

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, JUNE 17, 2009

SESSION OF 2009

193D OF THE GENERAL ASSEMBLY

No. 49

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (KEITH R. McCALL)
PRESIDING

PRAYER

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

Thank you, Mr. Speaker.

Let us pray:

Dear God, our Heavenly Father, You who are our refuge and our strength, You are our rock and a present help in times of calamities and uncertainties.

We enter into Your presence today to say, thank You. Thank You for Your help, for Your everlasting kindness, and for keeping us in perfect peace with our minds stayed upon You. We lean not unto our own understanding but we draw near unto You, God. We draw near unto You and experience the joy and the presence, and we rejoice because it is our privilege to be in Your presence. We meditate in Your temple and live in the presence of You every day of our lives.

Lead us to that rock of understanding when we are in doubt and to that place where there is peace instead of calamity. Help us to know You better, help us to serve You better, and to be a reflection of You in all that we do, that we might serve the people that You have given unto us to serve with dignity and with respect.

So grant unto us the desire to live in peace among our adversaries and to spread Your peace wherever there is confusion.

The days ahead of us, no doubt, are going to be some difficult days, some challenging days with lots of decisions that we must make. Let us draw not from our strength but from Your strength. Be our strong defense and our high tower that we may become peacemakers and mediators.

We ask that You extend the olive branch, not only that You extend the olive branch but that You be the olive branch, dissolving all differences and teaching us how to do the business that we have been elected to do – to serve Your people, to do the people's business in love and justice and liberty for all of us.

The needs of our children are certainly not in our past and not in our future but in our current business now this day – the needs of our people, the needs of our children, the needs of all of us to come together.

We thank You for listening and we give glory and honor unto You as we ask again that You dissolve party lines as we go through this difficult situation and that You help us to see not party, not color, not denomination, but help us to see a people who are in need and are crying out for our help, and we ask again for Your guidance. In Your name we pray. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal of Tuesday, June 16, 2009, will be postponed until printed. The Chair hears no objection.

GUESTS INTRODUCED

The SPEAKER. To the left of the Speaker, the Chair welcomes Chris Davies and Bethany Boland, who are interns working in the 70th Legislative District. They are the guests of Representative Matt Bradford. Will the guests please rise. Welcome to the hall of the House.

To the left of the Speaker, the Chair welcomes Fabio Rizzi, and his wife, Gabriella; their daughter, Valeria; and son, Alessandro. They are the guests of Representative Craig Dally. Will the guests please rise. Welcome to the hall of the House.

In the well of the House, the Chair welcomes Jennifer Sauvie, who is serving as a guest page, and to the left of the Speaker are her parents, Terry and Kathleen Sauvie. Will they rise. They are the guests of Representative John Siptroth. Welcome to the hall of the House.

In the well of the House, the Chair welcomes Craig Hacker and Stephen Maurer, who are guest pages today. They are the guests of Representative Matt Bradford. Will the guest pages please rise. Welcome to the hall of the House.

And to the left of the Speaker are Greg and Gary Dober. They are the guests of Representative Mike Turzai. Will the guests please rise. Welcome to the hall of the House.

LEAVES OF ABSENCE

The SPEAKER. Turning to leaves of absence, the Chair recognizes the majority whip, Representative DeWeese, from Greene County, who requests the following leave of absence: Representative SHAPIRO from Montgomery County for the day. Without objection, the leave will be granted.

The Chair recognizes the minority whip, Representative Turzai, who requests leaves of absence for Representative MURT from Montgomery County for the day and Representative PERZEL from Philadelphia County for the day. Without objection, the leaves will be granted.

GUESTS INTRODUCED

The SPEAKER. In the well of the House, we have some returning guest pages, the twin sons of one of our own members, Representative Harkins, his sons, Pat and Matt Harkins. They are in the well serving as guest pages again. