

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

MONDAY, JUNE 4, 2007

SESSION OF 2007

191ST OF THE GENERAL ASSEMBLY

No. 42

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (DENNIS M. O'BRIEN) PRESIDING

PRAYER

RABBI SOLOMON ISAACSON, Guest Chaplain of the House of Representatives, offered the following prayer:

I hope I can be prophetic in saying that the next time I do this here in the House will be in September.

(Prayer in Hebrew.)

May He who blessed our forefathers, Abraham, Isaac, and Jacob, may He bless the United States Armed Forces – the Air Force, the Army, the Navy, the Marines – and all who stand guard over our land and the cities of our God. May Hashem, the Almighty, cause the enemies who rise up against us to be struck down before them. May the Holy One, blessed is He, preserve and rescue our fighting men from every trouble and distress and from every plague and illness, and may He send blessing and success in their every endeavor. May He lead our enemies under their sway, and may He adorn them with the crown of salvation and with the diadem of triumph, and may there be fulfilled for them the verse, for it is God, our God, who goes with us to battle our enemies for us to save us, and let us say amen.

(Prayer in Hebrew.)

May He who grants salvation to kings and dominion to rulers, whose kingdom is a kingdom spanning all eternities; who releases David, His servant, from the evil sword; who places a road in the sea and a path in the mighty waters, may He bless, safeguard, preserve, help, exalt, make great, extol, and raise high our beloved President, Vice President, our Governor, the Speaker of the House, and all the other State Representatives and all those who work for them.

The King who reigns over kings, in His mercy, may He sustain them and protect them from every trouble, woe, and injury. May He rescue them. May He gather peoples under their sway and cause their enemies to fall before them. Wherever they turn, may they succeed.

The King who reigns over kings, in His mercy, may He put into their heart and into the heart of all of their counselors and officials compassion to do good for us and with us, in their days and ours, so may it be His will, and let us now say amen.

Thank you very much, and I hope all of you have a wonderful vacation.

PLEDGE OF ALLEGIANCE

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

RABBI ISAACSON. God bless.

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal of Thursday, May 24, 2007, will be postponed until printed. The Chair hears no objection.

LEAVES OF ABSENCE

The SPEAKER. Turning to leaves of absence, the Chair recognizes the majority whip. Are there any leaves on the Democratic side? The gentleman indicates there are none.

The Chair recognizes the minority whip, who requests that Representative RUBLEY from Chester County and Representative HESS from Bedford County be placed on leave for the week. The Chair hears no objection. The gentleman, Representative SAYLOR from York, and Representative WATSON from Bucks County, without objection, these Representatives will be placed on leave for the day. The Chair hears no objection.

MASTER ROLL CALL

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

(Members proceeded to vote.)

LEAVE OF ABSENCE

The SPEAKER. The Chair recognizes the majority whip.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, I would like a temporary leave of absence for the gentleman from Lehigh-Northampton, Mr. SAMUELSON.

The SPEAKER. Without objection, the gentleman will be placed on temporary leave of absence. The Chair hears none. The Chair thanks the gentleman.

MASTER ROLL CALL CONTINUED

The following roll call was recorded:

PRESENT—198

Adolph	Frankel	Mann	Roae
Argall	Freeman	Mantz	Rock
Baker	Gabig	Markosek	Roebuck
Barrar	Galloway	Marshall	Rohrer
Bastian	Geist	Marsico	Ross
Bear	George	McCall	Sabatina
Belfanti	Gerber	McGeehan	Sainato
Benninghoff	Gergely	McI. Smith	Santoni
Bennington	Gibbons	McIlhattan	Scavello
Beyer	Gillespie	Melio	Schroder
Biancucci	Gingrich	Mensch	Seip
Bishop	Godshall	Metcalfe	Shapiro
Blackwell	Goodman	Micozzie	Shimkus
Boback	Grell	Millard	Siptroth
Boyd	Grucela	Miller	Smith, K.
Brennan	Haluska	Milne	Smith, M.
Brooks	Hanna	Moul	Smith, S.
Buxton	Harhai	Moyer	Solobay
Caltagirone	Harhart	Mundy	Sonney
Cappelli	Harkins	Murt	Staback
Carroll	Harper	Mustio	Stairs
Casorio	Harris	Myers	Steil
Causer	Helm	Nailor	Stern
Civera	Hennessey	Nickol	Stevenson
Clymer	Hershey	O'Brien, M.	Sturla
Cohen	Hickernell	O'Neill	Surra
Conklin	Hornaman	Oliver	Swanger
Costa	Hutchinson	Pallone	Tangretti
Cox	James	Parker	Taylor, J.
Creighton	Josephs	Pashinski	Taylor, R.
Cruz	Kauffman	Payne	Thomas
Curry	Keller, M.	Payton	True
Cutler	Keller, W.	Peifer	Turzai
Daley	Kenney	Perry	Verb
Dally	Kessler	Perzel	Vitali
DeLuca	Killion	Petrarca	Vulakovich
Denlinger	King	Petri	Wagner
DePasquale	Kirkland	Petrone	Walko
Dermody	Kortz	Phillips	Wansacz
DeWeese	Kotik	Pickett	Waters
DiGirolamo	Kula	Preston	Wheatley
Donatucci	Leach	Pyle	White
Eachus	Lentz	Quigley	Williams
Ellis	Levdansky	Quinn	Wojnaroski
Evans, D.	Longietti	Ramaley	Yewcic
Evans, J.	Mackereth	Rapp	Youngblood
Everett	Maher	Raymond	Yudichak
Fabrizio	Mahoney	Readshaw	
Fairchild	Major	Reed	O'Brien, D., Speaker
Fleck	Manderino	Reichley	

ADDITIONS—0**NOT VOTING—0****EXCUSED—5**

Hess	Samuelson	Saylor	Watson
Ruble			

LEAVES ADDED—2

Hennessey	Taylor, R.
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LEAVES CANCELED—2

Samuelson	Taylor, R.
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The SPEAKER. A quorum being present, the House will proceed to conduct business.

REMARKS SUBMITTED FOR THE RECORD

Mr. PETRI submitted the following remarks for the Legislative Journal:

Mr. Speaker, it is my privilege to bring to the attention of the Speaker and the members of the Pennsylvania House of Representatives the names of Kyle David Ciminera and Thomas Andrew McCullough, Jr., who have recently been awarded Scouting's highest honor – Eagle Scout.

Mr. Speaker, I would like to read to the members of the House of Representatives the following citation of Kyle David Ciminera and Thomas Andrew McCullough, Jr.

Whereas, Kyle David Ciminera and Thomas Andrew McCullough, Jr., earned the Eagle Award in Scouting. This is the highest award that Boy Scouts can bestow and as such represents great sacrifice and tremendous effort on the part of these young men. They are members of Troop 28.

Now therefore, Mr. Speaker and members of the House of Representatives, it is my privilege to congratulate and place in the Legislative Journal the names of Kyle David Ciminera and Thomas Andrew McCullough, Jr.

**BILL REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND TABLED****HB 932, PN 1098**

By Rep. ROEBUCK

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 responsibilities of department and State Board of Education.

EDUCATION.

**HOUSE RESOLUTIONS
INTRODUCED AND REFERRED**

No. 300 By Representatives BENNINGTON, WAGNER, PARKER, KULA, MANN, JOSEPHS, MUNDY, GEORGE, READSHAW, LEVDANSKY, LEACH, M. SMITH, SHAPIRO, SIPTROTH, SHIMKUS, HARKINS, HARHAI, FRANKEL, FABRIZIO, EACHUS, DERMODY, DePASQUALE, HORNAMAN, FREEMAN, KOTIK, PRESTON, M. O'BRIEN, SANTONI, VITALI, WHEATLEY, J. WHITE, WALKO, MELIO, MARKOSEK, DeLUCA and CURRY

A Resolution petitioning the Congress of the United States to ban the use of organic or inorganic arsenic and arsenic derivatives in poultry feed.

Referred to Committee on INTERGOVERNMENTAL AFFAIRS, May 29, 2007.

No. 304 By Representatives WALKO, COHEN, CALTAGIRONE, DeLUCA, DERMODY, BELFANTI, CONKLIN, DONATUCCI, FABRIZIO, FRANKEL, FREEMAN, GIBBONS, GINGRICH, GRUCELA, HARHAI, HARKINS, HERSHEY, JAMES, KING, KIRKLAND, KORTZ, KOTIK, LEACH, MAHONEY, MARKOSEK, McILVAINE SMITH, MURT, PALLONE, PETRARCA,

READSHAW, SANTONI, SIPTROTH, SOLOBAY, SWANGER, TANGRETTI, VULAKOVICH, J. WHITE, WOJNAROSKI and YOUNGBLOOD

A Resolution directing the House of Representatives to join the National Legislative Association on Prescription Drug Prices.

Referred to Committee on INTERGOVERNMENTAL AFFAIRS, May 29, 2007.

No. 310 By Representatives CASORIO, BELFANTI, BISHOP, CALTAGIRONE, CREIGHTON, DALEY, FABRIZIO, GINGRICH, GOODMAN, GRUCELA, HARKINS, HESS, M. KELLER, KIRKLAND, KOTIK, MOUL, MOYER, O'NEILL, PAYNE, RAYMOND, READSHAW, REICHLEY, ROAE, ROHRER, SIPTROTH, SOLOBAY, WALKO, WOJNAROSKI, VULAKOVICH and SURRA

A Resolution urging the United States Senate to adopt and the President of the United States to sign the Safe American Roads Act of 2007 (H.R. 1773).

Referred to Committee on INTERGOVERNMENTAL AFFAIRS, June 1, 2007.

HOUSE BILLS INTRODUCED AND REFERRED

No. 980 By Representatives TURZAI, BOYD, CAPPELLI, CLYMER, COX, CREIGHTON, EVERETT, HENNESSEY, KAUFFMAN, KENNEY, KILLION, MACKERETH, MARSICO, McILHATTAN, MICOZZIE, R. MILLER, MOYER, MURT, MUSTIO, NAILOR, PAYNE, PICKETT, RAPP, REICHLEY, RUBLEY, SAYLOR, SCAVELLO and SCHRODER

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, providing for public-private partnerships.

Referred to Committee on STATE GOVERNMENT, May 29, 2007.

No. 1156 By Representatives BOBACK, ARGALL, BENNINGTON, BOYD, CARROLL, CONKLIN, COX, DALLY, EVERETT, FLECK, GILLESPIE, GOODMAN, HELM, HICKERNELL, HORNAMAN, JAMES, KAUFFMAN, KENNEY, KIRKLAND, KORTZ, MAHONEY, MAJOR, MANN, MENSCH, MOUL, MUNDY, MURT, MYERS, PASHINSKI, PAYNE, PEIFER, PETRARCA, PHILLIPS, PICKETT, PYLE, QUINN, RAPP, READSHAW, RUBLEY, SCAVELLO, SCHRODER, SHIMKUS, K. SMITH, M. SMITH, SOLOBAY, STERN, R. STEVENSON, TRUE, VEREB, WATSON and YOUNGBLOOD

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for child protective zone; and imposing a penalty.

Referred to Committee on CHILDREN AND YOUTH, June 1, 2007.

No. 1204 By Representatives M. SMITH, BENNINGTON, BOYD, BRENNAN, CALTAGIRONE, DePASQUALE,

DeWEESE, EACHUS, FRANKEL, FREEMAN, GALLOWAY, GEORGE, GIBBONS, GRUCELA, HARHAI, HARPER, HENNESSEY, JOSEPHS, KING, LEACH, MAHONEY, MANN, MARKOSEK, McCALL, McGEEHAN, MUSTIO, M. O'BRIEN, PALLONE, PETRONE, PRESTON, PYLE, READSHAW, SANTONI, SCAVELLO, SIPTROTH, SOLOBAY, STURLA, SURRA, THOMAS, VITALI, WALKO, J. WHITE, YOUNGBLOOD, MARSHALL, SCHRODER, SHAPIRO, KOTIK, WANSACZ, GERGELY and FABRIZIO

An Act requiring the design, construction and renovation of buildings that receive a State appropriation to comply with specified energy and environmental building standards.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, May 31, 2007.

No. 1205 By Representatives M. SMITH, BENNINGTON, BOYD, BRENNAN, CALTAGIRONE, DePASQUALE, DeWEESE, EACHUS, FRANKEL, FREEMAN, GALLOWAY, GEORGE, GIBBONS, GRUCELA, HARHAI, HARPER, HENNESSEY, JOSEPHS, KING, LEACH, MAHONEY, MANN, MARKOSEK, McCALL, McGEEHAN, MUSTIO, M. O'BRIEN, PALLONE, PETRONE, PRESTON, PYLE, READSHAW, SANTONI, SCAVELLO, SIPTROTH, SOLOBAY, STURLA, SURRA, THOMAS, VITALI, WALKO, J. WHITE, YOUNGBLOOD, MARSHALL, MAHER, MANDERINO, SCHRODER, SHAPIRO, KOTIK, WANSACZ, GERGELY and FABRIZIO

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for the High-Performance Buildings Tax Credit.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, May 31, 2007.

No. 1365 By Representatives PERRY, BROOKS, CAPPELLI, CREIGHTON, GINGRICH, MUSTIO, ROAE, SAYLOR, SCAVELLO, CUTLER, MELIO and MACKERETH

An Act amending the act of September 30, 1983 (P.L.160, No.39), known as the Public Official Compensation Law, providing for commission on salaries and benefits for elected officials and duties of commission.

Referred to Committee on STATE GOVERNMENT, May 29, 2007.

No. 1368 By Representatives KILLION, BAKER, CALTAGIRONE, CAPPELLI, EVERETT, FAIRCHILD, FLECK, KIRKLAND, KOTIK, R. MILLER, NAILOR, O'NEILL, PICKETT, READSHAW, RUBLEY, WATSON, BEAR, PYLE, MOYER, DALLY, MELIO, MARSICO and GOODMAN

An Act amending the act of May 31, 1919 (P.L.356, No.170), entitled, as amended, "An act authorizing courts of record to remove convicts and persons confined in jails, workhouses, reformatories, reform or industrial schools, penitentiaries, prisons, houses of correction or any other penal institutions, who are seriously ill, to other institutions; and providing penalties for breach of prison," providing for payment of medical costs.

Referred to Committee on JUDICIARY, May 29, 2007.

No. 1371 By Representatives PASHINSKI, MOYER, BIANCUCCI, BOYD, GEIST, HARHAI, HENNESSEY, HORNAMAN, JAMES, KILLION, KOTIK, MANN, MURT, O'NEILL, PALLONE, PARKER, SCAVELLO, SEIP, SHIMKUS, SIPTROTH and K. SMITH

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the registration of prepaid wireless telephone sales; and prescribing penalties.

Referred to Committee on JUDICIARY, May 29, 2007.

No. 1372 By Representatives SHIMKUS, DERMODY, BISHOP, BLACKWELL, BRENNAN, GIBBONS, KORTZ, KULA, LEACH, MANDERINO, MANN, McCALL, M. O'BRIEN, SANTONI, SIPTROTH, YOUNGBLOOD and JOSEPHS

An Act amending the act of December 17, 1968 (P.L.1224, No.387), known as the Unfair Trade Practices and Consumer Protection Law, further defining "unfair or deceptive acts or practices" to include holds on debit cards used for fuel purchases.

Referred to Committee on CONSUMER AFFAIRS, May 29, 2007.

No. 1373 By Representatives DeWEESE, HANNA, SOLOBAY, KULA, MAHONEY, BLACKWELL, BRENNAN, CALTAGIRONE, COHEN, GIBBONS, JOSEPHS, KIRKLAND, KORTZ, KOTIK, OLIVER, SIPTROTH, TANGRETTI, WOJNAROSKI, YOUNGBLOOD, FABRIZIO, GOODMAN, PETRONE and PASHINSKI

An Act amending the act of May 22, 1933 (P.L.853, No.155), known as The General County Assessment Law, enumerating coal and other valuable minerals, including gas and oil, as subjects of taxation.

Referred to Committee on FINANCE, May 29, 2007.

No. 1374 By Representatives SAYLOR, HUTCHINSON, GEORGE, R. MILLER, MOYER, RUBLEY, EVERETT, BAKER, BASTIAN, BENNINGHOFF, BOYD, CREIGHTON, DENLINGER, FAIRCHILD, FLECK, GEIST, GILLESPIE, GINGRICH, HALUSKA, HARRIS, HENNESSEY, HERSHEY, KAUFFMAN, KORTZ, PEIFER, PICKETT, ROHRER, SCAVELLO, SONNEY, SWANGER and YOUNGBLOOD

An Act amending the act of January 24, 1966 (1965 P.L.1535, No.537), known as the Pennsylvania Sewage Facilities Act, further providing for penalties and for fines, civil penalties and fees; and making editorial changes.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, May 29, 2007.

No. 1375 By Representatives SAYLOR, METCALFE, PYLE, TURZAI, BOYD, DENLINGER, EVERETT, GILLESPIE, GINGRICH, HORNAMAN, HUTCHINSON, W. KELLER, KORTZ, MAHONEY, MARSHALL, MARSICO, McILHATTAN, R. MILLER, MOUL, MOYER, PEIFER, PICKETT, REICHLEY, SWANGER and WATSON

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, further providing for definitions, for determination of contribution rate and experience rating, for qualifications required to secure compensation and for rate and amount of compensation.

Referred to Committee on LABOR RELATIONS, May 29, 2007.

No. 1376 By Representatives LENTZ, BOYD, BRENNAN, CALTAGIRONE, CAPPELLI, CARROLL, CASORIO, CREIGHTON, CUTLER, DePASQUALE, EVERETT, FREEMAN, GEORGE, GERGELY, GOODMAN, GRUCELA, JOSEPHS, KENNEY, KOTIK, KULA, LEACH, MOUL, M. O'BRIEN, O'NEILL, PALLONE, RAMALEY, RAYMOND, READSHAW, SCAVELLO, SHIMKUS, SIPTROTH, SOLOBAY, SURRA, TANGRETTI, J. TAYLOR, WANSACZ, YOUNGBLOOD, BELFANTI, BEYER and YUDICHAK

An Act providing for long-term care access for veterans to pharmaceuticals; and conferring powers and duties on the State Board of Pharmacy and the Legislative Budget and Finance Committee.

Referred to Committee on PROFESSIONAL LICENSURE, May 25, 2007.

No. 1377 By Representatives M. SMITH, MAHER, BRENNAN, COHEN, DePASQUALE, EVERETT, GEIST, GIBBONS, GRELL, GRUCELA, HARPER, HENNESSEY, HESS, HORNAMAN, JAMES, JOSEPHS, M. KELLER, KULA, MANN, PALLONE, RAPP, READSHAW, SIPTROTH, SOLOBAY, R. STEVENSON, WAGNER, J. WHITE, CALTAGIRONE, MYERS and COSTA

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 possession and use of asthma inhalers.

Referred to Committee on EDUCATION, May 29, 2007.

No. 1378 By Representatives LEVDANSKY, DeWEESE, McCALL and D. EVANS

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 corporate net income tax, for definitions, for reports and payment and for consolidated reports; and further providing, in general provisions, for underpayment of estimated tax.

Referred to Committee on FINANCE, May 29, 2007.

No. 1379 By Representatives BEYER, CREIGHTON, FABRIZIO, GINGRICH, HENNESSEY, JAMES, KORTZ, MANN, McILHATTAN, MENSCH, READSHAW, RUBLEY, SCAVELLO, SEIP, SIPTROTH, J. TAYLOR, REICHLEY, HARHART, GRELL, TRUE, MURT, MOYER, HESS, MARSICO and VULAKOVICH

An Act amending the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, further providing for Schedule I controlled substances.

Referred to Committee on JUDICIARY, May 29, 2007.

No. 1380 By Representatives BENNINGTON, WAGNER, PARKER, KULA, MANN, JOSEPHS, MUNDY, GEORGE, READSHAW, LEVDANSKY, LEACH, M. SMITH, SHAPIRO, SIPTROTH, SHIMKUS, HARKINS, HARHAI, FRANKEL, FABRIZIO, EACHUS, DERMODY, DePASQUALE, HORNAMAN, FREEMAN, KOTIK, PRESTON, M. O'BRIEN, SANTONI, VITALI, WHEATLEY, J. WHITE, WALKO, MELIO, MARKOSEK, DeLUCA, CURRY and CARROLL

An Act amending the act of June 22, 1937 (P.L.1987, No.394), known as The Clean Streams Law, prohibiting the release of untreated agricultural waste that contains more than ten parts per million of arsenic or arsenic derivatives.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, May 29, 2007.

No. 1381 By Representatives SIPTROTH, BELFANTI, BISHOP, CALTAGIRONE, CARROLL, CAUSER, COHEN, CURRY, DeLUCA, FABRIZIO, FREEMAN, GEORGE, GIBBONS, GRUCELA, HARHAI, HENNESSEY, HUTCHINSON, JAMES, JOSEPHS, W. KELLER, KILLION, KORTZ, KOTIK, LEACH, MAHONEY, MANDERINO, MANN, McILHATTAN, MOYER, MUNDY, MURT, MYERS, PEIFER, PETRONE, PRESTON, READSHAW, REICHLEY, SANTONI, SCAVELLO, K. SMITH, SOLOBAY, WANSACZ, J. WHITE and YOUNGBLOOD

An Act establishing the Child Welfare Workers Loan Forgiveness Program for Commonwealth residents who graduate from institutions of higher education and who apply their degrees to careers in child welfare work.

Referred to Committee on EDUCATION, May 29, 2007.

No. 1382 By Representatives ROSS, EVERETT, GEIST, GIBBONS, GINGRICH, MILLARD, R. MILLER and MILNE

An Act amending Title 12 (Commerce and Trade) of the Pennsylvania Consolidated Statutes, codifying the provisions of the Motor Vehicle Sales Finance Act and the Goods and Services Installment Sales Act; making conforming amendments to Title 42; and making related repeals.

Referred to Committee on COMMERCE, May 29, 2007.

No. 1383 By Representatives COHEN, SOLOBAY, BELFANTI, THOMAS, CALTAGIRONE, DALEY, EACHUS, FREEMAN, GEORGE, JAMES, LEVDANSKY, MELIO, OLIVER, STABACK, SURRA, BLACKWELL, CASORIO, COSTA, CRUZ, CURRY, FABRIZIO, GALLOWAY, GERGELY, GIBBONS, GOODMAN, GRUCELA, KULA, LEACH, M. O'BRIEN, PARKER, PAYTON, RAMALEY, SEIP, WALKO and J. WHITE

An Act providing for civil demonstrations at large retail establishments.

Referred to Committee on JUDICIARY, May 29, 2007.

No. 1384 By Representatives GIBBONS, DERMODY, BELFANTI, BISHOP, CALTAGIRONE, CARROLL, COHEN, CONKLIN, DALEY, DePASQUALE, FABRIZIO, GEORGE, JOSEPHS, KOTIK, KULA, LEVDANSKY,

MANDERINO, McGEEHAN, MUNDY, MUSTIO, M. O'BRIEN, PETRONE, RAPP, REICHLEY, ROSS, SOLOBAY, TANGRETTI, THOMAS, WALKO, J. WHITE, YOUNGBLOOD, YUDICHAK and GERGELY

An Act amending the act of December 3, 1959 (P.L.1688, No.621), known as the Housing Finance Agency Law, further providing for the Homeowner's Emergency Mortgage Assistance Fund.

Referred to Committee on COMMERCE, May 29, 2007.

No. 1385 By Representatives GIBBONS, DERMODY, BELFANTI, BISHOP, COHEN, CURRY, FABRIZIO, GEIST, GEORGE, GOODMAN, GRUCELA, JOSEPHS, KIRKLAND, KORTZ, KOTIK, KULA, McGEEHAN, PETRONE, PYLE, SABATINA, SOLOBAY, TANGRETTI, THOMAS, WALKO, WANSACZ, J. WHITE and YOUNGBLOOD

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, providing for insurance coverage of home health care following chemotherapy.

Referred to Committee on INSURANCE, May 29, 2007.

No. 1386 By Representatives GIBBONS, DERMODY, BELFANTI, BISHOP, COHEN, FABRIZIO, GRUCELA, JOSEPHS, KIRKLAND, KULA, PALLONE, PETRONE, SCHRODER, SOLOBAY, TANGRETTI, THOMAS, WALKO, J. WHITE, YOUNGBLOOD and HARKINS

An Act providing for family temporary care insurance; providing for the powers and duties of the Department of Labor and Industry; and establishing the Temporary Care Fund.

Referred to Committee on LABOR RELATIONS, May 29, 2007.

No. 1387 By Representatives GIBBONS, SAINATO, GRUCELA, BELFANTI, BIANCUCCI, BLACKWELL, BRENNAN, BROOKS, BUXTON, CAPPELLI, CARROLL, CAUSER, CONKLIN, COSTA, DENLINGER, FABRIZIO, GEORGE, GERGELY, GOODMAN, HALUSKA, HANNA, HARHAI, HARKINS, HARRIS, HENNESSEY, HUTCHINSON, JAMES, KAUFFMAN, KOTIK, KULA, MAHONEY, MARKOSEK, McILHATTAN, MUNDY, MUSTIO, MYERS, M. O'BRIEN, PASHINSKI, PETRARCA, PICKETT, RAMALEY, READSHAW, REED, REICHLEY, SCAVELLO, SCHRODER, SIPTROTH, SOLOBAY, R. STEVENSON, TANGRETTI, J. WHITE, WOJNAROSKI, YOUNGBLOOD, HESS and PETRONE

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, providing for supplemental annuity commencing 2007.

Referred to Committee on FINANCE, May 29, 2007.

No. 1388 By Representatives REICHLEY, BOYD, CALTAGIRONE, CAPPELLI, CIVERA, CLYMER, CUTLER, EVERETT, GIBBONS, GILLESPIE, GINGRICH, GODSHALL, KILLION, KIRKLAND, MANN, MILNE, MOUL, MOYER, MYERS, O'NEILL, PAYNE, READSHAW, ROEBUCK, RUBLEY, SWANGER, J. TAYLOR, TRUE, WATSON, MURT and HORNAMAN

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

Referred to Committee on JUDICIARY, May 29, 2007.

No. 1389 By Representatives WALKO, BELFANTI, CREIGHTON, CURRY, HENNESSEY, JAMES, KORTZ, KOTIK, LEACH, MAHONEY, PALLONE, PETRARCA, RAMALEY, SABATINA, SIPTROTH, McILVAINE SMITH and YOUNGBLOOD

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for permissible argument as to damages at trial.

Referred to Committee on JUDICIARY, May 29, 2007.

No. 1390 By Representatives WOJNAROSKI, CAPPELLI, SEIP, READSHAW, HESS, GEORGE, KOTIK, SOLOBAY, BIANCUCCI, DALEY, DeLUCA, DONATUCCI, FABRIZIO, GIBBONS, GOODMAN, GRUCELA, HARKINS, HENNESSEY, KILLION, KIRKLAND, MAHONEY, SCAVELLO, VEREB, WALKO, YOUNGBLOOD and YUDICHAK

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, providing for annual supplemental annuities for State Police.

Referred to Committee on FINANCE, May 29, 2007.

No. 1391 By Representatives PHILLIPS, GEIST, ARGALL, BAKER, BARRAR, BROOKS, CALTAGIRONE, CAPPELLI, COHEN, CONKLIN, DALEY, DENLINGER, EVERETT, FABRIZIO, FLECK, GEORGE, GIBBONS, GINGRICH, HARHART, HARRIS, HESS, HUTCHINSON, JAMES, KORTZ, KOTIK, KULA, MILLARD, MURT, MYERS, PYLE, RAPP, REICHLEY, SAINATO, SCAVELLO, SHIMKUS, SONNEY, SURRA and YUDICHAK

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for special registration plates for retired State troopers.

Referred to Committee on TRANSPORTATION, May 29, 2007.

No. 1392 By Representatives O'NEILL, CAPPELLI, CUTLER, EVERETT, FRANKEL, GIBBONS, HERSHEY, HESS, M. KELLER, KENNEY, MAHONEY, MILLARD, R. MILLER, MILNE, MURT, NAILOR, REICHLEY, ROEBUCK, RUBLEY, SAYLOR, STERN, SWANGER, J. TAYLOR, WATSON, YOUNGBLOOD and YUDICHAK

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in theft and related offenses, defining "firearm."

Referred to Committee on JUDICIARY, May 29, 2007.

No. 1393 By Representatives BELFANTI, SURRA, GERGELY, GIBBONS, RAMALEY, M. O'BRIEN, HORNAMAN, KULA, CALTAGIRONE, COHEN, CURRY, DALEY, FABRIZIO, FREEMAN, GALLOWAY, GEORGE, GOODMAN, GRUCELA, HARHAI, JOSEPHS,

LEVDANSKY, MELIO, MUNDY, PALLONE, PETRONE, SIPTROTH, SOLOBAY, STABACK, WALKO and YOUNGBLOOD

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, providing for cost-of-living increases in the amount of compensation payable.

Referred to Committee on LABOR RELATIONS, May 29, 2007.

No. 1394 By Representative M. O'BRIEN

An Act authorizing and directing the Department of General Services, with the concurrence of the Department of Environmental Protection, to convey to NCCB Associates, L.P., land within the bed of the Delaware River within the City of Philadelphia.

Referred to Committee on STATE GOVERNMENT, May 29, 2007.

No. 1395 By Representatives NICKOL, CAPPELLI, CARROLL, CLYMER, EVERETT, FAIRCHILD, GEIST, GILLESPIE, GINGRICH, GRELL, HARRIS, HENNESSEY, KILLION, MOUL, REICHLEY, ROSS, RUBLEY, SAYLOR, SONNEY and STERN

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, further providing for additional investment authority for subsidiaries.

Referred to Committee on INSURANCE, May 29, 2007.

No. 1396 By Representatives NICKOL, CARROLL, EVERETT, FAIRCHILD, GILLESPIE, HENNESSEY, KORTZ, MAHONEY, R. MILLER, MOUL, MOYER, NAILOR, M. O'BRIEN, PEIFER, PICKETT, RAPP, REICHLEY, ROSS, RUBLEY, SCHRODER and SONNEY

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

Referred to Committee on LIQUOR CONTROL, May 29, 2007.

No. 1397 By Representatives NICKOL, BELFANTI, CAPPELLI, DENLINGER, EVERETT, FREEMAN, GEIST, GIBBONS, GINGRICH, GRELL, HENNESSEY, McILHATTAN, MENSCH, R. MILLER, MILNE, MOUL, NAILOR, PETRI, PHILLIPS, REICHLEY, RUBLEY, SAYLOR, SIPTROTH and STEIL

An Act amending the act of June 22, 2001 (P.L.374, No.24), known as the Optional Occupation Tax Elimination Act, further providing for definitions, for earned income tax rate limits, for resolution required and for binding referendum; providing for applicability of income tax on personal income; and making a related repeal.

Referred to Committee on FINANCE, May 29, 2007.

No. 1398 By Representatives SCHRODER, QUIGLEY, BENNINGHOFF, CLYMER, DeLUCA, DENLINGER, EVERETT, GEORGE, HENNESSEY, KAUFFMAN, KORTZ, MACKERETH, MARSHALL, MELIO, MENSCH, MUNDY, O'NEILL, PICKETT, PYLE, REICHLEY, ROHRER,

RUBLEY, SIPTROTH, STURLA, TANGRETTI, WATSON, MILNE and RAPP

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, providing for small group health plan rates, for coverage requirements and for marketing requirements; and making a repeal.

Referred to Committee on INSURANCE, May 29, 2007.

No. 1422 By Representatives CARROLL, HANNA, BRENNAN, COHEN, COSTA, CURRY, DERMODY, FABRIZIO, FREEMAN, GEIST, GEORGE, GRUCELA, HENNESSEY, JOSEPHS, KORTZ, KOTIK, KULA, LEACH, LENTZ, MAHONEY, M. O'BRIEN, PASHINSKI, READSHAW, SCAVELLO, SHIMKUS, K. SMITH, SOLOBAY and YUDICHAK

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, codifying the Public Eating and Drinking Place Law and the Food Act; providing for the protection of public health and for regulations; requiring licensing; further providing for food employee certification and for farmers' market; providing for penalties; and making related repeals.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, June 1, 2007.

No. 1423 By Representatives HANNA, BRENNAN, MAHONEY, SIPTROTH, STABACK, SOLOBAY and CALTAGIRONE

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, defining "local government unit"; and providing for general testing and inspections.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, June 1, 2007.

SENATE BILLS FOR CONCURRENCE

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

SB 105, PN 922

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, May 29, 2007.

SB 431, PN 162

Referred to Committee on STATE GOVERNMENT, May 29, 2007.

SB 467, PN 940

Referred to Committee on STATE GOVERNMENT, May 29, 2007.

SB 537, PN 982

Referred to Committee on JUDICIARY, May 29, 2007.

SB 699, PN 745

Referred to Committee on JUDICIARY, May 29, 2007.

SB 740, PN 946

Referred to Committee on STATE GOVERNMENT, May 29, 2007.

SB 755, PN 831

Referred to Committee on PROFESSIONAL LICENSURE, May 29, 2007.

CALENDAR

RESOLUTIONS PURSUANT TO RULE 35

Ms. QUINN called up **HR 287, PN 1649**, entitled:

A Resolution designating the month of June 2007 as "Twilight Wish Foundation Month" in Pennsylvania.

On the question,
Will the House adopt the resolution?

(Members proceeded to vote.)

