the costs, et cetera.

The other thing is that it says upon conviction. We have to assume that if this individual has been convicted, they have gone through a trial or a hearing, the whole process, and that they may or may not have been represented by private counsel, but should they have the resources to pay private counsel prior to or up to the point of conviction, anything after that would be an appeal to the conviction.

So I would disagree with the gentleman's interpretation. This did not deal with the relative or the friend or the family member who simply is guaranteeing the payment and acting as surety of the payment. That money or that cash could not be used to pay these costs and these fines, et cetera.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. VITALI. Thank you.

I just want to clarify a point. It is true that if a person posts bail, let us say in the hypothetical we have been using, it is true that if the mother posts bail in her own name, that would not in turn be used for paying restitution and so forth, but what happens in the real world is that the mother, rather than putting it up for herself in her own name, gives it to the son and he puts it up in his own name, and according to the first sentence of this bill, he would lose it. The mother in this case does not put it up in her own name for a very good reason. Let us say the bail is \$10,000, 10 percent. The mother puts up \$1,000. If in fact the son skips, mother not only loses that thousand dollars, she loses the 100 percent, not just the 10 percent she puts up. That is why mother does not put it up in her own name as surety but gives it to the son and lets him put it up in his own name.

I just wanted to clarify that point. Thank you, Mr. Speaker.

### THE SPEAKER PRO TEMPORE (MATTHEW E. BAKER) PRESIDING

On the question recurring,  
Shall the bill pass finally?

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

The following roll call was recorded:

## YEAS—195

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

## NAYS—3

Manderino	Parker	Vitali
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## NOT VOTING—0

## EXCUSED—5

Forcier	Rieger	Shaner	Wilt
Levdansky			

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

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

## SUPPLEMENTAL CALENDAR E

BILL ON CONCURRENCE  
IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 2499, PN 4280**, entitled:

An Act to provide from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and for the public schools for the fiscal year July 1, 2006, to June 30, 2007, for certain institutions and organizations, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2006; to provide appropriations from the State Lottery Fund, the Energy Conservation and Assistance Fund, the Hazardous Material Response Fund, The State Stores Fund, the Milk Marketing Fund, the Home Investment Trust Fund, the Emergency Medical Services Operating Fund, the Tuition Payment Fund, the Banking Department Fund, the Firearm Records Check Fund, the Ben Franklin Technology Development Authority Fund, the Tobacco Settlement Fund, the Health Care Provider Retention Account and the Community Health Reinvestment Restricted Account to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department for the fiscal year July 1, 2006, to June 30, 2007; to provide appropriations from the Motor License Fund for the fiscal year July 1, 2006, to June 30, 2007, for the proper operation of the several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund moneys; to provide for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the establishment of restricted receipt accounts for the fiscal year July 1, 2006, to June 30, 2007, and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2006; to provide for the additional appropriation of Federal and State funds from the General Fund and the Motor License Fund, for the Executive Department of the Commonwealth for the fiscal year July 1, 2005, to June 30, 2006, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2005.

On the question,

Will the House concur in Senate amendments?

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

On the issue of concurrence, the Chair recognizes the majority leader, Mr. Smith.

## PARLIAMENTARY INQUIRY

The SPEAKER pro tempore. For what purpose does the gentlelady, Ms. Harper, rise?

Ms. HARPER. Thank you, Mr. Speaker.

I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentlelady will state her parliamentary inquiry.

Ms. HARPER. This is a budget bill, and I had filed an amendment to fund mass transit in Pennsylvania, and I am wanting to know whether that amendment is in order now, because I think it is important that we take care of mass transit now while we are working on the budget. Is the amendment in order, Mr. Speaker?

The SPEAKER pro tempore. Ordinarily only under the suspension of the rules would it be in order.

Ms. HARPER. Thank you, Mr. Speaker.

The SPEAKER pro tempore. However—

Ms. HARPER. I am sorry?

The SPEAKER pro tempore. —we understand that this evening we are going to be nonconcurring in this legislation.

Ms. HARPER. So that would make my amendment out of order?

The SPEAKER pro tempore. That is correct.

Ms. HARPER. All right. Thank you, Mr. Speaker.

I just wanted to draw it to the members' attention that the budget does not include enough money to save mass transit from a crisis this fall.

Thank you very much, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the lady.

### PARLIAMENTARY INQUIRY

The SPEAKER pro tempore. Mr. Rohrer, are you seeking recognition?

Mr. ROHRER. I am.

A parliamentary inquiry here.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. ROHRER. Why was it stated by the Chair that this body was going to nonconcur? That is a vote. How does the Chair know that in fact that is going to occur, that the gentlelady was not able to suspend the rules for her consideration? I do not understand that.

The SPEAKER pro tempore. It is the intention of the majority leader to ask for a nonconcurrence, and the Chair was so advised.

Mr. ROHRER. Okay. But that is different than I think what was told to the gentlelady. It was kind of indicated that she could not offer her amendment, but that would not be true. She could offer and she could ask for a suspension, I believe. Is that not correct?

The SPEAKER pro tempore. What we were trying to explain earlier, Mr. Rohrer, is that if the amendment had been adopted, it would have in effect been nullified, the entire bill.

Mr. ROHRER. But, Mr. Speaker, on the other hand, if that amendment had been agreed to and made a part of that bill, that whole thing would have gone to conference committee with that as a part of it. Am I not correct?

The SPEAKER pro tempore. The Chair has been advised that it would not and you are incorrect. You cannot amend a bill and then nonconcur.

Mr. ROHRER. All right.

Mr. Speaker, then that being the case, I have an amendment that has been filed that would require a suspension, but because of the nature of the amendment, it could be acted upon and it could become the bill.

So am I in order to make a motion to suspend the rules for the consideration of that amendment?

The SPEAKER pro tempore. Mr. Rohrer, would you kindly come to the rostrum.

(Conference held at Speaker's podium.)

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

The SPEAKER. The Chair recognizes the gentleman, Mr. Rohrer, for a motion.

Mr. ROHRER. Mr. Speaker, am I in order to ask a question either of the majority leader or perhaps the Appropriations chairman just to confirm what is in HB 2499 at the moment?

The SPEAKER. The gentleman is in order under interrogation.

The gentleman, Mr. Feese.

Mr. ROHRER. Thank you, Mr. Speaker.

In simple terms, if you could, I guess, just clarify for us, the bill that is before us is the budget upon which for discussion has come back from the Senate. What increase in spending does it represent over last year? Or answer that however you choose to answer that.

Mr. FEESE. Mr. Speaker, HB 2499 as it presently stands is essentially the current fiscal year budget of '05-'06, not including any supplementals which are necessary to address the needs of the Commonwealth.

Mr. ROHRER. Are you saying it is the same as we sent out of the House?

Mr. FEESE. No. What we sent out of the House, Mr. Speaker, in response to the gentleman's question, was the '05-'06 budget with additional spending for education, which is needed by our school districts, with additional spending to meet our statutory obligations in regard to pension and debt service, with additional spending as amended by members of the House. That was in general the form of the bill when we sent it from the House.

Mr. ROHRER. Okay. So this budget that we have here before us, if you could, put a percentage of increase on this budget over last year.

