

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

THURSDAY, JULY 12, 2007

SESSION OF 2007

191ST OF THE GENERAL ASSEMBLY

No. 72

HOUSE OF REPRESENTATIVES

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

THE SPEAKER PRO TEMPORE (CAMILLE GEORGE) PRESIDING

PRAYER

HON. MATTHEW E. BAKER, member of the House of Representatives, offered the following prayer:

Thank you, Mr. Speaker.

Let us pray together:

Dear God and Father of us all, we pause toward the end of a very long and busy legislative week to acknowledge You as the sovereign God of the universe.

Wise King Solomon wrote, trust in the Lord with all your heart and do not lean on your own understanding, but seek His will in all you do and He will direct your paths. May we serve You through truth and justice and humility, Lord, inasmuch as it promotes the common good for all citizens. Enable all who serve our Commonwealth to do so with dignity, integrity, and great compassion.

Hear the prayer we offer, O Lord, in the name of Him who said that He who would be the greatest among You should be the servant of all. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. Without objection, approval of the Journal of Wednesday, July 11, 2007, will be postponed until printed. The Chair hears no objection.

RULES AND APPROPRIATIONS COMMITTEE MEETINGS

The SPEAKER pro tempore. The Rules Committee will meet in the majority caucus room at 3:15. The Appropriations Committee will meet in the caucus room, the majority caucus room, at 3:30. We will return to the floor at 3:45.

DEMOCRATIC AND REPUBLICAN CAUCUSES

The SPEAKER pro tempore. Members of both caucuses will meet in their respective caucus rooms for caucus immediately.

RECESS

The SPEAKER pro tempore. The House stands in recess until 3:45.

AFTER RECESS

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

THE SPEAKER (DENNIS M. O'BRIEN) PRESIDING

LEAVES OF ABSENCE

The SPEAKER. The Chair turns to requests for leaves of absence.

The Chair recognizes the majority whip, who requests that Representative GRUCELA from Northampton, Representative KING from Bucks, Representative WAGNER from Allegheny, and Representative WOJNAROSKI from Cambria be placed on leave for today. The Chair hears no objection.

The Chair sees no requests from the minority whip.

Members will report to the floor.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—199

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

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—4

Grucela	King	Wagner	Wojnaroski
---------	------	--------	------------

LEAVES ADDED—2

Manderino	Santoni
-----------	---------

LEAVES CANCELED—1

King

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

BILLS REREPORTED FROM COMMITTEES

HB 1423, PN 1886 By Rep. DeWEESE

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

RULES.

HB 1662, PN 2197 By Rep. DeWEESE

An Act amending the act of February 14, 1986 (P.L.2, No.2), known as the Acupuncture Registration Act, redesignating registration as licensure.

RULES.

SB 466, PN 1280 By Rep. D. EVANS

An Act amending the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, further providing for application, for changes in the Uniform Construction Code and for exemptions.

APPROPRIATIONS.

The SPEAKER. These bills will be placed on the supplemental calendar.

BILL REREPORTED FROM COMMITTEE

HB 487, PN 1411 By Rep. D. EVANS

An Act providing for notice of motor vehicle event data recorders and for information retrieval; imposing penalties; and providing for evidentiary rules.

APPROPRIATIONS.

The SPEAKER. This bill will be placed on the active calendar.

Members, please report to the floor.

GUEST INTRODUCED

The SPEAKER. The Chair would like to welcome, as the guest of the majority leader, Representative Bill DeWeese, Jim Dougherty, who has a double major at Penn State in history and political science. Jim Dougherty, would you please stand and be recognized. Welcome to the hall of the House.

LEAVE OF ABSENCE

The SPEAKER. The Chair turns to leaves of absence.

The majority whip requests that Representative SANTONI from Berks County be placed on leave for the remainder of the day. The Chair hears no objection. Leave will be granted.

Members will report to the floor. The Chair is about to take up the active calendar.

CALENDAR

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 623, PN 1282**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, defining "corrections officer"; further providing for use of force in law enforcement; in theft and related offenses, defining "firearm"; and providing for firearm tracing.

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?

The Chair recognizes Representative Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

I was just looking for a more fuller explanation of this bill from someone.

The SPEAKER. Representative Caltagirone will stand for interrogation.

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

This was, of course, the bill that we discussed in committee.

Mr. VITALI. Thank you, Mr. Speaker.

Mr. Speaker, could you just outline the basic elements of this bill?

Mr. CALTAGIRONE. It is going to allow and define the use of deadly force, when it would be appropriate for corrections officers. Now, there were two amendments that were added, as you know, previously to this piece of legislation on the floor.

Mr. VITALI. Thank you, Mr. Speaker.

The SPEAKER. Representative Caltagirone.

Mr. CALTAGIRONE. I would urge the members to support this piece of legislation. It is definitely needed. It is a good piece of legislation, something which we worked on for some time, and I would appreciate a unanimous vote.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—192

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

Civera	Hershey	O'Neill	Stevenson
Clymer	Hess	Oliver	Sturla
Cohen	Hickernell	Parker	Surra
Conklin	Hornaman	Pashinski	Swanger
Costa	Hutchinson	Payne	Tangretti
Cox	James	Payton	Taylor, J.
Creighton	Josephs	Peifer	Taylor, R.
Cruz	Kauffman	Perry	Thomas
Curry	Keller, M.	Perzel	True
Cutler	Keller, W.	Petri	Turzai
Daley	Kenney	Petrone	Vereb
Dally	Kessler	Phillips	Vitali
DeLuca	Killion	Pickett	Vulakovich
Denlinger	Kirkland	Preston	Walko
DePasquale	Kula	Pyle	Wansacz
Dermody	Leach	Quigley	Waters
DeWeese	Lentz	Quinn	Watson
DiGirolamo	Levdansky	Ramaley	Wheatley
Donatucci	Longiotti	Rapp	White
Eachus	Mackereth	Raymond	Williams
Ellis	Maher	Readshaw	Yewcic
Evans, D.	Mahoney	Reed	Youngblood
Evans, J.	Major	Reichley	Yudichak
Everett	Manderino	Roac	
Fabrizio	Mann	Rock	O'Brien, D., Speaker
Fairchild	Mantz	Roebuck	
Fleck	Markosek		

NAYS—6

Casorio	Kortz	Pallone	Petrarca
Gergely	Kotik		

NOT VOTING—0

EXCUSED—5

Grucela	Santoni	Wagner	Wojnarowski
King			

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.

SUPPLEMENTAL CALENDAR B

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 466, PN 1280**, entitled:

An Act amending the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, further providing for application, for changes in the Uniform Construction Code and for exemptions.

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

RULES SUSPENDED

The SPEAKER. The Chair recognizes Representative Miller, who moves that the rules be suspended for the immediate consideration of amendment 2969.

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

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

Mr. MILLER. Thank you, Mr. Speaker.

I would ask for the support of the other members of the House in suspending the rules so I can offer A02969, which addresses a few concerns that were raised right after we had the last passage on second. Thank you.

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

The following roll call was recorded:

YEAS—185

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

NAYS—13

Casorio	Kortz	Mahoney	Payton
Galloway	Kotik	McI. Smith	Shapiro
Grell	Kula	Pallone	Steil
Hutchinson			

NOT VOTING—0

EXCUSED—5

Grucela	Santoni	Wagner	Wojnarowski
King			

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

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

Mr. MILLER offered the following amendment No. **A02969**:

Amend Title, page 1, line 6, by striking out ", FOR CHANGES IN THE UNIFORM CONSTRUCTION CODE"

Amend Sec. 1, page 1, line 13, by striking out "PARAGRAPHS" and inserting

a paragraph

Amend Sec. 1 (Sec. 104), page 2, lines 24 through 30; page 3, lines 1 through 6, by striking out all of said lines on said pages and inserting

and

(8) temporary structures which are:

(i) Erected for the purpose of participation in a fair, flea market, arts and crafts festival or other public celebration.

(ii) Less than 1,600 square feet in size.

(iii) Erected for a period of less than 30 days.

(iv) Not a swimming pool, spa or hot tub.

(v) Subject to section 503(a)(2).

Amend Sec. 1.1 (Sec. 503), page 3, lines 21 and 22, by striking out "THE NATIONAL FIRE PROTECTION ASSOCIATION'S LIFE SAFETY CODE."

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

The SPEAKER. On the amendment, Representative Vitali. Mr. VITALI. I was rising to interrogate the maker of the amendment.

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

Mr. VITALI. Could we have a brief explanation? I notice in there in the language something about striking out the fire safety code, and I was just curious about that and anything else you think might be important to the members.

Mr. MILLER. Thank you, Mr. Speaker.

Actually, in this we allow it to stay, the safety provisions that were in before, including the flame propagation standards of NFPA (National Fire Protection Association) 701, the ICC (International Code Council) Electrical Code, and the minimum number of portable fire extinguishers. The key point, the key point of this— And we left this sit for 7 days since the last time we discussed this bill to get input, and from that input, we had a concern that this would also exempt swimming pools, and that was certainly not the intent, so this will help to clean up that language.

Mr. VITALI. Thank you.

Mr. MILLER. Thank you.

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

The following roll call was recorded:

YEAS—192

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

NAYS—6

Brooks	Causar	Kortz	Rapp
Casorio	Hutchinson		

NOT VOTING—0

EXCUSED—5

Grucela	Santoni	Wagner	Wojnaroski
King			

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

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

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1330, PN 2262**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for appeal from ordinances, resolutions, maps, etc.

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 Vitali.

Mr. VITALI. I apologize for continuing to get up. Just a little better of an explanation here, from the prime sponsor, I would request.

The SPEAKER. Representative Kessler.

Mr. KESSLER. Thank you, Mr. Speaker.

So this bill, for references, as far as constitutional appeals against the zoning ordinance, that a constitutional appeal should go to a court rather than to a zoning board because the zoning board is not that familiar with constitutional appeals.

Thank you, Mr. Speaker.

Mr. VITALI. May I continue?

The SPEAKER. The gentleman is in order.

Mr. VITALI. I just want to be doubly sure.

The SPEAKER. Before the gentleman continues, the Chair will ask the members of the House to take their seats. Conferences in the center and side aisles will break up. Members will take their seats.

Mr. VITALI. I am just going to take a shot in the dark here. I want to make sure this does not affect the standing of citizens in zoning cases. I have that concern because a couple of terms back in this similar situation, we greatly reduced the citizen's right to appeal in a billboard case, and I just wanted to make sure this does not affect the standing of certain citizens in zoning cases.

Mr. KESSLER. This is strictly in reference to procedure, not to the type of zoning.

Mr. VITALI. Thank you.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—198

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

Grucela	Santoni	Wagner	Wojnaroski
King			

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 1329, PN 1672**, entitled:

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, further providing for jurisdiction of the zoning hearing board and the court of common pleas in challenges to the validity of an ordinance for procedural defects in the process of enactment.

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

Ellis	Longietti	Ramaley	Williams
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

Grucela	Santoni	Wagner	Wojnaroski
King			

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

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

STATEMENT BY MR. KESSLER

The SPEAKER. Representative Kessler.

Mr. KESSLER. Thank you, Mr. Speaker.

I would like to thank Representative Freeman and his staff. We had a workshop in the Local Government Committee, which was very helpful, and there was a lot of great input. I would like to thank Representative Harper, Representative Ross, and Representative Steil, and the other Local Government committee people, and I also would like to thank PSATS (Pennsylvania State Association of Township Supervisors) and the Builders Association and PSBA (Pennsylvania School Boards Association) for backing this.

Essentially what this bill does is it makes it much more difficult for unnecessary lawsuits to be filed against townships that have been in place for 5, 10, 15 years, and in turn, what this bill will do is save the taxpayers—

The SPEAKER. The gentleman will cease for one moment.

Members will take their seats, and conversations will be reduced to a manageable level. Any member who feels that their conversation is important enough, please take it to the anteroom so the member can be heard.

Mr. KESSLER. And I would also like to thank the Local Government Commission. But what this bill does is that it makes it more difficult for unnecessary lawsuits to be filed against townships on ordinances that have been in place for 5, 10, 15 years. This bill will save our taxpayers money in not just my district but everybody's district in this room.

Thank you.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 83, PN 2265**, entitled:

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, providing for reporting requirements; further providing for Assistance Recipient Identification Program; providing for income eligibility verification system; further providing for local administration of assistance; providing for fraud detection

system and for residency and county assistance offices; and requiring the Department of Public Welfare to provide personal care home information on the department's Internet website.

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-197

Adolph	Frankel	Mantz	Roebuck
Argall	Freeman	Markosek	Rohrer
Baker	Gabig	Marshall	Ross
Barrar	Galloway	Marsico	Rubley
Bastian	Geist	McCall	Sabatina
Bear	George	McGeehan	Sainato
Belfanti	Gerber	McI. Smith	Samuelson
Benninghoff	Gergely	McIlhattan	Saylor
Bennington	Gibbons	Melio	Scavello
Beyer	Gillespie	Mensch	Schroder
Bianucci	Gingrich	Metcalfe	Seip
Bishop	Godshall	Micozzie	Shapiro
Blackwell	Goodman	Millard	Shimkus
Boback	Grell	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	Hess	O'Neill	Sturla
Cohen	Hickernell	Oliver	Surra
Conklin	Hornaman	Pallone	Swanger
Costa	Hutchinson	Parker	Tangretti
Cox	James	Pashinski	Taylor, J.
Creighton	Josephs	Payne	Taylor, R.
Cruz	Kauffman	Payton	Thomas
Curry	Keller, M.	Peifer	True
Cutler	Keller, W.	Perry	Turzai
Daley	Kenney	Perzel	Vereb
Dally	Kessler	Petrarca	Vitali
DeLuca	Killion	Petrone	Vulakovich
Denlinger	Kirkland	Phillips	Walko
DePasquale	Kortz	Pickett	Wansacz
Dermody	Kotik	Preston	Waters
DeWeese	Kula	Pyle	Watson
DiGirolamo	Leach	Quigley	Wheatley
Donatucci	Lentz	Quinn	White
Eachus	Levdansky	Ramaley	Williams
Ellis	Longietti	Rapp	Yewcic
Evans, D.	Mackereth	Raymond	Youngblood
Evans, J.	Maher	Readshaw	Yudichak
Everett	Mahoney	Reed	
Fabrizio	Major	Reichley	O'Brien, D.,
Fairchild	Manderino	Roae	Speaker
Fleck	Mann	Rock	

NAYS-1

Petri

NOT VOTING-0

EXCUSED-5

Grucela Santoni Wagner Wojnaroski
King

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.

LEAVE OF ABSENCE

The SPEAKER. The Chair returns to requests for leaves of absence. The majority whip requests that Representative MANDERINO from Philadelphia County be placed on leave for the remainder of the day. The Chair hears no objection. The leave will be granted.

RESOLUTION PURSUANT TO RULE 35

Ms. BISHOP called up **HR 373, PN 2268**, entitled:

A Resolution recognizing the importance of after-school programs to this Commonwealth.

On the question,
Will the House adopt the resolution?

The SPEAKER. The Chair recognizes Representative Bishop.

Ms. BISHOP. Thank you, Mr. Speaker.

I just wish to call and to introduce resolution No. 373, which informs us according to statistics that 1 1/4 million school-age children have parents who are working. It also gives us information that the youth development programs play an important role in the healthy development of our children and ultimately in the success of their communities, and we do ask for a positive vote on this.

Thank you.

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

The following roll call was recorded:

YEAS-197

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

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

NAYS-0

NOT VOTING-0

EXCUSED-6

Grucela Manderino Wagner Wojnaroski
King Santoni

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

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **SB 648, PN 1283**, entitled:

An Act authorizing the Department of General Services, with the approval of the Department of Military and Veterans Affairs and the Governor, to grant and convey, at a price to be determined through a competitive bid process, certain lands, buildings and improvements situate in the Borough of Ligonier, Westmoreland County; authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Military and Veterans Affairs, to grant and convey certain lands situate in the City of Connellsville, a third class city, Fayette County, to the City of Connellsville; and authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to the Allentown Commercial Industrial Authority, or their assigns, certain lands situate

in the City of Allentown and the City of Bethlehem, Lehigh County, Pennsylvania.

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

Mr. **SAMUELSON** offered the following amendment No. **A02867**:

Amend Title, page 1, line 13, by inserting after "COMMERCIAL"

and

Amend Sec. 3, page 6, line 2, by inserting after "COMMERCIAL"

and

Amend Sec. 3, page 7, line 8, by inserting after "COMMERCIAL"

and

Amend Sec. 3, page 7, line 15, by inserting after "COMMERCIAL"

and

Amend Sec. 3, page 8, line 19, by inserting after "COMMERCIAL"

and

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

AMENDMENT WITHDRAWN

The **SPEAKER**. On the amendment, the Chair recognizes Representative Samuelson.

Mr. **SAMUELSON**. The amendment that I would like to offer is amendment A2911.

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

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

Mr. **SAMUELSON** offered the following amendment No. **A02911**:

Amend Title, page 1, line 14, by striking out "INDUSTRIAL" and inserting

and Industrial Development

Amend Sec. 3, page 6, line 2, by striking out "INDUSTRIAL" and inserting

and Industrial Development

Amend Sec. 3, page 7, line 9, by striking out "INDUSTRIAL" and inserting

and Industrial Development

Amend Sec. 3, page 7, line 15, by striking out "INDUSTRIAL" and inserting

and Industrial Development

Amend Sec. 3, page 8, line 20, by striking out "INDUSTRIAL" and inserting

and Industrial Development

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

The **SPEAKER**. On the amendment, the Chair recognizes Representative Samuelson.

Mr. **SAMUELSON**. Thank you.

The language in this Senate bill that was added by the State Government Committee concerns a land transfer at Allentown State Hospital. It was a land transfer that this House enacted last year under Act 118 of 2006. This amendment just makes a correction to the name of the grantee. As amended, it would read, "Allentown Commercial and Industrial Development Authority."

Thank you.

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

The following roll call was recorded:

YEAS—197

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Grucela	Manderino	Wagner	Wojnaroski
King	Santoni		

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 Representative Vereb, who moves that the rules be suspended for the immediate consideration of amendment A02887.

On the question,

Will the House agree to the motion?

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

Mr. VEREB. Thank you, Mr. Speaker.

I offer amendment A02887 and move to suspend the rules for that offering. The amendment was filed to a previous printer's number, not timely to the current number.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—193

Adolph	Fleck	Marshall	Rohrer
Argall	Frankel	Marsico	Ross
Baker	Freeman	McCall	Rubley
Barrar	Gabig	McGeehan	Sabatina
Bastian	Geist	McIlhattan	Sainato
Bear	George	Melio	Samuelson
Belfanti	Gerber	Mensch	Saylor
Benninghoff	Gergely	Metcalfe	Scavello
Bennington	Gibbons	Micozzie	Schroder
Beyer	Gillespie	Millard	Seip
Biancucci	Gingrich	Miller	Shapiro
Bishop	Godshall	Milne	Shimkus
Blackwell	Goodman	Moul	Siptroth
Boback	Grell	Moyer	Smith, K.
Boyd	Haluska	Mundy	Smith, M.
Brennan	Hanna	Murt	Smith, S.
Brooks	Harhai	Mustio	Solobay
Buxton	Harhart	Myers	Sonney
Caltagirone	Harkins	Nailor	Staback
Cappelli	Harper	Nickol	Stairs
Carroll	Harris	O'Brien, M.	Steil
Casorio	Helm	O'Neill	Stern
Causar	Hennessey	Oliver	Stevenson
Civera	Hershey	Pallone	Sturla
Clymer	Hess	Parker	Surra
Cohen	Hickernell	Pashinski	Swanger
Conklin	Hornaman	Payne	Tangretti
Costa	Hutchinson	Payton	Taylor, J.
Cox	James	Peifer	Taylor, R.
Creighton	Josephs	Perry	Thomas
Cruz	Kauffman	Perzel	True

Curry	Keller, M.	Petrarca	Turzai
Cutler	Keller, W.	Petri	Vereb
Daley	Kenney	Petrone	Vitali
Dally	Kessler	Phillips	Vulakovich
DeLuca	Killion	Pickett	Walko
Denlinger	Kirkland	Preston	Wansacz
DePasquale	Kortz	Pyle	Waters
Dermody	Kotik	Quigley	Watson
DeWeese	Leach	Quinn	Wheatley
DiGirolamo	Lentz	Ramaley	White
Donatucci	Levdansky	Rapp	Williams
Eachus	Longiotti	Raymond	Yewcic
Ellis	Mackereth	Readshaw	Youngblood
Evans, D.	Maher	Reed	Yudichak
Evans, J.	Major	Reichley	
Everett	Mann	Roae	O'Brien, D., Speaker
Fabrizio	Mantz	Rock	
Fairchild	Markosek	Roebuck	

NAYS—4

Galloway	Kula	Mahoney	McI. Smith
----------	------	---------	------------

NOT VOTING—0

EXCUSED—6

Grucela	Manderino	Wagner	Wojnaroski
King	Santoni		

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. VEREB offered the following amendment No. **A02887**:

Amend Sec. 1, page 3, by inserting between lines 14 and 15

(d) Land restriction.—Any conveyance authorized under this section shall be made under and subject to the condition, which shall be contained in the deed of conveyance, that no portion of the property conveyed shall be used as a licensed facility, as defined in 4 Pa.C.S. § 1103 (relating to definitions), or any other similar type of facility authorized under State law.

Amend Sec. 1, page 3, line 15, by striking out "(d)" and inserting (e)

Amend Sec. 1, page 3, line 19, by striking out "(e)" and inserting (f)

On the question,

Will the House agree to the amendment?

The SPEAKER. On the amendment, the Chair recognizes Representative Vereb for an explanation.

Mr. VEREB. Thank you, Mr. Speaker.

This amendment is being offered, it came up in committee in terms of the use and some of the restrictions that are typically involved with conveyance bills as well as a previous policy from the Governor's Office to request gaming restrictions on these types of conveyances. This amendment restricts the use of

the property for slots or any other type of licensing and gaming facility.

POINT OF ORDER

The SPEAKER. Representative Vitali.