VOTE STRICKEN

The SPEAKER. The clerk will strike the vote.

The Chair recognizes Representative Quinn.

Ms. QUINN. Good afternoon. Thank you for your attention.

Very shortly, you will be voting on a resolution to designate the month of June "Twilight Wish Foundation Month." I wanted to talk to you a little bit about this organization before you make the vote.

The Twilight Wish Foundation was founded in July of 2003 by Cass Forkin, who resides in my district. She was eating lunch at a diner when she noticed a group of ladies, seniors, paying their bill. They were counting their change to see if they had enough to pay the bill, a \$4.99 all-you-can-eat buffet, and it seemed like a real treat for them. Cass Forkin called the waitress over and gave money to cover the bill, a small act of kindness, but it meant the world to these ladies. That was the inspiration for the start of this wonderful organization. Since then, over 750 wishes have been granted to our seniors across the State of Pennsylvania in appreciation for their years of contributions to many other people.

The purpose of making this month Twilight Wish Foundation Month is to bring awareness to people to give spontaneous acts of kindness to seniors and to be philanthropic to seniors this month. It is with that hope that we continue to do this throughout the year and not just in June.

GUESTS INTRODUCED

Ms. QUINN. I am pleased today to introduce to you Cass Forkin, executive director and founder of Twilight Wish Foundation – Cass.

With Cass is Gene Petrucci, who is the director of operations for the foundation. Thank you, Gene.

We are also honored here today to have one of those special seniors with us. Karen Snow is a resident of the Harrisburg area and was nominated by her neighbor, Norm Hendrie, to receive a wish. Karen cares for her disabled daughter, Dawn, and is not able to get out very often. Norm was kind enough to offer to drive her here today.

Karen, by the benevolence of this fabulous organization, they have honored me with the granting of your wish. You will have an evening out with your daughter, with Dawn, and you will be given a gift certificate for a special dinner at the Fire House Restaurant right here in Harrisburg, and your neighbor, Norm, has kindly offered transportation for the evening. Please stand, Karen and Norm, and be recognized.

Thank you all, and I would appreciate an affirmative vote designating the month of June "Twilight Wish Foundation Month." Thank you.

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

(Members proceeded to vote.)

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Speaker notes the presence of Representative Samuelson, whose name will be added to the master roll.

CONSIDERATION OF HR 287 CONTINUED

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

The following roll call was recorded:

YEAS—199

Adolph	Freeman	Mantz	Rock
Argall	Gabig	Markosek	Roebuck
Baker	Galloway	Marshall	Rohrer
Barrar	Geist	Marsico	Ross
Bastian	George	McCall	Sabatina
Bear	Gerber	McGeehan	Sainato
Belfanti	Gergely	McI. Smith	Samuelson
Benninghoff	Gibbons	McIlhattan	Santoni
Bennington	Gillespie	Melio	Scavello
Beyer	Gingrich	Mensch	Schroder
Biancucci	Godshall	Metcalfe	Seip
Bishop	Goodman	Micozzie	Shapiro
Blackwell	Grell	Millard	Shimkus
Boback	Grucela	Miller	Siptroth
Boyd	Haluska	Milne	Smith, K.
Brennan	Hanna	Moul	Smith, M.
Brooks	Harhai	Moyer	Smith, S.
Buxton	Harhart	Mundy	Solobay
Caltagirone	Harkins	Murt	Sonney
CapPELLi	Harper	Mustio	Staback
Carroll	Harris	Myers	Stairs
Casorio	Helm	Nailor	Steil
Causer	Hennessey	Nickol	Stern
Civera	Hershey	O'Brien, M.	Stevenson
Clymer	Hickernell	O'Neill	Sturla
Cohen	Hornaman	Oliver	Surra

Conklin	Hutchinson	Pallone	Swanger
Costa	James	Parker	Tangretti
Cox	Josephs	Pashinski	Taylor, J.
Creighton	Kauffman	Payne	Taylor, R.
Cruz	Keller, M.	Payton	Thomas
Curry	Keller, W.	Peifer	True
Cutler	Kenney	Perry	Turzai
Daley	Kessler	Perzel	Vereb
Dally	Killion	Petrarca	Vitali
DeLuca	King	Petri	Vulakovich
Denlinger	Kirkland	Petrone	Wagner
DePasquale	Kortz	Phillips	Walko
Dermody	Kotik	Pickett	Wansacz
DeWeese	Kula	Preston	Waters
DiGirolamo	Leach	Pyle	Wheatley
Donatucci	Lentz	Quigley	White
Eachus	Levdansky	Quinn	Williams
Ellis	Longiotti	Ramaley	Wojnaroski
Evans, D.	Mackereth	Rapp	Yewcic
Evans, J.	Maher	Raymond	Youngblood
Everett	Mahoney	Readshaw	Yudichak
Fabrizio	Major	Reed	
Fairchild	Manderino	Reichley	O'Brien, D., Speaker
Fleck	Mann	Roae	
Frankel			

NAYS—0

NOT VOTING—0

EXCUSED—4

Hess	Rubley	Saylor	Watson
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The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

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Ms. WAGNER called up **HR 294, PN 1652**, entitled:

A Resolution designating May 31, 2007, as "Pennsylvania Transit Workers Awareness Day."

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—199

Adolph	Freeman	Mantz	Rock
Argall	Gabig	Markosek	Roebuck
Baker	Galloway	Marshall	Rohrer
Barrar	Geist	Marsico	Ross
Bastian	George	McCall	Sabatina
Bear	Gerber	McGeehan	Sainato
Belfanti	Gergely	McI. Smith	Samuelson
Benninghoff	Gibbons	McIlhattan	Santoni
Bennington	Gillespie	Melio	Scavello
Beyer	Gingrich	Mensch	Schroder
Biancucci	Godshall	Metcalfe	Seip
Bishop	Goodman	Micozzie	Shapiro
Blackwell	Grell	Millard	Shimkus
Boback	Grucela	Miller	Siptroth
Boyd	Haluska	Milne	Smith, K.
Brennan	Hanna	Moul	Smith, M.
Brooks	Harhai	Moyer	Smith, S.
Buxton	Harhart	Mundy	Solobay
Caltagirone	Harkins	Murt	Sonney

Cappelli	Harper	Mustio	Staback
Carroll	Harris	Myers	Stairs
Casorio	Helm	Nailor	Steil
Causer	Hennessey	Nickol	Stern
Civera	Hershey	O'Brien, M.	Stevenson
Clymer	Hickernell	O'Neill	Sturla
Cohen	Hornaman	Oliver	Surra
Conklin	Hutchinson	Pallone	Swanger
Costa	James	Parker	Tangretti
Cox	Josephs	Pashinski	Taylor, J.
Creighton	Kauffman	Payne	Taylor, R.
Cruz	Keller, M.	Payton	Thomas
Curry	Keller, W.	Peifer	True
Cutler	Kenney	Perry	Turzai
Daley	Kessler	Perzel	Vereb
Dally	Killion	Petrarca	Vitali
DeLuca	King	Petri	Vulakovich
Denlinger	Kirkland	Petrone	Wagner
DePasquale	Kortz	Phillips	Walko
Dermody	Kotik	Pickett	Wansacz
DeWeese	Kula	Preston	Waters
DiGirolamo	Leach	Pyle	Wheatley
Donatucci	Lentz	Quigley	White
Eachus	Levdansky	Quinn	Williams
Ellis	Longietti	Ramaley	Wojnaroski
Evans, D.	Mackereth	Rapp	Yewcic
Evans, J.	Maher	Raymond	Youngblood
Everett	Mahoney	Readshaw	Yudichak
Fabrizio	Major	Reed	
Fairchild	Manderino	Reichley	O'Brien, D.,
Fleck	Mann	Roae	Speaker
Frankel			

NAYS-0

NOT VOTING-0

EXCUSED-4

Hess	Rubley	Saylor	Watson
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The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

SUPPLEMENTAL CALENDAR A

RESOLUTION PURSUANT TO RULE 35

Mr. BENNINGHOFF called up **HR 308, PN 1715**, entitled:

A Resolution designating the month of June 2007 as "Corrections Officers and Employees Month" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-199

Adolph	Freeman	Mantz	Rock
Argall	Gabig	Markosek	Roebuck
Baker	Galloway	Marshall	Rohrer
Barrar	Geist	Marsico	Ross
Bastian	George	McCall	Sabatina
Bear	Gerber	McGeehan	Sainato
Belfanti	Gergely	McI. Smith	Samuelson
Benninghoff	Gibbons	McIlhattan	Santoni

Bennington	Gillespie	Melio	Scavello
Beyer	Gingrich	Mensch	Schroder
Biancucci	Godshall	Metcalfe	Seip
Bishop	Goodman	Micozzie	Shapiro
Blackwell	Grell	Millard	Shimkus
Boback	Grucela	Miller	Siptroth
Boyd	Haluska	Milne	Smith, K.
Brennan	Hanna	Moul	Smith, M.
Brooks	Harhai	Moyer	Smith, S.
Buxton	Harhart	Mundy	Solobay
Caltagirone	Harkins	Murt	Sonney
Cappelli	Harper	Mustio	Staback
Carroll	Harris	Myers	Stairs
Casorio	Helm	Nailor	Steil
Causer	Hennessey	Nickol	Stern
Civera	Hershey	O'Brien, M.	Stevenson
Clymer	Hickernell	O'Neill	Sturla
Cohen	Hornaman	Oliver	Surra
Conklin	Hutchinson	Pallone	Swanger
Costa	James	Parker	Tangretti
Cox	Josephs	Pashinski	Taylor, J.
Creighton	Kauffman	Payne	Taylor, R.
Cruz	Keller, M.	Payton	Thomas
Curry	Keller, W.	Peifer	True
Cutler	Kenney	Perry	Turzai
Daley	Kessler	Perzel	Vereb
Dally	Killion	Petrarca	Vitali
DeLuca	King	Petri	Vulakovich
Denlinger	Kirkland	Petrone	Wagner
DePasquale	Kortz	Phillips	Walko
Dermody	Kotik	Pickett	Wansacz
DeWeese	Kula	Preston	Waters
DiGirolamo	Leach	Pyle	Wheatley
Donatucci	Lentz	Quigley	White
Eachus	Levdansky	Quinn	Williams
Ellis	Longietti	Ramaley	Wojnaroski
Evans, D.	Mackereth	Rapp	Yewcic
Evans, J.	Maher	Raymond	Youngblood
Everett	Mahoney	Readshaw	Yudichak
Fabrizio	Major	Reed	
Fairchild	Manderino	Reichley	O'Brien, D.,
Fleck	Mann	Roae	Speaker
Frankel			

NAYS-0

NOT VOTING-0

EXCUSED-4

Hess	Rubley	Saylor	Watson
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The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

GUESTS INTRODUCED

The SPEAKER. The Chair recognizes Representative Pyle.
Mr. PYLE. Thank you, Mr. Speaker.

A point of privilege.

The SPEAKER. May we have order in the chamber?
Sergeants at Arms, clear the aisles.

Mr. PYLE. Thank you, Mr. Speaker.

I am very lucky today along with Representative McIlhattan to be joined by a group of fifth graders from Elderton Elementary, who have done a tour of the Capitol and are joining us today. I would like to ask my fellow members and you, Mr. Speaker, to recognize them as I ask them to rise

in the gallery. The Elderton Elementary group is led by Kathy Walters.

The SPEAKER. The House will stand at ease for a few moments.

The Chair welcomes Jim and Kathy Henderson and their son, James Henderson, who is working on his citizenship badge. They are the guests of the majority whip, Representative Keith McCall, and they are located to the left of the Speaker. Would you please join me in welcoming the Henderson family to the hall of the House.

RESOLUTION PURSUANT TO RULE 35

The SPEAKER. The Chair would ask all the members to take their seats. The Sergeants at Arms will please ask the members to take their seats. We are about to take up a very special resolution. The Chair thanks the members.

The Chair is going to invite Representative Kathy Rapp to take the Speaker's rostrum. This is not done often, but I think this circumstance demonstrates the need for this special recognition that Kathy Rapp will identify when she comes up here. We have a Congressional Medal of Honor awardee who was honored in Soldiers' and Sailors' Grove today. So for this special recognition and consideration of this resolution, I will turn the Speaker's rostrum over to Representative Kathy Rapp.

Ms. RAPP called up **HR 305, PN 1707**, entitled:

A Resolution recognizing and honoring Staff Sergeant John Gary Gertsch, posthumous recipient of the Medal of Honor.

On the question,
Will the House adopt the resolution?

The SPEAKER. The Chair recognizes Representative Kathy Rapp.

THE SPEAKER PRO TEMPORE (KATHY L. RAPP) PRESIDING

The SPEAKER pro tempore. Thank you, Mr. Speaker.

Today I am honored to stand before you and announce that after 20 years, Pennsylvania has recognized the extraordinary service record of Warren County native and Congressional Medal of Honor recipient S. Sgt. John Gary Gertsch. Today a marker was unveiled with his name inscribed at Soldiers' and Sailors' Grove at our State Capitol Complex.

Soldiers' Grove was specifically designated in 1987 to provide a central location to permanently honor Pennsylvania's veterans of foreign wars. In 1992 former Governor Casey commissioned the Medal of Honor memorial at Soldiers' Grove to honor Pennsylvania veterans of foreign wars who are recipients of the country's highest Medal of Honor.

Unfortunately, Sergeant Gertsch was denied his rightful place of honor due to a bureaucratic discrepancy over his military entrance point, which was Buffalo, New York, because Buffalo is closer to Warren County than the nearest Pennsylvania entry point, which is Pittsburgh. John's "Home of

Record" on all of his military records lists Russell, Pennsylvania.

Last July I visited Soldiers' Grove and discovered that Sergeant Gertsch's name was missing from the Vietnam section of the grove and worked with our Veterans Affairs Committee director, Rick O'Leary; Warren County Veterans Affairs Director Edgar Burris; the Governor's Office; and veterans organizations from Warren County, and today Sergeant Gertsch received his due recognition from his home State of Pennsylvania.

There were many people also here in the House involved in this recognition, including Speaker Emeritus John Perzel, Speaker O'Brien, Gen. Jessica Wright and her staff, and Secretary Creedon from the Department of General Services. On your desks today you have the program, the military ceremony, where we honored Sergeant Gertsch at the grove today, and within that program you have a copy of why Sergeant Gertsch is a Congressional Medal of Honor recipient, because this is his Congressional Medal of Honor citation.

GUESTS INTRODUCED

The SPEAKER pro tempore. Today, also I would like to recognize John's family. For too long, Sergeant Gertsch's selfless sacrifices for his platoon, his Commonwealth, and his country have been unjustifiably missing in honor from Soldiers' Grove where they rightfully belong. I would like to thank everyone, but especially his sister, Patty Leggate; her husband, Richard; and their daughter, Jeanie, for all of their work in helping me make this a possibility today. Would you stand? They are to my left over here.

And in the rear of the building, I have many veterans from Warren County, including Warren County's Veterans Affairs Director Edgar Burris and the John Gertsch Memorial Home Association and veterans from Sheffield and around Warren County and some of their family members. If you would please stand and be recognized.

My sincerest and deep-felt thanks to all of you, but especially to S. Sgt. John Gary Gertsch, who gave his life for his country and to the great State of Pennsylvania so that we can all celebrate the freedoms that we have in this country. Thank you.

Thank you, Mr. Speaker.

THE SPEAKER (DENNIS M. O'BRIEN) PRESIDING

The SPEAKER. Thank you.

It is also my understanding, when we attended the ceremony in Soldiers' and Sailors' Grove, that not only did John Gertsch receive the Congressional Medal of Honor, but on three occasions he received the Silver Star and I believe three Bronze Stars, several Purple Hearts, and other medals of valor.

Would the members of the House please stand, please rise, for a moment of silence honoring a genuine Pennsylvania war hero.

(Whereupon, the members of the House and all visitors stood in a moment of silence in solemn respect to the memory of U.S. Army S. Sgt. John Gary Gertsch.)