Mr. FEESE. Mr. Speaker, I cannot answer the gentleman's question, because last year would be the '04-'05 budget year, and I do not recall that number of spending to say what this bill would represent an increase in.

Mr. ROHRER. Okay. I would appreciate that then.

So therefore, Mr. Speaker, if this bill goes forward, we nonconcur ultimately and then it goes to conference committee, the budget ultimately that would be a matter of the conference committee is a budget that has been agreed to pretty much by the Governor and so forth. That budget ultimately that would come out of the conference committee would be a budget that would be, what we are hearing, in the 6.89-percent range? Am I correct in saying that?

Mr. FEESE. Mr. Speaker, the gentleman's question relates to the proposed budget for '06-'07. It is still in the process; the staffs are double-checking the numbers as we speak. The percentage increase would depend on how the calculation is done; that is, whether it would be based on an '05-'06 budget including supplementals, which have not yet been acted upon by this House. The range of increase, based on my most recent discussions with staff, which was within the last hour or so, would be in the range of 5.42 to 6.8. My understanding is, due to some recent changes, it will be below 6. I cannot guarantee that at this time because that is still being determined, which would be in the range of some of the budgets passed during when Governor Ridge was Governor.

### PARLIAMENTARY INQUIRY

Mr. ROHRER. All right. Mr. Speaker, a parliamentary question then for you, if I can.

The SPEAKER. The gentleman will state.

Mr. ROHRER. If this bill, 2499, goes to conference and comes out as a conference report, will the amendment that I have filed to it now as 2499 be in order at that point in time?

The SPEAKER. With a conference committee report, even with the suspension of the rules, you cannot amend the conference committee report.

Mr. ROHRER. Okay. I just wanted to clarify that. Then I appreciate.

### MOTION TO SUSPEND RULES

Mr. ROHRER. Then that being the case, Mr. Speaker, I would like to make a motion at this point.

The SPEAKER. The gentleman will state.

Mr. ROHRER. Okay. Mr. Speaker, in consideration of the fact that as we move into this budget vote here that is going to take us, ultimately later tonight, toward a vote on a final budget that is going to be in the range of, we have heard from 6 to 6.9 – we do not know because we are not at that point yet – Mr. Speaker, I have an amendment, a smart-growth amendment that is called, that would be the budget, very similar to what we passed from this House earlier in original 2499, but the growth at 3.47 percent, which is the number that 112, I believe, members of this House earlier voted for when we voted for the taxpayer controls on budgetary spending—

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

Mr. ROHRER. —and that being the case—

The SPEAKER. The gentleman will suspend.

### PARLIAMENTARY INQUIRY

The SPEAKER. For what purpose does the Democrat leader rise?

Mr. DeWEESE. A parliamentary inquiry.

The SPEAKER. The gentleman will state.

Mr. DeWEESE. With all due respect, and I am curious and possibly naive, but is the matter that my honorable colleague from Berks is discussing before the House, is it pertinent to the discussion that I perceive should be taking place to concur or nonconcur? This is a vehicle that we are trying to use for the budget here later in the evening or tomorrow. This seems to be purposefully dilatory, and I am just asking the Chair if the gentleman is on target, on message? Is this appropriate discussion for now? I think what he is saying would absolutely be appropriate for later on, but for now it just seems to be delaying.

It seems to me also, Mr. Speaker, the reason I rise for this parliamentary inquiry is, what we are hearing from my honorable colleague now, we are going to hear it again, and I would just like to hear it once.

The SPEAKER. It is the opinion of the Chair the gentleman was leading up to a motion of a suspension of the rules and giving an explanation of the reason for the suspension of the rules. But the gentleman should get on with the motion.

Mr. ROHRER. And thank you, Mr. Speaker. I will not go any further, but to clarify the minority leader's interests, yes, this is the appropriate time, because it is not appropriate later. And yes, some of the comments may come twice, but if the appropriate vote would be to suspend the rules and the House would so choose to do so, then there could be a single vote on a budget that would be consistent with 112 of those members who

cast votes earlier, that they would be guided by basically a cost-of-living increase in the budget, more or less taxpayer protection, and that would be 3.47.

So on that basis, Mr. Speaker, my motion would be that we suspend the rules for the consideration of amendment 8729, a smart-growth budget alternative that would grow spending at 3.47 percent, very similar to what we sent out of the House here earlier in the original 2499.

The SPEAKER. The gentleman has made a motion to suspend the rules to accept amendment A2789. If the gentleman is successful, then the bill would not be able to go to a conference committee and would be sent back to the Senate. We cannot nonconcur.

On the motion to suspend, those in favor of the motion will vote "aye"; those opposed, "no." The members will proceed to vote.

The Chair rescinds.

On the question,

Will the House agree to the motion?

### PARLIAMENTARY INQUIRY

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

Mr. DeWEESE. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state.

Mr. DeWEESE. If my honorable colleague from Berks has his way and we would suspend, we would commence debating his budget, and I doff my hat. I laud his perdurable enthusiasm, although I do not necessarily embrace his mission. But we have not caucused on the Rohrer budget, and bluntly, the reason I am going to ask for a negative vote on suspension of the rules – although I am not a clairvoyant, I would think that my honorable colleague from Jefferson County would agree with me – we are trying to move the budget process along. Because of recent history and collective enlightenment, we are not going to be here in the middle of the night. So we are going to come back tomorrow. That will not have a deleterious effect upon the process because it is the weekend. State workers will not be infringed upon; the mechanisms of government will go forward. We are going to come back tomorrow and try to do the budget. But this is an either accidentally or on purpose, I am not going to allege any motivation to my honorable colleague and good friend from Berks, but this is a delaying activity.

If we suspend the rules, that is the wrong thing to do. It sends the wrong message to our membership as far as expediting the process. The gentleman will have a chance later on to make his comments and to engage in debate, but this is not the right time.

I would ask for a negative vote, and unless I see my honorable friend from Jefferson County, the majority leader, get up frenetically and gainsay what I have said, I think it is a unanimous opinion on the leadership teams that we ask for a negative vote on suspension of the rules.

The SPEAKER. The gentleman, Mr. Smith, the majority leader, on the suspension of the rules for the Rohrer amendment.

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

With all due respect to the interests and the substance, I will subsequently be asking the members to nonconcur on HB 2499, and in order to properly do that, Mr. Speaker, I would ask the

members not to suspend the rules for consideration of this amendment.

Thank you, Mr. Speaker.

The SPEAKER. Those in favor of the suspension will vote “aye”; those opposed, “no.”

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

#### YEAS—72

Armstrong	Gillespie	Major	Reed
Baldwin	Gingrich	Marsico	Reichley
Barrar	Grell	McIlhatten	Roberts
Bastian	Harhart	McNaughton	Rohrer
Benninghoff	Harris	Metcalfe	Saylor
Birmelin	Hasay	Miller, R.	Schroder
Boyd	Hennessey	Miller, S.	Semmel
Bunt	Herman	Mustio	Sonney
Clymer	Hershey	Nailor	Stairs
Creighton	Hess	Nickol	Steil
Dally	Hickernell	Payne	Stern
Denlinger	Hutchinson	Petrarca	Stevenson, R.
Ellis	Kauffman	Petri	Stevenson, T.
Fairchild	Keller, M.	Phillips	True
Feese	Leh	Pickett	Turzai
Fleagle	Mackereth	Pyle	Watson
Gabig	Maher	Quigley	Wright
Geist	Maitland	Rapp	Yewcic

#### NAYS—126

Adolph	Donatucci	Lederer	Samuelson
Allen	Eachus	Lescovitz	Santoni
Argall	Evans, D.	Manderino	Sather
Baker	Evans, J.	Mann	Scavello
Bebko-Jones	Fabrizio	Markosek	Shapiro
Belardi	Fichter	McCall	Siptroth
Belfanti	Flaherty	McGeehan	Smith, B.
Beyer	Flick	McGill	Smith, S. H.
Biancucci	Frankel	McIlhinney	Solobay
Bishop	Freeman	Melio	Staback
Blackwell	Gannon	Micozzie	Stetler
Blaum	George	Millard	Sturla
Buxton	Gerber	Mundy	Surra
Caltagirone	Gergely	Myers	Tangretti
Cappelli	Godshall	O'Brien	Taylor, E. Z.
Casorio	Good	Oliver	Taylor, J.
Causar	Goodman	O'Neill	Thomas
Cawley	Grucela	Pallone	Tigue
Civera	Gruitza	Parker	Veon
Cohen	Haluska	Petrone	Vitali
Cornell	Hanna	Pistella	Walko
Corrigan	Harhai	Preston	Wansacz
Costa	Harper	Ramaley	Waters
Crahalla	James	Raymond	Wheatley
Cruz	Josephs	Readshaw	Williams
Curry	Keller, W.	Roebuck	Wojnaroski
Daley	Kenney	Rooney	Youngblood
DeLuca	Killion	Ross	Yudichak
Dermody	Kirkland	Rubley	Zug
DeWeese	Kotik	Ruffing	
DiGirolamo	LaGrotta	Sabatina	Perzel,
Diven	Leach	Sainato	Speaker

#### NOT VOTING—0

#### EXCUSED—5

Forcier	Rieger	Shaner	Wilt
Levdansky			

Less than a majority of the members required by the rules having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

On the question recurring,

Will the House concur in Senate amendments?

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

Mr. SCHRODER. Mr. Speaker, would the Appropriations chair consent to brief interrogation?

The SPEAKER. The gentleman indicates he will. The gentleman is in order and may proceed.

Mr. SCHRODER. Thank you, Mr. Speaker.

Mr. Speaker, in response to the gentleman, Mr. Rohrer's questions earlier, if I am not mistaken, you had indicated that this budget that currently is in 2499 is pretty much the current fiscal year's budget, but there were some other areas that might not have been addressed, such as some education areas and a few others. Is that correct? Did I understand that correctly?

Mr. FEESE. Mr. Speaker, the gentleman is correct for the most part. I believe when I responded to that question from the gentleman from Berks County it was in regard to the differences between this bill as now written and the form it was in when this House sent it to the Senate. When this House sent it to the Senate, we addressed a number of issues – education, debt service, pension obligations, and things of that nature – which those necessary expenditures that we addressed have not been addressed in this document as it is now presented.

Mr. SCHRODER. And, Mr. Speaker, the brief list that you just rattled off, could they not be addressed through supplemental appropriations at some point later on or during the process or even when we come back in the fall?

Mr. FEESE. Mr. Speaker, in response to the gentleman's question, I believe for the most part, I hesitate only in that I would be concerned about not appropriating the necessary funds for debt service, and at least in my nonexpert opinion regarding the bond market, I would be very apprehensive about the message that that would send to Wall Street and Pennsylvania's financial rating.

Mr. SCHRODER. Thank you for those responses, Mr. Speaker.

Mr. Speaker, could I speak on the issue of concurrence?

The SPEAKER. The gentleman is in order.

Mr. SCHRODER. Mr. Speaker, it seems to me that this budget could form a basis for us to pass for the first time in the Rendell administration a budget on time and send it to the Governor. Mr. Speaker, if this represents our current year's budget and all we would need to do is a little work with some supplemental appropriations later on down the line, we could concur with this budget this evening, send it to the Governor, and address some of those issues later down the line. I know the Governor more than anything would love to have a budget on his desk on time, so I assume that our friends on the other side of the aisle would love nothing more than to accommodate him in meeting that goal. So, Mr. Speaker, it seems to me that what we should do is first have some caucuses on what is contained in this budget. Once we caucus, we could come back later this evening and take a vote, possibly on actually concurring with this budget so that it goes to the Governor and it goes there on time, before midnight tonight, and he gets a budget for the first time on time and we have done our job for this month.

**MOTION TO RECESS**

Mr. SCHRODER. So, Mr. Speaker, I would move that we recess to caucus on this budget.

The SPEAKER. It is moved by the gentleman, Mr. Schroder, that this House do recess— Do we come back, Mr. Schroder, or do we just recess?

Mr. SCHRODER. I would propose that we recess so both sides could go to caucus and decide whether we want to pass a budget that has reasonable spending in it or take the risk of coming back tomorrow and pass something that is more along the line of 6, 7, 8 percent or whatever the latest rumor is.

The SPEAKER. Mr. Schroder—

Mr. SCHRODER. This would prevent us from making a—

The SPEAKER. Will the gentleman suspend.

It is only debatable by the floor leaders, Mr. Schroder. Did you want to come back at a specific time or just recess?

Mr. SCHRODER. I would leave it up to the will of the caucuses as to what time we come back.

The SPEAKER. Okay. On the motion, those in favor of recessing will vote “aye”; those opposed, “no.”

On the question,

Will the House agree to the motion?

The following roll call was recorded:

**YEAS—39**

Armstrong	Freeman	Maher	Rohrer
Barrar	Gabig	Maitland	Samuelson
Bastian	Gillespie	Marsico	Saylor
Benninghoff	Grell	McIlhatten	Schroder
Clymer	Harris	McNaughton	Semmel
Creighton	Hennessey	Metcalfe	Steil
Denlinger	Hershey	Mustio	Stern
Ellis	Hutchinson	Petrarca	Stevenson, R.
Fairchild	Kauffman	Phillips	Stevenson, T.
Fleagle	Keller, M.	Reichley	

**NAYS—159**

Adolph	Fabrizio	Manderino	Sabatina
Allen	Feese	Mann	Sainato
Argall	Fichter	Markosek	Santoni
Baker	Flaherty	McCall	Sather
Baldwin	Flick	McGeehan	Scavello
Bebko-Jones	Frankel	McGill	Shapiro
Belardi	Gannon	McIlhinney	Siptroth
Belfanti	Geist	Melio	Smith, B.
Beyer	George	Micozzie	Smith, S. H.
Biancucci	Gerber	Millard	Solobay
Birmelin	Gergely	Miller, R.	Sonney
Bishop	Gingrich	Miller, S.	Staback
Blackwell	Godshall	Mundy	Stairs
Blaum	Good	Myers	Stetler
Boyd	Goodman	Nailor	Sturla
Bunt	Grucela	Nickol	Surra
Buxton	Gruitza	O'Brien	Tangretti
Caltagirone	Haluska	Oliver	Taylor, E. Z.
Cappelli	Hanna	O'Neill	Taylor, J.
Casorio	Harhai	Pallone	Thomas
Causar	Harhart	Parker	Tigue
Cawley	Harper	Payne	True
Civera	Hasay	Petri	Turzai
Cohen	Herman	Petrone	Veon
Cornell	Hess	Pickett	Vitali
Corrigan	Hickernell	Pistella	Walko
Costa	James	Preston	Wansacz
Crahalla	Josephs	Pyle	Waters

Cruz	Keller, W.	Quigley	Watson
Curry	Kenney	Ramaley	Wheatley
Daley	Killion	Rapp	Williams
Dally	Kirkland	Raymond	Wojnarowski
DeLuca	Kotik	Readshaw	Wright
Dermody	LaGrotta	Reed	Yewcic
DeWeese	Leach	Roberts	Youngblood
DiGirolamo	Lederer	Roebuck	Yudichak
Diven	Leh	Rooney	Zug
Donatucci	Lescovitz	Ross	
Eachus	Mackereth	Rubley	Perzel,
Evans, D.	Major	Ruffing	Speaker
Evans, J.			

**NOT VOTING—0****EXCUSED—5**

Forcier	Rieger	Shaner	Wilt
Levdansky			

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

On the question recurring,

Will the House concur in Senate amendments?

The SPEAKER. The gentleman, Mr. Gabig.

Mr. GABIG. Thank you, Mr. Speaker.

I want to, if I could, ask the Appropriations chair a question, if he would stand for interrogation.

The SPEAKER. The gentleman indicates he will stand. The gentleman is in order.

Mr. GABIG. Mr. Speaker, I think this question has been asked and there has been an attempted answer, and I just did not follow the answer. I believe I voted for HB 2499 and it went over to the Senate. Now it has come back, I guess recently. Am I right about that, Mr. Speaker? From the Senate.

Mr. FEESE. Mr. Speaker, yes, it is coming back, or it could not be before the House.

Mr. GABIG. I mean, my question was, did it come back fairly recently, sometime today or this evening?

Mr. FEESE. Yes, Mr. Speaker. In response to the gentleman's question, it did come back today, which would be indicated on your computer.

Mr. GABIG. Now, Mr. Speaker, I do not believe that I had a chance to caucus on this, and I heard the minority leader say we should not deal with Mr. Rohrer's matter because we had not had a chance to caucus on it, and I just want to be sure, because I have had some issues about voting on things that, you know—I want to make sure I understand what the Senate changed when we put it over here. Now, we sent a budget over there. Now, what is the difference? What Senate changes are in 2499 that were not in there when we sent it over?

Mr. FEESE. Mr. Speaker, in response to the gentleman's question, as I had indicated earlier, the bill as it now stands does not, as it did when it left the House, address any extra funding for education. It does not address additional needs of debt service, pension. It does not have spending in a number of different categories, as I recall – transportation for disabled veterans. New Choices/New Options would not have funds. No, excuse me, it would have New Choices/New Options, and there



are probably about 50 different line items that I would be happy to sit down and go over with the gentleman.

Mr. GABIG. I briefly, again, went through my notebook, and I thought I did see a line item for the disabled veterans, but the gentleman, I am sure, is more versed in that.

Mr. FEESE. Mr. Speaker, if the gentleman saw that line item, rather than playing this game—

Mr. GABIG. No, no, no. No.

Mr. FEESE. —I agree with him.

Mr. GABIG. No, no; hold it. Mr. Speaker—

Mr. FEESE. But, but—

Mr. GABIG. I did not say that in that manner, sir. Sir, please.

Mr. FEESE. Thank you, Mr. Speaker.

I would be happy, as I indicated, if the gentleman is willing, to go anywhere that he likes and we can look at this line item by line item.

Mr. GABIG. I would not mind doing that, but we are not going to go to caucus, and my point was, the gentleman made that statement and he might be right or he might not. I am just saying what I saw on my screen, is the only reason I said that. But if the gentleman wants to stand by his statement, that is fine with me also.

Mr. FEESE. Mr. Speaker, in response to the gentleman's comment, if he indicates — I know him to be an honorable individual and a member of the bar — that I am incorrect in trying to remember what is in the document, I agree with him and I bow to his wisdom.

Mr. GABIG. No, that was not my point. My point was, I was not exactly sure; I am just trying to recall when I went through there. If the gentleman is more sure, I am going to bow to his since he is the Appropriations chair.

But here is my question: What is the level of increase in this budget compared to what we sent over? Is this budget bigger than the Senate sent over or smaller than what we sent over?

I do not know; let me rephrase that question. The amount of money, the total amount of money that is being appropriated from the General Fund, is it a larger number than the Senate sent back than we sent over or is it a smaller number than the Senate sent back, is my question, the bottom line.

Mr. FEESE. It would be a smaller number, Mr. Speaker.

Mr. GABIG. All right. So as the Appropriations chair, my Appropriations chairman, Mr. Speaker, are you saying it is such a difference, that it is so small and they made such radical differences, that it really will not work to fund our government? That is the question. I would like to vote for a smaller one, but if it is just a matter of a vehicle, as somebody else mentioned, I do not want to be irresponsible. If the gentleman understands my concern, Mr. Speaker.

Mr. FEESE. Mr. Speaker, in response to the gentleman's question, as best as I can explain in an abbreviated situation, it would fund general functions of government. However, there would be shortfalls in our prison system, debt service, pension system, some GGO (general government operations) line items, which would be our ability to pay employees. It would also have some shortfalls, some significant shortfalls in medical assistance, mostly dealing with our senior citizens' needs. So it would operate government and could operate government for a period of time. Those problems would loom on the horizon.

Mr. GABIG. So I guess without putting words in the gentleman's mouth, you are saying this budget really does not work. It is merely a vehicle to get us someplace, and then we

can decide later on whether we are going to be for or against whatever thing. Is that fair to say, Mr. Speaker?

Mr. FEESE. Well, for not putting words in my mouth, you sure tried.

I think this dovetails with one of the former questioner's interrogatories, and that is, I think it could fund the functions of government for a period of time. At some point in time, it would not fund some of those functions. Secondly, the debt service, to me, would be the real concern, what message that sends.

Mr. GANNON. All right. Is this just merely, Mr. Speaker, a procedural vote to get us to the real vote? Is that what the— Or is it in fact some kind of real budget, as Mr. Schroder was mentioning, or is this just a mere procedural vote to get us to the real budget vote?

Mr. DeWEESE. Yes.

Mr. FEESE. Mr. Speaker, I appreciate the enthusiasm of the gentleman from Greene, but he has his fun, I am having my fun.

Mr. GABIG. I just have a campaign coming up, and I have been whiplashed on some of these issues about facilitating a vote where I really was just trying to move the process along and I wanted to make my substantive vote at the right time, and I want to make sure this is not a substantive vote, it is a procedural vote.

Mr. FEESE. It is not procedural in the true meaning of the word. It is simply, however — you are correct — a vote to move the process along to get to the real budget time.

Mr. GABIG. I really appreciate the gentleman's and the rest of my colleagues' patience. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Northampton, Mr. Dally. The gentleman waives off.