Mr. VITALI. I initially have a point of order; then interrogation.

The point of order is, when the rules were suspended, we did not get an explanation of the amendment, at least what I have heard. I heard language that this was substituting for another amendment, but I did not hear – maybe I missed it – an explanation of the amendment. I think the new rules require that. So I am just wondering if this vote is in order now?

The SPEAKER. On the motion to suspend, generally it does not require an explanation. The gentleman simply explained the amendment was offered to another bill. The explanation is generally given when the amendment itself is being voted.

Mr. VITALI. Now, I can be wrong, but as I recall the new rules – and maybe we can just check this now to get this right – under the new rules, when you move to suspend, that motion requires an explanation also. A parliamentary inquiry. Is that correct?

The SPEAKER. The rule does not specifically provide that, but the gentleman is correct, customarily we ask when the motion to suspend is called up, that members do offer an explanation.

The gentleman is correct. It does require an explanation.

Mr. VITALI. I just want to get one— I do not want to make an issue of that at the moment. I just want to— May I interrogate the maker of the amendment?

The SPEAKER. The gentleman will stand for interrogation. The gentleman is in order and may proceed.

Mr. VITALI. You may have just misspoken. I thought what the amendment was doing was prohibiting gambling on this parcel, but what I heard you said was requiring gambling. Did you mean prohibiting gambling on this parcel? Does your amendment prohibit—

The SPEAKER. The gentleman will cease.

BILL PASSED OVER TEMPORARILY

The SPEAKER. This bill will go over temporarily.

* * *

The House proceeded to second consideration of **HB 1152**, **PN 1400**, entitled:

An Act amending Title 13 (Commercial Code) of the Pennsylvania Consolidated Statutes, extensively revising preliminary provisions and provisions relating to warehouse receipts, bills of lading and documents of title; further providing, in secured transactions, for definitions, for perfection and priority in deposit accounts and for perfection upon attachment; and making editorial changes.

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 968**, **PN 1281**, entitled:

An Act amending the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, providing for reduction and prevention of health care-associated infection.

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

Mr. **BUXTON** offered the following amendment No. **A02804**:

Amend Sec. 1 (Sec. 402), page 3, line 8, by striking out "or nursing home"

Amend Sec. 1 (Sec. 403), page 6, line 14, by inserting after "facility"

or nursing home

Amend Sec. 1 (Sec. 403), page 8, line 14, by striking out "NURSING HOMES."

Amend Sec. 1 (Sec. 403), page 8, line 19, by inserting after "INCLUDE"

a nursing home or

Amend Sec. 1 (Sec. 409), page 16, line 30; page 17, lines 1 through 30; page 18, lines 1 through 8, by striking out all of said lines on said pages

Amend Sec. 1 (Sec. 410), page 18, line 9, by striking out "410" and inserting

409

Amend Sec. 1 (Sec. 411), page 18, line 18, by striking out "411" and inserting

410

Amend Sec. 1, page 19, by inserting between lines 3 and 4 Section 411. Reporting of infections by nursing homes.

(a) Reports to department.—A nursing home shall electronically report health care-associated infections as defined under section 401 to the department using the adverse events reporting system.

(b) Reports to other health care facilities.—Nursing homes shall notify a receiving health care facility or nursing home of any patient known to be colonized prior to transfer.

Section 412. Reduction and prevention of health care-associated infections in nursing homes.

(Reserved).

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

AMENDMENT WITHDRAWN

The SPEAKER. The gentleman withdraws the amendment.

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

Mr. **MICOZZIE** offered the following amendment No. **A02809**:

Amend Sec. 1 (Sec. 402), page 3, line 8, by striking out "or nursing home"

Amend Sec. 1 (Sec. 403), page 5, line 12, by striking out "OR NURSING HOME ADMINISTRATOR"

Amend Sec. 1 (Sec. 403), page 5, lines 14 and 15, by striking out "FOR A NURSING" in line 14 and all of line 15

Amend Sec. 1 (Sec. 403), page 6, line 14, by inserting after "facility"

or nursing facility

Amend Sec. 1 (Sec. 403), page 8, line 19, by inserting after "INCLUDE"

a nursing facility

Amend Sec. 1 (Sec. 405), page 12, lines 25 and 26, by striking out all of said lines

Amend Sec. 1 (Sec. 408), page 15, lines 7 and 8, by striking out "AND NURSING HOME RESIDENTS"

Amend Sec. 1 (Sec. 408), page 15, line 9, by striking out "OR NURSING HOME STAY"

Amend Sec. 1 (Sec. 409), page 16, line 30; page 17, lines 1 through 30; page 18, lines 1 through 8, by striking out all of said lines on said pages and inserting

Section 409. (Reserved).

Amend Sec. 1, page 19, by inserting between lines 3 and 4 Section 412. Reporting.

(a) Electronic report.—A nursing facility shall electronically report health care-associated infections to the department using the adverse events reporting system.

(b) Notification.—Nursing facilities shall notify a receiving health care facility or nursing facility of any patient known to be colonized prior to transfer.

Section 413. (Reserved).

On the question,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

The SPEAKER. The gentleman indicates that that amendment is withdrawn? The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the bill on second consideration?

Mr. **BOYD** offered the following amendment No. **A02811**:

Amend Sec. 1 (Sec. 402), page 4, lines 14 through 19, by striking out all of lines 14 through 18 and "developed by" in line 19 and inserting

the United States Department of Health and Human Services and

Amend Sec. 1 (Sec. 404), page 8, line 30; page 9, lines 1 through 6, by striking out all of said lines on said pages and inserting

(a) Generally.—The following shall apply:

(1) Nursing homes shall be required to report health care-associated infection data to the department, the authority and the council using CDC definitions in conjunction with nationally recognized standards. The data shall be reported on a patient-specific basis in the form, time for reporting and format as determined by the department in consultation with the authority.

(2) Hospitals shall be required to report health care-associated infection data to the CDC and the NHSN no later than 180 days after the effective date of this section. Hospitals shall do all of the following:

(i) Report all components, as defined in the current and future NHSN Manual-Patient Safety Component Protocol, on a facility-wide basis.

(ii) Report patient-specific data including, at a minimum, a patient's identification number, gender and date of birth. The patient identification number must be linked to a patient identifier as is submitted to the council.

(iii) Report data following protocols as defined in the NHSN Manual monthly.

(iv) Authorize the department, authority and council to have access to facility reports of health care-associated infection data for purposes of viewing and analyzing data.

Amend Sec. 1 (Sec. 404), page 9, lines 11 through 14, by striking out all of said lines and inserting

facility in its health care-associated infection control efforts. Consideration shall be given to elements which provide:

Amend Sec. 1 (Sec. 404), page 10, lines 17 and 18, by striking out "UNTIL SUCH TIME AS PERMITTED BY" in line 17 and all of line 18 and inserting

Until a hospital begins to report to the NHSN and has granted access to the department, authority and council, the hospital shall

Amend Sec. 1 (Sec. 404), page 10, line 19, by inserting after "THE" where it appears the first time

reporting

Amend Sec. 1 (Sec. 405), page 10, lines 23 through 30; page 11, lines 1 through 3, by striking out all of said lines on said pages and inserting

(a) Hospital reporting of health care-associated infections.—The occurrence of a health care-associated infection in a hospital shall be deemed a serious event as defined under section 302. For the purposes of reporting health care-associated infections, hospitals reporting to the NHSN shall be deemed to be in compliance with reporting requirements under section 302.

Amend Sec. 1 (Sec. 405), page 12, lines 26 and 27, by striking out "ONE representative of a hospital" and inserting

two representatives of hospitals, one of which must be from a rural hospital.

Amend Sec. 1 (Sec. 405), page 12, by inserting between lines 28 and 29

(6) Exploring the development of an interface between NHSN and the Pennsylvania Patient Safety Reporting System for the purpose of reporting health care-associated infections as serious events.

Amend Sec. 1 (Sec. 407), page 13, line 30; page 14, lines 1 and 2, by striking out "CONTAINED IN THIS" in line 30, page 13; lines 1 and 2, page 14 and inserting

under section 404(a).

Amend Sec. 1 (Sec. 408), page 14, line 23, by striking out "THE" and inserting

After initial review and approval under section 403(c), the

Amend Sec. 1 (Sec. 408), page 16, line 15, by striking out all of said line and inserting

(9) Promulgate regulations and publish in the Pennsylvania Bulletin

On the question,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

The SPEAKER. The gentleman indicates that amendment is withdrawn. The Chairs thanks the gentleman.

On the question recurring,

Will the House agree to the bill on second consideration?

Mr. **BOYD** offered the following amendment No. **A02875**:

Amend Title, page 1, line 16, by removing the period after "infection" and inserting

and for funds for the Machinery and Equipment Loan Fund.

Amend Sec. 1, page 18, by inserting between lines 17 and 18 Section 410.1. Machinery and Equipment Loan Fund eligibility.

(a) Funds available.—Up to \$25,000,000 of the funds appropriated by the General Assembly for the Machinery and Equipment Loan Fund shall be made available for grants to health care facilities to assist in acquiring technology systems that reduce health care-associated infections and medical errors.

(b) Reservation.—Of the amount available under subsection (a), \$10,000,000 shall be reserved exclusively for grants for qualifying electronic surveillance systems that will reduce health care-associated infections.

(c) Limit.—Grants awarded under this section shall not exceed 50% of a health care facility's costs of acquisition and shall be approved by the Department of Community and Economic Development and the department.

(d) Criteria.—The Department of Community and Economic Development and the department shall jointly develop criteria for evaluating applications for grants under this section that consider the fiscal condition of the health care facility, the ability of the health care facility to implement the technology and the potential savings through avoided costs and reduced errors. The criteria shall be forwarded by the Department of Community and Economic Development to the Legislative Reference Bureau for publication as a notice in the Pennsylvania Bulletin.

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

AMENDMENT WITHDRAWN

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

Mr. BOYD. Thank you, Mr. Speaker.

Mr. Speaker, this amendment would have provided for some revenue for facilities to institute the technology required to track and then ultimately guard against hospital-acquired infections. It is something that I worked very amicably with the chairman of the Insurance Committee on, on his bill, I think it was HB 1552, and it was in that language. Unfortunately, at this point it does not appear to be agreed to in the Senate, and in the interest of moving this process along, I am going to withdraw this amendment. However, I am looking forward to working with the chairman of the committee in the fall. I know it is something that everybody desires to do. It is just that we do not have the final language worked out.

So we are going to withdraw this amendment for now but look forward to coming back and working on this in the fall. So I thank you, Mr. Speaker.

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

Mr. BOYD offered the following amendment No. **A02876**:

Amend Title, page 1, line 16, by removing the period after "infection" and inserting

and for funds for the Machinery and Equipment Loan Fund.

Amend Sec. 1, page 18, by inserting between lines 17 and 18 Section 410.1. Machinery and Equipment Loan Fund eligibility.

(a) Funds available.—Up to \$25,000,000 of the funds appropriated by the General Assembly for the Machinery and Equipment Loan Fund shall be made available for loans to health care

facilities to assist in acquiring technology systems that reduce health care-associated infections and medical errors.

(b) Reservation.—Of the amount available under subsection (a), \$10,000,000 shall be reserved exclusively for loans for qualifying electronic surveillance systems that will reduce health care-associated infections.

(c) Limit.—Loans awarded under this section shall not exceed 50% of a health care facility's costs of acquisition and shall be approved by the Department of Community and Economic Development and the department.

(d) Criteria.—The Department of Community and Economic Development and the department shall jointly develop criteria for evaluating applications for loans under this section that consider the fiscal condition of the health care facility, the ability of the health care facility to implement the technology and the potential savings through avoided costs and reduced errors. The criteria shall be forwarded by the Department of Community and Economic Development to the Legislative Reference Bureau for publication as a notice in the Pennsylvania Bulletin.

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

AMENDMENT WITHDRAWN

The SPEAKER. The gentleman indicates that he is withdrawing this amendment. The Chair thanks the gentleman.

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

Mr. DeLUCA offered the following amendment No. **A02981**:

Amend Title, page 1, line 16, by removing the period after "infection" and inserting
and for long-term care nursing facilities.

Amend Bill, page 2, lines 2 through 30; pages 3 through 18, lines 1 through 30; page 19, lines 1 through 10, by striking out all of said lines on said pages and inserting
Section 401. Scope.

This chapter relates to the reduction and prevention of health care-associated infections.

Section 402. Definitions.

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

"Ambulatory surgical facility." An entity defined as an ambulatory surgical facility under the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act.

"Antimicrobial agent." A general term for drugs, chemicals or other substances that kill or slow the growth of microbes, including, but not limited to, antibacterial drugs, antiviral agents, antifungal agents and antiparasitic drugs.

"Authority." The Patient Safety Authority established under this act.

"Centers for Disease Control and Prevention" or "CDC." The United States Department of Health and Human Services Centers for Disease Control and Prevention.

"Colonization." The first stage of microbial infection or the presence of nonreplicating microorganisms usually present in host tissues that are in contact with the external environment.

"Council." The Pennsylvania Health Care Cost Containment Council established under the act of July 8, 1986 (P.L.408, No.89), known as the Health Care Cost Containment Act.

"Department." The Department of Health of the Commonwealth.
"Fund." The Patient Safety Trust Fund as defined in section 305.

"Health care-associated infection." A localized or systemic condition that results from an adverse reaction to the presence of an infectious agent or its toxins that:

- (1) occurs in a patient in a health care setting;
- (2) was not present or incubating at the time of admission, unless the infection was related to a previous admission to the same setting; and
- (3) if occurring in a hospital setting, meets the criteria for a specific infection-site as defined by the Centers for Disease Control and Prevention and its National Health Care Safety Network.

"Health Care Facilities Act." The act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act.

"Health care facility." A hospital or nursing home licensed or otherwise regulated to provide health care services under the laws of this Commonwealth.

"Health payor." An individual or entity providing a group health, sickness or accident policy, subscriber contract or program issued or provided by an entity, including any one of the following:

- (1) The act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act.
- (2) The act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921.
- (3) The act of December 29, 1972 (P.L.1701, No.364), known as the Health Maintenance Organization Act.
- (4) The act of May 18, 1976 (P.L.123, No.54), known as the Individual Accident and Sickness Insurance Minimum Standards Act.
- (5) 40 Pa.C.S. Ch. 61 (relating to hospital plan corporations).
- (6) 40 Pa.C.S. Ch. 63 (relating to professional health services plan corporations).

"Medical assistance." The Commonwealth's medical assistance program established under the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code.

"Methicillin Resistant Staphylococcus Aureus" or "MRSA." A strain of bacteria that is resistant to certain antibiotics and is difficult to treat medically.

"Multidrug resistant organism" or "MDRO." Microorganisms, predominantly bacteria, that are resistant to more than one class of antimicrobial agents.

"National Healthcare Safety Network" or "NHSN." A secure Internet-based data collection system managed by the Division of Healthcare Quality Promotion at the Centers for Disease Control and Prevention.

"Nationally recognized standards." Standards developed by the Department of Health and Human Services Centers for Disease Control and Prevention (CDC) and its National Healthcare Safety Network.

"Nursing home." An entity licensed as a long-term care nursing facility under the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act.

"Surveillance system." An ongoing and comprehensive method of measuring health status, outcomes and related processes of care, analyzing data and providing information from data sources within a health care facility to assist in reducing health care-associated infections.

Section 403. Infection control plan.

(a) Development and compliance.—Within 120 days of the effective date of this section, a health care facility and an ambulatory surgical facility shall develop and implement an internal infection control plan that shall be established for the purpose of improving the health and safety of patients and health care workers and shall include:

- (1) A multidisciplinary committee including representatives from each of the following, if applicable to that specific health care facility:
 - (i) Medical staff that could include the chief medical officer or the nursing home medical director.

(ii) Administration representatives that could include the chief executive officer, the chief financial officer or the nursing home administrator.

(iii) Laboratory personnel.

(iv) Nursing staff that could include a director of nursing or a nursing supervisor.

(v) Pharmacy staff that could include the chief of pharmacy.

(vi) Physical plant personnel.

(vii) A patient safety officer.

(viii) Members from the infection control team, which could include an epidemiologist.

(ix) The community, except that these representatives may not be an agent, employee or contractor of the health care facility or ambulatory surgical facility.

(2) Effective measures for the detection, control and prevention of health care-associated infections.

(3) Culture surveillance processes and policies.

(4) A system to identify and designate patients known to be colonized or infected with MRSA or other MDRO that includes:

(i) The procedures necessary for requiring cultures and screenings for nursing home residents admitted to a hospital.

(ii) The procedures for identifying other high-risk patients admitted to the hospital who necessitate routine cultures and screening.

(5) The procedures and protocols for staff who may have had potential exposure to a patient or resident known to be colonized or infected with MRSA or MDRO, including cultures and screenings, prophylaxis and follow-up care.

(6) An outreach process for notifying a receiving health care facility or an ambulatory surgical facility of any patient known to be colonized prior to transfer within or between facilities.

(7) A required infection-control intervention protocol which includes:

(i) Infection control precautions, based on nationally recognized standards, for general surveillance of infected or colonized patients.

(ii) Intervention protocols based on evidence-based standards.

(iii) Isolation procedures.

(iv) Physical plant operations related to infection control.

(v) Appropriate use of antimicrobial agents.

(vi) Mandatory educational programs for personnel.

(vii) Fiscal and human resource requirements.

(8) The procedure for distribution of advisories issued under section 405(b)(4) so as to ensure easy access in each health care facility for all administrative staff, medical personnel and health care workers.

(b) Department review.—No later than 14 days after implementation of its infection control plan, a health care facility and an ambulatory surgical facility shall submit the plan to the department. The department shall review each health care facility's and ambulatory surgical facility's infection control plan to ensure compliance under the Health Care Facilities Act and section 408(3). If, at any time, the department finds that an infection control plan does not meet the requirements of this chapter or any applicable laws, the health care facility or ambulatory surgical facility shall modify its plan to come into compliance.

(c) Notification.—Upon submission to the department of its infection control plan, a health care facility and an ambulatory surgical facility shall notify all health care workers, physical plant personnel and medical staff of the facility of the infection control plan.

Compliance with the infection control plan shall be enforced by the facility.

Section 404. Health care facility reporting.

(a) Nursing home reporting.—In addition to reporting pursuant to the Health Care Facilities Act, a nursing home shall also electronically report health care-associated infection data to the department and the authority using nationally recognized standards based on CDC definitions, provided that the data is reported on a patient-specific basis in the form, with the time for reporting and format as determined by the department and the authority.

(b) Hospital reporting.—A hospital shall report health care-associated infection data to the CDC and its National Healthcare Safety Network no later than 180 days following the effective date of this section. A hospital shall:

(1) Report all components as defined in the NHSN Manual, Patient Safety Component Protocol, and any successor edition, for all patients throughout the facility on a continuous basis.

(2) Report patient-specific data to include, at a minimum, patient identification number, gender and date of birth. The patient identification number must be compatible with the patient identifier on the uniform billing forms submitted to the council.

(3) Report data on a monthly basis in accordance with protocols defined in the NHSN Manual as updated by the CDC.

(4) Authorize the department, the authority and the council to have access to the NHSN for facility-specific reports of health care-associated infection data contained in the NHSN database for purposes of viewing and analyzing that data.

(c) Strategic assessments.—Each hospital, other than those currently using a qualified electronic surveillance system, shall by December 31, 2007, conduct a strategic assessment of the utility and efficacy of implementing a qualified electronic surveillance system pursuant to subsections (d) and (e) for the purpose of improving infection control and prevention. The assessment shall also include an examination of financial and technological barriers to implementation of a qualified electronic surveillance system pursuant to subsections (d) and (e). The assessment shall be submitted to the department within 14 days of completion.

(d) Qualified electronic surveillance system.—A qualified electronic surveillance system shall include the following minimum elements:

(1) Extractions of existing electronic clinical data from health care facility systems on an ongoing, constant and consistent basis.

(2) Translation of nonstandardized laboratory, pharmacy and/or radiology data into uniform information that can be analyzed on a population-wide basis.

(3) Clinical support, educational tools and training to ensure that information provided under this subsection will assist the hospital in reducing the incidence of health care-associated infections in a manner that meets or exceeds benchmarks.

(4) Clinical improvement measurements designed to provide positive and negative feedback to health care facility infection control staff.

(5) Collection of data that is patient-specific for the entire facility.

(e) Electronic surveillance system implementation.—Except as otherwise provided in this subsection, a hospital shall have a qualified electronic surveillance system in place by December 31, 2008. The following apply:

(1) If a determination has been made under subsection (c) that a qualified electronic surveillance system can be implemented, the hospital shall comply with subsection (f) until implementation.

(2) If a determination has been made under subsection (c) that a qualified electronic surveillance system cannot be implemented, by December 31, 2008, the hospital shall

comply with subsection (f) until such time as a qualified electronic surveillance system is implemented.

(f) Surveillance system.—Until a hospital implements a qualified electronic surveillance system, the facility shall use a surveillance system that includes:

(1) A written plan of the elements of the surveillance process to include, but not be limited to, definitions, collection of surveillance data and reporting of information.

(2) Identification of personnel resources that will be used in the surveillance process.

(3) Identification of information or technological support needed to implement the surveillance system.

(4) A process for periodic evaluation and validation to ensure accuracy of surveillance.

(g) Continued reporting.—Until hospitals begin reporting to NHSN and have authorized access to the department, the authority and the council, hospitals shall continue to meet reporting requirements pursuant to Chapter 3 of this act and section 6 of the act of July 8, 1986 (P.L.408, No.89), known as the Health Care Cost Containment Act. Section 405. Patient Safety Authority jurisdiction.

(a) Health care facility reports to authority.—The occurrence of a health care-associated infection in a health care facility shall be deemed a serious event, as defined in section 302. The report to the authority shall also be subject to all of the confidentiality protections set forth in section 311. The occurrence of a health care-associated infection shall only constitute a serious event for hospitals if it meets the criteria for reporting as defined by the current CDC and NHSN Manual, Patient Safety Component Protocol and any successor edition.