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

The following roll call was recorded:

YEAS—199

Adolph	Freeman	Mantz	Rock
Argall	Gabig	Markosek	Roebuck
Baker	Galloway	Marshall	Rohrer
Barrar	Geist	Marsico	Ross
Bastian	George	McCall	Sabatina
Bear	Gerber	McGeehan	Sainato
Belfanti	Gergely	McI. Smith	Samuelson
Benninghoff	Gibbons	McIlhattan	Santoni
Bennington	Gillespie	Melio	Scavello
Beyer	Gingrich	Mensch	Schroder
Biancucci	Godshall	Metcalfe	Seip
Bishop	Goodman	Micozzie	Shapiro
Blackwell	Grell	Millard	Shimkus
Boback	Grucela	Miller	Siptroth
Boyd	Haluska	Milne	Smith, K.
Brennan	Hanna	Moul	Smith, M.
Brooks	Harhai	Moyer	Smith, S.
Buxton	Harhart	Mundy	Solobay
Caltagirone	Harkins	Murt	Sonney
Cappelli	Harper	Mustio	Staback
Carroll	Harris	Myers	Stairs
Casorio	Helm	Nailor	Steil
Causer	Hennessey	Nickol	Stern
Civera	Hershey	O'Brien, M.	Stevenson
Clymer	Hickernell	O'Neill	Sturla
Cohen	Hornaman	Oliver	Surra
Conklin	Hutchinson	Pallone	Swanger
Costa	James	Parker	Tangretti
Cox	Josephs	Pashinski	Taylor, J.
Creighton	Kauffman	Payne	Taylor, R.
Cruz	Keller, M.	Payton	Thomas
Curry	Keller, W.	Peifer	True
Cutler	Kenney	Perry	Turzai
Daley	Kessler	Perzel	Vereb
Dally	Killion	Petrarca	Vitali
DeLuca	King	Petri	Vulakovich
Denlinger	Kirkland	Petrone	Wagner
DePasquale	Kortz	Phillips	Walko
Dermody	Kotik	Pickett	Wansacz
DeWeese	Kula	Preston	Waters
DiGirolamo	Leach	Pyle	Wheatley
Donatucci	Lentz	Quigley	White
Eachus	Levdansky	Quinn	Williams
Ellis	Longietti	Ramaley	Wojnaroski
Evans, D.	Mackereth	Rapp	Yewcic
Evans, J.	Maher	Raymond	Youngblood
Everett	Mahoney	Readshaw	Yudichak
Fabrizio	Major	Reed	
Fairchild	Manderino	Reichley	O'Brien, D., Speaker
Fleck	Mann	Roae	
Frankel			

NAYS—0

NOT VOTING—0

EXCUSED—4

Hess	Rubley	Saylor	Watson
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The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the majority leader, Representative DeWeese, for caucus announcements.

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

We anticipate a caucus immediately, and we would like to return to the floor at 3:30 p.m. Thank you.

REPUBLICAN CAUCUS

The SPEAKER. Representative Major.

Miss MAJOR. Thank you, Mr. Speaker.

The Republicans will also caucus immediately at the call of the recess, and we, too, would be prepared to return to the floor at 3:30.

The SPEAKER. The Chair thanks the lady.

Miss MAJOR. Thank you.

GUESTS INTRODUCED

The SPEAKER. Today visiting with Representative Mike Vereb is Julie Neiman, an intern in Representative Vereb's district office. Julie is a senior in high school and will be attending the University of Maryland in the fall. Also visiting with Representative Vereb is Brittany Tressler. Brittany is a constituent outreach coordinator in Representative Vereb's district office, and she is a recent graduate of the University of Maryland. Please join me in welcoming both of our visitors to the House.

**CONSUMER AFFAIRS
COMMITTEE MEETING**

The SPEAKER. The Chair recognizes Representative Preston.

Mr. PRESTON. Thank you, Mr. Speaker.

Immediately following the recess, we will have a Consumer Affairs Committee meeting in room 39, East Wing.

The SPEAKER. The Consumer Affairs Committee will meet in room 39, East Wing, at the recess.

SUBCOMMITTEE MEETING

The SPEAKER. Representative Youngblood.

Ms. YOUNGBLOOD. Mr. Speaker, immediately following our recess, we will have an Information Technology Subcommittee meeting in room 121A, East Wing.

The SPEAKER. The Information Technology Subcommittee will meet in room 121A, East Wing, at the recess.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. And the Chair would like the members to join him in congratulating Representative Greg Vitali. I understand he is celebrating his birthday today. Please join me in wishing Representative Vitali a happy birthday.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Chair recognizes Representative McCall.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, there will be an immediate meeting of the House Appropriations Committee in the Democratic caucus room, the majority caucus room, immediately upon the call of the recess.

The SPEAKER. The Appropriations Committee will meet at the break in the majority caucus room.

ANNOUNCEMENT BY MR. VITALI

The SPEAKER. The Chair recognizes Representative Vitali, the birthday boy.

Mr. VITALI. In all fairness, it is also Mark Cohen's birthday today, and if you remember Kevin Blaum's birthday today also.

The SPEAKER. The Chair thanks the gentleman and also extends best wishes to Representative Cohen and Representative Blaum.

Further announcements? Further announcements?

RECESS

The SPEAKER. This House will stand in recess until 3:30.

RECESS EXTENDED

The time of recess was extended until 4 p.m.; further extended until 4:30 p.m.

AFTER RECESS

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

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:

SB 650, PN 680

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

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

BILLS REREPORTED FROM COMMITTEE**HB 161, PN 182**

By Rep. D. EVANS

An Act amending the act of November 6, 1987 (P.L.381, No.79), known as the Older Adults Protective Services Act, further providing for the definition of "exploitation."

APPROPRIATIONS.**HB 179, PN 1525**

By Rep. D. EVANS

An Act amending the act of June 13, 1907 (P.L.560, No.373), entitled "An act designating the official flag of the Commonwealth of Pennsylvania, and describing the same; providing for the carrying of such flag by the regiments of the National Guard of Pennsylvania; authorizing the Secretary of the Commonwealth to provide, and have deposited in the office of Secretary of the Commonwealth, a model of said flag, and making an appropriation therefor," further providing for specifications for the official flag of the Commonwealth.

APPROPRIATIONS.**HB 1169, PN 1535**

By Rep. D. EVANS

An Act designating the bridge carrying State Route 2073 over Plum Creek between the boroughs of Oakmont and Verona in Allegheny County as the Roger F. Duffy Viaduct.

APPROPRIATIONS.**HB 1214, PN 1660**

By Rep. D. EVANS

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for organization of the Pennsylvania Game Commission.

APPROPRIATIONS.**HB 1228, PN 1513**

By Rep. D. EVANS

An Act redesignating the Clarion River Bridge on Main Street in Ridgway, Elk County, as Rear Admiral Paul H. Speer Bridge.

APPROPRIATIONS.**SB 218, PN 1056**

By Rep. D. EVANS

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, providing for local services taxes; repealing provisions relating to emergency and municipal services taxes and to continuation of occupational privilege taxes; and making editorial changes.

APPROPRIATIONS.**SB 760, PN 837**

By Rep. D. EVANS

An Act designating the section of State Route 219 that is situated in Somerset County as the Flight 93 Memorial Highway.

APPROPRIATIONS.

The SPEAKER. Without objection, these bills will be placed on the supplemental calendar. The Chair hears no objection.

Without objection, HB 179 will be placed on the active calendar. The Chair hears no objection.

RESOLUTION REPORTED FROM COMMITTEE**HR 297, PN 1663**

By Rep. PRESTON

A Resolution opposing the designation of national interest electric transmission corridors and memorializing the Congress of the United States to repeal or modify certain provisions of the Energy Policy Act of 2005.

CONSUMER AFFAIRS.

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the majority whip, who requests that Representative Rick TAYLOR be placed on leave for the remainder of the day. Without objection, the gentleman will be placed on leave.

The Chair recognizes the minority whip, who requests that Representative Tim HENNESSEY be placed on leave for the remainder of the day. Without objection, the gentleman will be placed on leave. The Chair hears no objection.

CALENDAR CONTINUED**BILLS ON SECOND CONSIDERATION**

The House proceeded to second consideration of **HB 207, PN 1641**, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, providing for professional and trade association rate protection.

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

Mr. **BARRAR** offered the following amendment No. **A00823**:

Amend Title, page 1, line 12, by removing the period after "protection" and inserting
and for retroactive denial of reimbursement of payments to health care providers by insurers.

Amend Bill, page 3, line 6, by striking out all of said line and inserting

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

ARTICLE VI-B**RETROACTIVE DENIAL OF REIMBURSEMENTS****§ 601-B. 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-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:

"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, 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-B. 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-B. Effect of noncompliance.

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

§ 605-B. Fraudulent or improperly coded information.

(a) Reasons for denial.—The provisions of section 603-B 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-B. Coordination of benefits.

If an insurer retroactively denies reimbursement for services as a result of coordination of benefits under provisions of section 605-B(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.

Section 3. This act shall take effect as follows:

- (1) The amendment of section 633.1 of the act shall take effect immediately.
- (2) This section shall take effect immediately.
- (3) The remainder of this act shall take effect in 60 days.

On the question,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

The SPEAKER. The Chair recognizes Representative Barrar. Mr. BARRAR. Thank you, Mr. Speaker.

At the request of the maker of the bill, I am going to withdraw that amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the bill on second consideration?

Bill was agreed to.

* * *

The House proceeded to second consideration of **HB 284, PN 1630**, entitled:

An Act amending the act of November 24, 1992 (P.L.732, No.111), known as the Pennsylvania Quality Improvement Act, further providing for legislative findings and intent, for establishment of the Pennsylvania Quality Leadership Awards, for the Pennsylvania Quality Leadership Awards Council; repealing provisions relating to board of examiners and panel of judges; further providing for establishment of the foundation and for awards; and repealing provisions relating to restriction on funds from Commonwealth.

On the question,

Will the House agree to the bill on second consideration?

Mr. **MARKOSEK** offered the following amendment No. **A00790**:

Amend Title, page 1, line 8, by striking out "Pennsylvania Quality Leadership Awards" and inserting

Keystone Alliance for Performance Excellence Awards

Amend Title, page 1, lines 8 and 9, by striking out "Pennsylvania Quality Leadership Awards" and inserting

Keystone Alliance for Performance Excellence Advisory

Amend Sec. 1 (Sec. 5), page 5, lines 28 and 29, by striking out "Pennsylvania Quality Leadership" and inserting

Keystone Alliance for Performance Excellence

Amend Sec. 1 (Sec. 5), page 6, by inserting between lines 2 and 3
(14) A representative of the Pennsylvania Association of Nonprofit Organizations.

(15) A representative of the Keystone Alliance for Performance Excellence.

Amend Sec. 1 (Sec. 5), page 6, line 9, by striking out "AWARDS"

Amend Sec. 3 (Sec. 7), page 9, line 5, by striking out "AWARDS"

Amend Sec. 3 (Sec. 7), page 9, line 13, by striking out "AWARDS"

Amend Sec. 3 (Sec. 7), page 11, lines 6 and 7, by striking out "quality leadership awards program" and inserting

Keystone Alliance for Performance Excellence awards program

Amend Sec. 3 (Sec. 7), page 11, line 15, by inserting after "fundraising"

and public relations

Amend Sec. 3 (Sec. 7), page 11, line 17, by striking out "his" and inserting

the

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes Representative Markosek.

AMENDMENT PASSED OVER TEMPORARILY

The SPEAKER. The Chair will go over this amendment temporarily.

On the question recurring,

Will the House agree to the bill on second consideration?

Mr. **DENLINGER** offered the following amendment No. **A00808**:

Amend Title, page 1, lines 11 and 12, by striking out "and for awards; and repealing provisions relating to" and inserting

, for awards and for

Amend Sec. 3, page 8, line 30, by striking out "AND 8(C)" and inserting

, 8(c) and 11

Amend Sec. 4, page 12, line 2, by striking out all of said line

Amend Sec. 4 (Sec. 11), page 12, line 3, by striking out the bracket before "Section"

Amend Sec. 4 (Sec. 11), page 12, line 4, by inserting brackets before and after "foundation" and inserting immediately thereafter

Keystone Alliance for Performance Excellence

Amend Sec. 4 (Sec. 11), page 12, line 6, by inserting brackets before and after "after September 30, 1992"

Amend Sec. 4 (Sec. 11), page 12, line 6, by striking out the bracket after "1992."

Amend Sec. 5, page 12, line 7, by striking out "5" and inserting

4

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes Representative Denlinger. The gentleman will please give an explanation of the amendment.

Mr. DENLINGER. Thank you, Mr. Speaker.

Quite simply, this amendment will restore a prohibition on Commonwealth funds being used in the granting of the award.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—197

Adolph	Frankel	Mantz	Rock
Argall	Freeman	Markosek	Roebuck
Baker	Gabig	Marshall	Rohrer
Barrar	Galloway	Marsico	Ross
Bastian	Geist	McCall	Sabatina
Bear	George	McGeehan	Sainato
Belfanti	Gerber	McI. Smith	Samuelson
Benninghoff	Gergely	McIlhattan	Santoni
Bennington	Gibbons	Melio	Scavello
Beyer	Gillespie	Mensch	Schroder
Biancucci	Gingrich	Metcalfe	Seip
Bishop	Godshall	Micozzie	Shapiro
Blackwell	Goodman	Millard	Shimkus
Boback	Grell	Miller	Siptroth
Boyd	Grucela	Milne	Smith, K.
Brennan	Haluska	Moul	Smith, M.
Brooks	Hanna	Moyer	Smith, S.
Buxton	Harhai	Mundy	Solobay
Caltagirone	Harhart	Murt	Sonney
Cappelli	Harkins	Mustio	Staback
Carroll	Harper	Myers	Stairs
Casorio	Harris	Nailor	Steil
Causer	Helm	Nickol	Stern
Civera	Hershey	O'Brien, M.	Stevenson
Clymer	Hickernell	O'Neill	Sturla
Cohen	Hornaman	Oliver	Surra
Conklin	Hutchinson	Pallone	Swanger
Costa	James	Parker	Tangretti
Cox	Josephs	Pashinski	Taylor, J.
Creighton	Kauffman	Payne	Thomas
Cruz	Keller, M.	Payton	True
Curry	Keller, W.	Peifer	Turzai
Cutler	Kenney	Perry	Vereb
Daley	Kessler	Perzel	Vitali
Dally	Killion	Petrarca	Vulakovich
DeLuca	King	Petri	Wagner
Denlinger	Kirkland	Petrone	Walko
DePasquale	Kortz	Phillips	Wansacz
Dermody	Kotik	Pickett	Waters
DeWeese	Kula	Preston	Wheatley
DiGirolamo	Leach	Pyle	White
Donatucci	Lentz	Quigley	Williams
Eachus	Levdansky	Quinn	Wojnaroski
Ellis	Longietti	Ramaley	Yewcic
Evans, D.	Mackereth	Rapp	Youngblood
Evans, J.	Maher	Raymond	Yudichak
Everett	Mahoney	Readshaw	
Fabrizio	Major	Reed	O'Brien, D.,
Fairchild	Manderino	Reichley	Speaker
Fleck	Mann	Roae	

NAYS—0

NOT VOTING—0

EXCUSED—6

Hennessey	Rubley	Taylor, R.	Watson
Hess	Saylor		

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 second consideration as amended?

BILL PASSED OVER TEMPORARILY

The SPEAKER. This bill will go over temporarily.

* * *

The House proceeded to second consideration of **HB 292, PN 1644**, entitled:

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, further defining "employee."

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

* * *

The House proceeded to second consideration of **HB 441, PN 509**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the offense of unlawful capture and electronic transmission of private information.

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

RULES SUSPENDED

The SPEAKER. The Chair recognizes the gentleman from Cumberland County, Representative Grell, for the purpose of making a motion to suspend the rules to offer amendment A00814.

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

The SPEAKER. The Chair recognizes Representative Grell. Mr. GRELL. Thank you, Mr. Speaker.

This is an amendment to change a definition in the draft legislation to more directly match an existing definition in the identity theft law.

The SPEAKER. On the motion to suspend, the Chair recognizes Representative Sainato.

Mr. SAINATO. Thank you, Mr. Speaker.
I would concur and I would support the motion to suspend.

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

The following roll call was recorded:

YEAS—197

Adolph	Frankel	Mantz	Rock
Argall	Freeman	Markosek	Roebuck
Baker	Gabig	Marshall	Rohrer
Barrar	Galloway	Marsico	Ross
Bastian	Geist	McCall	Sabatina
Bear	George	McGeehan	Sainato
Belfanti	Gerber	McI. Smith	Samuelson
Benninghoff	Gergely	McIlhattan	Santoni
Bennington	Gibbons	Melio	Scavello

Beyer	Gillespie	Mensch	Schroder
Bianucci	Gingrich	Metcalfe	Seip
Bishop	Godshall	Micozzie	Shapiro
Blackwell	Goodman	Millard	Shimkus
Boback	Grell	Miller	Siproth
Boyd	Grucela	Milne	Smith, K.
Brennan	Haluska	Moul	Smith, M.
Brooks	Hanna	Moyer	Smith, S.
Buxton	Harhai	Mundy	Solobay
Caltagirone	Harhart	Murt	Sonney
Cappelli	Harkins	Mustio	Staback
Carroll	Harper	Myers	Stairs
Casorio	Harris	Nailor	Steil
Causer	Helm	Nickol	Stern
Civera	Hershey	O'Brien, M.	Stevenson
Clymer	Hickernell	O'Neill	Sturla
Cohen	Hornaman	Oliver	Surra
Conklin	Hutchinson	Pallone	Swanger
Costa	James	Parker	Tangretti
Cox	Josephs	Pashinski	Taylor, J.
Creighton	Kauffman	Payne	Thomas
Cruz	Keller, M.	Payton	True
Curry	Keller, W.	Peifer	Turzai
Cutler	Kenney	Perry	Vereb
Daley	Kessler	Perzel	Vitali
Dally	Killion	Petrarca	Vulakovich
DeLuca	King	Petri	Wagner
Denlinger	Kirkland	Petrone	Walko
DePasquale	Kortz	Phillips	Wansacz
Dermody	Kotik	Pickett	Waters
DeWeese	Kula	Preston	Wheatley
DiGirolamo	Leach	Pyle	White
Donatucci	Lentz	Quigley	Williams
Eachus	Levdansky	Quinn	Wojnaroski
Ellis	Longietti	Ramaley	Yewcic
Evans, D.	Mackereth	Rapp	Youngblood
Evans, J.	Maher	Raymond	Yudichak
Everett	Mahoney	Readshaw	
Fabrizio	Major	Reed	O'Brien, D.,
Fairchild	Manderino	Reichley	Speaker
Fleck	Mann	Roae	

NAYS-0

NOT VOTING-0

EXCUSED-6

Hennessey	Rubley	Taylor, R.	Watson
Hess	Saylor		

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 second consideration?

Mr. GRELL offered the following amendment No. A00814:

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

identifying

Amend Sec. 1 (Sec. 7507.2), page 1, line 9, by striking out "private" and inserting

identifying

Amend Sec. 1 (Sec. 7507.2), page 1, line 12, by striking out "private" and inserting

identifying

Amend Sec. 1 (Sec. 7507.2), page 1, line 13, by striking out "private" and inserting

identifying

Amend Sec. 1 (Sec. 7507.2), page 1, line 15, by striking out "private" and inserting

identifying

Amend Sec. 1 (Sec. 7507.2), page 2, line 2, by striking out "private" and inserting

identifying

Amend Sec. 1 (Sec. 7507.2), page 2, lines 17 through 23, by striking out all of said lines and inserting

"Identifying information." The term shall have the same meaning given to it under section 4120(f) (relating to identity theft).

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

The SPEAKER. Will the gentleman please offer a brief explanation of the amendment.

Mr. GRELL. Thank you, Mr. Speaker.

The bill as drafted employs the term "private information." We discovered that there is already an existing term in the identity theft law, and that term is "identifying information." So all this amendment does is eliminates the term "private information" and makes it "identifying information."

Thank you.

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

The following roll call was recorded:

YEAS-197

Adolph	Frankel	Mantz	Rock
Argall	Freeman	Markosek	Roebuck
Baker	Gabig	Marshall	Rohrer
Barrar	Galloway	Marsico	Ross
Bastian	Geist	McCall	Sabatina
Bear	George	McGeehan	Sainato
Belfanti	Gerber	McI. Smith	Samuelson
Benninghoff	Gergely	McIlhattan	Santoni
Bennington	Gibbons	Melio	Scavello
Beyer	Gillespie	Mensch	Schroder
Bianucci	Gingrich	Metcalfe	Seip
Bishop	Godshall	Micozzie	Shapiro
Blackwell	Goodman	Millard	Shimkus
Boback	Grell	Miller	Siproth
Boyd	Grucela	Milne	Smith, K.
Brennan	Haluska	Moul	Smith, M.
Brooks	Hanna	Moyer	Smith, S.
Buxton	Harhai	Mundy	Solobay
Caltagirone	Harhart	Murt	Sonney
Cappelli	Harkins	Mustio	Staback
Carroll	Harper	Myers	Stairs
Casorio	Harris	Nailor	Steil
Causer	Helm	Nickol	Stern
Civera	Hershey	O'Brien, M.	Stevenson
Clymer	Hickernell	O'Neill	Sturla
Cohen	Hornaman	Oliver	Surra
Conklin	Hutchinson	Pallone	Swanger
Costa	James	Parker	Tangretti
Cox	Josephs	Pashinski	Taylor, J.
Creighton	Kauffman	Payne	Thomas
Cruz	Keller, M.	Payton	True
Curry	Keller, W.	Peifer	Turzai
Cutler	Kenney	Perry	Vereb
Daley	Kessler	Perzel	Vitali
Dally	Killion	Petrarca	Vulakovich
DeLuca	King	Petri	Wagner

Denlinger	Kirkland	Petrone	Walko
DePasquale	Kortz	Phillips	Wansacz
Dermody	Kotik	Pickett	Waters
DeWeese	Kula	Preston	Wheatley
DiGirolamo	Leach	Pyle	White
Donatucci	Lentz	Quigley	Williams
Eachus	Levdansky	Quinn	Wojnaroski
Ellis	Longietti	Ramaley	Yewcic
Evans, D.	Mackereth	Rapp	Youngblood
Evans, J.	Maher	Raymond	Yudichak
Everett	Mahoney	Readshaw	
Fabrizio	Major	Reed	O'Brien, D.,
Fairchild	Manderino	Reichley	Speaker
Fleck	Mann	Roae	

NAYS-0

NOT VOTING-0

EXCUSED-6

Hennessey	Rubley	Taylor, R.	Watson
Hess	Saylor		

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 second consideration as amended?

RULES SUSPENDED

The SPEAKER. The Chair recognizes the gentleman from Lancaster County, Representative Creighton, for the purpose of making a motion to suspend the rules to offer amendment A00856.

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

The SPEAKER. On the motion, the Chair recognizes Representative Creighton.

Mr. CREIGHTON. Thank you, Mr. Speaker.

Another technical amendment to clarify a definition.

The SPEAKER. The members of the House will please take their seats. The gentleman cannot be heard. Conversations will cease. Sergeants at Arms will clear the aisles.

The Chair recognizes Representative Creighton.

Mr. CREIGHTON. This amendment clarifies a definition for "transmit" and just broadens the definition to make the law, the bill, more inclusive.

The SPEAKER. Representative Sainato.

Mr. SAINATO. Thank you, Mr. Speaker.

This is just a clarification amendment, so I am not objecting to suspending the rules.

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-197

Adolph	Frankel	Mantz	Rock
Argall	Freeman	Markosek	Roebuck
Baker	White	Marshall	Rohrer
Barrar	Galloway	Marsico	Ross
Bastian	Geist	McCall	Sabatina
Bear	George	McGeehan	Sainato
Belfanti	Gerber	McI. Smith	Samuelson
Benninghoff	Gergely	McIlhattan	Santoni
Bennington	Gibbons	Melio	Scavello
Beyer	Gillespie	Mensch	Schroder
Biancucci	Gingrich	Metcalfe	Seip
Bishop	Godshall	Micozzie	Shapiro
Blackwell	Goodman	Millard	Shimkus
Boback	Grell	Miller	Siproth
Boyd	Grucela	Milne	Smith, K.
Brennan	Haluska	Moul	Smith, M.
Brooks	Hanna	Moyer	Smith, S.
Buxton	Harhai	Mundy	Solobay
Caltagirone	Harhart	Murt	Sonney
Cappelli	Harkins	Mustio	Staback
Carroll	Harper	Myers	Stairs
Casorio	Harris	Nailor	Steil
Causer	Helm	Nickol	Stern
Civera	Hershey	O'Brien, M.	Stevenson
Clymer	Hickernell	O'Neill	Sturla
Cohen	Hornaman	Oliver	Surra
Conklin	Hutchinson	Pallone	Swanger
Costa	James	Parker	Tangretti
Cox	Josephs	Pashinski	Taylor, J.
Creighton	Kauffman	Payne	Thomas
Cruz	Keller, M.	Payton	True
Curry	Keller, W.	Peifer	Turzai
Cutler	Kenney	Perry	Vereb
Daley	Kessler	Perzel	Vitali
Dally	Killion	Petrarca	Vulakovich
DeLuca	King	Petri	Wagner
Denlinger	Kirkland	Petrone	Walko
DePasquale	Kortz	Phillips	Wansacz
Dermody	Kotik	Pickett	Waters
DeWeese	Kula	Preston	Wheatley
DiGirolamo	Leach	Pyle	White
Donatucci	Lentz	Quigley	Williams
Eachus	Levdansky	Quinn	Wojnaroski
Ellis	Longietti	Ramaley	Yewcic
Evans, D.	Mackereth	Rapp	Youngblood
Evans, J.	Maher	Raymond	Yudichak
Everett	Mahoney	Readshaw	
Fabrizio	Major	Reed	O'Brien, D.,
Fairchild	Manderino	Reichley	Speaker
Fleck	Mann	Roae	

NAYS-0

NOT VOTING-0

EXCUSED-6

Hennessey	Rubley	Taylor, R.	Watson
Hess	Saylor		

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 second consideration as amended?

Mr. **CREIGHTON** offered the following amendment No. **A00856**:

Amend Sec. 1 (Sec. 7507.2), page 2, line 16, by inserting after "telephone."

The term shall include electromagnetic and optic transmissions.

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

The **SPEAKER**. The gentleman has already explained the amendment.

On the question, will the House agree to the amendment, Representative Sainato.

Mr. **SAINATO**. Mr. Speaker, I support this amendment.

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—196

Adolph	Frankel	Mantz	Roae
Argall	Freeman	Markosek	Rock
Baker	Gabig	Marshall	Roebuck
Barrar	Galloway	Marsico	Rohrer
Bastian	Geist	McCall	Ross
Bear	George	McGeehan	Sabatina
Belfanti	Gerber	McI. Smith	Sainato
Benninghoff	Gergely	McIlhattan	Samuelson
Bennington	Gibbons	Melio	Santoni
Beyer	Gillespie	Mensch	Scavello
Biancucci	Gingrich	Metcalfe	Schroder
Bishop	Godshall	Micozzie	Seip
Blackwell	Goodman	Millard	Shapiro
Boback	Grell	Miller	Shimkus
Boyd	Grucela	Milne	Siptroth
Brennan	Haluska	Moul	Smith, K.
Brooks	Hanna	Moyer	Smith, M.
Buxton	Harhai	Mundy	Smith, S.
Caltagirone	Harhart	Murt	Solobay
Cappelli	Harkins	Mustio	Sonney
Carroll	Harper	Myers	Staback
Casorio	Harris	Nailor	Stairs
Causar	Helm	Nickol	Steil
Civera	Hershey	O'Brien, M.	Stern
Clymer	Hickernell	O'Neill	Stevenson
Cohen	Hornaman	Oliver	Sturla
Conklin	Hutchinson	Pallone	Surra
Costa	James	Parker	Swanger
Cox	Josephs	Pashinski	Tangretti
Creighton	Kauffman	Payne	Taylor, J.
Cruz	Keller, M.	Payton	True
Curry	Keller, W.	Peifer	Turzai
Cutler	Kenney	Perry	Vereb
Daley	Kessler	Perzel	Vitali
Dally	Killion	Petrarca	Vulakovich
DeLuca	King	Petri	Wagner
Denlinger	Kirkland	Petrone	Walko
DePasquale	Kortz	Phillips	Wansacz
Dermody	Kotik	Pickett	Waters
DeWeese	Kula	Preston	Wheatley
DiGiroalamo	Leach	Pyle	White
Donatucci	Lentz	Quigley	Williams
Eachus	Levdansky	Quinn	Wojnaroski
Ellis	Longietti	Ramaley	Yewcic
Evans, D.	Mackereth	Rapp	Youngblood
Evans, J.	Maher	Raymond	Yudichak

Everett	Mahoney	Readshaw	
Fabrizio	Major	Reed	O'Brien, D.,
Fairchild	Manderino	Reichley	Speaker
Fleck	Mann		

NAYS—0

NOT VOTING—1

Thomas

EXCUSED—6

Hennessey	Rubley	Taylor, R.	Watson
Hess	Saylor		

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 second consideration as amended?

The **SPEAKER**. The Chair recognizes the gentleman from Lehigh County, Representative Reichley, for the purpose of making a motion to suspend the rules to offer amendment A00873.

The House will be at ease.

GUESTS INTRODUCED

The **SPEAKER**. I would like to recognize a special group that is seated in the back of the House. The group represents constituents and close friends from Schuylkill County and Berks County that are the guests of Representative Dave Argall. Would you please join Representative Argall in welcoming his guests to the floor of the House.

LEAVE OF ABSENCE CANCELED

The **SPEAKER**. Without objection, the gentleman, Representative Rick Taylor's name will be added to the master roll. The Chair sees no objection.

GUEST INTRODUCED

The **SPEAKER**. The Chair would like to welcome Richard Shermanski, who is an intern working in Representative David Levdansky's office this summer. He is seated to the left of the Speaker. Please join us in welcoming Richard to the floor of the House.

CONSIDERATION OF HB 441 CONTINUED

The **SPEAKER**. The Chair is informed that Representative Reichley is withdrawing his amendment.

Does the gentleman intend to withdraw his other amendment as well? The Chair withdraws that; there is only one. Thank you.

The Chair recognizes Representative DeLuca. Is it the gentleman's intention to withdraw his amendment?

Mr. DeLUCA. Yes, I do, Mr. Speaker. I would like to make a statement first before I withdraw.

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

Mr. DeLUCA. Mr. Speaker, I intended to introduce this amendment pertaining to imposing sanctions and penalties on employers who engage in unlawful employment of illegal aliens. Throughout this country and throughout this State, the State is losing a tremendous amount of money through an underground economy by individuals who are employing these illegal aliens and exploiting them for their own personal gain.

Unfortunately, there was a drafting error in this bill, but I can tell you, I will be coming back with this amendment, either in amendment or in bill form, but we are going to address the illegal hiring, the businesses who are illegally hiring these undocumented workers and illegal workers.

So, Mr. Speaker, I withdraw this amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

It is the understanding of the Chair that the remainder of the amendments on this bill are withdrawn.

On the question recurring,

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

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

CONSIDERATION OF HB 284 CONTINUED

The SPEAKER. Returning to page 2 of today's House calendar, HB 284.

On the question recurring,

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

The clerk read the following amendment No. **A00790**:

Amend Title, page 1, line 8, by striking out "Pennsylvania Quality Leadership Awards" and inserting

Keystone Alliance for Performance Excellence Awards

Amend Title, page 1, lines 8 and 9, by striking out "Pennsylvania Quality Leadership Awards" and inserting

Keystone Alliance for Performance Excellence Advisory

Amend Sec. 1 (Sec. 5), page 5, lines 28 and 29, by striking out "Pennsylvania Quality Leadership" and inserting

Keystone Alliance for Performance Excellence

Amend Sec. 1 (Sec. 5), page 6, by inserting between lines 2 and 3
(14) A representative of the Pennsylvania Association of Nonprofit Organizations.

(15) A representative of the Keystone Alliance for Performance Excellence.

Amend Sec. 1 (Sec. 5), page 6, line 9, by striking out "AWARDS"

Amend Sec. 3 (Sec. 7), page 9, line 5, by striking out "AWARDS"

Amend Sec. 3 (Sec. 7), page 9, line 13, by striking out "AWARDS"

Amend Sec. 3 (Sec. 7), page 11, lines 6 and 7, by striking out "quality leadership awards program" and inserting

Keystone Alliance for Performance Excellence awards program

Amend Sec. 3 (Sec. 7), page 11, line 15, by inserting after "fundraising"

and public relations

Amend Sec. 3 (Sec. 7), page 11, line 17, by striking out "his" and inserting

the

On the question recurring,

Will the House agree to the amendment?

The SPEAKER. On the amendment, the Chair recognizes Representative Markosek.

The Chair will ask the members of the House to please cease all conversations. If you have a conversation, would you please take it to the rear of the House. Conferences on the floor will break up. Sergeants at Arms will clear the aisles.