On the question recurring,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

#### YEAS—2

Creighton                      Schroder

#### NAYS—196

Adolph	Feese	Maitland	Rubley
Allen	Fichter	Major	Ruffing
Argall	Flaherty	Manderino	Sabatina
Armstrong	Fleagle	Mann	Sainato
Baker	Flick	Markosek	Samuelson
Baldwin	Frankel	Marsico	Santoni
Barrar	Freeman	McCall	Sather
Bastian	Gabig	McGeehan	Saylor
Bebko-Jones	Gannon	McGill	Scavello
Belardi	Geist	McIlhattan	Semmel
Belfanti	George	McIlhinney	Shapiro
Benninghoff	Gerber	McNaughton	Siptroth
Beyer	Gergely	Melio	Smith, B.
Biancucci	Gillespie	Metcalfe	Smith, S. H.
Birmelin	Gingrich	Micozzie	Solobay
Bishop	Godshall	Millard	Sonney
Blackwell	Good	Miller, R.	Staback
Blaum	Goodman	Miller, S.	Stairs
Boyd	Grell	Mundy	Steil
Bunt	Grucela	Mustio	Stern
Buxton	Gruitza	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	Parker	Taylor, J.
Cohen	Hennessey	Payne	Thomas
Cornell	Herman	Petrarca	Tigue
Corrigan	Hershey	Petri	True
Costa	Hess	Petrone	Turzai
Crahalla	Hickernell	Phillips	Veon
Cruz	Hutchinson	Pickett	Vitali
Curry	James	Pistella	Walko
Daley	Josephs	Preston	Wansacz
Dally	Kauffman	Pyle	Waters
DeLuca	Keller, M.	Quigley	Watson
Denlinger	Keller, W.	Ramaley	Wheatley
Dermody	Kenney	Rapp	Williams
DeWeese	Killion	Raymond	Wojnaroski
DiGirolamo	Kirkland	Readshaw	Wright
Diven	Kotik	Reed	Yewcic
Donatucci	LaGrotta	Reichley	Youngblood
Eachus	Leach	Roberts	Yudichak
Ellis	Lederer	Roebuck	Zug
Evans, D.	Leh	Rohrer	
Evans, J.	Lescovitz	Rooney	
Fabrizio	Mackereth	Ross	Perzel,
Fairchild	Maher		Speaker

NOT VOTING—0

EXCUSED—5

Forcier	Rieger	Shaner	Wilt
Levdansky			

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the amendments were not concurred in.

Ordered, That the clerk inform the Senate accordingly.

### HARRISBURG LEGISLATIVE LEAVE

The SPEAKER. The Chair recognizes the majority whip, who moves for a Capitol leave for the gentleman, Mr. McNAUGHTON. Without objection, that Capitol leave will be granted.

### MOTION FOR SPECIAL ORDER OF BUSINESS

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

Mr. SURRA. To make a motion, Mr. Speaker.

The SPEAKER. The gentleman is in order.

Mr. SURRA. Mr. Speaker, I move that we immediately move HB 957, Representative Hasay's bill, under a special order of business for immediate consideration of the House.

The SPEAKER. It is moved by the gentleman from Elk, Mr. Surra, that HB 957, PN 1958, on page 9 of today's House calendar be made a special order of business.

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

(Members proceeded to vote.)

### VOTE STRICKEN

The SPEAKER. The clerk will strike the board.

### PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the majority leader, the gentleman, Mr. Smith.

Mr. S. SMITH. Mr. Speaker, just first a parliamentary inquiry.

The motion for the special order of business, just for the sake of the record, Mr. Speaker, would you explain exactly what that motion means?

The SPEAKER. If the motion were to get 102 votes, it would be brought immediately before the floor of the House of Representatives.

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

On this motion, Mr. Speaker.

Mr. Speaker, I would ask the members to vote against the motion for a special order. Clearly, Mr. Speaker, we are in the midst of a series of bills, some directly related to the budget, such as the last bill we just considered, which would be the general appropriations bill. There are several other bills, Mr. Speaker, that are peripheral to the issue of passing the State's General Fund budget, and I would like to keep this House, Mr. Speaker, focused on those issues that are specifically part of that agenda and that calendar.

So, Mr. Speaker, without asking the members to vote against the bill per se, I am simply asking them to not support the motion for the special order, which therein would simply have us just not call this bill up at this time, so that we can continue to proceed with the more pressing business at hand, which is relative to the Commonwealth's budget and issues that are associated directly with that.

Thank you, Mr. Speaker.

The SPEAKER. For the information of the members, the subject material of the particular bill is not debatable on the floor of the House, only the reasons as to why we should have a special order of business.

On that question, Mr. Surra.

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

Mr. Speaker, I rise to ask my colleagues to support the special order, and I realize that the hour is late and we have all been here a long time and we are waiting. If we could have brought this issue before this chamber in the past, we would not be doing this now. I have been waiting about 6 years to bring this before the House. I have had discussions; I have had promises. And not only myself; this is not my bill. I have a bill similar to this. This is Representative Hasay's bill, and we have bipartisan support for this issue. It is a very critical issue. It deals with patient safety, it deals with family values, it deals with workplace issues, and I think it is time that we deal with it. We have all talked about it, we have all made promises to people about it, and I think it is time that we put that vote in front of the public right now and let us let people know where we stand on this issue.

I would appreciate an affirmative vote.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

#### YEAS—93

Bebko-Jones	Fabrizio	Manderino	Samuelson
Belardi	Flaherty	Mann	Santoni
Belfanti	Frankel	Markosek	Shapiro
Biancucci	Freeman	McCall	Siptroth
Bishop	Gannon	McGeehan	Solobay
Blackwell	George	Melio	Staback
Blaum	Gerber	Mundy	Stetler
Buxton	Gergely	Myers	Sturla
Caltagirone	Goodman	Oliver	Surra
Casorio	Grucela	Pallone	Tangretti
Cawley	Gruitza	Parker	Thomas
Cohen	Haluska	Petrarca	Tigue
Corrigan	Hanna	Petrone	Veon
Costa	Harhai	Pistella	Vitali
Cruz	James	Preston	Walko
Curry	Josephs	Ramaley	Wansacz
Daley	Keller, W.	Readshaw	Waters
DeLuca	Kirkland	Roberts	Wheatley
Dermody	Kotik	Roebuck	Williams
DeWeese	LaGrotta	Rooney	Wojnaroski
DiGirolamo	Leach	Ruffing	Yewcic
Donatucci	Lederer	Sabatina	Youngblood
Eachus	Lescovitz	Sainato	Yudichak
Evans, D.			

#### NAYS—96

Adolph	Gabig	Marsico	Rohrer
Argall	Geist	McGill	Ross
Armstrong	Gillespie	McIlhatten	Rubley
Baker	Gingrich	McIlhinney	Sather
Baldwin	Godshall	McNaughton	Saylor
Bastian	Good	Metcalfe	Scavello
Benninghoff	Grell	Micozzie	Semmel
Beyer	Harhart	Millard	Smith, B.
Birmelin	Harper	Miller, R.	Smith, S. H.
Bunt	Harris	Miller, S.	Sonney
Cappelli	Hennessey	Mustio	Stairs
Causar	Herman	Nailor	Steil
Civera	Hershey	Nickol	Stern
Clymer	Hess	O'Brien	Stevenson, R.
Crahalla	Hickernell	O'Neill	Stevenson, T.
Dally	Hutchinson	Payne	Taylor, E. Z.
Denlinger	Kauffman	Petri	Taylor, J.
Diven	Keller, M.	Phillips	Turzai
Ellis	Kenney	Pickett	Watson
Evans, J.	Killion	Pyle	Wright
Fairchild	Leh	Quigley	Zug
Feese	Mackereth	Rapp	
Fichter	Maher	Raymond	
Fleagle	Maitland	Reichley	Perzel,
Flick	Major		Speaker

#### NOT VOTING—9

Allen	Cornell	Hasay	Schroder
Barrar	Creighton	Reed	True
Boyd			

#### EXCUSED—5

Forcier	Rieger	Shaner	Wilt
Levdansky			

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

#### PARLIAMENTARY INQUIRY

Mr. DeWEESE. Mr. Speaker?

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

Mr. DeWEESE. Just a point of parliamentary inquiry.

I want the technicians to take a good look at that voting record. There were a lot of Republicans who did not vote. They must have machinery that is malfunctioning, and I want the Chief Clerk, my good friend, Mr. Nick, to have the technicians overview the Republican voting switches.

The SPEAKER. The Chair thanks the gentleman.

#### VOTE CORRECTION

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

Mr. BOYD. To correct the record, Mr. Speaker.

My button truly did not work. I was pushing the “no” and it did not work.

Mr. S. SMITH. Mr. Speaker? Mr. Speaker?

The SPEAKER. Yes, Mr. Smith?

Mr. S. SMITH. I would, in response to what the minority leader was just making reference to, I would be a little bit cautious if I had as much glass in my house when I start throwing those kinds of stones. Your windows are well within reach.

#### VOTE CORRECTION

The SPEAKER. The gentlelady, Mrs. True.

Mrs. TRUE. Thank you, Mr. Speaker.

I could not make my switch work either, for the record.

The SPEAKER. The gentlelady's remarks will be spread across the record.

The Chair turns to—

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

The SPEAKER. For what purpose does the Democrat leader rise?

Mr. DeWEESE. I would like to have a 30-second hiatus so we can ask for a vote to reconsider. The gentleman's members did not vote; our members did. I do not know what he is talking about the glass, but we could have a motion to reconsider, and then we would have this matter taken care of, just in case those voting machines are not working.

The SPEAKER. Just fill it out, Mr. DeWeese, and send it up.

#### CALENDAR CONTINUED

#### BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1809, PN 2382**, entitled:

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

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?

The Chair recognizes the gentleman, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

Will the maker of the bill stand for brief interro—I withdraw that, Mr. Speaker. I withdraw my request.

The SPEAKER. It is the understanding of the Chair that the leaders have withdrawn all the amendments on this particular piece of legislation, and the Chair recognizes the gentleman, Mr. Evans.

Mr. D. EVANS. Thank you, Mr. Speaker.

Mr. Speaker, may I interrogate the majority leader?

The SPEAKER. The gentleman, Mr. Smith, indicates he will stand for interrogation. The gentleman is in order and may proceed.

Mr. D. EVANS. Mr. Speaker, you and I have been having a discussion about the level of crime and violence in the Commonwealth of Pennsylvania, and in having that discussion with you, I have talked about the 581 – I take that back – the 381 homicides in the city of Philadelphia last year, the 500 shootings this year, the 166 deaths this year, Officer Gary Skerski's death a couple of weeks ago – you know, he has a family of Ann, Robert, and Nicole – and Faheem Thomas-Childs 2 years ago. And I have discussed with you, Mr. Speaker, that I believe that there needs to be a full-blown discussion about what to do about crime and violence, not just in Philadelphia – and you raised that point – but I know in Allentown and Reading, Erie, York, and other places that it has been a real problem.

You have indicated to me that maybe what we should do is have a Committee of the Whole full discussion with all of the issues on the table about how we can address crime and violence in this Commonwealth, and maybe, and it is up to you, but maybe the first week or whenever we get back in September that we would have this all-day discussion where every member could participate what we can do about crime and violence. Can you give me some reaction to what I have just expressed to you relating to addressing these issues?

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

Yes, Mr. Speaker. In discussions with these issues that are obviously of importance to some members, perhaps some members more than others as all issues are, I am going to propose that we would reinstitute the practice under the Committee of the Whole that we have used before. I think that it is a process that certainly allows members to air out issues, to discuss issues in a formal yet not testy kind of way where people can maybe take a little broader look outside the box.

Clearly the entire context of this committee would be, this Committee of the Whole which we would be willing to do the first week we are back, which is in the latter part of September, I think that the interest and focus would be beyond just the central elements of crime but those issues that are peripheral

and are substantive in the sense that they contribute to it, whether it is the focus of criminal law; whether it is violence; whether it is the system, the judicial system, the punishment in the penal code, if you will; whether it is the educational system to the degree that that has a part to it; whether it might be the problems with drugs that often are associated with crime; whether it is public safety or personal rights and an individual's personal safety, their ability to remain secure in their person, in their home. The focus of this would be broad enough to encompass the wide range of issues that are directly related to what I think is your primary interest, Mr. Speaker.

Mr. D. EVANS. Mr. Speaker, I want to thank you, but as you just indicated, what I would like for the House to understand is that we would be willing to discuss every and any thing and have this full, open discussion.

I was here, Mr. Speaker, in 1994 when Governor Ridge had a special session around the issue of crime, and it has been almost 12 years. We have far more people in prison, and obviously we did what we needed to do – increased mandatory sentencing, which obviously I voted for that mandatory sentencing and things that I did at that particular point – but here we are 12 years later and yet homicide rates across the Commonwealth of Pennsylvania are up completely. Anytime you have an officer who is doing his job, Officer Skerski, and when he is doing his job, an individual who has a shotgun just comes right out and shoots that particular officer, it clearly, Mr. Speaker, in my view, it is really time for us to look at some different ways and have a full-blown discussion, and one of the things I like about your idea and your idea of the Committee of the Whole, and I applaud you for showing your leadership on that, is it is high time we have a full-blown discussion. A lot of people look at Philadelphia and Pittsburgh and think there is a problem. I heard one of my colleagues talk about Allentown the other day, with an incident that just happened in Allentown. I hear about Lancaster. But it is not just in Lancaster or Allentown and Philadelphia; it is also in rural Pennsylvania.

So I would hope, Mr. Speaker, that we really have every member really participate in this discussion with putting every single idea on the table and using the property tax model that we had in terms of the Committee of the Whole where members are prepared to be a part of that. And I would hope, Mr. Speaker, that people would understand that as we talk about jobs and minimum wage and other things that we talk about, if we do not provide some form of safety and security, and I believe, Mr. Speaker, government's number one role is to provide safety and security to people, and if people do not feel safe and do not feel secure, in my view, we will continue to have people leave our State.