(b) Duties.—In addition to its existing responsibilities, the authority is responsible for all of the following:

(1) Establishing, based on CDC definitions, uniform definitions using nationally recognized standards for the identification and reporting of health care-associated infections by nursing homes.

(2) Publishing a notice in the Pennsylvania Bulletin stating the uniform reporting requirements established pursuant to this subsection and the effective date for the commencement of required reporting by hospitals consistent with this chapter, which, at a minimum, shall begin 120 days after publication of the notice.

(3) Publishing a notice in the Pennsylvania Bulletin stating the uniform reporting requirements established pursuant to this subsection and section 404(a) and the effective date for the commencement of required reporting by nursing homes consistent with this chapter, which, at a minimum, shall begin 120 days after publication of the notice.

(4) Issuing advisories to health care facilities in a manner similar to section 304(a)(7).

(5) Including a separate category for providing information about health care-associated infections in the annual report under section 304(c).

(6) Creating and conducting training programs for infection control teams, health care workers and physical plant personnel about the prevention and control of health care-associated infections. Nothing in this act shall preclude the authority from working with the department or any organization in conducting these programs.

(7) Appointing an advisory panel of health care-associated infection control experts, including at least one representative of a not-for-profit nursing home, at least one representative of a for-profit nursing home, at least one representative of a county nursing home and at least two representatives of a hospital, one of which must be from a rural hospital, to assist in carrying out the requirements of this chapter.

(c) Public comment.—Prior to publishing a notice under subsection (b)(2) and (3), the authority shall solicit public comments

for at least 30 days. The authority shall respond to the comments it receives during the 30-day public comment period.

Section 406. Payment for performing routine cultures and screenings.

The cost of routine cultures and screenings performed on patients in compliance with a health care facility's and ambulatory surgical facility's infection control plan shall be considered a reimbursable cost to be paid by health payors and medical assistance upon Federal approval. These costs shall be subject to any copayment, coinsurance or deductible in amounts imposed in any applicable policy issued by a health payor and to any agreements between a health care facility, ambulatory surgical facility and payor.

Section 407. Quality improvement payment.

(a) General rule.—Commencing on January 1, 2009, the Department of Public Welfare in consultation with the department shall make a quality improvement payment to a health care facility that achieves at least a 10% reduction for that facility in the total number of reported health care-associated infections over the preceding year pursuant to section 408(7)(i). For calendar year 2010 and thereafter, the Department of Public Welfare shall consult with the department to establish appropriate percentage benchmarks for the reduction of health care-associated infections in each health care facility in order to be eligible for a payment pursuant to this section.

(b) Additional quality improvement payments.—Nothing in this section shall prevent the Department of Public Welfare in consultation with the department from providing additional quality improvement payments to a health care facility that has implemented a qualified electronic surveillance system and has achieved or exceeded reductions in the total number of reported health care-associated infections for that facility over the preceding year as provided in subsection (a).

(c) Eligibility.—In addition to meeting the requirements contained in this section, to be eligible for a quality improvement payment, a health care facility must be in compliance with health care-associated reporting requirements contained in this act and the Health Care Facilities Act.

(d) Distribution of funds.—Funds for the purpose of implementing this section shall be appropriated to the Department of Public Welfare and distributed to eligible health care facilities as set forth in this section. Quality improvement payments to health care facilities shall be limited to funds available for this purpose.

Section 408. Duties of Department of Health.

The department is responsible for the following:

(1) The development of a public health awareness campaign on health care-associated infections to be known as the Community Awareness Program. The program shall provide information to the public on causes and symptoms of health care-associated infections, diagnosis and treatment prevention methods and the proper use of antimicrobial agents.

(2) The consideration and determination of the feasibility of establishing an active surveillance program involving other entities, such as athletic teams or correctional facilities for the purpose of identifying those persons in the community that are colonized and at risk of susceptibility to and transmission of MRSA bacteria.

(3) The review of each health care facility's and ambulatory surgical facility's infection control plan. This review shall be performed pursuant to the department's authority under the Health Care Facilities Act and the regulations promulgated thereunder.

(4) The development of recommendations and best practices that implement and effectuate improved screenings and cultures and other means for the reduction and elimination of health care-associated infections.

(5) The development of recommendations regarding evidence-based screening protocols for an individual with MRSA and MDRO prior to admission to a hospital.

(6) The review of strategic assessments under section 404(c) and the provision of assistance to hospitals in

implementing a qualified electronic surveillance system pursuant to the requirements of section 404(d) and (e).

(7) The development of a methodology, in consultation with the authority and the council, for determining and assessing the rate of health care-associated infections that occur in health care facilities in this Commonwealth. This methodology shall be used:

(i) to determine the rate of reduction in health care-associated infection rates within a health care facility during a reporting period;

(ii) to compare health care-associated infection rates among similar health care facilities within this Commonwealth; and

(iii) to compare health care-associated infection rates among similar health care facilities nationwide.

(8) The development, in consultation with the authority and the council, of reasonable benchmarks to measure the progress health care facilities make toward reducing health care-associated infections. Beginning in 2010, all health care facilities shall be measured against these benchmarks. A health care facility with a rate of health care-associated infections that does not meet the benchmark appropriate to that type of facility shall be required to submit a plan of correction to the department within 60 days of receiving notification that the rate does not meet the benchmark. After 180 days, a facility that has not shown progress in reducing its rate of infection shall consult with and obtain department approval for a new plan of correction that includes resources available to assist the health care facility. After an additional 180 days, a facility that fails to show progress in reducing its rate of infection may be subject to action under the Health Care Facilities Act.

(9) Publishing a notice in the Pennsylvania Bulletin of the specific benchmarks the department shall use to measure the progress of health care facilities in reducing health care-associated infections. Prior to publishing the notice, the department shall seek public comments for at least 30 days. The department shall respond to the comments it receives during the 30-day public comment period.

Section 409. Nursing home assessment to Patient Safety Authority.

(a) Assessment.—Commencing July 1, 2008, each nursing home shall pay the department a surcharge on its licensing fee as necessary to provide sufficient revenues for the authority to perform its responsibilities under this chapter. The total annual assessment for all nursing homes shall not be more than an aggregate amount of \$1,000,000. The department shall transfer the total assessment amount to the fund within 30 days of receipt.

(b) Base amount.—For each succeeding calendar year, the authority shall determine the appropriate assessment amount and the department shall assess each nursing home its proportionate share of the authority's budget for its responsibilities under this chapter. The total assessment amount shall not be more than \$1,000,000 in fiscal year 2008-2009 and shall be increased according to the Consumer Price Index in each succeeding fiscal year.

(c) Expenditures.—Money appropriated to the fund under this chapter shall be expended by the authority to implement this chapter.

(d) Dissolution.—In the event that the fund is discontinued or the authority is dissolved by operation of law, any balance paid by nursing homes remaining in the fund, after deducting administrative costs of liquidation, shall be returned to the nursing homes in proportion to their financial contributions to the fund in the preceding licensing period.

(e) Failure to pay surcharge.—If after 30 days' notice a nursing home fails to pay a surcharge levied by the department under this chapter, the department may assess an administrative penalty of \$1,000 per day until the surcharge is paid.

(f) Reimbursable cost.—Subject to Federal approval, the annual assessment amount paid by a nursing home shall be a reimbursable cost under the medical assistance program. The Department of Public Welfare shall pay each nursing home, as a

separate, pass-through payment, an amount equal to the assessment paid by a nursing home multiplied by the facility's medical assistance occupancy rate as reported in its annual cost report.

Section 410. Scope of reporting.

For purposes of reporting health care-associated infections to the Commonwealth, its agencies and independent agencies, this chapter sets forth the applicable criteria to be utilized by health care facilities in making such reports. Nothing in this act shall supersede the requirements set forth in the act of April 23, 1956 (1955 P.L.1510, No.500), known as the Disease Prevention and Control Law of 1955, and the regulations promulgated thereunder.

Section 411. Penalties.

(a) Violation of Health Care Facilities Act.—The failure of a health care facility to report health care-associated infections as required by sections 404 and 405 or the failure of a health care facility or ambulatory surgical facility to develop, implement and comply with its infection control plan in accordance with the requirements of section 403 shall be a violation of the Health Care Facilities Act.

(b) Administrative penalty.—In addition to any penalty that may be imposed under the Health Care Facilities Act, a health care facility which negligently fails to report a health care-associated infection as required under this chapter may be subject to an administrative penalty of \$1,000 per day imposed by the department.

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

CHAPTER 6

LONG-TERM CARE NURSING FACILITIES

(Reserved)

Section 3. This act shall take effect in 30 days.

On the question,

Will the House agree to the amendment?

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

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, before I start on this amendment, I would just like to say something. Over my 25 years in the House, I have never seen a piece of legislation that not only will benefit the citizens of the Commonwealth but also that it has been worked on in a bipartisan effort, and I would like to thank those individuals because this bill is such an important bill to the people of the Commonwealth. And if you would permit me, Mr. Speaker, if I would not be out of line, I would like to mention a couple of Representatives, if that is permissible. Is that permissible, Mr. Speaker? Is that permissible to mention their names?

The SPEAKER. The gentleman is in order. The Chair will extend that latitude to Representative DeLuca.

Mr. DeLUCA. Thank you.

First of all, I would like to thank the minority chairman, Nick Micozzie. You know, 7 years ago I started to work on this legislation and 2 years ago Representative Micozzie and I started to work on it, and today through the fruits of this work, along with Representative Boyd, who certainly added a lot to this legislation, because of the fact they realized that this was an important piece of legislation for the citizens of the Commonwealth of Pennsylvania, and I also want to say to Senator Erickson's credit, as the majority Insurance chairman, I had my legislation, 1552, which we moved out of the committee, and Senator Erickson had his SB 968; sitting down as gentlemen, Senator Erickson and I decided that this issue was too important to play who would be the prime sponsor of the legislation, and I told that to Senator Erickson. I said, I certainly could move 1552, and as you know, we have 102 members over

here and we probably would move this and along with some of your members over on the other side, the Republican side, we would move it. But I thought to my— I believe that doing this bipartisan and not playing games will save people's lives.

And let me just say, while we are discussing this today, to put this in context, while we are discussing this, there are two families in Pennsylvania who are making funeral arrangements for one of their loved ones who has died from a hospital-acquired infection, and this happens day in and day out, and that is why it is very important that this legislation be passed, and I would like to just mention what the legislation will do.

As I said before, this amendment represents a compromise agreement between all the concerned parties, and I want to thank those parties. Usually we have trouble with stakeholders, but I want to commend all the stakeholders here today who got together, and naturally, none of them got everything they wanted. I did not get everything I wanted, Representative Boyd did not get everything he wanted, Senator Erickson did not get everything he wanted, but we came out with a compromise, and I certainly want to commend all the parties for agreeing to work together on this issue.

I also would like to thank my staff and the Republican staff for the fine job. They have been meeting hours on end trying to get this compromise worked, and I want to commend them for the fine job they did, too. We need to commend them because they worked hard on this piece of legislation.

But what this does is, what it really represents is a significant step forward and finally implementing a way to reduce and eventually eliminate health-care-associated infections in our health-care facilities. This amendment will place the Commonwealth at the forefront in dealing with these infections which kill people and cost our health-care systems hundreds of millions of dollars in wasted resources.

This amendment will allow the State to collect data in the right way, in the right format, and at the right time. The data reported will allow us to develop benchmarks which each facility, hospital, and nursing home will have to meet. Those facilities which exceed the benchmarks will be rewarded with quality improvement payments reflecting their commitment to curtail these infections, and those facilities which do not meet the benchmarks will face sanctions under the Health Care Facilities Act.

Mr. Speaker, no State in the nation will be reporting data to the extent that Pennsylvania will be. The Centers for Disease Control will receive that information on every patient in the entire hospital. No State requires this extensive reporting, and we will be the first State in the nation to require facilities to meet specific benchmarks regarding their rates of infections.

As I said, this represents a compromise agreement. For example, I would have liked to have required all facilities to implement electronic surveillance systems by a date certain. As we have learned during our 10 committee meetings on health-care reform, these systems represent the state-of-the-art tools which are being used in hospitals today to reduce infections. But I recognized that not every hospital could afford to install these systems, and some smaller hospitals with limited means may not need them due to the type of patient mix and procedures they perform. So although hospitals are required to have these systems implemented by December 31, 2008, the amendment allows for a facility to perform a strategic assessment in order to determine why they cannot implement

such a system. This assessment must be completed by the end of this year and submitted to the Department of Health. The department is tasked to assist these facilities in implementing a system. If they need financial assistance, the next budget will contain dollars to assist these facilities.

Some of the other provisions of the amendment include: Requiring hospitals to use the Centers for Disease Control based reporting criteria. These are scientific and conclusive infections which are acquired in hospitals. These reports will allow the Department of Health to establish benchmarks which must be met by each hospital and nursing home. Hospitals and nursing homes that meet or exceed the benchmarks will qualify for quality improvement payments, as I said before. Again, those hospitals and nursing homes which do not meet the benchmarks will be required to develop a plan to fix the problem or face sanctions under the Health Care Facilities Act. The reporting of this data will allow the State to compare hospitals on a year-to-year basis. It will allow us to compare similar hospitals within the State and will allow comparison with hospitals throughout the country. Again, we will be the only State in the nation to require hospitals to meet specific benchmarks to reduce hospital-acquired infections.

Other significant provisions are: Requiring health-care facilities including nursing homes and ambulatory surgical facilities to develop and implement an internal infection control plan; require facilities to develop a process to notify a receiving health-care facility of any patient known to have an infection. It also requires, for the first time, nursing facilities to report and become part of the Patient Safety Authority. Now, you might say, why is this important? Data indicates that upwards, upwards, Mr. Speaker, of 30 percent of the nursing home patients who are admitted to a hospital have an infection. We also require the Patient Safety Authority to create and conduct training programs for health-care workers and others in respect to infection control.

The SPEAKER. The gentleman will cease.

The noise level is entirely too loud. Members will please hold their conversations to a minimum. The aisles will be cleared, and members will take their seats.

Representative DeLuca.

Mr. DeLUCA. Thank you, Mr. Speaker.

The cost of facilities performing these routine cultures and screenings for infections will be a reimbursable cost to the health payers.

This, as I said before, this amendment will put Pennsylvania at the cutting edge in dealing with problems of health-care-associated infections. We will be the leader in the country by which other States will follow. This legislation, as I said, represents a significant and important step in curtailing the rising cost of health care in our State, and I urge every member in the House to vote "yes" on this amendment.

Thank you, Mr. Speaker, and thank you for taking the time to listen to me.

The SPEAKER. Representative McIlhattan.

Mr. McILHATTAN. Thank you, Mr. Speaker.

Would the maker of the amendment stand for brief interrogation?

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

Mr. McILHATTAN. You talk about qualified electronic surveillance systems being mandatory. What do you mean by electronic surveillance system? Are you talking about cameras

in the buildings or things like that, or what are you referring to there, Mr. Speaker?

Mr. DeLUCA. No, that is not what we are talking about, Mr. Speaker. This is the laboratories in the hospital putting this data together. Right now everything is reported by—

Mr. McILHATTAN. I cannot hear you, Mr. Speaker. Can you speak up, please.

Mr. DeLUCA. Thank you, Mr. Speaker.

Right now everything is reported by paper and that there, and this will allow the hospital laboratories to put these systems in place where they will be able to track almost instantly, if not the day after, what rooms these infections, what patients had these infections, and how to address it. The laboratories in the hospital will be doing that, collecting that information in the electronic age we have today.

Mr. McILHATTAN. Thank you, Mr. Speaker. I appreciate that.

And this is mandatory unless you can prove you are unable financially to accomplish that. Is that correct?

Mr. DeLUCA. That is correct, Mr. Speaker.

Mr. McILHATTAN. And this legislation covers hospitals and nursing homes, and are personal care homes involved in this legislation, Mr. Speaker?

Mr. DeLUCA. Mr. Speaker, personal care homes are not.

Mr. McILHATTAN. Thank you very much.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—197

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

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Grucela	Manderino	Wagner	Wojnaroski
King	Santoni		

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 A

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1423, PN 1886**, entitled:

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

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

Mr. **HANNA** offered the following amendment No. **A01795**:

Amend Title, page 1, line 2, by striking out "defining" and inserting

adding definitions of "certified parking meter inspector" and

Amend Title, page 1, line 2, by inserting after "for"

certified parking meter inspectors and for

Amend Sec. 1 (Sec. 4102), page 1, by inserting between lines 12 and 13

"Certified Parking Meter Inspector." An individual who is certified by the Department of Agriculture to inspect and certify the accuracy of parking meters.

Amend Sec. 2 (Sec. 4112), page 2, line 8, by striking out "commercial"

Amend Sec. 2 (Sec. 4112), page 2, line 10, by striking out "36-month" and inserting

60-month

Amend Sec. 2 (Sec. 4112), page 2, lines 12 and 13, by striking out "commercially used"

Amend Sec. 2 (Sec. 4112), page 2, lines 15 through 23, by striking out "Examiners of Weights" in line 15 and all of lines 16 through 23 and inserting

Parking Meter Inspectors as sufficient to meet the inspection and testing requirements of this subsection if State inspectors of weights and measures conduct inspection and testing of a sample of devices inspected and tested by Certified Parking Meter Inspectors.

Amend Bill, page 2, by inserting between lines 24 and 25

Section 3. Sections 4115 of Title 3 is amended to read:

§ 4115. Training program.

(a) Inspectors and county and city sealers.—The department shall establish by regulation minimum training which shall be required to be met by all inspectors and county and city sealers. The department shall adopt the training program prescribed by the National Institute of Standards and Technology for inspectors and sealers of weights and measures.

(b) Certified parking meter inspectors.—The department shall have the authority to promulgate regulations that establish training and certification requirements and procedures for Certified Parking Meter Inspectors. Prior to the promulgation of regulations under this subsection, the department may issue a temporary order establishing training and certification requirements and procedures for Certified Parking Meter Inspectors. A temporary order shall not be effective until on or after it is published in the Pennsylvania Bulletin, and shall remain in effect for no more than one year, unless reissued or supplanted sooner by regulations.

Amend Sec. 3, page 2, line 25, by striking out "3" and inserting 4

Amend Sec. 3, page 2, line 25, by striking out "60" and inserting 90

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

The SPEAKER. The Chair recognizes Representative Hanna on the amendment.

Mr. HANNA. Thank you, Mr. Speaker.

The amendment is designed to take care of concerns that were brought to us by local government. The bill itself deals with parking meters and the transferring of parking meter inspection from the State Department of Agriculture to local governments. We worked together with local government units to try and clear up some concerns that they had, and this amendment does that.

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

The following roll call was recorded:

YEAS—197

Adolph	Frankel	Markosek	Roebuck
Argall	Freeman	Marshall	Rohrer
Baker	Gabig	Marsico	Ross
Barrar	Galloway	McCall	Rubley
Bastian	Geist	McGeehan	Sabatina
Bear	George	McI. Smith	Sainato
Belfanti	Gerber	McIlhattan	Samuelson
Benninghoff	Gergely	Melio	Saylor
Bennington	Gibbons	Mensch	Scavello
Beyer	Gillespie	Metcalfe	Schroder

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Grucela	Manderino	Wagner	Wojnaroski
King	Santoni		

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.)

GUESTS INTRODUCED

The SPEAKER. The Chair welcomes Megan McDaniel and Melinda McDaniel, who are serving as guest pages today. They are the daughters of Mary McDaniel, chief counsel to the Speaker, and they are constituents of Representative Denlinger, and they are seated in the front row. Would you please stand and be recognized.

CALENDAR CONTINUED

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1621, PN 2074**, entitled:

An Act authorizing the Department of General Services, with the concurrence of the Department of Environmental Protection, to lease to VTE Philadelphia, LP, or its nominee, land within the bed of the Delaware River in the City of Philadelphia.

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

Mr. M. O'BRIEN offered the following amendment No. **A02356**:

Amend Sec. 1, page 1, line 14, by striking out "and directed"

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

AMENDMENT WITHDRAWN

The SPEAKER. The Chair recognizes Representative O'Brien on the amendment.

Mr. M. O'BRIEN. Mr. Speaker, I wish to withdraw the amendment.

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 1627, PN 2080**, entitled:

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

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

Mr. M. O'BRIEN offered the following amendment No. **A02357**:

Amend Sec. 1, page 1, lines 14 and 15, by striking out "and directed"

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

AMENDMENT WITHDRAWN

The SPEAKER. On the amendment, the Chair recognizes Representative O'Brien.

Mr. M. O'BRIEN. Mr. Speaker, I wish to withdraw the amendment.

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.

SUPPLEMENTAL CALENDAR A CONTINUED

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1662, PN 2197**, entitled:

An Act amending the act of February 14, 1986 (P.L.2, No.2), known as the Acupuncture Registration Act, redesignating registration as licensure.

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

CALENDAR CONTINUED

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **SB 548, PN 292**, entitled:

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

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

Mr. **R. TAYLOR** offered the following amendment No. **A02355**:

Amend Title, page 1, lines 1 through 3, by striking out all of said lines and inserting

Amending the act of May 17, 1921 (P.L.682, No.284), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," providing for scope of article, for the definition of "long-term care insurance," for the Long-Term Care Partnership Program, for authority to promulgate regulations, for marketing and advertising prohibited and for penalties; and further providing for coverage and limitations.

Amend Bill, page 1, lines 6 through 18; page 2, lines 1 through 12, by striking out all of said lines on said pages and inserting

Section 1. Section 1102 of the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, added December 15, 1992 (P.L.1129, No.148), is amended to read:

Section 1102. Scope of Article.—This article is not intended to supersede the obligations of entities subject to this article to comply with the substance of other applicable insurance laws insofar as they do not conflict with this article, except that laws and regulations designed and intended to apply to Medicare supplement insurance policies shall not be applied to long-term care insurance. A policy which is not

advertised, marketed or offered as long-term care insurance [or nursing home insurance] need not meet the requirements of this article.

Section 2. The definition of "long-term care insurance" in section 1103 of the act, amended November 30, 2004 (P.L.1690, No.216), is amended to read:

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

* * *

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

* * *

Section 3. The act is amended by adding a section to read:

Section 1110.1. Long-Term Care Partnership Program.—(a) There is hereby established the Long-Term Care Partnership Program, to be administered by the Department of Public Welfare in accordance with the requirements for qualified State long-term care insurance partnerships. The purpose of this program is to reduce future Medicaid costs for long-term care by delaying or eliminating dependence on Medicaid by providing incentives for individuals to ensure against the potentially substantial costs that arise upon the need for long-term care.

(b) In order to implement the program, the Department of Public Welfare shall file a State plan amendment with Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services pursuant to Title XIX of the Social Security Act (49 Stat. 620, 42 U.S.C. § 1396 et seq.) within 30 days of the effective date of this section. The program, including the treatment of assets for Medicaid eligibility and estate recovery, shall be structured and administered by the Department of Public Welfare in accordance with Federal law and applicable Federal guidelines for qualified State long-term care partnerships.

(c) The department shall require all insurers offering a qualified Long-Term Care Partnership Program policy to exchange any policy or certificate issued between February 8, 2006, and the date the State plan amendment takes effect, with a qualified Long-Term Care Partnership Program policy. The following shall apply:

(1) All offers of exchange shall be subject to the outline of coverage provisions set forth under section 1111 and all applicable regulations.

(2) Policies exchanged under this provision, if there is no change in coverage material to the risk, shall not be subject to any medical underwriting or approval process.

(3) Any portion of the policy that was issued prior to the exchange date shall be priced based on the policyholder's age when the policy was originally issued.

(4) Any portion of the policy that is added as a result of the exchange may be priced based on the policyholder's age at the time of the exchange.

(5) Any addition to a policy as a result of any exchange shall be subject to the right to return set forth under section 1110 and all applicable regulations.

Section 4. Sections 1112, 1113 and 1114 of the act, added December 15, 1992 (P.L.1129, No.148), are amended to read:

Section 1112. Authority to Promulgate Regulations.—The department shall promulgate reasonable regulations to establish minimum standards for marketing practices, [agent] producer compensation arrangements, [agent] producer testing, penalties and reporting practices for long-term care insurance.

Section 1113. Marketing and Advertising Prohibited.—No policy may be advertised, marketed or offered as long-term care [or nursing home] insurance unless it complies with the provisions of this article.

Section 1114. Penalties.—In addition to any other penalties provided by the laws of this Commonwealth, an insurer or [agent] producer found to have violated requirements relating to the regulations of long-term care insurance or the marketing of such insurance shall be subject to a civil penalty of up to three times the amount of any commissions paid for each policy involved in the violation or ten thousand dollars (\$10,000), whichever is greater.

Section 5. Section 1703 of the act, added December 18, 1992 (P.L.1519, No.178), is amended to read:

Section 1703. Coverage and Limitations.—(a) This article shall provide coverage to the following persons for the policies and contracts specified in subsection (b):

(1) To persons who, regardless of where they reside, except for nonresident certificate holders under group policies or contracts, are the beneficiaries, assignees or payees of the persons covered under paragraph (2).

(2) To persons who are owners of or certificate holders under these policies or contracts or, in the case of unallocated annuity contracts, to the persons who are the contract holders and who:

(i) are residents; or

(ii) are not residents, but only under all of the following conditions:

(A) the insurers which issued such policies or contracts are domiciled in this Commonwealth;

(B) such insurers never held a license or certificate of authority in the states in which such persons reside;

(C) these states have associations similar to the association created by this article; and

(D) these persons are not eligible for coverage by those associations.

(b) (1) This article shall provide coverage to the persons specified in subsection (a) for direct, nongroup life, health, annuity and supplemental policies or contracts, for certificates under direct group policies and contracts and for unallocated annuity contracts issued by member insurers, except as limited by this article. Annuity contracts and certificates under group annuity contracts include, but are not limited to, guaranteed investment contracts, deposit administration contracts, unallocated funding agreements, allocated funding agreements, structured settlement agreements, lottery contracts and any immediate or deferred annuity contracts.

(2) This article shall not provide coverage for any of the following:

(i) Any portion of a policy or contract not guaranteed by the insurer or under which the risk is borne by the policy or contract holder.

(ii) Any policy or contract of reinsurance, unless assumption certificates have been issued.

(iii) Any portion of a policy or contract to the extent that the rate of interest on which it is based:

(A) averaged over the period of four (4) years prior to the date on which the association becomes obligated with respect to such policy or contract, exceeds a rate of interest determined by subtracting two (2) percentage points from Moody's Corporate Bond Yield Average averaged for the same four-year period or for such lesser period if the policy or contract was issued less than four (4) years before the association became obligated; and

(B) on and after the date on which the association becomes obligated with respect to such policy or contract, exceeds the rate of

interest determined by subtracting three (3) percentage points from Moody's Corporate Bond Yield Average as most recently available.

(iv) Any plan or program of an employer, association or similar entity to provide life, health or annuity benefits to its employees or members to the extent that such plan or program is self-funded or uninsured, including, but not limited to, benefits payable by an employer, association or similar entity under:

(A) a Multiple Employer Welfare Arrangement as defined in section 514 of the Employee Retirement Income Security Act of 1974;

(B) a minimum premium group insurance plan;

(C) a stop-loss group insurance plan; or

(D) an administrative services only contract.

(v) Any portion of a policy or contract to the extent that it provides dividends or experience rating credits or provides that any fees or allowances to be paid to any person, including the policyholder or contract holder, in connection with the service to or administration of such policy or contract.

(vi) Any policy or contract issued in this Commonwealth by a member insurer at a time when it was not licensed or did not have a certificate of authority to issue such policy or contract in this Commonwealth.

(vii) Any unallocated annuity contract issued to an employee benefit plan protected under the Federal Pension Benefit Guaranty Corporation.

(viii) Any portion of any unallocated annuity contract which is not issued to or in connection with a specific employee, union or association of natural persons benefit plan or a government lottery.

(c) (1) The benefits for which the association may become liable shall in no event exceed the lesser of:

(i) the contractual obligations for which the insurer is liable or would have been liable if it were not an impaired or insolvent insurer; or

(ii) (A) With respect to any one life, regardless of the number of policies or contracts, the following shall apply:

(I) Three hundred thousand (\$300,000) dollars in life insurance death benefits, but not more than one hundred thousand (\$100,000) dollars in net cash surrender and net cash withdrawal values for life insurance.

(II) [One hundred thousand (\$100,000) dollars] Three hundred thousand (\$300,000) dollars in health insurance benefits, including any net cash surrender and net cash withdrawal values.

(III) Three hundred thousand (\$300,000) dollars in annuity benefits, including one hundred thousand (\$100,000) dollars in net cash surrender and net cash withdrawal values.

(IV) Three hundred thousand (\$300,000) dollars in long-term care insurance benefits, as defined under section 1103, including any cash surrender and net cash withdrawal values.

(B) With respect to each individual participating in a governmental retirement plan established under section 401, 403(b) or 457 of the Internal Revenue Code of 1986 covered by an unallocated annuity contract or the beneficiaries of each such individual if deceased, in the aggregate, three hundred thousand (\$300,000) dollars in annuity benefits, including one hundred thousand (\$100,000) dollars in net cash surrender and net cash withdrawal values.

(C) With respect to any one contract holder covered by any unallocated annuity contract not included in clause (B), five million (\$5,000,000) dollars in benefits, irrespective of the number of such contracts held by that contract holder.

(2) The association shall not, however, be liable to expend more than three hundred thousand (\$300,000) dollars in the aggregate with respect to any one individual under subparagraph (ii)(A) and (B) of paragraph (1).

Section 6. The amendment of section 1703(c)(1)(ii)(A)(II) and (IV) shall apply to an insolvency occurring on or after the effective date of this section.

Section 7. The amendment of section 1103 of the act shall apply to all policies issued on or after the effective date of this act.

Section 8. This act shall take effect as follows:
 (1) Sections 5 and 6 of this act and this section shall take effect immediately.
 (2) The remainder of this act shall take effect in 60 days.

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

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

Mr. R. TAYLOR. Thank you, Mr. Speaker.

This amendment is basically restoring the language that was in HB 966, which passed on June 26, 200 to 0. My amendment offers some consumer protection language that is not present in the current language of the Senate bill. It is an agreed-to amendment. The Senator is well aware of it, and the pride of authorship is not as important as getting this important piece of legislation done for those who need the consumer protection.

Thank you very much.

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

The following roll call was recorded:

YEAS—197

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

Evans, D.	Mackereth	Raymond	Youngblood
Evans, J.	Maher	Readshaw	Yudichak
Everett	Mahoney	Reed	
Fabrizio	Major	Reichley	O'Brien, D.,
Fairchild	Mann	Roae	Speaker
Fleck	Mantz	Rock	

NAYS—0

NOT VOTING—0

EXCUSED—6

Grucela	Manderino	Wagner	Wojnaroski
King	Santoni		

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?

Mr. R. TAYLOR offered the following amendment No. **A02955**:

Amend Title, page 1, lines 1 through 3, by striking out all of said lines and inserting

Amending the act of May 17, 1921 (P.L.682, No.284), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," providing for scope of article, for the definition of "long-term care insurance," for the Long-Term Care Partnership Program, for authority to promulgate regulations, for marketing and advertising prohibited and for penalties; and further providing for coverage and limitations.

Amend Bill, page 1, lines 6 through 18; page 2, lines 1 through 12, by striking out all of said lines on said pages and inserting

Section 1. Section 1102 of the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, added December 15, 1992 (P.L.1129, No.148), is amended to read:

Section 1102. Scope of Article.—This article is not intended to supersede the obligations of entities subject to this article to comply with the substance of other applicable insurance laws insofar as they do not conflict with this article, except that laws and regulations designed and intended to apply to Medicare supplement insurance policies shall not be applied to long-term care insurance. A policy which is not advertised, marketed or offered as long-term care insurance [or nursing home insurance] need not meet the requirements of this article.

Section 2. The definition of "long-term care insurance" in section 1103 of the act, amended November 30, 2004 (P.L.1690, No.216), is amended to read:

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

* * *

"Long-term care insurance." Any insurance policy or rider advertised, marketed, offered or designed to provide comprehensive coverage for each covered person on an expense-incurred, indemnity, prepaid or other basis for functionally necessary or medically necessary

diagnostic, preventive, therapeutic, rehabilitative, maintenance or personal care services provided in a setting other than an acute care unit of a hospital. The term includes a policy, rider or prepaid home health or personal care service policy which provides for payment of benefits based upon cognitive impairment or the loss of functional capacity. The term includes group and individual policies or riders issued by insurers, fraternal benefit societies, nonprofit health, hospital and medical service corporations, health maintenance organizations or similar organizations. The term does not include any insurance policy which is offered primarily to provide basic Medicare supplement coverage, basic hospital expense coverage, basic medical-surgical expense coverage, hospital confinement indemnity coverage, major medical expense coverage, disability income protection coverage, accident-only coverage, specified disease or specified accident coverage or limited benefit health coverage.

* * *

Section 3. The act is amended by adding a section to read:

Section 1110.1. Long-Term Care Partnership Program.—(a) There is hereby established the Long-Term Care Partnership Program, to be administered by the Department of Public Welfare in accordance with the requirements for qualified State long-term care insurance partnerships. The purpose of this program is to reduce future Medicaid costs for long-term care by delaying or eliminating dependence on Medicaid by providing incentives for individuals to ensure against the potentially substantial costs that arise upon the need for long-term care.

(b) In order to implement the program, the Department of Public Welfare shall file a State plan amendment with Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services pursuant to Title XIX of the Social Security Act (49 Stat. 620, 42 U.S.C. § 1396 et seq.) within 30 days of the effective date of this section. The program, including the treatment of assets for Medicaid eligibility and estate recovery, shall be structured and administered by the Department of Public Welfare in accordance with Federal law and applicable Federal guidelines for qualified State long-term care partnerships.

(c) The department shall require all insurers offering a qualified Long-Term Care Partnership Program policy to offer to exchange any policy or certificate issued between February 8, 2006, and the date the State plan amendment takes effect, with a qualified Long-Term Care Partnership Program policy. The following shall apply:

(1) All offers of exchange shall be subject to the outline of coverage provisions set forth under section 1111 and all applicable regulations.

(2) Policies exchanged under this provision, if there is no change in coverage material to the risk, shall not be subject to any medical underwriting or approval process.

(3) Any portion of the policy that was issued prior to the exchange date shall be priced based on the policyholder's age when the policy was originally issued.

(4) Any portion of the policy that is added as a result of the exchange may be priced based on the policyholder's age at the time of the exchange.

(5) Any addition to a policy as a result of any exchange shall be subject to the right to return set forth under section 1110 and all applicable regulations.

Section 4. Sections 1112, 1113 and 1114 of the act, added December 15, 1992 (P.L.1129, No.148), are amended to read:

Section 1112. Authority to Promulgate Regulations.—The department shall promulgate reasonable regulations to establish minimum standards for marketing practices, [agent] producer compensation arrangements, [agent] producer testing, penalties and reporting practices for long-term care insurance.

Section 1113. Marketing and Advertising Prohibited.—No policy may be advertised, marketed or offered as long-term care [or nursing home] insurance unless it complies with the provisions of this article.

Section 1114. Penalties.—In addition to any other penalties provided by the laws of this Commonwealth, an insurer or [agent] producer found to have violated requirements relating to the

regulations of long-term care insurance or the marketing of such insurance shall be subject to a civil penalty of up to three times the amount of any commissions paid for each policy involved in the violation or ten thousand dollars (\$10,000), whichever is greater.

Section 5. Section 1703 of the act, added December 18, 1992 (P.L.1519, No.178), is amended to read:

Section 1703. Coverage and Limitations.—(a) This article shall provide coverage to the following persons for the policies and contracts specified in subsection (b):

(1) To persons who, regardless of where they reside, except for nonresident certificate holders under group policies or contracts, are the beneficiaries, assignees or payees of the persons covered under paragraph (2).

(2) To persons who are owners of or certificate holders under these policies or contracts or, in the case of unallocated annuity contracts, to the persons who are the contract holders and who:

(i) are residents; or

(ii) are not residents, but only under all of the following conditions:

(A) the insurers which issued such policies or contracts are domiciled in this Commonwealth;

(B) such insurers never held a license or certificate of authority in the states in which such persons reside;

(C) these states have associations similar to the association created by this article; and

(D) these persons are not eligible for coverage by those associations.

(b) (1) This article shall provide coverage to the persons specified in subsection (a) for direct, nongroup life, health, annuity and supplemental policies or contracts, for certificates under direct group policies and contracts and for unallocated annuity contracts issued by member insurers, except as limited by this article. Annuity contracts and certificates under group annuity contracts include, but are not limited to, guaranteed investment contracts, deposit administration contracts, unallocated funding agreements, allocated funding agreements, structured settlement agreements, lottery contracts and any immediate or deferred annuity contracts.

(2) This article shall not provide coverage for any of the following:

(i) Any portion of a policy or contract not guaranteed by the insurer or under which the risk is borne by the policy or contract holder.

(ii) Any policy or contract of reinsurance, unless assumption certificates have been issued.

(iii) Any portion of a policy or contract to the extent that the rate of interest on which it is based:

(A) averaged over the period of four (4) years prior to the date on which the association becomes obligated with respect to such policy or contract, exceeds a rate of interest determined by subtracting two (2) percentage points from Moody's Corporate Bond Yield Average averaged for the same four-year period or for such lesser period if the policy or contract was issued less than four (4) years before the association became obligated; and

(B) on and after the date on which the association becomes obligated with respect to such policy or contract, exceeds the rate of interest determined by subtracting three (3) percentage points from Moody's Corporate Bond Yield Average as most recently available.

(iv) Any plan or program of an employer, association or similar entity to provide life, health or annuity benefits to its employees or members to the extent that such plan or program is self-funded or uninsured, including, but not limited to, benefits payable by an employer, association or similar entity under:

(A) a Multiple Employer Welfare Arrangement as defined in section 514 of the Employee Retirement Income Security Act of 1974;

(B) a minimum premium group insurance plan;

(C) a stop-loss group insurance plan; or

(D) an administrative services only contract.

(v) Any portion of a policy or contract to the extent that it provides dividends or experience rating credits or provides that any fees or allowances to be paid to any person, including the policyholder or contract holder, in connection with the service to or administration of such policy or contract.

(vi) Any policy or contract issued in this Commonwealth by a member insurer at a time when it was not licensed or did not have a certificate of authority to issue such policy or contract in this Commonwealth.

(vii) Any unallocated annuity contract issued to an employee benefit plan protected under the Federal Pension Benefit Guaranty Corporation.

(viii) Any portion of any unallocated annuity contract which is not issued to or in connection with a specific employee, union or association of natural persons benefit plan or a government lottery.

(c) (1) The benefits for which the association may become liable shall in no event exceed the lesser of:

(i) the contractual obligations for which the insurer is liable or would have been liable if it were not an impaired or insolvent insurer; or

(ii) (A) With respect to any one life, regardless of the number of policies or contracts, the following shall apply:

(I) Three hundred thousand (\$300,000) dollars in life insurance death benefits, but not more than one hundred thousand (\$100,000) dollars in net cash surrender and net cash withdrawal values for life insurance.

(II) [One hundred thousand (\$100,000) dollars] Three hundred thousand (\$300,000) dollars in health insurance benefits, including any net cash surrender and net cash withdrawal values.

(III) Three hundred thousand (\$300,000) dollars in annuity benefits, including one hundred thousand (\$100,000) dollars in net cash surrender and net cash withdrawal values.

(IV) Three hundred thousand (\$300,000) dollars in long-term care insurance benefits, as defined under section 1103, including any cash surrender and net cash withdrawal values.

(B) With respect to each individual participating in a governmental retirement plan established under section 401, 403(b) or 457 of the Internal Revenue Code of 1986 covered by an unallocated annuity contract or the beneficiaries of each such individual if deceased, in the aggregate, three hundred thousand (\$300,000) dollars in annuity benefits, including one hundred thousand (\$100,000) dollars in net cash surrender and net cash withdrawal values.

(C) With respect to any one contract holder covered by any unallocated annuity contract not included in clause (B), five million (\$5,000,000) dollars in benefits, irrespective of the number of such contracts held by that contract holder.

(2) The association shall not, however, be liable to expend more than three hundred thousand (\$300,000) dollars in the aggregate with respect to any one individual under subparagraph (ii)(A) and (B) of paragraph (1).

Section 6. The amendment of section 1703(c)(1)(ii)(A)(II) and (IV) shall apply to an insolvency occurring on or after the effective date of this section.

Section 7. The amendment of section 1103 of the act shall apply to all policies issued on or after the effective date of this act.

Section 8. This act shall take effect as follows:

(1) Sections 5 and 6 of this act and this section shall take effect immediately.

(2) The remainder of this act shall take effect in 60 days.

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

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

Mr. R. TAYLOR. Actually, I am sorry. This is the amendment we needed to keep, and the other one was supposed to be withdrawn.

The SPEAKER. The gentleman will file a reconsideration motion.

The Chair recognizes the gentleman from Montgomery County, Representative Taylor, on the amendment.

If the gentleman will offer the same explanation as he did on the previous amendment, that would suffice.

Mr. R. TAYLOR. Yes.

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

The following roll call was recorded:

YEAS—197

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Grucela	Manderino	Wagner	Wojnaroski
King	Santoni		

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 is informed that Representative George withdraws his amendment. The Chair thanks the gentleman.

BILL PASSED OVER TEMPORARILY

The SPEAKER. This bill will go over temporarily.

RESOLUTION

Mr. WHEATLEY called up **HR 99, PN 577**, entitled:

A Resolution applauding the contributions of Pennsylvania's Taiwanese-American community and joining in support of the participation of the Republic of China in the role of World Health Organization observer.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—197

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

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Grucela	Manderino	Wagner	Wojnaroski
King	Santoni		

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

CONSIDERATION OF SB 548 CONTINUED

AMENDMENT A02355 RECONSIDERED

The SPEAKER. The Chair is in receipt of a motion to reconsider the vote by which amendment A02355 was passed to SB 548, PN 0292, on the 12th day of July, that it be reconsidered.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—194

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

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

NAYS—3

Gergely Metcalfe Perry

NOT VOTING—0

EXCUSED—6

Gruccela Manderino Wagner Wojnaroski
King Santoni

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

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

The clerk read the following amendment No. **A02355**:

Amend Title, page 1, lines 1 through 3, by striking out all of said lines and inserting

Amending the act of May 17, 1921 (P.L.682, No.284), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," providing for scope of article, for the definition of "long-term care insurance," for the Long-Term Care Partnership Program, for authority to promulgate regulations, for marketing and advertising prohibited and for penalties; and further providing for coverage and limitations.

Amend Bill, page 1, lines 6 through 18; page 2, lines 1 through 12, by striking out all of said lines on said pages and inserting

Section 1. Section 1102 of the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, added December 15, 1992 (P.L.1129, No.148), is amended to read:

Section 1102. Scope of Article.—This article is not intended to supersede the obligations of entities subject to this article to comply with the substance of other applicable insurance laws insofar as they do not conflict with this article, except that laws and regulations designed and intended to apply to Medicare supplement insurance policies shall not be applied to long-term care insurance. A policy which is not advertised, marketed or offered as long-term care insurance [or nursing home insurance] need not meet the requirements of this article.

Section 2. The definition of "long-term care insurance" in section 1103 of the act, amended November 30, 2004 (P.L.1690, No.216), is amended to read:

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

* * *

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

* * *

Section 3. The act is amended by adding a section to read:

Section 1110.1. Long-Term Care Partnership Program.—(a) There is hereby established the Long-Term Care Partnership Program, to be administered by the Department of Public Welfare in accordance with the requirements for qualified State long-term care insurance partnerships. The purpose of this program is to reduce future Medicaid costs for long-term care by delaying or eliminating dependence on Medicaid by providing incentives for individuals to ensure against the potentially substantial costs that arise upon the need for long-term care.

(b) In order to implement the program, the Department of Public Welfare shall file a State plan amendment with Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services pursuant to Title XIX of the Social Security Act (49 Stat. 620, 42 U.S.C. § 1396 et seq.) within 30 days of the effective date of this section. The program, including the treatment of assets for Medicaid eligibility and estate recovery, shall be structured and administered by the Department of Public Welfare in accordance with Federal law and applicable Federal guidelines for qualified State long-term care partnerships.

(c) The department shall require all insurers offering a qualified Long-Term Care Partnership Program policy to exchange any policy or certificate issued between February 8, 2006, and the date the State plan amendment takes effect, with a qualified Long-Term Care Partnership Program policy. The following shall apply:

(1) All offers of exchange shall be subject to the outline of coverage provisions set forth under section 1111 and all applicable regulations.

(2) Policies exchanged under this provision, if there is no change in coverage material to the risk, shall not be subject to any medical underwriting or approval process.

(3) Any portion of the policy that was issued prior to the exchange date shall be priced based on the policyholder's age when the policy was originally issued.

(4) Any portion of the policy that is added as a result of the exchange may be priced based on the policyholder's age at the time of the exchange.

(5) Any addition to a policy as a result of any exchange shall be subject to the right to return set forth under section 1110 and all applicable regulations.

Section 4. Sections 1112, 1113 and 1114 of the act, added December 15, 1992 (P.L.1129, No.148), are amended to read:

Section 1112. Authority to Promulgate Regulations.—The department shall promulgate reasonable regulations to establish minimum standards for marketing practices, [agent] producer compensation arrangements, [agent] producer testing, penalties and reporting practices for long-term care insurance.

Section 1113. Marketing and Advertising Prohibited.—No policy may be advertised, marketed or offered as long-term care [or nursing home] insurance unless it complies with the provisions of this article.

Section 1114. Penalties.—In addition to any other penalties provided by the laws of this Commonwealth, an insurer or [agent] producer found to have violated requirements relating to the regulations of long-term care insurance or the marketing of such insurance shall be subject to a civil penalty of up to three times the amount of any commissions paid for each policy involved in the violation or ten thousand dollars (\$10,000), whichever is greater.

Section 5. Section 1703 of the act, added December 18, 1992 (P.L.1519, No.178), is amended to read:

Section 1703. Coverage and Limitations.—(a) This article shall provide coverage to the following persons for the policies and contracts specified in subsection (b):

(1) To persons who, regardless of where they reside, except for nonresident certificate holders under group policies or contracts, are the beneficiaries, assignees or payees of the persons covered under paragraph (2).

(2) To persons who are owners of or certificate holders under these policies or contracts or, in the case of unallocated annuity contracts, to the persons who are the contract holders and who:

(i) are residents; or

(ii) are not residents, but only under all of the following conditions:

(A) the insurers which issued such policies or contracts are domiciled in this Commonwealth;

(B) such insurers never held a license or certificate of authority in the states in which such persons reside;

(C) these states have associations similar to the association created by this article; and

(D) these persons are not eligible for coverage by those associations.

(b) (1) This article shall provide coverage to the persons specified in subsection (a) for direct, nongroup life, health, annuity and supplemental policies or contracts, for certificates under direct group policies and contracts and for unallocated annuity contracts issued by member insurers, except as limited by this article. Annuity contracts and certificates under group annuity contracts include, but are not limited to, guaranteed investment contracts, deposit administration contracts, unallocated funding agreements, allocated funding agreements, structured settlement agreements, lottery contracts and any immediate or deferred annuity contracts.

(2) This article shall not provide coverage for any of the following:

(i) Any portion of a policy or contract not guaranteed by the insurer or under which the risk is borne by the policy or contract holder.

(ii) Any policy or contract of reinsurance, unless assumption certificates have been issued.

(iii) Any portion of a policy or contract to the extent that the rate of interest on which it is based:

(A) averaged over the period of four (4) years prior to the date on which the association becomes obligated with respect to such policy or contract, exceeds a rate of interest determined by subtracting two (2) percentage points from Moody's Corporate Bond Yield Average averaged for the same four-year period or for such lesser period if the policy or contract was issued less than four (4) years before the association became obligated; and

(B) on and after the date on which the association becomes obligated with respect to such policy or contract, exceeds the rate of interest determined by subtracting three (3) percentage points from Moody's Corporate Bond Yield Average as most recently available.

(iv) Any plan or program of an employer, association or similar entity to provide life, health or annuity benefits to its employees or members to the extent that such plan or program is self-funded or uninsured, including, but not limited to, benefits payable by an employer, association or similar entity under:

(A) a Multiple Employer Welfare Arrangement as defined in section 514 of the Employee Retirement Income Security Act of 1974;

(B) a minimum premium group insurance plan;

(C) a stop-loss group insurance plan; or

(D) an administrative services only contract.

(v) Any portion of a policy or contract to the extent that it provides dividends or experience rating credits or provides that any fees or allowances to be paid to any person, including the policyholder or contract holder, in connection with the service to or administration of such policy or contract.

(vi) Any policy or contract issued in this Commonwealth by a member insurer at a time when it was not licensed or did not have a certificate of authority to issue such policy or contract in this Commonwealth.

(vii) Any unallocated annuity contract issued to an employee benefit plan protected under the Federal Pension Benefit Guaranty Corporation.

(viii) Any portion of any unallocated annuity contract which is not issued to or in connection with a specific employee, union or association of natural persons benefit plan or a government lottery.

(c) (1) The benefits for which the association may become liable shall in no event exceed the lesser of:

(i) the contractual obligations for which the insurer is liable or would have been liable if it were not an impaired or insolvent insurer; or

(ii) (A) With respect to any one life, regardless of the number of policies or contracts, the following shall apply:

(I) Three hundred thousand (\$300,000) dollars in life insurance death benefits, but not more than one hundred thousand (\$100,000) dollars in net cash surrender and net cash withdrawal values for life insurance.

(II) [One hundred thousand (\$100,000) dollars] Three hundred thousand (\$300,000) dollars in health insurance benefits, including any net cash surrender and net cash withdrawal values.

(III) Three hundred thousand (\$300,000) dollars in annuity benefits, including one hundred thousand (\$100,000) dollars in net cash surrender and net cash withdrawal values.

(IV) Three hundred thousand (\$300,000) dollars in long-term care insurance benefits, as defined under section 1103, including any cash surrender and net cash withdrawal values.

(B) With respect to each individual participating in a governmental retirement plan established under section 401, 403(b) or 457 of the Internal Revenue Code of 1986 covered by an unallocated annuity contract or the beneficiaries of each such individual if deceased, in the aggregate, three hundred thousand (\$300,000) dollars in annuity benefits, including one hundred thousand (\$100,000) dollars in net cash surrender and net cash withdrawal values.

(C) With respect to any one contract holder covered by any unallocated annuity contract not included in clause (B), five million (\$5,000,000) dollars in benefits, irrespective of the number of such contracts held by that contract holder.

(2) The association shall not, however, be liable to expend more than three hundred thousand (\$300,000) dollars in the aggregate with respect to any one individual under subparagraph (ii)(A) and (B) of paragraph (1).

Section 6. The amendment of section 1703(c)(1)(ii)(A)(II) and (IV) shall apply to an insolvency occurring on or after the effective date of this section.

Section 7. The amendment of section 1103 of the act shall apply to all policies issued on or after the effective date of this act.

Section 8. This act shall take effect as follows:

(1) Sections 5 and 6 of this act and this section shall take effect immediately.

(2) The remainder of this act shall take effect in 60 days.

On the question recurring,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

The SPEAKER. The Chair indicates that this amendment is withdrawn. The Chair thanks the gentleman.

Does the gentleman wish to speak on the amendment?

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.)

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1422, PN 1885**, entitled:

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.

On the question,

Will the House agree to the bill on second consideration?

Mr. **CARROLL** offered the following amendment No. **A02381**:

Amend Sec. 1 (Subchapter analysis), page 2, line 15, by inserting after "cafeterias"

and organized camps

Amend Sec. 1 (Sec. 5702), page 4, by inserting between lines 1 and 2

"Organized camp." A combination of programs and facilities established for the primary purpose of providing an outdoor group living experience for children, youth and adults, with social, recreational and educational objectives, and operated and used for five or more consecutive days during one or more seasons of the year.

Amend Sec. 1 (Sec. 5702), page 4, by inserting between lines 9 and 10

"Raw agricultural commodity." As defined under section 5722 (relating to definitions).

Amend Sec. 1 (Sec. 5702), page 4, line 11, by inserting a comma after "prepares"

Amend Sec. 1 (Sec. 5703), page 5, by inserting between lines 24 and 25

(8) A retail food facility that sells only raw agricultural commodities.

Amend Sec. 1 (Sec. 5703), page 6, line 13, by striking out "premises, facilities and equipment" and inserting

retail food facility

Amend Sec. 1 (Sec. 5703), page 6, lines 14 and 15, by striking out "they are found adequate to the protection of the public health." and inserting

the retail food facility meets the requirements of this subchapter and the rules and regulations of the department.

Amend Sec. 1 (Sec. 5704), page 8, line 30; page 9, lines 1 through 4, by striking out "restaurant" in line 30, page 8, all of lines 1 through 4, page 9, by striking out all of said lines on said pages and inserting

retail food facility and may refuse to issue a license if the retail food facility does

Amend Sec. 1 (Sec. 5704), page 9, line 7, by striking out "applicant" and inserting

proprietor

Amend Sec. 1 (Sec. 5705), page 9, line 17, by inserting after "of"

an

Amend Sec. 1 (Sec. 5705), page 9, line 22, by striking out "premises and equipment" and inserting

retail food facility

Amend Sec. 1 (Sec. 5708), page 11, lines 17 and 18, by striking out "family member or other person, including the proprietor."

Amend Sec. 1 (Sec. 5708), page 11, line 22, by inserting after "regulations"

related to restrictions on food handlers

Amend Sec. 1 (Sec. 5713), page 12, line 27, by inserting after "cafeterias"

and organized camps

Amend Sec. 1 (Sec. 5713), page 12, line 28, by inserting after "schools"

and organized camps

Amend Sec. 1 (Sec. 5713), page 12, line 29, by striking out "school"

Amend Sec. 1 (Sec. 5734), page 35, lines 27 through 30; page 36, lines 1 through 4, by striking out all of said lines on said pages and inserting

(d) Exception.—Vehicles used primarily for the transportation of any consumer commodity in bulk or quantity to manufacturers, packers, processors or wholesale or retail distributors are exempt from the provisions of this section.

Amend Sec. 2 (Sec. 6504), page 43, line 21, by inserting brackets before and after "personnel" and inserting immediately thereafter

employees

Amend Sec. 2 (Sec. 6504), page 43, line 22, by inserting brackets before and after "personnel" and inserting immediately thereafter

employees

Amend Sec. 2 (Sec. 6504), page 43, line 24, by inserting brackets before and after "personnel" and inserting immediately thereafter

employees

Amend Sec. 2 (Sec. 6504), page 45, line 4, by striking out the bracket before "(h)"

Amend Sec. 2 (Sec. 6504), page 45, line 4, by inserting a bracket before "Mitigating"

Amend Sec. 2 (Sec. 6504), page 45, line 12, by inserting after "July 1, 2000.]"

(Reserved)

Amend Sec. 2 (Sec. 6510), page 48, line 5, by inserting brackets before and after "organizations" and inserting immediately thereafter

retail food facilities

Amend Sec. 2 (Sec. 6510), page 48, line 7, by inserting brackets before and after "organizations" and inserting immediately thereafter retail food facilities

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

The SPEAKER. The Chair recognizes Representative Carroll on the amendment.

Mr. CARROLL. Thank you, Mr. Speaker.

Mr. Speaker, amendment A2381 is a technical amendment. I believe it is an agreed-to amendment, and I would ask for the members' support.

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

The following roll call was recorded:

YEAS—197

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Grucela	Manderino	Wagner	Wojnarowski
King	Santoni		

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?

Mr. COHEN offered the following amendment No. **A02394**:

Amend Sec. 1 (Sec. 5732), page 32, by inserting between lines 19 and 20

(4) To obtain a sample of any food at a retail food facility for such analysis as may be necessary to determine compliance with this subchapter.

(i) If a sample is collected under authority of this paragraph, the secretary shall, upon completion of the inspection and prior to leaving the facility, provide the owner, operator or agent in charge a receipt describing the sample obtained.

(ii) If a food sample is collected under authority of this paragraph, the retail food facility from which the sample was collected may bill the secretary for the fair market value of the sample.

Amend Sec. 1 (Sec. 5732), page 32, by inserting between lines 24 and 25

(b.1) Interagency coordination.—The department shall share inspection reports or tests results that indicate human illness related to food consumption or food handling practices, or to other threats to the safety of the food supply, with the Department of Health, the Department of Environmental Protection or any other Commonwealth agency as necessary to develop a comprehensive, coordinated interagency approach to protecting public health and safeguarding the food supply.

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

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, this is an amendment to maximize cooperation in the area of food safety. It requires the Department of Agriculture shall share food inspection reports or tests that indicate human illnesses or other threats to safety with the Department of Health and the Department of Environmental Protection and any other Commonwealth department as is necessary. It also provides that whenever the Department of Agriculture takes food to be inspected, it shall pay the owners of that food for that food in order to maximize cooperation with the owners of individual businesses or with manufacturers.

This amendment is agreed to by the prime sponsor, the chairman of the Agriculture Committee, and the Department of Agriculture. I urge your support for it.

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

The following roll call was recorded:

YEAS—197

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Grucela	Manderino	Wagner	Wojnaroski
King	Santoni		

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?

Mr. NICKOL offered the following amendment No. A02973:

Amend Sec. 1 (Sec. 5703), page 7, line 2, by inserting after "follows"

for the department

Amend Sec. 1 (Sec. 5703), page 7, line 3, by striking out "or by State law"

Amend Sec. 1, (Sec. 5703), page 7, lines 5 and 6, by striking out "Department of Revenue" and inserting department

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

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

Mr. NICKOL. Thank you, Mr. Speaker.

My amendment covers two issues. Number one is a technical correction. Right now the way the language reads, the fees collected from the licensing of food establishments and their inspection would go to the Department of Revenue and then from there to the State Treasurer. It makes a correction so that the fees would actually be collected by the Department of Agriculture and go to the State Treasurer.

The second part clarifies that the fees established in this bill are for the Pennsylvania Department of Agriculture. We have 193 local health departments, each of them with different levels of fees for the licensing of food establishments; some higher, some lower. Some have reinspection fees; some do not have reinspection fees. It would allow those fees to continue to be established locally while the fees in this act would apply to the Pennsylvania Department of Agriculture.

I would appreciate consideration of this amendment. Thank you, Mr. Speaker.

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

Mr. CARROLL. Thank you, Mr. Speaker.

I would like to thank the gentleman from York for the amendment and ask for the members' support.

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

The following roll call was recorded:

YEAS—197

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

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

NAYS-0

NOT VOTING-0

EXCUSED-6

Grucela	Manderino	Wagner	Wojnaroski
King	Santoni		

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?

Mr. CARROLL offered the following amendment No. A02939:

Amend Sec. 1 (Sec. 5703), page 7, lines 25 and 26, by striking out all of said lines and inserting

review whether changes have been made to correct violations which resulted in noncompliant status determined by a prior inspection:

Amend Sec. 1 (Sec. 5703), page 8, line 3, by striking out "a licensee" and inserting

the proprietor of the retail food facility

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

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

Mr. CARROLL. Mr. Speaker, because you can never get enough technical amendments, this is the second technical amendment, and I would ask for the members' support.

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

The following roll call was recorded:

YEAS-197

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

NAYS-0

NOT VOTING-0

EXCUSED-6

Grucela	Manderino	Wagner	Wojnaroski
King	Santoni		

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?

Mr. M. KELLER offered the following amendment No. A02386:

Amend Sec. 2, page 38, lines 3 and 4, by striking out ", 6504, 6506, 6507, 6508, 6509, 6510 and 8101" and inserting and 6504

Amend Sec. 2, page 38, by inserting between lines 10 and 11 "Certificate." A certificate of completion issued by a certification program that has been evaluated and listed by an accrediting agency that has been recognized by the Conference for Food Protection Standards for Accreditation of Food Protection Manager Certification Program.

Amend Sec. 2 (Sec. 6503), page 41, line 24, by inserting a bracket before "by"

Amend Sec. 2 (Sec. 6503), page 41, line 25, by inserting a bracket after "department"

Amend Sec. 2 (Sec. 6504), page 43, lines 1 and 2, by inserting brackets before and after "department food employee"

Amend Bill, page 45, by inserting between lines 12 and 13

Section 2.1. Section 6506 of Title 3 is repealed:

Amend Sec. 2 (Sec. 6506), page 45, line 13, by inserting a bracket before "§ 6506."

Amend Sec. 2 (Sec. 6506), page 45, line 14, by striking out "(a) States—"

Amend Sec. 2 (Sec. 6506), page 45, line 16, by striking out the bracket before "provided"

Amend Sec. 2 (Sec. 6506), page 45, line 16, by striking out "] and"

Amend Sec. 2 (Sec. 6506), page 45, line 19, by inserting a bracket after "chapter."

Amend Bill, page 45, lines 20 through 28, by striking out all of said lines and inserting

Section 2.2. Sections 6507 and 6508 of Title 3 are amended to read:

Amend Bill, page 46, by inserting between lines 20 and 21

Section 2.3. Section 6509 of Title 3 is repealed:

Amend Sec. 2 (Sec. 6509), page 46, line 21, by inserting a bracket before "§ 6509"

Amend Sec. 2 (Sec. 6509), page 46, line 26, by striking out the bracket before "following"

Amend Sec. 2 (Sec. 6509), page 46, line 27, by striking out the bracket after "board"

Amend Sec. 2 (Sec. 6509), page 46, line 30, by striking out the brackets before and after "approved training"

Amend Sec. 2 (Sec. 6509), page 47, line 1, by striking out "accredited certification"

Amend Sec. 2 (Sec. 6509), page 47, line 3, by striking out the bracket before "Payments"

Amend Sec. 2 (Sec. 6509), page 47, line 10, by striking out "(Reserved)."

Amend Bill, page 47, by inserting between lines 10 and 11

Section 2.4. Sections 6510 and 8101 of Title 3 are amended to read:

On the question,

Will the House agree to the amendment?

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

Mr. M. KELLER. Thank you, Mr. Speaker.

What this amendment does is, current law requires a certified food handler from each food establishment to become certified, to complete an examination so that they are certified, a food employees certification, and approved by the food certification board, advisory board. What this bill or what this amendment really does is takes out a duplication that is taking place now where a person who obtains a food safety license, actually what they have to do is, they may acquire that somewhere else but it is approved by the certification board, but then they have to go to the department and get a certification also. So what this amendment really does, Mr. Speaker, is takes the duplication out of that.

The SPEAKER. On the amendment, Representative Carroll.

Mr. CARROLL. Thank you, Mr. Speaker.

I would ask for the support of this amendment as well. This is an agreed-to amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—197

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

Everett	Mahoney	Reed	
Fabrizio	Major	Reichley	O'Brien, D.,
Fairchild	Mann	Roae	Speaker
Fleck	Mantz	Rock	

NAYS-0

NOT VOTING-0

EXCUSED-6

Grucela	Manderino	Wagner	Wojnaroski
King	Santoni		

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?

Mrs. **BROOKS** offered the following amendment No. **A02388**:

Amend Sec. 2 (Sec. 6502), page 38, by inserting between lines 19 and 20

"Employee." As defined under section 5702 (relating to definitions).

Amend Sec. 2 (Sec. 6502), page 39, line 26, by inserting a bracket before "'Supervisory"

Amend Sec. 2 (Sec. 6502), page 39, line 26, by striking out the bracket before "An"

Amend Sec. 2 (Sec. 6502), page 39, lines 28 through 30, page 40, line 1, by striking out "The person in charge of a retail food facility. A" in line 28 and all of lines 29 and 30, page 39, and all of line 1, page 40

Amend Sec. 2 (Sec. 6503), page 41, line 23, by inserting brackets before and after "supervisory"

Amend Sec. 2 (Sec. 6503), page 41, line 24, by striking out "] Supervisory."

Amend Sec. 2 (Sec. 6503), page 41, line 24, by inserting a bracket after "employees" and inserting immediately thereafter

An employee

Amend Sec. 2 (Sec. 6504), page 42, lines 28 and 29, by inserting brackets before and after "respective supervisory employees" and inserting immediately thereafter

persons in charge

Amend Sec. 2 (Sec. 6504), page 43, line 1, by striking out "supervisory employee" and inserting immediately thereafter

person in charge

On the question,

Will the House agree to the amendment?

The **SPEAKER**. The Chair recognizes Representative Brooks on the amendment.

Mrs. **BROOKS**. Thank you, Mr. Speaker.

What my amendment does is removes the definition and references to supervisory employee must be present at all time and inserts the words "person in charge." Oftentimes in businesses the overall supervisor is not the same person as the person in charge in the kitchen that is the certified food handler.

This is an agreed-upon amendment. It also is agreed upon by the Department of Ag, Pennsylvania Food Merchants, and the Pennsylvania Restaurant Association.

I ask my colleagues for an affirmative vote. Thank you, Mr. Speaker.

The **SPEAKER**. Representative Carroll, on the amendment.

Mr. **CARROLL**. Thank you, Mr. Speaker.

I would like to commend Representative Brooks for her work on this amendment and ask for the members' support.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-197

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

NAYS-0

NOT VOTING-0

EXCUSED-6

Grucela	Manderino	Wagner	Wojnaroski
King	Santoni		

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?

Mr. HANNA offered the following amendment No. **A02340**:

Amend Sec. 1 (Sec. 5703), page 5, lines 18 through 20, by striking out all of said lines and inserting

(5) A retail food facility that is owned by a charitable nonprofit entity and that is one or more of the following:

(i) Managed by an organization which is established to promote and encourage participation or support for extracurricular recreational activities for youth of primary and secondary public, private and parochial school systems on a not-for-profit basis.

(ii) Offers only foods that are nonpotentially hazardous foods or beverages.