Representative Markosek.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, this amendment adds two people to the board of the quality-award legislation. It was inadvertently left out of the original drafting, and it is a technical amendment to correct that.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—198

Adolph	Frankel	Mantz	Rock
Argall	Freeman	Markosek	Roebuck
Baker	Gabig	Marshall	Rohrer
Barrar	Galloway	Marsico	Ross
Bastian	Geist	McCall	Sabatina
Bear	George	McGeehan	Sainato
Belfanti	Gerber	McI. Smith	Samuelson
Benninghoff	Gergely	McIlhattan	Santoni
Bennington	Gibbons	Melio	Scavello
Beyer	Gillespie	Mensch	Schroder
Biancucci	Gingrich	Metcalfe	Seip
Bishop	Godshall	Micozzie	Shapiro
Blackwell	Goodman	Millard	Shimkus
Boback	Grell	Miller	Siptroth
Boyd	Grucela	Milne	Smith, K.
Brennan	Haluska	Moul	Smith, M.
Brooks	Hanna	Moyer	Smith, S.
Buxton	Harhai	Mundy	Solobay
Caltagirone	Harhart	Murt	Sonney
Cappelli	Harkins	Mustio	Staback
Carroll	Harper	Myers	Stairs
Casorio	Harris	Nailor	Steil
Causer	Helm	Nickol	Stern
Civera	Hershey	O'Brien, M.	Stevenson
Clymer	Hickernell	O'Neill	Sturla
Cohen	Hornaman	Oliver	Surra
Conklin	Hutchinson	Pallone	Swanger
Costa	James	Parker	Tangretti
Cox	Josephs	Pashinski	Taylor, J.
Creighton	Kauffman	Payne	Taylor, R.
Cruz	Keller, M.	Payton	Thomas
Curry	Keller, W.	Peifer	True
Cutler	Kenney	Perry	Turzai
Daley	Kessler	Perzel	Vereb
Dally	Killion	Petrarca	Vitali
DeLuca	King	Petri	Vulakovich

Denlinger	Kirkland	Petrone	Wagner
DePasquale	Kortz	Phillips	Walko
Dermody	Kotik	Pickett	Wansacz
DeWeese	Kula	Preston	Waters
DiGirolamo	Leach	Pyle	Wheatley
Donatucci	Lentz	Quigley	White
Eachus	Levdansky	Quinn	Williams
Ellis	Longietti	Ramaley	Wojnaroski
Evans, D.	Mackereth	Rapp	Yewcic
Evans, J.	Maher	Raymond	Youngblood
Everett	Mahoney	Readshaw	Yudichak
Fabrizio	Major	Reed	
Fairchild	Manderino	Reichley	O'Brien, D.,
Fleck	Mann	Roae	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-5

Hennessey	Rubley	Saylor	Watson
Hess			

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 second consideration as amended?
Bill as amended was agreed to.

(Bill as amended will be reprinted.)

* * *

The House proceeded to second consideration of **HB 872, PN 1027**, entitled:

An Act designating the bridge carrying State Route 15, known as Lycoming Creek Road, over Bottle Run, Old Lycoming Township, Lycoming County, as the John Gross Memorial Bridge.

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

* * *

The House proceeded to second consideration of **HB 972, PN 1136**, entitled:

An Act mandating health insurance coverage for cancer prevention and early detection programs; and providing for powers and duties of the Department of Health.

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

* * *

The House proceeded to second consideration of **HB 1000, PN 1171**, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, providing, in quality health care accountability and protection, for mental health services; and further providing, in quality health care accountability and protection, for procedures.

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

Mr. **BARRAR** offered the following amendment No. **A00824**:

Amend Title, page 1, line 11, by striking out "providing," and inserting

providing for retroactive denial of reimbursement of payments to health care providers by insurers and,

Amend Bill, page 2, lines 2 through 4, 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 an article to read:

ARTICLE VI-B

RETROACTIVE DENIAL OF REIMBURSEMENTS

§ 601-B. 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-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:

"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, 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-B. 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-B. Effect of noncompliance.

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

(a) Reasons for denial.—The provisions of section 603-B 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-B. Coordination of benefits.

If an insurer retroactively denies reimbursement for services as a result of coordination of benefits under provisions of section 605-B(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.

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

Amend Sec. 2, page 2, line 15, by striking out "2" and inserting
3

Amend Sec. 3, page 2, line 27, by striking out "3" and inserting
4

On the question,

Will the House agree to the amendment?

The SPEAKER. Representative Barrar.

Mr. BARRAR. Mr. Speaker, could we go over this for a second?

BILL PASSED OVER TEMPORARILY

The SPEAKER. The House will go over this temporarily.

* * *

The House proceeded to second consideration of **HB 1166, PN 1640**, entitled:

An Act designating a portion of State Route 2024, known as Dreshertown Road, in Montgomery County, as the Sergeant James R. Miller Memorial Highway.

On the question,

Will the House agree to the bill on second consideration?

Bill was agreed to.

* * *

The House proceeded to second consideration of **SB 86, PN 750**, entitled:

An Act amending the act of May 2, 1947 (P.L.143, No.62), entitled "An act regulating the sale and resale for profit and the carrying on of the business of selling or reselling tickets or other devices for admission to places of amusement; providing for the licensing of persons reselling such tickets for profit; providing for the suspension and revocation of such licenses; imposing duties on licensees and owners or operators of places of amusement; imposing powers and duties on the Department of Revenue, county treasurers, district attorneys, and the receiver of taxes, and city solicitors in cities of the first class; making disposition of moneys collected and providing penalties," further providing for reselling of tickets and for printing prices on tickets.

On the question,

Will the House agree to the bill on second consideration?

Bill was agreed to.

CONSIDERATION OF HB 1000 CONTINUED

The SPEAKER. The Chair returns to HB 1000.

On the question recurring,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes Representative Barrar, who offers amendment A00824, for an explanation.

Mr. BARRAR. Mr. Speaker, this is an amendment we had done last year on an insurance bill. This deals with the retroactivity of a health insurance company denying, basically retroactively denying a claim and seeking reimbursement back beyond a period of a year. This is an issue that affects our medical providers. Our chiropractors have been affected by this. I have literally had chiropractors who have called me and told me that some of the health insurance providers have been able to go back 7 years and ask for reimbursement of claims that have been paid to them, costing— I had one chiropractor in my district that had paid out over \$80,000 due to this and actually

put him out of business because he could not pay this claim that the health insurance company asked him to.

I would ask for a positive vote on this. This is a vote that will definitely help our medical providers in our community. Thank you.

The SPEAKER. The Chair recognizes Representative Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, as I have done in the past, I support this amendment. I believe this amendment deals with a legitimate concern of many people in the chiropractic profession. It should lead to greater immediate attention to any questionable billings that may exist by health insurers, and it should focus everyone on current costs and not on fishing expeditions of what may or may not have happened in the past.

I think this is a meritorious amendment worthy of the support of all the members.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—191

Adolph	Fleck	Mantz	Rohrer
Argall	Frankel	Markosek	Ross
Baker	Freeman	Marshall	Sabatina
Barrar	Gabig	Marsico	Sainato
Bastian	Galloway	McCall	Samuelson
Bear	Geist	McGeehan	Santoni
Belfanti	George	McI. Smith	Scavello
Benninghoff	Gerber	McIlhattan	Schroder
Bennington	Gergely	Melio	Seip
Beyer	Gibbons	Mensch	Shapiro
Biancucci	Gingrich	Metcalfe	Shimkus
Bishop	Godshall	Millard	Siproth
Blackwell	Goodman	Miller	Smith, K.
Boback	Grucela	Milne	Smith, M.
Boyd	Haluska	Moul	Smith, S.
Brennan	Hanna	Moyer	Solobay
Brooks	Harhai	Mundy	Sonney
Buxton	Harhart	Murt	Staback
Caltagirone	Harkins	Myers	Stairs
Cappelli	Harper	Nailor	Steil
Carroll	Harris	O'Brien, M.	Stern
Casorio	Helm	O'Neill	Stevenson
Causser	Hershey	Oliver	Sturla
Civera	Hickernell	Pallone	Surra
Clymer	Hornaman	Parker	Swanger
Cohen	Hutchinson	Pashinski	Tangretti
Conklin	James	Payne	Taylor, J.
Costa	Josephs	Payton	Taylor, R.
Cox	Kauffman	Peifer	Thomas
Creighton	Keller, M.	Perzel	True
Cruz	Keller, W.	Petrarca	Turzai
Curry	Kenny	Petri	Vereb
Cutler	Kessler	Petrone	Vitali
Daley	Killion	Phillips	Vulakovich
Dally	King	Pickett	Wagner
DeLuca	Kirkland	Preston	Walko
Denlinger	Kortz	Pyle	Wansacz
DePasquale	Kotik	Quigley	Waters
Dermody	Kula	Quinn	Wheatley
DeWeese	Leach	Ramaley	White
DiGiolamo	Lentz	Rapp	Williams
Donatucci	Levdansky	Raymond	Wojnaroski
Eachus	Longietti	Readshaw	Yewcic
Ellis	Maher	Reed	Youngblood
Evans, D.	Mahoney	Reichley	Yudichak
Evans, J.	Major	Roae	
Everett	Manderino	Rock	O'Brien, D.,

Fabrizio Fairchild	Mann	Roebuck	Speaker
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NAYS—7

Gillespie Grell	Mackereth Micozzie	Mustio Nickol	Perry
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NOT VOTING—0

EXCUSED—5

Hennessey Hess	Rubley	Saylor	Watson
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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 second consideration as amended?

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

SUPPLEMENTAL CALENDAR B

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 161, PN 182**, entitled:

An Act amending the act of November 6, 1987 (P.L.381, No.79), known as the Older Adults Protective Services Act, further providing for the definition of "exploitation."

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.

(Bill analysis was read.)

The SPEAKER. 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	Frankel	Mantz	Rock
Argall	Freeman	Markosek	Roebuck
Baker	Gabig	Marshall	Rohrer
Barrar	Galloway	Marsico	Ross
Bastian	Geist	McCall	Sabatina
Bear	George	McGeehan	Sainato
Belfanti	Gerber	McI. Smith	Samuelson
Benninghoff	Gergely	McIlhattan	Santoni
Bennington	Gibbons	Melio	Scavello
Beyer	Gillespie	Mensch	Schroder
Biancucci	Gingrich	Metcalfe	Seip

Bishop	Godshall	Micozzie	Shapiro
Blackwell	Goodman	Millard	Shimkus
Boback	Grell	Miller	Siptroth
Boyd	Grucela	Milne	Smith, K.
Brennan	Haluska	Moul	Smith, M.
Brooks	Hanna	Moyer	Smith, S.
Buxton	Harhai	Mundy	Solobay
Caltagirone	Harhart	Murt	Sonney
Cappelli	Harkins	Mustio	Staback
Carroll	Harper	Myers	Stairs
Casorio	Harris	Nailor	Steil
Causser	Helm	Nickol	Stern
Civera	Hershey	O'Brien, M.	Stevenson
Clymer	Hickernell	O'Neill	Sturla
Cohen	Hornaman	Oliver	Surra
Conklin	Hutchinson	Pallone	Swanger
Costa	James	Parker	Tangretti
Cox	Josephs	Pashinski	Taylor, J.
Creighton	Kauffman	Payne	Taylor, R.
Cruz	Keller, M.	Payton	Thomas
Curry	Keller, W.	Peifer	True
Cutler	Kenney	Perry	Turzai
Daley	Kessler	Perzel	Vereb
Dally	Killion	Petrarca	Vitali
DeLuca	King	Petri	Vulakovich
Denlinger	Kirkland	Petrone	Wagner
DePasquale	Kortz	Phillips	Walko
Dermody	Kotik	Pickett	Wansacz
DeWeese	Kula	Preston	Waters
DiGirolamo	Leach	Pyle	Wheatley
Donatucci	Lentz	Quigley	White
Eachus	Levdansky	Quinn	Williams
Ellis	Longietti	Ramaley	Wojnaroski
Evans, D.	Mackereth	Rapp	Yewcic
Evans, J.	Maher	Raymond	Youngblood
Everett	Mahoney	Readshaw	Yudichak
Fabrizio	Major	Reed	
Fairchild	Manderino	Reichley	O'Brien, D.,
Fleck	Mann	Roae	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-5

Hennessey	Rubley	Saylor	Watson
Hess			

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.

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. The Chair recognizes Representative James. Mr. JAMES. Thank you, Mr. Speaker.

I would like to thank all the members for voting for the bill, and I would like to submit my remarks for the record.

The SPEAKER. The Chair thanks the gentleman.

Mr. JAMES submitted the following remarks for the Legislative Journal:

Mr. Speaker, today I rise to urge my colleagues to support this piece of legislation that aims to reduce the exploitation of seniors in our

Commonwealth. This legislation, HB 161, is an important step in protecting our State's older residents from being financially exploited.

Financial exploitation makes up a large and growing segment of exploitation cases. Currently 20 percent of the cases are financial in nature. Further, this is even more disconcerting when Pennsylvania's sizable senior population is taken into account. The number of seniors continues to grow.

This bill would provide local agencies on aging with the authority to investigate potential cases of this exploitation in particular cases. Specifically, they would be able to investigate cases and access records dealing with possible exploitation by people who have power of attorney for the senior. Often seniors enlist a power of attorney in case of emergencies or to protect their interests in other ways. However, some people with poor intentions look at the seniors they are supposed to protect as easy targets and easy to victimize. My bill would further clarify current policy, which does not specify this type of investigation as either allowable or prohibited.

I introduced identical legislation in the last session, and sadly it died in committee. I sincerely hope that this commonsense piece of legislation receives the appropriate consideration and is passed by the House. I believe this bill is necessary and that many of my colleagues agree, as over 40 other members have cosponsored the bill of both parties.

Thank you.

CALENDAR CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 483, PN 540**, entitled:

An Act establishing the Mine Families First Program; providing assistance to persons whose family members are trapped, injured or waiting rescue during an underground mine emergency and for duties of the Department of Environmental Protection.

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.

(Bill analysis was read.)

The SPEAKER. 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	Frankel	Mantz	Rock
Argall	Freeman	Markosek	Roebuck
Baker	Gabig	Marshall	Rohrer
Barrar	Galloway	Marsico	Ross
Bastian	Geist	McCall	Sabatina
Bear	George	McGeehan	Sainato
Belfanti	Gerber	McI. Smith	Samuelson
Benninghoff	Gergely	McIlhattan	Santoni
Bennington	Gibbons	Melio	Scavello
Beyer	Gillespie	Mensch	Schroder
Biancucci	Gingrich	Metcalfe	Seip
Bishop	Godshall	Micozzie	Shapiro
Blackwell	Goodman	Millard	Shimkus

Boback	Grell	Miller	Siptroth
Boyd	Grucela	Milne	Smith, K.
Brennan	Haluska	Moul	Smith, M.
Brooks	Hanna	Moyer	Smith, S.
Buxton	Harhai	Mundy	Solobay
Caltagirone	Harhart	Murt	Sonney
Cappelli	Harkins	Mustio	Staback
Carroll	Harper	Myers	Stairs
Casorio	Harris	Nailor	Steil
Causer	Helm	Nickol	Stern
Civera	Hershey	O'Brien, M.	Stevenson
Clymer	Hickernell	O'Neill	Sturla
Cohen	Hornaman	Oliver	Surra
Conklin	Hutchinson	Pallone	Swanger
Costa	James	Parker	Tangretti
Cox	Josephs	Pashinski	Taylor, J.
Creighton	Kauffman	Payne	Taylor, R.
Cruz	Keller, M.	Payton	Thomas
Curry	Keller, W.	Peifer	True
Cutler	Kenney	Perry	Turzai
Daley	Kessler	Perzel	Vereb
Dally	Killion	Petrarca	Vitali
DeLuca	King	Petri	Vulakovich
Denlinger	Kirkland	Petrone	Wagner
DePasquale	Kortz	Phillips	Walko
Dermody	Kotik	Pickett	Wansacz
DeWeese	Kula	Preston	Waters
DiGirolamo	Leach	Pyle	Wheatley
Donatucci	Lentz	Quigley	White
Eachus	Levdansky	Quinn	Williams
Ellis	Longiatti	Ramaley	Wojnaroski
Evans, D.	Mackereth	Rapp	Yewcic
Evans, J.	Maher	Raymond	Youngblood
Everett	Mahoney	Readshaw	Yudichak
Fabrizio	Major	Reed	
Fairchild	Manderino	Reichley	O'Brien, D.,
Fleck	Mann	Roae	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-5

Hennessey	Rubley	Saylor	Watson
Hess			

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 B CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1169, PN 1535**, entitled:

An Act designating the bridge carrying State Route 2073 over Plum Creek between the boroughs of Oakmont and Verona in Allegheny County as the Roger F. Duffy Viaduct.

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	Frankel	Mantz	Rock
Argall	Freeman	Markosek	Roebuck
Baker	Gabig	Marshall	Rohrer
Barrar	Galloway	Marsico	Ross
Bastian	Geist	McCall	Sabatina
Bear	George	McGeehan	Sainato
Belfanti	Gerber	McI. Smith	Samuelson
Benninghoff	Gergely	McIlhattan	Santoni
Bennington	Gibbons	Melio	Scavello
Beyer	Gillespie	Mensch	Schroder
Biancucci	Gingrich	Metcalfe	Seip
Bishop	Godshall	Micozzie	Shapiro
Blackwell	Goodman	Millard	Shimkus
Boback	Grell	Miller	Siptroth
Boyd	Grucela	Milne	Smith, K.
Brennan	Haluska	Moul	Smith, M.
Brooks	Hanna	Moyer	Smith, S.
Buxton	Harhai	Mundy	Solobay
Caltagirone	Harhart	Murt	Sonney
Cappelli	Harkins	Mustio	Staback
Carroll	Harper	Myers	Stairs
Casorio	Harris	Nailor	Steil
Causer	Helm	Nickol	Stern
Civera	Hershey	O'Brien, M.	Stevenson
Clymer	Hickernell	O'Neill	Sturla
Cohen	Hornaman	Oliver	Surra
Conklin	Hutchinson	Pallone	Swanger
Costa	James	Parker	Tangretti
Cox	Josephs	Pashinski	Taylor, J.
Creighton	Kauffman	Payne	Taylor, R.
Cruz	Keller, M.	Payton	Thomas
Curry	Keller, W.	Peifer	True
Cutler	Kenney	Perry	Turzai
Daley	Kessler	Perzel	Vereb
Dally	Killion	Petrarca	Vitali
DeLuca	King	Petri	Vulakovich
Denlinger	Kirkland	Petrone	Wagner
DePasquale	Kortz	Phillips	Walko
Dermody	Kotik	Pickett	Wansacz
DeWeese	Kula	Preston	Waters
DiGirolamo	Leach	Pyle	Wheatley
Donatucci	Lentz	Quigley	White
Eachus	Levdansky	Quinn	Williams
Ellis	Longiatti	Ramaley	Wojnaroski
Evans, D.	Mackereth	Rapp	Yewcic
Evans, J.	Maher	Raymond	Youngblood
Everett	Mahoney	Readshaw	Yudichak
Fabrizio	Major	Reed	
Fairchild	Manderino	Reichley	O'Brien, D.,
Fleck	Mann	Roae	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-5

Hennessey	Rubley	Saylor	Watson
Hess			

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 1214, PN 1660**, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for organization of the Pennsylvania Game Commission.