So as a result, Mr. Speaker, I want to applaud you as majority leader for showing your willingness, and I have talked to you and I have talked to some of my colleagues from Philadelphia, from John Myers, Representative Myers, to Representative Williams and Representative James and Representatives Keller and McGeehan, who also have expressed some interest about this. This is an issue, Mr. Speaker, I do not think is Democrat or Republican or urban or rural, but this is an issue, Mr. Speaker, that I believe we should demonstrate to the public that we are prepared to have an open discussion about the issue of violence and crime that is affecting our Commonwealth, and I do not think, Mr. Speaker, we can allow anyone to get away from the fact of, let us have this discussion and let us not be fearful of having this discussion. I heard

one gentleman when he was talking about the minimum wage expressing that it is good to have these kinds of discussions, and I totally agree with that. I think we should have a lively discussion about what exactly can government do and what can the private sector do? What can the family do? What can households do? What can they exactly do about this question of violence? And I know you agree with me, Mr. Speaker, because I have talked to you one on one and have written letters to you and expressed to you this is an issue that I think, this crime and violence, Mr. Speaker, I believe, is really hurting our Commonwealth from moving forward.

Mr. S. SMITH. Mr. Speaker?

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the majority leader, the gentleman, Mr. Smith.

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

Just a response to the gentleman's comments and a question perhaps. You know, what I would propose to do, Mr. Speaker, is to establish a Committee of the Whole, resolve into the Committee of the Whole, and that that would most likely be, I would not want to be held exactly to this day, I think it would be September 26, Mr. Speaker, which would be the first Tuesday when we are back in session. If it is not that day, it will be, you know, the day before or the day after that. Clearly that is the time frame that I am looking at and that we would frame the issues to be considered under that Committee of the Whole along the lines that I referenced in my earlier remarks that deal with crime and some of the underlying issues that certainly contribute to that.

Mr. D. EVANS. Mr. Speaker, that is the end of my interrogation of the majority leader. I would like to make a few comments.

The SPEAKER. The gentleman is in order and may proceed.

Mr. D. EVANS. Thank you, Mr. Speaker.

What I would like to do first is say to the members, I thank you for allowing this discussion to take place between the majority leader and me. A number of members, particularly members from Philadelphia, have been for months and years feeling the concern and the pressures about trying to figure out how to address this issue. We all are very concerned that we do not think that there is a single response to this particular problem. As a colleague of mine always likes to say, there are many spokes in the wheel, and we have to approach this as there are many spokes in the wheel and exactly how do we address this issue? We have to recognize that it is going to be long-term sustainability and something that we have to recognize that there are a lot of things that we have to do. I do not think there is a single answer. I do not think it is a question of just money involved, I do not think it is a question of just gun policy, I do not think it is a question of just thinking you are going to pass a bill and all of a sudden it is going to go away, but I do recognize this: If we do not as a House begin to face up to the fact that the murder rate and the amount of shootings that are occurring have reached such a point that people do not feel safe, then something is fundamentally wrong. I believe that all people in this House are really concerned about this issue, and I hope when the majority leader has this Committee of the Whole, that we all will give all of our ideas. I have talked to a number of you.

I especially want to thank the members from the Philadelphia delegation on both sides of the aisle who have participated to drive this particular issue, and as a result of that, Mr. Speaker,

I would like to withdraw all of the various amendments that we have on gun policy off of the Title 18 bills. I would like to withdraw those amendments, Mr. Speaker.

Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

## REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. The gentleman, Mr. Harhai.

Mr. HARHAI. Thank you, Mr. Speaker.

In the interest of keeping the process rolling along, I will submit my remarks for the record, and I would just appreciate an affirmative vote. Thank you.

The SPEAKER. The Chair thanks the gentleman. The gentleman's remarks will be spread across the record.

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

Illegal drug manufacturing sites are increasing at a rapid rate across the country and this Commonwealth. In 2004 law enforcement officials shut down 106 of these sites in Pennsylvania.

The manufacturing of methamphetamine is a very dangerous activity carried out by very inexperienced criminals. Dangerous chemicals and solvents are used and stored at these manufacturing sites. Chemicals such as benzene, methylene chloride, trichloroethane, toluene, ammonia, and solvents such as phosphorus, iodine, and dangerous metals are used in the manufacturing process.

Fires and explosions during the illegal manufacturing of methamphetamine are not uncommon and the release of fumes from these fires is very dangerous. Nationally, in 2003 there were 570 fires associated with illegal drug manufacturing with 30 associated deaths.

Extinguishing fires at these illegal sites is extremely hazardous, placing our emergency personnel at risk of exposure to very hazardous materials as well as the fire itself. Emergency personnel responding to a fire at one of these sites may not even be aware of the origin of the fire.

This bill would make it a felony of the first degree if a person causes a fire or explosion as a result of operating an illegal drug manufacturing site whether on his property or that of another. A person who causes a fire or explosion at an illegal drug manufacturing site commits murder of the second degree if the fire or explosion causes the death of any person.

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—198

Adolph	Fairchild	Maher	Rubley
Allen	Feese	Maitland	Ruffing
Argall	Fichter	Major	Sabatina
Armstrong	Flaherty	Manderino	Sainato
Baker	Fleagle	Mann	Samuelson
Baldwin	Flick	Markosek	Santoni
Barrar	Frankel	Marsico	Sather
Bastian	Freeman	McCall	Saylor
Bebko-Jones	Gabig	McGeehan	Scavello
Belardi	Gannon	McGill	Schroder
Belfanti	Geist	McIlhattan	Semmel
Benninghoff	George	McIlhinney	Shapiro
Beyer	Gerber	McNaughton	Siptroth
Biancucci	Gergely	Melio	Smith, B.

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

## NAYS—0

## NOT VOTING—0

## EXCUSED—5

Forcier	Rieger	Shaner	Wilt
Levdansky			

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 2590, PN 3908**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for costs imposed following conviction for passing bad checks.

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, Mr. Samuelson.

Mr. SAMUELSON. Thank you, Mr. Speaker.

I rise to interrogate the maker of the bill.

The SPEAKER. The gentleman indicates he will stand for interrogation. The gentleman is in order.

Mr. SAMUELSON. Thank you.

The question is, the fee listed in this bill is proposed to increase from \$20 to \$50. I am just asking for the background of how that figure was arrived at. Were other levels considered? As I read the bill, the current fee is \$20 and the proposed fee is \$50.

Mr. R. STEVENSON. Yes. Thank you, Mr. Speaker.

That is a fee that has not been increased for a number of years. This concern was brought to me by several business people in my community, and their experience was that as they tried to recover their costs in this sort of an endeavor, \$20 did not cover the costs. It was often much closer to \$50.

Mr. SAMUELSON. And would this be the fee collected by the banks or the financial institutions or by a business that is a recipient of—

Mr. R. STEVENSON. Thank you, Mr. Speaker.

This would be the fee recovered by the business upon conviction of the person for passing bad checks.

The SPEAKER. The Chair thanks the gentleman.

The Chair sees no one else up.

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—189

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

DeLuca	Josephs	Pistella	Wansacz
Denlinger	Kauffman	Preston	Waters
Dermody	Keller, M.	Pyle	Watson
DeWeese	Keller, W.	Quigley	Wheatley
DiGirolamo	Kenney	Ramaley	Williams
Diven	Killion	Rapp	Wojnaroski
Donatucci	Kirkland	Raymond	Wright
Eachus	Kotik	Reed	Yewcic
Ellis	LaGrotta	Reichley	Yudichak
Evans, D.	Leach	Roberts	Zug
Evans, J.	Lederer	Roebuck	
Fabrizio	Leh	Rohrer	
Fairchild	Lescovitz	Rooney	Perzel,
Feese	Mackereth	Ross	Speaker

## NAYS—9

Casorio	Daley	Readshaw	Vitali
Crahalla	Pallone	Tigue	Youngblood
Cruz			

## NOT VOTING—0

## EXCUSED—5

Forcier	Rieger	Shaner	Wilt
Levdansky			

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 2687, PN 4083**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the offense of unlawful procurement, sale or receipt of telephone records.

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?

The gentleman, Mr. Quigley.

Mr. QUIGLEY. Thank you, Mr. Speaker.

I rise tonight to ask for an affirmative vote on HB 2687. This is a first in a series of different bills that we are trying to get a handle on the problem of identity theft, and certainly this bill will assign criminal penalties to anyone who through dishonest or surreptitious means obtains phone records from someone.

I would like to thank Chairman Flick from the Consumer Affairs Committee, also the chairman of the select identity theft committee, as well as Chairman Preston on the Democrat side. I would also like to thank my colleague from Philadelphia, Representative Evans, for agreeing to withdraw these amendments that he withdrew, and I applaud him in his efforts to find solutions for the problem in Philadelphia. As a former

member, a former citizen of Philadelphia rather, I applaud his efforts and look forward to working with him on that Committee of the Whole.

So again, thank you, Mr. Speaker, and I ask for an affirmative vote.

The SPEAKER. The Chair thanks the gentleman.

The Chair sees no one else standing.

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—198

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

## NAYS—0

## NOT VOTING—0

## EXCUSED—5

Forcier  
Levdansky

Rieger

Shaner

Wilt

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 MAJORITY LEADER**

The SPEAKER. The Chair recognizes the majority leader, the gentleman, Mr. Smith.

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

Mr. Speaker, we just nonconcurred on the general appropriations bill a little bit ago, and as soon as the Senate takes the similar action to insist, we will be in a position to name the conferees for the budget conference committee.

Mr. Speaker, at that time, which I expect to be, you know, in a relatively short period of time, the conference committee will be in a position to consider the full general appropriations budget bill. However, Mr. Speaker, all things considered, given the time that we are at, nearing 10 o'clock this evening, until those respective things take place relative, Mr. Speaker, to the sensitivities of providing a caucus and a time for members to familiarize themselves with the content of what the conference committee will report, Mr. Speaker, I am going to suggest here in a minute that we will be recessing to the call of the Chair and that there will be no more votes until tomorrow morning.

Just to give the members a little bit of a feel of where I think we are, if I have not been clear enough, just to give the membership a little bit, you know, probably in days gone by I might have been telling the members to plan on coming back at midnight or 1 o'clock when the conference committee would report this legislation. However, I know that working through the middle of the night has become an issue. It is something that we are trying to, frankly to be blunt about it, we are trying to change our habits, and in a show of good faith toward the procedures and the manner in which we conduct business, Mr. Speaker, what I anticipate happening is later this evening, hopefully the conference committee will be able to be named. They most likely will not meet until morning, at which point in time the conference committee will issue a report on the General Fund budget. I would anticipate, Mr. Speaker, that we will have caucus at 9 o'clock in the morning. There will be informal discussions, probably a little before that, and then we will proceed hopefully within a few hours of that, hopefully maybe 11 o'clock, to come back to the floor to move the budget bill, as well as the other bills that are necessary to be considered.

So unless there are other announcements, Mr. Speaker, I would be moving that we recess to the call of the Chair here, at your leisure.

**GUEST INTRODUCED**

The SPEAKER. There is one special announcement. We do have a young man here who is the son of a friend of a lot of the

members of this General Assembly, young Thomas McCormac. So I would like to have him stand up.

**ANNOUNCEMENT BY  
DEMOCRATIC LEADER**

The SPEAKER. The gentleman, Mr. DeWeese.

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

I would like to take 15 seconds and just wish my mother and father a happy 60th wedding anniversary today.

**REPUBLICAN CAUCUS**

The SPEAKER. The gentlelady, Mrs. Taylor; then the gentleman— Mrs. Taylor.

Mrs. TAYLOR. Mr. Speaker, just to reinforce what the majority leader said, there will be an informal caucus at 9, and then probably at 9:30 there will be a formal caucus.

The SPEAKER. The Chair thanks the gentlelady.

**VOTE CORRECTIONS**

The SPEAKER. Mario Civera? The gentleman, Mr. Civera.

Mr. CIVERA. Mr. Speaker, I stand to correct the record. On SB 707 I was recorded in the negative. I would like to be recorded in the affirmative.

The SPEAKER. The Chair thanks the gentleman. The gentleman's remarks will be spread across the record.

The gentleman, Mr. Cruz.

Mr. CRUZ. Mr. Speaker, for a correction.

The SPEAKER. The gentleman is in order.

Mr. CRUZ. HB 2590 I was voted in the negative. I would like to be in the affirmative, please.

The SPEAKER. The Chair thanks the gentleman.

Mr. CRUZ. Thank you, Mr. Speaker.

The SPEAKER. The gentleman's remarks will be spread across the record.

**DEMOCRATIC CAUCUS**

The SPEAKER. The gentleman, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker and the Democratic Caucus, we will have informal discussions at 9 a.m. and formal caucus beginning at 9:30 a.m.

The SPEAKER. The Chair thanks the gentleman.

Are there any further announcements?

**RECESS**

The SPEAKER. This House stands in recess to the call of the Chair.

**AFTER RECESS**

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



**SENATE MESSAGE****SENATE INSISTS ON AMENDMENTS  
NONCONCURRED IN BY HOUSE**

The clerk of the Senate, being introduced, informed that the Senate has insisted upon its amendments nonconcurrent in by the House of Representatives to **HB 2499, PN 4280**, and has appointed Senators BRIGHTBILL, WENGER, and FUMO to a Committee of Conference on behalf of the Senate to confer with a similar committee of the House of Representatives if the House of Representatives shall appoint such committee on the subject of the differences existing between the two Houses in relation to said bill.

**MOTION INSISTING UPON NONCONCURRENCE  
IN SENATE AMENDMENTS**

Mr. S. SMITH moved that the House insist upon its nonconcurrence in Senate amendments to HB 2499, PN 4280, and that a committee of conference on the part of the House be appointed.

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

**CONFERENCE COMMITTEE APPOINTED**

The SPEAKER. The Chair appoints as a committee of conference on the part of the House on HB 2499, PN 4280: Messrs. FEESE, CIVERA, and D. EVANS.  
Ordered, That the clerk inform the Senate accordingly.

**RECESS**

The SPEAKER. The House will stand in recess to the call of the Chair.

**AFTER RECESS**

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

**BILLS AND RESOLUTIONS PASSED OVER**

The SPEAKER. Without objection, any remaining bills and resolutions on today's calendar will be passed over. The Chair hears no objection.

**RECESS**

The SPEAKER. The Chair recognizes the gentleman from Erie, Mr. Sonney.

Mr. SONNEY. Mr. Speaker, I move that this House do now recess until Saturday, July 1, 2006, at 2 p.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 1:59 p.m., e.d.t., Saturday, July 1, 2006, the House recessed.