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes Representative Hanna on the amendment.

Mr. HANNA. Thank you, Mr. Speaker.

Mr. Speaker, this amendment is designed to address the issue of charitable organization exemptions under the food safety bill. Unfortunately, when the language was brought to us in the committee from the administration, they went beyond what the current law is and they exempted all nonprofit organizations. What my language attempts to do is return to what the current law and regulations provide, which essentially comes down to the fact that those nonprofit charitable organizations that are in the business of catering or are in the business of providing food services that currently have to have a license would continue to have to have a license under my amendment.

Thank you, Mr. Speaker.

The SPEAKER. Representative Carroll, on the amendment.

Mr. CARROLL. Thank you, Mr. Speaker.

Mr. Speaker, admittedly, this is a difficult amendment, but I would remind the members that it is important to ensure that our constituents who were also patrons at these nonprofits are protected as well, and for that reason I ask for your support of the Hanna amendment.

Representative Haluska.

Mr. HALUSKA. Thank you, Mr. Speaker.

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

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

Mr. HALUSKA. Mr. Speaker, just for clarification, the nonprofits under HB 1422 would no longer be regulated. Under your amendment, basically, they would have to be licensed, I understand, and inspected – fire halls, churches, whatever. Is that correct?

Mr. HANNA. That is correct, Mr. Speaker. Depending on the number of days that they are in operation, whether it is a temporary license or a full license.

Mr. HALUSKA. Okay. If it is more than 14 days, then it is a full license; if it is less than 14, it is a temporary license?

Mr. HANNA. That is correct, Mr. Speaker.

Mr. HALUSKA. And the cost of the two different licenses, please.

Mr. HANNA. The temporary license is \$14, and I believe the full license is \$240. It depends on the number of seats in the establishment.

Mr. HALUSKA. Okay. Then as far as the food preparation training—

The SPEAKER. The gentleman will suspend for a moment.

Mr. HALUSKA. Sure.

The SPEAKER. The Chair once again will ask the members to hold their conversations to a minimum. There are several members who are indicating to the Chair they cannot hear this debate. Conferences in the center aisles, the side aisles, and the rear of the House will break up. Members will take their seats.

The gentleman may proceed.

Mr. HALUSKA. Thank you, Mr. Speaker.

There was a little confusion in our caucus when we talked about this bill, and that is why I am asking the chairman these questions. Basically, we were under the understanding that somebody in the organization, whether it be a church or a fire company or an Eagles, would basically have to have the food certification training, and that is not correct?

Mr. HANNA. The information in caucus was erroneous. In fact, under section 6510, "Exemptions," letter (d) describes exempt organizations. Number (2) specifically says, "A...retail food facility managed on a not-for-profit basis by an organization which is a volunteer fire company or an ambulance, religious, charitable, fraternal, veterans, civic, agricultural fair or agricultural association or any separately chartered auxiliary of any of the above associations." So there would not be a requirement for certified food handlers.

Mr. HALUSKA. Okay. Thank you, Mr. Speaker.

Mr. Speaker, may I comment on the amendment?

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

Mr. HALUSKA. As we had some questions about this amendment, and obviously, it is not as bad as what it was perceived to be, your volunteer fire companies, your church groups will have to be licensed now, which under the current law they are supposed to, but they will have to be licensed and they will be inspected. So that is a lot better than having them to go through the food service training. So I can now support this amendment.

Thank you.

The SPEAKER. Representative Kortz.

Mr. KORTZ. Thank you, Mr. Speaker.

If I could interrogate the maker of the amendment, please.

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

Mr. KORTZ. Thank you, Mr. Speaker.

The point of clarification I have, sir, is that churches, for example, the church that I belong to, Holy Angels, we have a fish fry there on Ash Wednesdays and then every Friday following leading up to the Easter holiday. Would this, since there are about six or seven fish dates in there, would they fall under this category or are they exempt?

Mr. HANNA. They would be required to have a temporary license because they have more than 4 occasions when they are serving food but less than 14.

Mr. KORTZ. Okay. Mr. Speaker, the follow-up to that is this: Would they have to have somebody on-site that is certified?

Mr. HANNA. No. Under the section that we just described on page 47 of the bill, section 6510, subsection (d)(2), specifically would exempt them from the requirement of having a certified food handler.

Mr. KORTZ. Thank you, Mr. Speaker.

On the amendment, if I may.

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

Mr. KORTZ. With that clarification on the churches and all the nonprofits, I can support the amendment.

Thank you, Mr. Speaker.

The SPEAKER. Representative Beyer, on the amendment.

Mrs. BEYER. Thank you, Mr. Speaker.

Would the maker stand for brief interrogation?

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

Mrs. BEYER. Thank you.

Can you tell me if your amendment applies to youth sports organizations, Little League teams, who operate concession stands for a certain number of months through the summer or even the winter months if it is ice hockey or another winter sport?

Mr. HANNA. Under my amendment, they would not be required. There is a specific provision that says, "Managed by an organization which is established to promote and encourage participation or support for extracurricular recreational activities for youth of primary and secondary public, private and parochial school systems on a not-for-profit basis."

Mrs. BEYER. Okay. Thank you.

Can you tell me, is there any fiscal impact associated with this particular amendment in that you are adding now a series of groups that were not subject to inspection before but are now subject to inspection?

Mr. HANNA. I have a fiscal note that indicates that it is a technical change and that it has no fiscal impact on the department.

Mrs. BEYER. Thank you, Mr. Speaker.

The SPEAKER. Representative Hershey.

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

I would like to make a comment. I want to thank Chairman Hanna for sponsoring this amendment and clearing up a very confusing part of this food safety bill and want to let the members know that I support the amendment. Thank you.

The SPEAKER. Does Representative Mark Keller seek recognition? The gentleman waives off.

Representative Siptroth.

Mr. SIPTROTH. Thank you, Mr. Speaker.

Will the maker of the amendment stand for a brief moment of interrogation?

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

Mr. SIPTROTH. Thank you, Mr. Speaker.

Mr. Speaker, regarding the licensing, if an organization has more than 14 events per year, they would be subject to the license.

Back to the cost of the license, you had indicated, Mr. Speaker, that it would depend on the number of seats. Now, take a volunteer fire organization that may have 300 or 400 seats in their hall and yet they exceed that 1400 – I am sorry – that 14 period, that 14-event period. Could you just give me a rough idea of what that might cost them based on the number of seats at 400?

Mr. HANNA. \$241.

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

The SPEAKER. Representative Reichley.

Mr. REICHLEY. Thank you, Mr. Speaker.

Would the maker of the amendment stand for brief interrogation?

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

Mr. REICHLEY. Thank you, Mr. Speaker.

I appreciate the graciousness of the gentleman for answering a variety of scenarios that are being offered to you, and actually, the gentleman's response to the lady from Northampton provoked another couple of questions in my mind.

The language of your amendment, am I correct that by striking out the previous language and inserting your language, you are seeking to provide an exemption from the inspection requirement for the facility maintained as a retail food facility by a charitable nonprofit which is managed by an organization in the business of promoting or encouraging extracurricular athletic activities in schools. Is that correct?

Mr. HANNA. That is correct.

The SPEAKER. Before the gentleman suspends, the Chair will once again ask members to hold the level of their conversations to a minimum.

Mr. REICHLEY. Mr. Speaker, some of the curiosity among some of the members over here on this side of the aisle is that after subparagraph (i), you have subparagraph (ii) that refers to "Offers only foods that are nonpotentially hazardous foods or beverages." And the question, Mr. Speaker, is, is that defined anywhere, the "nonpotentially hazardous foods or beverages"?

Mr. HANNA. Yes, it is, Mr. Speaker. In fact, it is described in the Food Code and defined in the Food Code. I have here chapter 1 of the Federal Food Code, "Purpose and Definitions." It is a 22-page section, and on page 14 potentially hazardous foods are defined. I would be happy to share it with you, if you would like, but there is a series of definitions here.

Mr. REICHLEY. Okay. So that, Mr. Speaker, the definition that is found in a Federal statute is not part of this bill in and of itself?

Mr. HANNA. It is part of this bill. It is incorporated elsewhere by the bill.

Mr. REICHLEY. By reference, but it is not in the explicit language of the bill. Is that correct?

Mr. HANNA. That is correct.

Mr. REICHLEY. In following up to that same issue, does the inclusion of subparagraph (ii), is that an and/or situation? Must the organization be run by a charitable nonprofit promoting extracurricular athletic activities and offering nonpotentially hazardous foods or is it an either-or situation?

Mr. HANNA. Mr. Speaker, it specifically says that it is "...one or more of the following...." So it is an "or" provision, "...one or more of the following...."

Mr. REICHLEY. Okay. And I think this will be my last question, Mr. Speaker. I am familiar, say, with the youth wrestling program in the East Penn School District where I live. They do not have a separate facility, but at all the meets, there are generally tables set up where food is sold, and sometimes it involves food from broilers or hot plates or something like that, and there are more than 4 dates, probably less than 14 though. Would they fall under the requirement of inspection?

Mr. HANNA. No. They would be exempt. They are specifically one of the organizations that we are trying to reach with this exemption.

Mr. REICHLEY. Okay. Thank you, Mr. Speaker.

The SPEAKER. Representative Brooks.

Mrs. BROOKS. Thank you, Mr. Speaker.

May I interrogate the maker of the amendment?

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

Mrs. BROOKS. Thank you, Mr. Speaker.

Is it an accurate statement to say that really what this does is inserts a piece that was in the law before we are relooking or readdressing this piece of legislation? So we are not really changing the law. We are just putting in a piece of the law that has always been in place that was left out when this bill was formed. Is that an accurate statement?

Mr. HANNA. That is essentially correct. The amendment is not word for word with what the prior law was, but in fact, as I said when I described the amendment, it codifies existing practice, is the best way to explain it.

Mrs. BROOKS. For the members then, could you identify the differences in your amendment that would be different from how the law existed prior to this?

Mr. HANNA. I do not believe that it would be different. Our attempt is to reach the very same organizations that were reached under prior law and not to reach any new additional organizations.

Mrs. BROOKS. Okay. So in essence, we are not really changing what had existed prior to us readdressing this piece of legislation. Is that correct?

Mr. HANNA. That is correct, but it has been pointed out to me that in fact there are a couple places where we are now exempting in law what was previously exempted only by policy.

Mrs. BROOKS. Could you repeat that. We could not hear that up here.

Mr. HANNA. We are now exempting by law some types of licenses that were previously only exempt by department policy. So we are putting into law what was department policy.

Mrs. BROOKS. Okay.

Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—167

Adolph	Everett	Major	Reed
Argall	Fabrizio	Mann	Reichley
Baker	Fairchild	Markosek	Roae
Barrar	Fleck	Marshall	Rock
Bastian	Frankel	Marsico	Roebuck
Bear	Freeman	McCall	Rohrer
Belfanti	Gabig	McGeehan	Ross
Benninghoff	Galloway	McI. Smith	Rubley
Bennington	Geist	McIlhattan	Sabatina
Beyer	George	Melio	Samuelson
Biancucci	Gerber	Micozzie	Saylor
Bishop	Gillespie	Millard	Scavello
Blackwell	Gingrich	Miller	Shapiro
Boyd	Grell	Milne	Siptroth
Brennan	Haluska	Moul	Smith, K.
Brooks	Hanna	Moyer	Smith, M.
Buxton	Harhart	Mundy	Smith, S.

Caltagirone	Harkins	Mustio	Sonney
Cappelli	Harris	Myers	Staback
Carroll	Helm	Nailor	Stairs
Causser	Hennessey	Nickol	Steil
Civera	Hershey	O'Brien, M.	Stern
Clymer	Hess	O'Neill	Stevenson
Cohen	Hickernell	Oliver	Sturla
Conklin	Hornaman	Parker	Surra
Costa	Hutchinson	Pashinski	Swanger
Cox	James	Payne	Tangretti
Creighton	Josephs	Payton	Taylor, J.
Cruz	Kauffman	Peifer	Thomas
Curry	Keller, M.	Perry	True
Cutler	Keller, W.	Perzel	Turzai
Daley	Kenney	Petri	Vitali
Dally	Killion	Petrone	Waters
DeLuca	Kirkland	Phillips	Watson
Denlinger	Kortz	Pickett	Wheatley
DePasquale	Leach	Preston	Williams
DeWeese	Lentz	Pyle	Yewcic
DiGirolamo	Levdansky	Quigley	Youngblood
Donatucci	Longietti	Quinn	Yudichak
Eachus	Mackereth	Rapp	
Ellis	Maher	Raymond	O'Brien, D.,
Evans, D.	Mahoney	Readshaw	Speaker
Evans, J.			

NAYS—30

Boback	Harper	Pallone	Solobay
Casorio	Kessler	Petrarca	Taylor, R.
Dermody	Kotik	Ramaley	Vereb
Gergely	Kula	Sainato	Vulakovich
Gibbons	Mantz	Schroder	Walko
Godshall	Mensch	Seip	Wansacz
Goodman	Metcalfe	Shimkus	White
Harhai	Murt		

NOT VOTING—0

EXCUSED—6

Grucela	Manderino	Wagner	Wojnaroski
King	Santoni		

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?

Ms. PICKETT offered the following amendment No. **A02348:**

Amend Sec. 2 (Sec. 6504), page 43, by inserting between lines 3 and 4

(a.1) Exemption.—Notwithstanding the provisions of subsection (a), the department shall, by regulation, exempt categories of retail food facilities from the requirement that a certified supervisory employee be present at all hours of operation. The regulation shall consider risk-based factors identified in the current edition of the Model Retail Food Code, published by the Food and Drug Administration, to identify these categories of retail food facilities.

Amend Sec. 4, page 49, line 24, by striking out all of said line and inserting

Section 4. This act shall take effect as follows:

(1) The amendment of 3 Pa.C.S. § 6504(a) shall take effect on the effective date of the regulations promulgated under

3 Pa.C.S. § 6504(a.1), or two years from the effective date of this section, whichever occurs first.

(2) The remainder of this act shall take effect in 60 days.

On the question,

Will the House agree to the amendment?

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

Ms. PICKETT. Thank you, Mr. Speaker.

Representative Mark Keller will be offering this amendment, but I would like to speak on the amendment after.

The SPEAKER. The Chair recognizes Representative Keller.

Mr. M. KELLER. Thank you, Mr. Speaker.

Mr. Speaker, prior to July 1 of 2001, no certified food employees or FECs (food employee certifications) were required at all for retail food facilities. As of that date, we required one certified food handler per store location.

Mr. Speaker, this current bill in effect triples that requirement for food stores that are open 24 hours a day by requiring a certified food handler to be on-site at all hours of operation. Current law permits stores which do things like only selling hot dogs and coffee to apply for modified/limited food handling training, and this bill takes that opportunity away.

Mr. Speaker, in other new provisions in HB 1422, the Department of Agriculture will adopt the concept of conducting inspections based on the risk type of the facility, to deploy inspection resources where they are most needed to protect the public. These risk types are defined in the Federal Model Retail Food Code and will be used as the basis for developing our own standards.

Mr. Speaker, this amendment would simply require the Department of Agriculture to apply the same risk-based criteria to the on-site presence of a certified food handler. The details will be promulgated through the regulation review process.

This amendment is supported by the Pennsylvania Food Merchants, the Pennsylvania Petroleum Marketers & Convenience Store Association, the NFIB (National Federation of Independent Business), and the Pennsylvania Retailers' Association.

Also, I would like to state that the department itself, the Department of Agriculture itself, remains neutral but they will also support this amendment if it should happen to go in, and I encourage the members to vote in the positive on amendment A02348. Thank you.

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

Ms. PICKETT. Thank you, Mr. Speaker.

Mr. Speaker, make no mistake about it, public food safety is the number one priority of this legislative body and of the hospitality industry, but, Mr. Speaker, this bill takes a giant leap in regulatory requirement from one certified food handler on staff to one on duty 24 hours, 7 days of any operation.

Mr. Speaker, I have a concern, and my concern is the unavailability of training in an industry that works with high turnover rates. Many people use this industry to work through schooling, to augment household income seasonally, or as income until they find employment in another chosen field.

Mr. Speaker, in my rural counties there are four sources for the training, and one is in New York State and two are in other counties approximately 1 hour away. I believe that food service

facilities have by the vast majority made sure that they have a certified food handler on staff to direct the methods used and likely have also trained backup for that person. These trainings can cost up to \$250 plus payroll and expenses to that employer for each employee taking the training.

But I believe an important aspect of this amendment is needed for our small businesses and our convenience stores in Pennsylvania. This amendment would establish the number of certified food handlers on staff to be based on a Federal model, one that is already in place, of assessing the food handling risk factors in facilities.

We have assurance, if we pass this amendment, that high-risk types of facilities preparing and serving food to the public would be required to meet the highest standard of numbers of certified personnel on-site. The lower risk, such as the gas station with a slushy machine or a hot dog roller or selling cream donuts that they purchased from the bakery up the road, would be held to a reasonable standard of numbers of certified personnel on their site, a number based on the risk factors involved.

Therefore, Mr. Speaker, I urge a "yes" vote on this amendment from my colleagues. Thank you.

The SPEAKER. Representative Hanna.

Mr. HANNA. Thank you, Mr. Speaker.

Mr. Speaker, the prime sponsor of the amendment indicated that the department is neutral on the amendment and then I believe in error said that they support the amendment. I believe what he meant to say is that they will support the bill if the amendment is adopted, but they do not in fact support this amendment. They are neutral on this amendment.

I do not support the amendment. The primary reason I am opposed to the amendment is that I believe that food safety is about the consumer and that certified food handlers are the frontline in protecting our consumers. We need certified food handlers in every facility that is preparing and selling food, and we need them whenever they are open and serving hazardous food.

There are in fact two exemptions already that protect some of the very types of things that the previous speaker mentioned. In fact, there is an exemption in law that says that if you do experience turnover, you have 90 days to replace that certified food handler that has left your employment. In fact, the way that particular section is written, I believe it would even cover a situation where that particular food handler called in sick. So there is protection for turnover and for occasions when you may not have your certified food handler show up.

In addition, there are provisions in the bill that exempt a facility that may during two shifts have food that requires certified handlers and then during the final shift serve food that is essentially prepackaged and labeled and not serve food that is open, and in that situation, during that shift there is no requirement for a certified food handler.

It is my firm belief that there are adequate exemptions for our businessmen in the law. It is my belief that our primary obligation with this law is to address food safety, and I am happy to report to you that in fact the Pennsylvania Restaurant Association agrees with me, and all of you should have a letter from them indicating that they oppose this amendment, and I would ask you to oppose it as well.

Thank you, Mr. Speaker.

The SPEAKER. Representative Carroll.

Mr. CARROLL. Thank you, Mr. Speaker.

Two additional thoughts. First, with respect to the certification of the food handlers, I would point out to the members that the certification process now will be computer-based and will create a far easier mechanism to allow people to be certified.

And secondly, I would remind the members that the certification requirements now for one member of the staff to be certified do not mean that that person is even on the premises. In fact, the certification held by an individual, that person may not even be anywhere near the facility. So I think the certification requirement for one person on staff during the time that the facility is open is not an unreasonable standard, and I would ask for a "no" vote on the Keller amendment.

Thank you.

The SPEAKER. Representative Scavello.

Mr. SCAVELLO. Thank you, Mr. Speaker.

I rise in support of this amendment, and first, before I do that, I need to bring up my background. For the last 36 years I have been in the food industry as an employee first, as a store manager, a district supervisor, store owner.

In some cases I have to correct some numbers here, because a 24-hour operation, you know, we are all assuming here that this is an 8-hour shift that that employee is going to be behind that deli counter where it is not the case. In many cases it is part-time employees at 4-hour shifts. There are situations in some supermarkets that you could have up to 12 people trained with that certificate in order to do days off and everything else. We went from 1 to 12 in some cases. It is a huge, huge expense to the stores.

I just want to highlight the people that oppose this legislation without this amendment. The PA Food Merchants Association, PA Retailers, NFIB, PA Petroleum Marketers & Convenience Store Associations, they have serious concerns. There is a huge expense.

To give you a little bit of background, when you hire an employee in a supermarket or even in a small store, you take that employee, and before that employee is by himself in that deli, believe me, they get the training because it is not an easy place to work. You have got slicers, you have got knives there, the cleaning, all that preparation with that employee is done; that training is given to them. We are assuming here with this legislation that that is not happening, and it is happening. The problems that we have had in this State with E. coli bacteria on spinach, on scallions, guess what, Mr. Speaker? That would not have been caught if you took the exam or not, if you pass. That stuff happened because it came in from other countries.

So let us be careful what we are doing here. This is a huge expense that could cost up to \$150, \$200 per employee. It really would hurt the small stores and hurt the supermarkets as well.

I urge you, please, "yes" vote on this amendment. Without this amendment, this bill is not right.

The SPEAKER. Representative Carroll.

Mr. CARROLL. One more final thought. There are 25,000 current individuals who hold the certification. In the end this is a food safety bill, and there is no better way to get to food safety than to have somebody with a certification on the premises while food is being served.

I would ask for a "no" vote.

The SPEAKER. Representative Saylor.

Mr. SAYLOR. I ask my colleagues to concur on this amendment.

This amendment and this bill are seeking a problem where there is no problem. This amendment corrects that problem. This is a heavy burden on small businesses, mom-and-pop stores, throughout Pennsylvania, and that is the last thing we need to be doing in Pennsylvania. It is kind of like here we go again, Pennsylvania. Let us see what else we can do to small businesses in Pennsylvania.

So I ask that my colleagues— There has not been an incident in Pennsylvania that in any shape or form would require this to have happen. There have been no instances in Pennsylvania; not at all. So this is a bill that is in search of a problem, not a solution to a problem that is there.

Again, this is a feel-good piece of legislation that, again, does not go to the heart of any food safety issues. It is simply a piece of legislation that creates another hardship on our small business people in this State, and how many times are we as politicians in this State going to continue to trample on the little guy of this Commonwealth? At some point it is time that we quit trying to fix a problem that is not there and cost small businesses more dollars and when they are just barely making it in this State as it is with our high taxes.

So again, if you want to vote for something that makes sense, you need to vote for this amendment. Thank you.

The SPEAKER. The Chair will once again ask the members to hold their conversations to a minimum.

The Chair recognizes Representative Civera on the amendment.

Mr. CIVERA. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support the Keller amendment.

I believe that some of the arguments that were pointed out on the floor today are direct arguments for the small business people, and I understand that we are all for food safety. If you are a certified person and you get your certification, I am sure as a manager, as an owner, as whatever that you are established to that store or that business, that you are going to make every serious attempt to do what you are supposed to do to protect the consumer of Pennsylvania.

It was brought out by one of the previous speakers that in the bill there is a 90-day provision if someone is sick. Well, if you are going to do that – and I am not speaking against that – for 90 days, you are going to have a person that is not certified by the time that merchant comes around to get another person that is certified.

Most of the people that own these establishments, if you take the McDonald's, if you take whatever statewide or nationwide businesses that they have, are employees that go to college, that work on a part-time basis. A lot of employees believe that, you know, this is not their permanent position, and if this amendment does not go through, this is what is going to happen. You are going to force people that are involved in the food service business to break the law, and that is not fair. That is not what we are supposed to be doing.

I think the intent of the legislation is good. It protects the consumer, and I really believe that the Keller amendment is an amendment that meets all needs to the consumer and at the same time protects the safety of the people of Pennsylvania.

Therefore, I urge you to support this amendment.

The SPEAKER. Representative Hanna.

Mr. HANNA. Thank you, Mr. Speaker.

Just a couple items that I would like to clarify in light of the comments of the last several speakers. I do not believe that this is an issue that is a solution searching for a problem. In fact,

the statistics show that the United States Centers for Disease Control and Prevention estimates that in the United States there are 76 million illnesses, 325,000 hospitalizations, and 5,000 deaths per year due to consumption of food contaminated with pathogenic microorganisms. So it is truly a problem not just here in Pennsylvania but all across the country. It is a problem that needs addressed, and I believe that the bill as written properly addresses it.

The amendment actually weakens the bill. You are weakening food safety if you vote for this bill.

I would also like to point out that one of the reasons that we are offering the bill is that the Department of Auditor General did a performance audit of the Department of Agriculture and found that there were a number of reasons why we needed this legislation, why we needed to step up enforcement with respect to food safety.

We need to oppose this amendment so that the bill ultimately protects our consumers, who should be first and foremost in our minds as we address food safety.

Thank you, Mr. Speaker. I ask for a "no" vote on the Keller amendment.

The SPEAKER. Representative Stairs.

Mr. STAIRS. Thank you, Mr. Speaker.

Just a few thoughts on this. I kind of feel that if we do not have this amendment and it is not passed and it is defeated, that there are unintended consequences. It will probably make the situation worse by defeating this amendment.

So I believe that the best interest of the consumers' food safety is always important – in fact, number one importance to our restaurant owners and to our small shops, the delicatessens and so forth.

So I hope that we can vote for this, and by voting for this, even though it may not require the certification, but I think the food will be safer and the employees will be able to better serve their customers. So I think a "no" vote would be a negative thing and maybe cause more of food safety problems than if we defeated it. So I hope we can vote "yes" and continue with this good legislation.

The SPEAKER. Is there any other member seeking recognition before the Chair recognizes Representative Keller? Does Representative Keller seek recognition?

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

The following roll call was recorded:

YEAS—135

Adolph	Galloway	Marsico	Rock
Argall	Geist	McIlhattan	Rohrer
Baker	Gillespie	Melio	Ross
Barrar	Gingrich	Mensch	Rubley
Bastian	Godshall	Metcalfe	Sainato
Bear	Goodman	Micozzie	Saylor
Belfanti	Grell	Millard	Scavello
Benninghoff	Harhai	Miller	Schroder
Beyer	Harhart	Milne	Seip
Bishop	Harper	Moul	Shimkus
Boback	Harris	Moyer	Siptroth
Boyd	Helm	Murt	Smith, S.
Brooks	Hennessey	Mustio	Sonney
Buxton	Hershey	Nailor	Stairs
Caltagirone	Hess	Nickol	Steil
Cappelli	Hickernell	O'Neill	Stern

Casorio	Hornaman	Pallone	Stevenson
Causser	Hutchinson	Payne	Swanger
Civera	Kauffman	Peifer	Tangretti
Clymer	Keller, M.	Perry	Taylor, J.
Cox	Kenney	Perzel	Thomas
Creighton	Kessler	Petrarca	True
Cruz	Killion	Petri	Turzai
Cutler	Kortz	Petrone	Vereb
Dally	Kotik	Phillips	Vitali
Denlinger	Kula	Pickett	Vulakovich
Dermody	Longietti	Pyle	Wansacz
DiGirolamo	Mackereth	Quigley	Watson
Donatucci	Maher	Quinn	Wheatley
Ellis	Mahoney	Rapp	Yewcic
Evans, J.	Major	Raymond	Youngblood
Everett	Mantz	Reed	
Fairchild	Markosek	Reichley	O'Brien, D., Speaker
Fleck	Marshall	Roae	
Gabig			

NAYS—62

Bennington	Frankel	Mann	Sabatina
Bianucci	Freeman	McCall	Samuelson
Blackwell	George	McGeehan	Shapiro
Brennan	Gerber	McI. Smith	Smith, K.
Carroll	Gergely	Mundy	Smith, M.
Cohen	Gibbons	Myers	Solobay
Conklin	Haluska	O'Brien, M.	Staback
Costa	Hanna	Oliver	Sturla
Curry	Harkins	Parker	Surra
Daley	James	Pashinski	Taylor, R.
DeLuca	Josephs	Payton	Walko
DePasquale	Keller, W.	Preston	Waters
DeWeese	Kirkland	Ramaley	White
Eachus	Leach	Readshaw	Williams
Evans, D.	Lentz	Roebuck	Yudichak
Fabrizio	Levdansky		

NOT VOTING—0

EXCUSED—6

Grucela	Manderino	Wagner	Wojnaroski
King	Santoni		

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?

Mr. SCAVELLO offered the following amendment No. **A02936:**

Amend Sec. 1 (Sec. 5703), page 7, line 27, by striking out "first" and inserting

second

Amend Sec. 1 (Sec. 5703), page 7, line 29, by striking out "second" and inserting

third

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

The SPEAKER. The Chair recognizes Representative Scavello on the amendment.

Mr. SCAVELLO. Mr. Speaker, what this amendment does, if a violation is found in an establishment, the second inspection does not have a fine. It goes right to that third inspection. This amendment gives that establishment an opportunity to get things corrected.

In most cases, in many cases if you walk into an establishment and you want to find something wrong, you are going to find something wrong. This gives that business an opportunity. It really punishes— The bad guys we want to punish, but it is really making money.

If the attempt of this legislation is to charge businesses \$150 for reinspection, then that is what this does. To me, I look at it as a tax increase on small business. Give them the opportunity, Mr. Speaker, to make whatever adjustments they need to make within their operation, and then if we have to come down hard on them the third time around, let us do that, let us come down hard on them, but it gives them an opportunity to get it right without having to hit them in their pockets.

I urge the members for a "yes" vote.

The SPEAKER. Representative Pickett, on the amendment.

Ms. PICKETT. Thank you, Mr. Speaker.

Mr. Speaker, could I interrogate the maker of this amendment, please?

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

Ms. PICKETT. Mr. Speaker, without this amendment, if this amendment did not go through, are there reinspection fees in this bill, new fees that our business and fundraising entities are not required to pay now to the Department of Ag?

Mr. SCAVELLO. Yes, they are.

Ms. PICKETT. And, Mr. Speaker, without this amendment, would organizations that serve food to the public more than three times a year and are licensed and required to be inspected – that would be largely our civic organizations, our church organizations, our fire companies, our ambulance companies – would they be subject to this \$150 reinspection fee if there was a finding they could not correct when the inspector was on-site, maybe an investment item or an expenditure of money that needed approval or an approval from the grounds owner maybe?

Mr. SCAVELLO. Yes, they will. And just for example, if you have a water heater and you repaired it and when the inspector came on-site, it just was not operating properly; you go out and get a new one, and for some reason the next time he comes and inspects and your water is not up to temperature, you are going to get fined \$150, that is after spending \$500 or \$600 to repair your water heater.

Ms. PICKETT. Thank you, Mr. Speaker.

I would like to speak for a moment on the amendment.

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

Ms. PICKETT. Mr. Speaker, I would just like to note a clause in the letter from Auditor General Wagner, and it reads, "We do, however, believe that legislation should allow the Department of Agriculture to charge a re-inspection fee to recoup some of its extensive costs for conducting follow-up inspections when poor performers have not corrected unsafe conditions." However, Mr. Speaker, I see these fees as another way of taxing our small businesses. The goals of public safety, public food safety, can be met without these first-time reinspection fees that are currently in this bill. We have, Mr. Speaker, a great new tool for assuring adherence to

food safety regulations. I believe the Internet posting of ratings for safety is something that is going to have a great additional effect on the bearing of food safety and operations.

But, Mr. Speaker, I would also like to comment that our small businesses pay heavily already for the services of government that they require. They pay in sales tax, they pay in payroll taxes, they pay in property taxes, and they pay licensing fees, and much more.

The second visit for a reinspection is welcomed by the good operator, by the good operator who desires to enlist the Department of Ag as a partner in their desire to meet all regulations.

Mr. Speaker, I do not believe that we should tax them further for these services, and I urge a "yes" vote on this amendment. Thank you.

The SPEAKER. Representative Ken Smith.

Mr. K. SMITH. Thank you, Mr. Speaker.

Mr. Speaker, I rise today in opposition of amendment A02936.

Mr. Speaker, I rise today not only as a Representative but also as a food service professional and a restaurant owner. You see, Mr. Speaker, since 1934 my family has owned a restaurant, and I understand the challenges that inspections bring to a facility, but at the end of the day, Mr. Speaker, we owe our customers a responsibility of food safety.

And I can tell you as a person that goes through the inspections, there are two types of infractions, a small infraction and a major infraction. A small infraction, Mr. Speaker, can be solved while the inspector is there on-site. The problem being, if it is a major infraction, then the inspector must come back at a different time. So therefore, Mr. Speaker, if the inspector must come back, it would behoove the owner or manager of the facility to correct this, but if they are trying to facilitate their business with the possibility of infecting their customers to a food-borne illness, then I believe that the \$150 revisit cost is warranted.

So at the end of the day, what I am saying is, if you are running your facility in a proper manner, then the revisit is not a problem, because, as I said, the small infractions will not constitute a revisit or the \$150 cost.

So, Mr. Speaker, what I am trying to say is, for the sake of the food safety and for the safety of all Pennsylvanians, I would urge my colleagues to vote "no" against the Scavello amendment A02936.

Thank you, Mr. Speaker.

The SPEAKER. Representative Killion.

Mr. KILLION. Thank you, Mr. Speaker.

I would also like to reference the letter that was previously referenced by my colleague from Jack Wagner, and I want to read the same line: "We do, however, believe that legislation should allow the Department of Agriculture to charge a re-inspection fee to recoup some of its extensive costs for conducting follow-up inspections when poor performers have not corrected unsafe conditions."

This is exactly what the Scavello amendment does. If you are cited and you come back and you fix it, you do not have to pay. Under the current bill, if they come back the second time and you have corrected it, you still pay. We should be going after the poor performers. That is the third inspection. So I agree with the Scavello amendment. Move it back one inspection.

Thank you, Mr. Speaker.

The SPEAKER. Representative Hanna.

Mr. HANNA. Thank you, Mr. Speaker.

First to address the prior speaker. In fact, you are given an opportunity on-site during the inspection to correct the noncompliance status. In fact, I have here the food facility inspection report, which outlines the various types of things that can result in a noncompliance status. On the upper half of that form, there are 27 such items. In talking with the department, it has been made clear that there is only 1 out of those 27 that you are not capable of correcting on-site at the time of the inspection. You are given that opportunity. So in fact, a reinspection only occurs if you do not follow through and do 1 of the 26 things in the noncompliance status and correct it on-site during the first time.

Now, we made this clear earlier on when you voted for the amendment 2939, the Carroll amendment. We corrected a noncompliant condition to say noncompliant status. So in fact, it is not just 1 of these 27 items that causes the need for reinspection. You need to in fact be a noncompliant facility to warrant a reinspection.

Currently the department has advised us that about 8 percent of our facilities require a second inspection. So in fact, there are very few second inspections. Most problems are corrected during the initial inspection, and only 8 percent ordinarily result in a second inspection.

Now, several of the speakers have referred to Auditor General Wagner's letter. I just want to make sure that everybody is clear that this letter is very, very clear that he is opposed to this amendment. It was one of the specific findings in the Auditor General's performance audit, one of the specific things that he believed the department needed to address to ensure that there was greater compliance with the requirements of the food safety law. So please be aware that the Auditor General is asking you to oppose this amendment. He specifically says that he believes there is a need for a reinspection fee to reduce the cost to the department.

Now, I would also note for you that the department has advised us that the \$150 fee does not even cover the cost of the average reinspection. In fact, it is the third inspection where you get to the \$300 fee where they believe that they would actually cover their cost. This is not a moneymaker. The department has no intention of trying to use this as a fundraiser. This is not what it is there for. They are there trying to get compliance.

Finally, I would like to point out that the department is very strong in their opposition to this amendment and asks all of us to oppose the amendment. So I urge you to oppose amendment 2936 to HB 1422.

Thank you, Mr. Speaker.

The SPEAKER. Representative Carroll.

Mr. CARROLL. Thank you, Mr. Speaker.

Mr. Speaker, I would remind the members that in order for a restaurant to be subjected to a reinspection, the conditions in the food facility need to be very, very dangerous. A facility that is subjected to an inspection that has a problem has the capacity to fix the problem on-site while the inspector is there. There is no need for a reinspection unless the conditions are so poor that the second inspection is warranted.

Furthermore, I would remind the members that the \$150 reinspection fee would encourage and almost require by virtue of the fee the correction of the facility on-site, so therefore the owner could avoid the \$150 fee. There is no better

way to make sure that the facility's condition is corrected than by encouraging that correction by avoiding a \$150 fee on a first inspection.

As a result, I would ask for the members to oppose the Scavello amendment and make sure that our facilities are as safe as they should be for our consumers.

The SPEAKER. Is there any other member seeking recognition before the Chair recognizes the prime sponsor of the amendment?

Representative Scavello, on the amendment.

Mr. SCAVELLO. Thank you, Mr. Speaker.

I just want to point out that I agree with everything that Representative Carroll has said. However, if you are in a store and you have a plumbing problem, Mr. Speaker, plumbing problem, while the inspector is there, you can call a plumber, but if the inspector does not wait until it gets fixed, guess what? The next time around you have got a \$150 fee. Not only did you pay for the plumber but you paid for the fee. It is a second reinspection, and those things do happen.

You know, you cannot just bury small business, bury business. If you are telling me that it costs \$150 for that inspector to go there for 1 hour when that inspector might do four or five visits per day, different locations, and if you are telling me that it is going to cost \$150, I find that hard to believe. That inspector must be making over \$100,000 a year.

I just urge the members to give me a "yes" vote on this amendment for business. Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—120

Adolph	Galloway	Metcalfe	Rock
Argall	Geist	Micozzie	Rohrer
Baker	Gillespie	Millard	Ross
Barrar	Gingrich	Miller	Rubley
Bastian	Godshall	Milne	Sainato
Bear	Goodman	Moul	Saylor
Benninghoff	Grell	Moyer	Scavello
Beyer	Haluska	Murt	Schroder
Boback	Harhart	Mustio	Shapiro
Boyd	Harper	Nailor	Smith, M.
Brooks	Harris	Nickol	Smith, S.
Buxton	Helm	O'Neill	Sonney
Cappelli	Hennessey	Pallone	Stairs
Casorio	Hershey	Payne	Steil
Causar	Hess	Payton	Stern
Civera	Hickernell	Peifer	Stevenson
Clymer	Hutchinson	Perry	Swanger
Cox	Kauffman	Perzel	Taylor, J.
Creighton	Keller, M.	Petrarca	Thomas
Cruz	Kenney	Petri	True
Cutler	Killion	Phillips	Turzai
Dally	Kortz	Pickett	Vereb
Denlinger	Longietti	Pyle	Vulakovich
DePasquale	Mackereth	Quigley	Wansacz
DiGirolamo	Maher	Quinn	Watson
Ellis	Major	Rapp	Yewcic
Evans, J.	Mantz	Raymond	Youngblood
Everett	Marshall	Reed	
Fairchild	Marsico	Reichley	O'Brien, D.,
Fleck	McIlhattan	Roae	Speaker
Gabig	Mensch		

NAYS—77

Belfanti	Frankel	Levdansky	Sabatina
Bennington	Freeman	Mahoney	Samuelson
Bianucci	George	Mann	Seip
Bishop	Gerber	Markosek	Shimkus
Blackwell	Gergely	McCall	Siptroth
Brennan	Gibbons	McGeehan	Smith, K.
Caltagirone	Hanna	McI. Smith	Solobay
Carroll	Harhai	Melio	Staback
Cohen	Harkins	Mundy	Sturla
Conklin	Hornaman	Myers	Surra
Costa	James	O'Brien, M.	Tangretti
Curry	Josephs	Oliver	Taylor, R.
Daley	Keller, W.	Parker	Vitali
DeLuca	Kessler	Pashinski	Walko
Dermody	Kirkland	Petrone	Waters
DeWeese	Kotik	Preston	Wheatley
Donatucci	Kula	Ramaley	White
Eachus	Leach	Readshaw	Williams
Evans, D.	Lentz	Roebuck	Yudichak
Fabrizio			

NOT VOTING—0

EXCUSED—6

Grucela	Manderino	Wagner	Wojnaroski
King	Santoni		

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 is informed that there are no other members offering amendments to this bill. Are there any members offering any further amendments?

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.)

RESOLUTIONS

Mr. DeWEESE called up **HR 278, PN 1557**, entitled:

A Resolution opposing any effort to implement a trinational political, governmental entity among the United States, Canada and Mexico; opposing the Security and Prosperity Partnership of North America and initiatives pursued in conjunction with the partnership that threaten the sovereignty of the United States; and opposing a North American Union.

On the question,

Will the House adopt the resolution?

RESOLUTION TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves that HR 278 be placed on the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

RESOLUTION REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader, who moves that HR 278 be removed from the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

* * *

Mr. DeWEESE called up **HR 310, PN 1749**, entitled:

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).

On the question,

Will the House adopt the resolution?

RESOLUTION TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves that HR 310 be placed on the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

RESOLUTION REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader, who moves that HR 310 be removed from the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

* * *

Mr. DeWEESE called up **HR 318, PN 1764**, entitled:

A Resolution urging the Food and Drug Administration (FDA) to ban the importation of all wheat gluten products from China until China fully cooperates with the FDA's investigation into the adulteration of the food supply and opens all of its food processing plants for United States inspection.

On the question,

Will the House adopt the resolution?

RESOLUTION TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves that HR 318 be placed on the table.

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

RESOLUTION REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader, who moves that HR 318 be removed from the table.

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

* * *

Mr. DeWEESE called up **HR 321, PN 1767**, entitled:

A Resolution urging passage of the Employee Free Choice Act of 2007.

On the question,
Will the House adopt the resolution?

RESOLUTION TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves that HR 321 be placed on the table.

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

RESOLUTION REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader, who moves that HR 321 be removed from the table.

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

BILLS RECOMMENDED

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

HB 1152;
HB 1422;
HB 1423;
HB 1621;
HB 1627;
HB 1662;
SB 548; and
SB 968.

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

The SPEAKER. Are there any announcements?

STATEMENT BY MR. PRESTON

The SPEAKER. Under the provision of unanimous consent, without objection, the Chair recognizes Representative Preston.

Mr. PRESTON. Thank you, Mr. Speaker.

This will probably be only the second time in 25 years I have ever wanted to address something on a personal level.

The SPEAKER. The gentleman will cease.

The Chair will indicate that the gentleman has consulted with the majority and minority leaders, and this is the appointed time for the gentleman to be recognized.

The gentleman may proceed.

Mr. PRESTON. And I am only doing it as far as Joe Preston, the Representative of the 24th Legislative District, on some of the incidents that happened on Monday.

First, I want to be able to deal with an organization on the radio station that was talking about the legislators here in Harrisburg when we were up here, that we were, the Democrats, were all playing golf somewhere outside of the Capitol. Well, I want them to know and my constituents to know that Joe Preston and, as far as I know, all of the members here were here in Harrisburg in the Capitol, and I do not appreciate someone from the Commonwealth Foundation even to say that on the radio station when he did not have the information on hand, and this was personal because Joe Preston was here.

The other thing is, I also want to make sure that my wife knew that I was here.

And another issue, while certain people were saying they were on the floor of the House ready to do business while we within the Democratic Caucus, being in the majority, were very serious with our leadership in the caucus for several hours in the afternoon discussing and giving our leadership direction on where we wanted to go with the budget negotiations, and lo and behold, lo and behold, what happened that night? It happened, and that is part of what we are saying. I do not appreciate people saying, we are here to do the people's business. Well, all the Democrats were here not just sitting on the sidelines, sitting down and waiting for something to happen. We were on the frontline making things happen.

The other thing I want to deal with is the issue, and I am not going to point out any members, because whether it was accurate or not, I happened to be watching PCN (Pennsylvania Cable Network) when I watched several members talk about the energy bills and the energy package. Well, all I know as being chairman of the Consumer Affairs Committee, with the major bill that I have within my committee, we had a public hearing on the major energy bill from the Governor's energy package, and not one member, not one member on the committee, Democrat or Republican, was denied the right to ask a question during that 3-hour hearing. But yet I am hearing members saying, well, we were not given the chance to be able to offer questions or amendments. Now, I cannot speak for anybody else; all I know is that the Committee on Consumer Affairs was open, respectful to this chamber, and respectful to his members.