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	Frankel	Mantz	Rock
Argall	Freeman	Markosek	Roebuck
Baker	Gabig	Marshall	Rohrer
Barrar	Galloway	Marsico	Ross
Bastian	Geist	McCall	Sabatina
Bear	George	McGeehan	Sainato
Belfanti	Gerber	McI. Smith	Samuelson
Benninghoff	Gergely	McIlhattan	Santoni
Bennington	Gibbons	Melio	Scavello
Beyer	Gillespie	Mensch	Schroder
Biancucci	Gingrich	Metcalf	Seip
Bishop	Godshall	Micozzie	Shapiro
Blackwell	Goodman	Millard	Shimkus
Boback	Grell	Miller	Siptroth
Boyd	Grucela	Milne	Smith, K.
Brennan	Haluska	Moul	Smith, M.
Brooks	Hanna	Moyer	Smith, S.
Buxton	Harhai	Mundy	Solobay
Caltagirone	Harhart	Murt	Sonney
Cappelli	Harkins	Mustio	Staback
Carroll	Harper	Myers	Stairs
Casorio	Harris	Nailor	Steil
Causar	Helm	Nickol	Stern
Civera	Hershey	O'Brien, M.	Stevenson
Clymer	Hickernell	O'Neill	Sturla
Cohen	Hornaman	Oliver	Surra
Conklin	Hutchinson	Pallone	Swanger
Costa	James	Parker	Tangretti
Cox	Josephs	Pashinski	Taylor, J.
Creighton	Kauffman	Payne	Taylor, R.
Cruz	Keller, M.	Payton	Thomas
Curry	Keller, W.	Peifer	True
Cutler	Kenney	Perry	Turzai
Daley	Kessler	Perzel	Verbe
Dally	Killion	Petrarca	Vitali
DeLuca	King	Petri	Vulakovich
Denlinger	Kirkland	Petrone	Wagner
DePasquale	Kortz	Phillips	Walko
Dermody	Kotik	Pickett	Wansacz
DeWeese	Kula	Preston	Waters
DiGirolamo	Leach	Pyle	Wheatley
Donatucci	Lentz	Quigley	White

Eachus	Levdansky	Quinn	Williams
Ellis	Longiotti	Ramaley	Wojnarowski
Evans, D.	Mackereth	Rapp	Yewcic
Evans, J.	Maher	Raymond	Youngblood
Everett	Mahoney	Readshaw	Yudichak
Fabrizio	Major	Reed	
Fairchild	Manderino	Reichley	O'Brien, D.,
Fleck	Mann	Roae	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

Hennessey	Rubley	Saylor	Watson
Hess			

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 1228, PN 1513**, entitled:

An Act redesignating the Clarion River Bridge on Main Street in Ridgway, Elk County, as Rear Admiral Paul H. Speer Bridge.

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—198

Adolph	Frankel	Mantz	Rock
Argall	Freeman	Markosek	Roebuck
Baker	Gabig	Marshall	Rohrer
Barrar	Galloway	Marsico	Ross
Bastian	Geist	McCall	Sabatina
Bear	George	McGeehan	Sainato
Belfanti	Gerber	McI. Smith	Samuelson
Benninghoff	Gergely	McIlhattan	Santoni
Bennington	Gibbons	Melio	Scavello
Beyer	Gillespie	Mensch	Schroder
Biancucci	Gingrich	Metcalf	Seip
Bishop	Godshall	Micozzie	Shapiro
Blackwell	Goodman	Millard	Shimkus
Boback	Grell	Miller	Siptroth
Boyd	Grucela	Milne	Smith, K.
Brennan	Haluska	Moul	Smith, M.
Brooks	Hanna	Moyer	Smith, S.
Buxton	Harhai	Mundy	Solobay
Caltagirone	Harhart	Murt	Sonney
Cappelli	Harkins	Mustio	Staback
Carroll	Harper	Myers	Stairs
Casorio	Harris	Nailor	Steil

Causser	Helm	Nickol	Stern
Civera	Hershey	O'Brien, M.	Stevenson
Clymer	Hickernell	O'Neill	Sturla
Cohen	Hornaman	Oliver	Surra
Conklin	Hutchinson	Pallone	Swanger
Costa	James	Parker	Tangretti
Cox	Josephs	Pashinski	Taylor, J.
Creighton	Kauffman	Payne	Taylor, R.
Cruz	Keller, M.	Payton	Thomas
Curry	Keller, W.	Peifer	True
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Daley	Kessler	Perzel	Verb
Dally	Killion	Petrarca	Vitali
DeLuca	King	Petri	Vulakovich
Denlinger	Kirkland	Petrone	Wagner
DePasquale	Kortz	Phillips	Walko
Dermody	Kotik	Pickett	Wansacz
DeWeese	Kula	Preston	Waters
DiGirolamo	Leach	Pyle	Wheatley
Donatucci	Lentz	Quigley	White
Eachus	Levdansky	Quinn	Williams
Ellis	Longietti	Ramaley	Wojnaroski
Evans, D.	Mackereth	Rapp	Yewcic
Evans, J.	Maher	Raymond	Youngblood
Everett	Mahoney	Readshaw	Yudichak
Fabrizio	Major	Reed	
Fairchild	Manderino	Reichley	O'Brien, D.,
Fleck	Mann	Roae	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-5

Hennessey	Rubley	Saylor	Watson
Hess			

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

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

* * *

The House proceeded to third consideration of **SB 218, PN 1056**, entitled:

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, providing for local services taxes; repealing provisions relating to emergency and municipal services taxes and to continuation of occupational privilege taxes; and making editorial changes.

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.

(Bill analysis was read.)

The SPEAKER. The question is, shall the bill pass finally?

Representative Godshall.

Mr. GODSHALL. Mr. Speaker, I believe I had an amendment drawn to this—

The SPEAKER. The Chair recognizes the gentleman from Montgomery County, Representative Godshall, for the purpose of making a motion to suspend the rules to offer amendment A00863.

The Chair recognizes the gentleman, Representative Godshall, for a motion.

Mr. GODSHALL. Thank you, Mr. Speaker.

Mr. Speaker, and I probably will be withdrawing this proposed amendment, but I would like to make a few comments prior to that, if I would be in order.

The SPEAKER. The Chair thanks the gentleman.

Mr. GODSHALL. Presently, and the reason for this amendment is that it also allows for the noncollection of an amusement tax in a new ballpark to be erected in Allentown. To the best of my knowledge, it would be the only minor league baseball stadium in the State of Pennsylvania, which there are many, that would not have the amusement tax imposed. And I understand in talking with a couple people— Well, first of all, you know, I felt that if the Allentown stadium was exempt from the amusement tax, all stadiums, minor league stadiums, should be exempt. And however, I found out since that time that the city of Allentown in their negotiations with bringing the stadium in place, one of the conditions was that there would be no amusement tax.

So since the amusement tax is a local tax going to local officials and since this was a condition that brought the team in, made by the local community, that at this time I will not go forward with this issue, but at the same time, understand the new mayor of Allentown is not very happy about the deal that was made originally, but if we renege on a deal that was made by the city of Allentown with, in this case, the Philadelphia Phillies, and so I am going to withdraw the amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman for withdrawing his amendment.

Representative Maher.

Mr. MAHER. Are we on final passage, Mr. Speaker?

The SPEAKER. The ladies and gentlemen of the House will please end their conversations. The Chair cannot hear the gentleman's question.

Mr. MAHER. I am just inquiring as to whether we are on final passage.

The SPEAKER. The gentleman is in order and may state his point of parliamentary inquiry.

Mr. MAHER. I do not have a point of parliamentary inquiry. I am just asking if we are on final passage for this bill.

The SPEAKER. The bill is on final passage.

Mr. MAHER. Thank you.

May I speak to the bill, Mr. Speaker?

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

Mr. MAHER. The current state of affairs with the so-called EMS (emergency and municipal services) tax certainly needs to be remedied. A \$52 tax that affects everyone in one fell swoop is burdensome for those who are entering the work force. A buck a week is not very much to ask, as opposed to 52 bucks in one fell swoop, but what this bill has done is to eliminate the local discretion as to whether or not to impose the tax at what threshold.

The predecessor tax allowed the local municipalities to decide whether or not the tax would be imposed on those who are working summer jobs, seasonal jobs, and so forth. That local freedom has been eliminated in this bill, and worse, it adds a provision which will make enforcement impossible against those who would just seek to be scofflaws, because the local municipalities will not be able to get any information from any source that would identify those who are, in fact, working in their communities but self-exempting out from the tax, and there will be no remedy that is efficient to pursue that whatsoever. It will encourage, consequently, individuals to be scofflaws and to take a catch-me-if-you-can attitude.

For these reasons, Mr. Speaker, I am afraid that as desirable as repairing this \$52 bombshell is, that this bill is so flawed that I will have to oppose it. Thank you, Mr. Speaker.

The SPEAKER. Representative DePasquale.

Mr. DePASQUALE. Mr. Speaker, may I interrogate the maker of the bill?

The SPEAKER. It is a Senate bill. Representative Levdansky will stand for interrogation.

Mr. DePASQUALE. Thank you, Mr. Speaker.

I just wanted to ask how the up-front exemption in this legislation would work in practice.

Mr. LEVDANSKY. Mr. Speaker, under this legislation, there is an up-front exemption that applies to people who make less than \$12,000 a year. So from now on, from now on, you know, people who make less than \$12,000 a year will not have to pay this tax. In addition to that, there is a process to get a certified exemption from the EMST tax (emergency and municipal services tax) so that it will not be withheld if you made less than \$12,000 in the prior year. The Department of Community and Economic Development under this legislation will be required to, will be required to devise through the regulatory process a standardized application for the exemption. They will develop that application, and an employee who makes less than \$12,000 a year will fill out that application and submit other evidence, like their W-2 from the prior year or their last paycheck stub, showing how much they made in the prior year. They will submit that with the application to document that they made less than \$12,000 in the prior year. If they submit that application and the documentation, then the employer will not withhold the \$52 fee.

Mr. DePASQUALE. Thank you, Mr. Speaker.

The SPEAKER. Representative Adolph.

Mr. ADOLPH. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support SB 218. This local tax has been a nightmare, especially if you are a student home for the holidays and you make a couple hundred dollars while you are home and you go to get your paycheck and there is \$52 missing from your wages. Some of our municipalities, because we did not define what "earned income" was or what "income" was the last time we passed this bill, they were collecting money on Social Security, on rental income. I do not think that was ever the intention of this legislature. But if my memory serves me right, when we started on this legislation, it was concerning a commuter tax on Allegheny County, and because of constitutionality, every municipality in the Commonwealth became involved in the collecting of this tax.

I think SB 218, with the help of the House Finance Committee, we passed a good bill last year. However, our Governor vetoed it and claimed there was not enough time. I think there is always enough time to stop collecting taxes, and

you know, this tax here is a real hardship for the low-income folks, and I think we went a long way, a long way in establishing this exemption. We have given the municipalities a full year now to get their house in order.

We were told when we first started that we are going from \$10 and you could go up to \$52. Many of us were naive enough to think that they may jump it from \$10 to \$20, from \$20 to \$30, but the majority of our municipalities jumped it from \$10 to \$52 in 1 year, and our folks that live and work in the same municipality were being double taxed as a result of this legislation.

I rise wholeheartedly to support SB 218, because it corrects a lot of the problems the current bill has. Thank you.

The SPEAKER. Representative Boyd.

Mr. BOYD. Thank you, Mr. Speaker.

I was wondering if the chairman of the Finance Committee would stand for a brief interrogation?

The SPEAKER. The gentleman, Representative Levdansky, indicates that he will. The gentleman is in order and may proceed.

Mr. BOYD. All right. Thank you, Mr. Speaker.

Mr. Speaker, I want to revisit the question about the up-front exemption. In prior discussions you mentioned that the person can file a form and I guess provide it to their employer that would document that they are going to make less than \$12,000 a year. Is that correct, Mr. Speaker?

Mr. LEVDANSKY. Correct, Mr. Speaker.

Mr. BOYD. All right. So what happens if during the course of that year's period of time the individual, you know, starts working more hours or whatever and ends up eclipsing that \$12,000 mark? What happens at that point in time?

Mr. LEVDANSKY. That is a good question. We anticipated that there are circumstances where an individual may make less than \$12,000, say, this year but next year their income may exceed \$12,000 but they have already filed for the up-front exception. What the language in the bill provides is that when that employee goes beyond the \$12,000 threshold, that \$12,000 threshold trigger, then the employer will withhold as much of the EMST – we are now going to call it the local services tax – as would have been paid. Let me give you a "for example," so you will understand how it will work.

If a person qualifies for the up-front exception and they are not having anything withheld on a per-pay basis because they made less than \$12,000 in the prior year and they were so certified, if, say, in the 40th week of the year, at the beginning of October, they crossed the \$12,000 threshold, then the language that we put in here, to be fair to the municipalities, now that person is obligated to pay the full \$52. The language in the bill enables the employer, will allow the employer to withhold \$40 in that next paycheck to make up for the \$40 that was not collected up to that point in the year and then \$1 per week or whatever per pay period for the rest of the year. So we do allow that catch-up, that catch-up provision in the bill so that the municipalities can recover that revenue, you know, in the pay period that the employee goes over the \$12,000 threshold.

Mr. BOYD. Thank you, Mr. Speaker.

The question then I would have is, is that employers, particularly small employers, you know, oftentimes they do not have someone doing their payroll for them. You know, they are serving peaches and doing payroll themselves. You know, they are a one-stop shop. They do it all. What happens if they just

forget? Legitimately it just does not occur to them that what they could have done in January and they were exempted out and they show up in October and they forget and they do not withhold that tax, are they liable for any penalty under law?

Mr. LEVDANSKY. Mr. Speaker, you know, the businessperson is not liable, but I mean, there is an obligation for people to pay their taxes, and you know, under present law, there is a \$12,000 exemption. There is not an up-front process to apply for the exception. Okay? But under present law, municipalities can exempt people making less than \$12,000. So I presume that honest mistakes can be made, you know, after this bill becomes law, but that is the same kind of mistakes that could be made now. You know, it is incumbent upon the taxpayer and the municipality, okay, to ensure that the right people are, you know, that the people are paying this tax properly.

Mr. BOYD. I understand, Mr. Speaker.

Are there any other taxes that employers are required to withhold under law that an employee can file a form up-front and exempt themselves from the employer being required to withhold that tax?

Mr. LEVDANSKY. Mr. Speaker, to my knowledge, employers are only required under law to withhold two taxes, and one is the local wage tax and the second is this, you know, local services tax. Those are the two taxes that under State law local governments are required to withhold.

Mr. BOYD. Yes, I understand, Mr. Speaker.

Under Federal law, you have FICA (Federal Insurance Contributions Act); you have the Medicare tax; you have got a number of other taxes. What I am trying to get at is, is that I sense that there could be a point of confusion for an employer who has to withhold these taxes, all these other taxes, and does not this one until it kicks in, and what happens, back to my question, what happens if he makes a legitimate mistake and he forgets? Is he responsible for that tax that did not get remitted to the local municipality?

Mr. LEVDANSKY. Mr. Speaker, if an individual, I mean if a company does not withhold the \$52 tax after the individual goes over the \$12,000 threshold, there is no penalty for the company. However, the individual employee is still responsible to pay the \$52 in that year. Okay? It does not alleviate the employee from his or her responsibility, an obligation to pay the local services tax, but there is no punishment to the company in the case, you know, that they do not withhold it after the \$12,000 threshold is crossed.

Mr. BOYD. Okay. I understand, and I appreciate that.

Then based on that, if the employer does happen to forget but the employee has gone over the \$12,000 threshold, how then does the municipality collect that tax if under all normal circumstances the employer has been withholding that tax and presumably remitting it to some tax-collecting agent within the municipality? How now does the municipality get the money directly from the taxpayer?

Mr. LEVDANSKY. Mr. Speaker, let me read directly from the bill, on page 23 of the bill: "...no employer shall be held liable for failure to withhold the local services tax or for the payment of the withheld tax money to a political subdivision if the failure to withhold taxes arises from incorrect information submitted by the employe as to the employe's place or places of employment, the employe's principal office or where the employe is principally employed..." There is very clear language in the bill that, you know, that makes it clear that it is

not the employer's responsibility if the employee fails, fails to provide accurate information relative to the withholding.

Mr. BOYD. I understand that, Mr. Speaker, if the employee fails to provide accurate information, but if the employer makes a legitimate mistake in October or November when that employee crested the \$12,000 mark and I simply forget, I do not have a professional payroll staff on hand, and I forget to withhold that money, do I have any legal responsibility?

Mr. LEVDANSKY. My understanding is, no, Mr. Speaker. You know, you are basing your actions on the information that the employee has provided you, and if the employee has not provided you with accurate information or factually incorrect information, the employer is not responsible for that mistake.

Mr. BOYD. All right. I understand what you are saying. I think I hear what you are saying is that the employer has no culpability if, in fact, they just make a simple mistake and do not withhold that tax over \$12,000?

Mr. LEVDANSKY. Correct.

Mr. BOYD. Okay. Thank you. I appreciate that information.

One other question that I would have is, is that I know there was another amendment inserted into this bill in committee. It provided for, if you had multiple jobs, you worked in three different locations, as an example, and you made less than \$12,000 in each of those three locations, however, you made more than \$12,000 aggregate, are you or are you not responsible to remit a tax to a municipality?

Mr. LEVDANSKY. Mr. Speaker, the employee is obligated and responsible to pay the local services tax when their income exceeds \$12,000 in that municipality—

Mr. BOYD. Okay.

Mr. LEVDANSKY. —in that municipality. The idea is, you ought to pay something for the local services you receive if you work in that municipality and make more than \$12,000. If you make less than \$12,000 in that municipality, you are not obligated to pay the local services tax in that municipality.

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

Mr. Speaker, if I could speak briefly on the bill?

The SPEAKER. Representative Vitali.

Oh; the gentleman is recognized to speak on final passage.

Mr. BOYD. Thank you, Mr. Speaker.

Mr. Speaker, I, like many others in this room, feel strongly that the EMS tax needs fixed, it needs changed since the day this body had passed it, and by and large, I was pleased with the content of the bill. Some of the amendments that went in, in committee, I have some concerns about, particularly this issue of employer culpability, and if an employer does not withhold it, I am not convinced that the language says that they do not have some responsibility, and if they do not, I very much have some concerns how then the municipality determines, how they go and collect that tax.

I appreciate the chairman's answer to my question, and I really appreciate what he is trying to do to protect the taxpayers in this. I personally feel like we may have gone a little bit too far with some of this amended language, and I would love to get this thing done and get it fixed for the municipalities, but I am afraid we may have created a couple additional problems with some of the language that we inserted in this.

For that reason I am going to have to be a "no" on this, and I encourage my fellow members to consider that. Thank you, Mr. Speaker.

The SPEAKER. Representative Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

Will the chairman of the House Democratic Finance Committee stand for brief interrogation?

The SPEAKER. Representative Levdansky indicates that he will. The gentleman is in order and may proceed.

Mr. VITALI. Thank you, Mr. Speaker.

I just want to focus in on the section of the bill that requires that 25 percent of this tax be used for emergency services. Now, was that in the original legislation?

Mr. LEVDANSKY. No, Mr. Speaker. That language requiring the 25 percent of the revenues derived from the local services tax to be spent on police, fire, and emergency medical services, that language was inserted by amendment in the Finance Committee here in the House.

Mr. VITALI. Okay. Now, what I am trying to get at with my next question is to find out whether this is a real or illusory issue, because it concerns me that we are tying municipalities in. If a municipality, let us say, wanted to just not devote this to emergency services but just chose to use the current services, its current moneys for emergency services, let us say they were using the property tax now for emergency services, if they were to just divert that somewhere else and use this tax, 25 percent of this tax for that, so the net effect would be the same for emergency services, could they in effect do that? In other words, could they get around this 25-percent usage by just reducing what they are currently paying by an equal amount?

Mr. LEVDANSKY. Mr. Speaker, there is no language in this bill to prevent a municipality from shifting their property tax revenue or their local wage tax revenue out of a particular line item and putting this money into it. Okay?

Mr. VITALI. Okay.

Mr. LEVDANSKY. So there is nothing to stop that local discretion, and I think the 25-percent threshold is so low that I do not believe it will be burdensome or onerous to any municipality's budget process.

Mr. VITALI. Give me a sense for scale, the amount that would be expected to be raised by this as opposed to the rest of the municipal budget. I am trying to get a sense for whether it would be feasible for a municipality to just not be burdened by this provision, by the shifting.

Mr. LEVDANSKY. Well, Mr. Speaker, I mean, you know, with the thousands of local governments across the Commonwealth, every one of them is—

Mr. VITALI. Right, sure.

Mr. LEVDANSKY. —you know, a little different mix, but broadly speaking, I think generally speaking, local governments are financed principally from a local property tax, secondarily from a local wage tax, and I think this local services tax, you know, kind of falls under the rubric of the Act 511 nuisance taxes that are relatively insignificant in terms of the amount of revenue they generate compared to local wage tax and local property taxes.

Mr. VITALI. Okay. Could you tell me if any municipal associations, the county supervisors or the borough, any municipal associations have weighed in on your bill, either for or against it, this bill?

Mr. LEVDANSKY. I have not had a chance to check my e-mail, but I think my staff advised me that some local government groups have sent down messages saying that they are opposed to this legislation. But, Mr. Speaker, I want to put this in perspective. What are incorporated in this bill are taxpayer protections. We have already given these

municipalities the ability to levy this \$52 per-head tax, and all we are doing in here is putting some protections in for the taxpayers to make sure that this law is administered fairly and equitably.

Mr. VITALI. So have any of the municipal groups, the county, you know, any of those groups who commonly weigh in on these issues, commented on the 25-percent-for-emergency-services provision?

Mr. LEVDANSKY. Once we adopted the amendment in committee, I have not heard, you know, one, I have not received any communication from them for or against the 25-percent requirement.

Mr. VITALI. Okay. Thank you.

The SPEAKER. Are there any other members seeking recognition on final passage, before the Chair recognizes the majority chair?

The Chair recognizes Representative Levdansky.

Mr. LEVDANSKY. Thank you, Mr. Speaker.

Mr. Speaker, I just want to run through some of the big things that we have done in this legislation, that depart from existing law, because this is really important.

First thing is we changed the name of this act from the emergency municipal services tax, because under that prior act that we passed 3 years ago, it gave the illusion that all this money was going to our emergency services providers, and in most of the cases, that was not the case. So we are changing this to the local services tax. So this funding, this revenue stream, can be used to fund a broad array of local government services.

Mr. Speaker, the second important thing that this legislation does, and very importantly, it provides for a per-pay-period withholding of this local services tax. The bad part about this law when we passed it to begin with is that we did not change the section of law that changed the collection of it, so when we raised it from \$5 or \$10 to \$52, what happened was, it was required to be collected in one lump sum and all too many times that happens at the beginning of January when people are recovering from their credit card debt from their Christmas shopping, and so we were going to spread this, the obligation to pay this tax is going to be spread out on a per-pay basis throughout the year.

The third thing is we will exempt people making from up to \$12,000 from paying this tax, and there is a process to be certified for the up-front exemption for those people making less than \$12,000.

Also, Mr. Speaker, as we mentioned before, a minimum of 25 percent of the revenue derived from this revenue stream must be used to fund local fire, medical emergency, and police services.

There were two amendments adopted on the floor. One provides for a mandatory exemption from this tax to permanently disabled veterans or reservists called to active duty, and secondly, we adopted an amendment on the floor that required that a political subdivision issue receipts upon request for the local services tax paid.

Mr. Speaker, we passed this law 3 years ago to give our municipalities a new stream of revenue in order to help pay for local services that are provided to people who work in that municipality. I supported that legislation. I think it is fair. I think it is fair that workers contribute \$1 a week to the municipality where they work to compensate the local government for the services that they receive. But, Mr. Speaker, the way this has been administered and applied over the last

2 1/2 to 3 years has been extremely problematic and unfair to taxpayers. With these taxpayer protections in place, I am convinced that we have a bill that is fair to the municipalities in which the employees work and it is fair to taxpayers as well. I believe we strike the fair balance between ensuring the interest, the financial stability of our communities and affording reasonable protections for our taxpayers at the local level, and I would urge an affirmative vote on final passage.

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—190

Table listing names of members who voted 'YEAS' (190 total). Includes names like Adolph, Argall, Baker, Barrar, Bastian, Bear, Belfanti, Benninghoff, Bennington, Beyer, Biancucci, Bishop, Blackwell, Boback, Brennan, Brooks, Buxton, Caltagirone, Cappelli, Carroll, Casorio, Causer, Civera, Clymer, Cohen, Conklin, Costa, Cruz, Curry, Cutler, Daley, Dally, DeLuca, Denlinger, DePasquale, Dermody, DeWeese, DiGirolamo, Donatucci, Eachus, Ellis, Evans, D., Evans, J., Fabrizio, Fairchild, Fleck, Frankel, Freeman, Gabig, Galloway, Geist, George, Gerber, Gergely, Gibbons, Gillespie, Gingrich, Godshall, Goodman, Grell, Grucela, Haluska, Hanna, Harhai, Harhart, Harkins, Harper, Harris, Helm, Hershey, Hickernell, Hornaman, Hutchinson, James, Josephs, Kauffman, Keller, M., Keller, W., Kenney, Kessler, Killion, King, Kirkland, Kortz, Kotik, Kula, Leach, Lentz, Levdansky, Longietti, Mackereth, Mahoney, Major, Manderino, Mann, Mantz, Markosek, Marsico, McCall, McGeehan, McI. Smith, McIlhattan, Melio, Mensch, Metcalfe, Micozzie, Millard, Miller, Milne, Moul, Moyer, Mundy, Murt, Mustio, Myers, Nailor, Nickol, O'Brien, M., O'Neill, Oliver, Pallone, Parker, Pashinski, Payne, Payton, Peifer, Perzel, Petrarca, Petri, Petrone, Phillips, Pickett, Preston, Pyle, Quigley, Quinn, Ramaley, Rapp, Raymond, Readshaw, Reed, Reichley, Rock, Roebuck, Rohrer, Ross, Sabatina, Sainato, Samuelson, Santoni, Scavello, Schroder, Seip, Shapiro, Shimkus, Siptroth, Smith, K., Smith, M., Smith, S., Solobay, Sonney, Staback, Stairs, Steil, Stern, Stevenson, Sturla, Surra, Swanger, Tangretti, Taylor, J., Taylor, R., Thomas, True, Turzai, Vereb, Vitali, Vulakovich, Wagner, Walko, Wansacz, Waters, Wheatley, White, Williams, Wojnaroski, Yewcic, Youngblood, Yudichak, O'Brien, D., Speaker.

NAYS—8

Table listing names of members who voted 'NAYS' (8 total). Includes names like Boyd, Cox, Creighton, Everett, Maher, Marshall, Perry, Roae.

NOT VOTING—0

EXCUSED—5

Table listing names of members who were not voting or excused: Hennessey, Hess, Rubley, Saylor, Watson.

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 760, PN 837**, entitled:

An Act designating the section of State Route 219 that is situated in Somerset County as the Flight 93 Memorial Highway.

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

Table listing names of members who voted 'YEAS' (198 total). Includes names like Adolph, Argall, Baker, Barrar, Bastian, Bear, Belfanti, Benninghoff, Bennington, Beyer, Biancucci, Bishop, Blackwell, Boback, Boyd, Brennan, Brooks, Buxton, Caltagirone, Cappelli, Carroll, Casorio, Causer, Civera, Clymer, Cohen, Conklin, Costa, Cox, Creighton, Cruz, Curry, Frankel, Freeman, Galloway, Geist, George, Gerber, Gergely, Gibbons, Gillespie, Gingrich, Godshall, Goodman, Grell, Grucela, Haluska, Hanna, Harhai, Harhart, Harkins, Harper, Harris, Helm, Hershey, Hickernell, Hornaman, Hutchinson, James, Josephs, Kauffman, Keller, M., Keller, W., Mantz, Markosek, Marshall, Marsico, McCall, McGeehan, McI. Smith, McIlhattan, Melio, Mensch, Metcalfe, Micozzie, Millard, Miller, Moul, Milne, Moyer, Mundy, Murt, Mustio, Myers, Nailor, Nickol, O'Brien, M., O'Neill, Oliver, Pallone, Parker, Pashinski, Payne, Payton, Peifer, Rock, Roebuck, Rohrer, Ross, Sabatina, Sainato, Samuelson, Santoni, Scavello, Schroder, Seip, Shapiro, Shimkus, Siptroth, Smith, K., Smith, M., Smith, S., Solobay, Sonney, Staback, Stairs, Steil, Stern, Stevenson, Sturla, Surra, Swanger, Tangretti, Taylor, J., Taylor, R., Thomas, True.

Cutler	Kenney	Perry	Turzai
Daley	Kessler	Perzel	Vereb
Dally	Killion	Petrarca	Vitali
DeLuca	King	Petri	Vulakovich
Denlinger	Kirkland	Petrone	Wagner
DePasquale	Kortz	Phillips	Walko
Dermody	Kotik	Pickett	Wansacz
DeWeese	Kula	Preston	Waters
DiGirolamo	Leach	Pyle	Wheatley
Donatucci	Lentz	Quigley	White
Eachus	Levdansky	Quinn	Williams
Ellis	Longietti	Ramaley	Wojnaroski
Evans, D.	Mackereth	Rapp	Yewcic
Evans, J.	Maher	Raymond	Youngblood
Everett	Mahoney	Readshaw	Yudichak
Fabrizio	Major	Reed	
Fairchild	Manderino	Reichley	O'Brien, D.,
Fleck	Mann	Roae	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

Hennessey	Rubley	Saylor	Watson
Hess			

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.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. For the members' information, at the beginning of session on Tuesday, June 5, we will hold a brief ceremony to mark some very good news about the advent of closed captioning on the House sessions. This is another step in opening up the proceedings of the House to all the people of Pennsylvania. The Chair will ask all members to arrive promptly at 11 a.m. to take part in this historic observance.

COMMUNICATIONS

The SPEAKER. The Speaker acknowledges receipt of the following reports, which the clerk will read.

The following communications were read:

A report from the Public Employee Retirement Commission regarding HB 1140, PN 1390, indicating that the bill will have no direct actuarial cost upon the Commonwealth and that the bill will not require an actuarial note.

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

The May 2007 report of the Working Group on Guardianships submitted by the Joint State Government Commission.

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

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Chair would ask the attention of the members for some very good news. It is the understanding of the Chair that Representative Solobay has become a grandfather. Representative, would you like to share that news with the House?

COMMITTEE MEETING POSTPONED

The SPEAKER. The Chair would like to recognize Representative Hanna.

Mr. HANNA. Thank you, Mr. Speaker.

Attention, Ag Committee members; attention, Ag Committee members. Tomorrow morning's meeting has been postponed until Tuesday, June 12, at 9:30 a.m. in 302 Irvis; Ag Committee members, the meeting has been postponed for a week. Thank you.

The SPEAKER. The Chair thanks the gentleman.

There will be an Ag Committee meeting on Tuesday, June 12, at 9:30 a.m. in 302 Irvis.

BILLS RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader, Representative DeWeese, who moves that the following bills be recommitted to the Committee on Appropriations:

HB 207;
 HB 284;
 HB 292;
 HB 441;
 HB 872;
 HB 972;
 HB 1000;
 HB 1166; and
 SB 86.

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

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1289**, **PN 1546**, entitled:

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.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader, Representative DeWeese, who moves that HB 1289 be recommitted to the Committee on Appropriations.

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

* * *

The House proceeded to third consideration of **SB 796, PN 1052**, entitled:

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.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader, Representative DeWeese, who moves that SB 796 be recommitted to the Committee on Appropriations.

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

The SPEAKER. Are there any other announcements? Any further business?

BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER. Without objection, any remaining bills and resolutions on today's calendar will be passed over. The Chair hears no objection.

ADJOURNMENT

The SPEAKER. The Chair recognizes Representative Kula from Fayette County, who moves this House do now adjourn until Tuesday, June 5, 2007, at 11 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,
Will the House agree to the motion?
Motion was agreed to, and at 6:02 p.m., e.d.t., the House adjourned.