Now, if it happened to be somebody else or another committee, I want to be able to address that, because I am chairman—

The SPEAKER. For what purpose— The gentleman will cease.

For what purpose does Representative Denlinger rise?

Mr. DENLINGER. Mr. Speaker, I rise to revoke my consent for this continuing. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The gentleman will cease. He no longer enjoys unanimous consent.

QUESTION OF PERSONAL PRIVILEGE

Mr. PRESTON. Personal privilege, Mr. Speaker.

The SPEAKER. Personal privilege is limited to the rights, reputations—

Mr. PRESTON. Well, that is what it is.

The SPEAKER. —of the members of the House.

Mr. PRESTON. That is exactly what it is.

The SPEAKER. The gentleman may proceed, but the Chair is going to listen very carefully.

Mr. PRESTON. As chairman of the Consumer Affairs Committee and the respect that I have for my minority partner, my chairman, we went through every issue that was related to a certain particular bill, and when I hear people say that they were not given a chance to ask questions, it is impugning my leadership, my responsibility under the Constitution of the Commonwealth of Pennsylvania, to be able to conduct appropriately a committee meeting, and all I know is that not one member on either side of the aisle can say that Joe Preston, the chairman of the committee, refused to let any member here ask a question of anybody that we had at that, and I wanted that to be for the record. And if somebody wants to say they object to me standing up for the rights and representation of the Democrats and the Republicans on the Consumer Affairs Committee, well, maybe they need to think about what they want to object to.

Thank you very much, Mr. Speaker.

QUESTION OF PERSONAL PRIVILEGE

The SPEAKER. Representative Smith.

Well, then I will go to Representative McIlvaine Smith. For what purpose does the lady rise?

Ms. McILVAINE SMITH. Personal privilege, Mr. Speaker.

I would like to echo what Representative Preston said. Everyone in my district received an e-mail about playing golf on Monday, and I just want to make it clear to my constituency, and a lot of them e-mailed me asking me if I enjoyed golf, I do not play golf.

Mr. S. SMITH. Mr. Speaker? Mr. Speaker, a point of parliamentary inquiry.

Ms. McILVAINE SMITH. And I would like to make sure that the people at home—

The SPEAKER. The lady will cease; the lady will cease.

PARLIAMENTARY INQUIRY

The SPEAKER. Representative Smith.

Mr. S. SMITH. Mr. Speaker, I need to inquire as to how the Chair is defining the difference between unanimous consent and

a point of personal privilege. I believe point of personal privilege is fairly well defined, and I think that maybe we are stepping over that line.

The SPEAKER. The Chair would make the determination that I believe the lady is within her right of personal privilege up till this point, but the Chair will monitor her very carefully.

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

Ms. McILVAINE SMITH. I need to add one more thing, Mr. Speaker: This was paid for by the HRCC, the House Republican Campaign Committee, and I would like it to cease.

Mr. S. SMITH. Mr. Speaker? I would, Mr. Speaker—

Ms. McILVAINE SMITH. Lies.

Mr. S. SMITH. Mr. Speaker?

The SPEAKER. The gentledady—

Mr. S. SMITH. Mr. Speaker, those remarks should be stricken from the record. Those are directly impugning the House Republican Campaign Committee. If we want to—

Ms. McILVAINE SMITH. I have it in my hand, Mr. Speaker.

Mr. S. SMITH. Mr. Speaker?

The SPEAKER. The lady will cease; the lady will cease.

Members have a right to stand before this chamber and defend their rights, their reputations, whether it is from a member of this House or from the media. But members do not have the right to attack other members under that personal privilege, and the Chair will caution all members to respect that provision.

STATEMENT BY MAJORITY LEADER

Mr. DeWEESE. Mr. Speaker? Mr. Speaker?

The SPEAKER. Representative DeWeese.

Mr. DeWEESE. I will admit that I am momentarily stupefied as to what parliamentary action I should request, but I will just ask for recognition, by my momentary opportunity, as being a floor leader.

The SPEAKER. And the gentleman is within his rights.

Mr. DeWEESE. The gentledady did not impugn any specific member. She got hammered with e-mail and aggressive commentaries in her hometown bailiwick implying that she had been playing golf on Monday, and she said those were lies. Now, since she was not playing golf, and really, if you go to the lexicon, there is a difference between an implication and an inference, but the Grand Old Party's political machinery, as it was so haphazardly trundled out to sully and besmirch the gentledady, gave the inference back home that she was playing golf. So in the common parlance of our political vernacular, that was a lie, Mr. Speaker.

The SPEAKER. The Chair—

Mr. S. SMITH. Mr. Speaker? Mr. Speaker?

The SPEAKER. The Chair— If the gentleman will cease. Members will come to order.

The Chair does not want to split hairs, but the gentledady, when she was reflecting on the e-mail, said they were lies. She did not call another member a liar, so the Chair will say that the lady was within her rights. But the Chair will again caution members, a point of personal privilege is used very sparingly in the halls of this House.

Mr. DeWEESE. Mr. Speaker, we can— Mr. Speaker?

STATEMENT BY MINORITY LEADER

The SPEAKER. Representative Sam Smith.

Mr. S. SMITH. Mr. Speaker, I am not sure if that is where the majority leader wants to take this day's session, especially with the impending pressures, but I can bring forth to this body e-mails that have been paid for by the House Democratic Campaign Committee that have called some of our members terrorists, that have called some of our members terrorists because they might not support a certain piece of legislation, Mr. Speaker. Now, those are also lies that have been perpetuated, have been pushed upon the constituents of some of our Republican members, and they were supplied by the House Democratic Campaign Committee.

So, Mr. Speaker, my point of objecting to the direction the point of personal privilege was going is that if we want to get into this absolute crazy tit for tat that is outside this building right now, I think it is a better way to go. But if you want to go tit for tat, then I ask for a little pause and we will come back with a whole slew of e-mails that you will not want to answer any more than anybody else, Mr. Speaker, so think about it.

The SPEAKER. Representative DeWeese.

Mr. DeWEESE. The gentelady was not playing golf, so this whole thing can be rectified if we just hear a familiar refrain from my good friend, "Say it ain't so, Sam. Say it ain't so."

Mr. S. SMITH. Mr. Speaker?

The SPEAKER. Representative Smith.

Mr. S. SMITH. I just want to point out that the e-mails that went into Representative Ross's district in Chester County and Representative Harper's district in Montgomery County and perhaps some others that called them terrorists for not supporting a certain piece of legislation were also lies. Say that is not so, Bill.

Now, listen to me. Mr. Speaker, excuse me; I am wrong there. Mr. Speaker – I need to direct this in that vein – the world in which we operate has changed a lot in the last few years with the way communications work, and it is not a pretty world out there, I will grant you that. But, Mr. Speaker, if you are going to drag everything that is done in the campaign world onto the floor of the House in terms of the way this process is going to work, I just think you are making a mistake. I am simply telling you, we should be about the business of getting a budget enacted and the simple things, the things that go with the budget, and not devolving into this he-said-she-said thing. You are not innocent.

**E-NEWSLETTER SUBMITTED
FOR THE RECORD**

The SPEAKER. Representative McIlvaine Smith.

Ms. McILVAINE SMITH. Mr. Speaker, I would just like to submit this for the record. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

Ms. McILVAINE SMITH submitted an e-newsletter for the Legislative Journal.

(For e-newsletter, see Appendix.)

STATEMENT BY MAJORITY LEADER

Mr. DeWEESE. Mr. Speaker, on a peaceful overture.

The SPEAKER. The gentleman is recognized and may proceed.

Mr. DeWEESE. To not argue any further the specifics of the day but to allow some flexibility as interpreted by the Chair, we had over the last several days concluded that it might be possible for the membership to have a comment at the end of our proceedings. I think that somehow today it was precipitous, but that is just the nature of our new phenomena.

If the members, whether the honorable minority leader's comments about some of his troops want to be voiced and if there is a plaintiff cry, it can and should be registered here at the end of our work. In the future, Mr. Preston, Ms. McIlvaine Smith, et cetera, could also make some comments, again at the discretion of the Chair. I would hope that one of the senior members of the Republican leadership team or one of our members would be here to monitor, but as long as we are not being especially vituperative, I do agree with my honorable colleague from Jefferson County. It is a different world, and we are trying in many, many cases to palliate and mollify some of the tensions that exist.

The floor of the House, after the conclusion of our budget business or after our substantive business and after those who want to migrate back to their offices or back to their districts after a 10- or 15-minute period of time, I think it would be appropriate for anyone who felt aggressively attacked by any e-mail from any quarter, that would be an appropriate time. But we do not have to – I agree with my honorable colleague – we do not have to use these valuable moments to discuss these e-mails.

Thank you.

Mr. S. SMITH. Mr. Speaker?

The SPEAKER. Representative Sam Smith.

Mr. S. SMITH. Just in case some in this room think that they are innocent, this is an e-mail that was paid for and sent out by the House Democratic Caucus, not even the political wing of the party, and you know what it did? It accused some of our members for voting to send lawmakers home for the summer without tackling the pressing issues of our area, and it goes on to talk about some issues, simply because they voted for another budget bill. They voted to nonconcur. They voted to send HB 1286 to the Governor's desk back on June 30. I will submit this for the record as well.

So just in case, just in case some in this room think they are innocent, this is the House Democratic Caucus. That is the majority leader's prerogative, I believe. There is a difference, Mr. Speaker, between what goes across the street from our respective campaign committees and what comes out of our caucus purses that pays for these things being sent out.

So if you want to get into it, Mr. Speaker, I think it is a foolish road to go down. I really do, Mr. Speaker. The members need to like thicken their skin a little bit and deal with the changing world of communications that we all live in, because there are lots of other third-party groups out there sending stuff around that I do not appreciate, the members do not appreciate. They hit you; they hit us.

It is a different world, Mr. Speaker. We have to live with it. Let us get on with the business.

E-NEWSLETTER SUBMITTED FOR THE RECORD

Mr. S. SMITH submitted an e-newsletter for the Legislative Journal.

(For e-newsletter, see Appendix.)

PARLIAMENTARY INQUIRY

The SPEAKER. For what purpose does the gentleman, Representative Metcalfe, rise?

Mr. METCALFE. I think it would be a parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state his point of parliamentary inquiry.

Mr. METCALFE. Mr. Speaker, over the last couple of years we have seen a number of ethics rulings—

The SPEAKER. If the gentleman will pause. The gentleman will state his point of parliamentary inquiry.

Mr. METCALFE. I am trying to get there.

The SPEAKER. It is different than unanimous consent. If the gentleman wishes to make a statement—

Mr. METCALFE. I am asking a question. I am asking a question, Mr. Speaker. Can I get to the question?

The SPEAKER. Yes. Thank you.

Mr. METCALFE. Is it appropriate for us to utilize our time on the floor that is legislative time to respond to campaign communications? Ethics rulings over the last couple of years have really started to help in defining and differentiating between campaign and legislative use. If somebody is going to take to a microphone on this floor to try and respond to a campaign attack, it should be responded to via their campaign committee, Mr. Speaker. I am asking, is that appropriate? I think it is appropriate to respond—

The SPEAKER. The gentleman will cease.

The Chair will remind the members that questions or points of personal privilege will be limited to questions affecting the rights, reputation, and conduct of members of the House in their respective capacity. The Chair will listen very carefully when a member rises as to a point of personal privilege. The Chair—

Mr. DeWEESE. Mr. Speaker?

The SPEAKER. The Chair will differentiate on motions of unanimous consent. If people rise to make a statement, that will be under unanimous consent and with unanimous consent. And as the Chair mentioned the other day, when a member is recognized for unanimous consent, it is not to exceed 10 minutes. It will be with the consultation of the minority and majority leaders, and they will affix the appointed time, either immediately or at the end of the day.

STATEMENT BY MAJORITY LEADER

The SPEAKER. Representative DeWeese.

Mr. DeWEESE. Mr. Speaker, 15 seconds.

The honorable gentleman, Mr. Metcalfe, is absolutely within his right. When you say the conduct of a member, his question was on target to ask about the conduct, and I just wanted to share with him that at least at this moment, the gentleman is on target relative to his interrogatory.

The SPEAKER. The Chair thanks the gentleman.

Mr. METCALFE. So, Mr. Speaker, the answer to my question, for future reference for the members, as we move through this year and the next year, if a member is trying to use the microphone in a way that is responding to a campaign message that is coming at them in their district, Mr. Speaker, I would think that according to, you know, proper ethics, that we should, we should respond to campaign messages with our campaign committees and we should not be allowed to utilize these microphones or our time on the floor that is legislative to respond or bring attention to specific campaign tactics, campaign strategies, campaign messages, such as an e-mail from HDCC, House Democratic Campaign Committee, or HRCC, Mr. Speaker. I would say that if we are responding to a House Republican Caucus message or a House Democratic Caucus message that is legislative, then we have the right to take the microphone, Mr. Speaker, but if we are responding to a campaign message, that should be separate from our time that is paid for by taxpayers here on the floor of this House, Mr. Speaker.

The SPEAKER. The gentleman strayed from his point of parliamentary inquiry, but his point is well taken. His remarks will be spread upon the record.

PARLIAMENTARY INQUIRY

The SPEAKER. Representative Payne.

Mr. PAYNE. Thank you, Mr. Speaker.

A parliamentary inquiry, please.

The SPEAKER. The gentleman will state his point of parliamentary inquiry.

Mr. PAYNE. Mason's Manual, section 223, "Questions Not Constituting Personal Privilege": A public accusation against a member is not a question of personal privilege. Mr. Speaker, I am asking the Parliamentarian, if we are going to be able to stand every time somebody in the public, outside of this room, outside of this chamber, challenges us or speaks poorly about one of us, we are not going to get a lot done. I always thought personal privilege was when something occurred within the chamber and you wanted to stand and defend yourself. So I am asking for a parliamentary inquiry and a decision, if I could, please.

The SPEAKER. The Chair will interpret Representative McIlvaine Smith's question on the floor and would say that it affected her capacity as a legislator, as the question was raised, as to whether she was on the floor doing her duties, and the Chair will reserve the right to make that determination on a case-by-case basis.

PARLIAMENTARY INQUIRY

The SPEAKER. For what purpose does the gentleman, Representative Metcalfe, rise?

Mr. METCALFE. Mr. Speaker, just to clarify—

The SPEAKER. The Chair will remind the members that you are recognized to ask your point of personal privilege, and then you will ask that point. The Chair will move on to the next member. If someone wants a second point of personal privilege, the Chair will respond.

Representative Metcalfe.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, the previous parliamentary inquiry that I was attempting to make regarding, you know, the ethical nature of using our time on the floor, this legislative time to respond to campaign issues, Mr. Speaker, I was asking for, you know, advice from the Chair. I do not think this is something that we should have to ask the Ethics Committee, Mr. Speaker. I think this is something—

The SPEAKER. In response to the gentleman, in response to the gentleman, the Chair indicated his interpretation of Representative McIlvaine Smith's point of personal privilege. The Chair responded to that. The Chair also indicated that as individuals rise, the Chair will make an individual decision.

QUESTION OF PERSONAL PRIVILEGE

The SPEAKER. Representative Harper.

Ms. HARPER. A point of personal privilege, Mr. Speaker.

The SPEAKER. The lady will state her point of personal privilege.

Ms. HARPER. As a person who has been spammed, voice-mailed, and phone-banked, as a person who supported terrorism because I had questions about the Governor's energy program, I do not believe we ought to be debating now whether this is the right time to be talking about it. I think we ought to agree not to do it.

Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the lady, and the Chair thanks the gentleman, Representative Metcalfe, for making the same point.

STATEMENT BY MR. PAYNE

The SPEAKER. Representative Payne.

Mr. PAYNE. Thank you, Mr. Speaker.

I would just ask you to review this and see if this is not something that could be done at the end of our session rather than let this delay the work of the House. Thank you.

The SPEAKER. The Chair thanks the gentleman.

PARLIAMENTARY INQUIRY

The SPEAKER. Representative Metcalfe.

And by the way, this is the end of today's session.
Representative Metcalfe.

Mr. METCALFE. Mr. Speaker, I think this is an important issue that I have asked about, and relating to the— A parliamentary inquiry regarding today's activity, Mr. Speaker, with what has been put on the record.

As far as what appeared to happen here, it appears that there has been a communication that is a campaign communication that has been entered into the House record, Mr. Speaker, that a member attempted to respond to using legislative time, Mr. Speaker. I would ask for a ruling from the Chair as to whether or not it is ethically acceptable to respond to campaign—

The SPEAKER. Will the gentleman cease.

The Chair is asking, for what purpose does the gentleman rise? Under parliamentary inquiry? Is the gentleman asking for a point of personal privilege? Is he asking for unanimous consent?

Mr. METCALFE. Parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state his point of parliamentary inquiry and the Chair will respond.

Mr. METCALFE. Mr. Speaker, the communication today that was a campaign communication from HRCC that one of the former speakers—

The SPEAKER. The Chair respectfully asks the gentleman to phrase his question so we do not bleed over into unanimous consent.

Mr. METCALFE. Okay. Mr. Speaker, my question is, the communication today that was a communication from HRCC into a member's district, that they entered into the record, to respond to that communication using legislative privilege, Mr. Speaker, I would ask if it is appropriate to have a campaign communication entered into the legislative record, Mr. Speaker, which, you know, for somebody to respond to a campaign communication, it seems like it would be a campaign purpose, Mr. Speaker. It should be stricken from the record, Mr. Speaker.

The SPEAKER. Similar questions have been raised in the past, and submissions like the gentelady submitted for the record have been put in the Appendix of the Journal. That is where this will go, and it has been done before.

STATEMENT BY MR. ADOLPH

The SPEAKER. Representative Adolph.

Mr. ADOLPH. Thank you, Mr. Speaker.

Mr. Speaker, this is my 19th year here. I have good friends on both sides of the aisle, and I was talking to a couple guys over coffee the other night, and he said, you know, it is getting harder and harder to serve your people up here. We are going through an awful lot of important issues. We already missed the deadline, okay? We have all received e-mails, robo-calls into our legislative district. We talked about reforming the House regarding rules. I think each and every member should start talking to each other, start talking to leadership. If we are going to get this budget done, you know, here we are, we just went through another half an hour of back and forth.

When I first started serving in here, we went through about 60 or 90 days of campaign literature. It is now a 24-month cycle. I do not think it does us any good, either side of the aisle. It is not what we got elected for. We really should try to get together, get some type of period of time that we call ourselves off to get this budget done. I am not saying let us quit campaigning, okay? But, you know, these next 2 weeks, let us get the people's business done and get on with the people's business and quit campaigning. Thank you.

The SPEAKER. The gentleman is asking for civility in the House, and the Chair thanks the gentleman for that recommendation and hopes that the members are listening.

For what purpose does Representative Thomas rise?

Mr. THOMAS. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state his point of parliamentary inquiry.

Mr. THOMAS. Mr. Speaker, there was a TV press conference that was talking about the city council of Philadelphia filing a lawsuit against the—

The SPEAKER. Will the gentleman state his point of parliamentary inquiry.

Mr. THOMAS. Mr. Speaker, I want to—

The SPEAKER. That is related to the procedures and process of the House.

Mr. THOMAS. Well, I wanted to ask a member of this House that was involved in the press conference, what did he mean by referring to the violence—

Mr. S. SMITH. Mr. Speaker? Mr. Speaker, this is not—

The SPEAKER. That is improper. Will the gentleman approach the rostrum.

QUESTION OF PERSONAL PRIVILEGE

The SPEAKER. For what purpose does Representative Baker rise?

Mr. BAKER. Thank you, Mr. Speaker.

Personal privilege.

The SPEAKER. The gentleman is recognized on a point of personal privilege and will be reminded that the rights, reputation, and conduct of members, the gentleman is limited to those topics. The gentleman is in order and may proceed.

Mr. BAKER. Thank you, Mr. Speaker.

Mr. Speaker, I applaud the gentleman, Mr. Adolph's comments, and I really do believe that we need to return to some semblance of civility here on the floor of the House. It is very demeaning to both sides, particularly the public, the 12 million citizens that we represent. We should be representing this chamber and each member, each other, with dignity and respect, and I really think it takes away from the respect that we would like to be able to have from our constituents, from those that are viewing what we are doing, and if at all possible, Mr. Speaker, I would ask that we focus on doing the people's business, doing what is good, what is positive, what is uplifting, and leave the political rhetoric to a minimum.

POINT OF ORDER

Mr. BAKER. And, Mr. Speaker, if I might make an inquiry on a point of order.

Would it be in order at this point, at the risk of changing the subject, to inquire in order to ascertain when we are returning tomorrow?

The SPEAKER. The gentleman is right on point, and that is a great point of order.

HOUSE SCHEDULE

DEMOCRATIC CAUCUS

Mr. DeWEESE. On scheduling, if I might interrupt.

The SPEAKER. Representative DeWeese.

Mr. DeWEESE. Thank you, Mr. Speaker. Quickly.

Tomorrow we shall reconvene at 11, and the House Democrats will caucus at 10.

I apologize; I should have done that 6, 8, 10, 15 minutes ago. Thank you.

The SPEAKER. The Chair thanks the gentleman.

PARLIAMENTARY INQUIRY

The SPEAKER. For what purpose does Representative Scavello rise?

Mr. SCAVELLO. Mr. Speaker, after listening to the last few gentlemen, would I be out of order to recommend that we recess for this evening?

The SPEAKER. The Chair is about ready to make an announcement along those lines.

ANNOUNCEMENT BY MISS MAJOR

The SPEAKER. Are there any other announcements? Representative Major.

Miss MAJOR. Thank you, Mr. Speaker.

Pending the announcement as to what bills will be on the agenda tomorrow, I would like to ask the Republicans, let the Republicans know that I will get an e-mail out to them regarding whether we will be caucusing tomorrow morning or not. I am not sure at this point in time whether we will need a caucus at 10 a.m.

The SPEAKER. Any further announcements about caucus or committee meetings?

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

The SPEAKER. The Chair recognizes the gentelady, Representative Swanger from Lebanon County, who moves that this House do now adjourn until Friday, July 13, 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 6:31 p.m., e.d.t., the House adjourned.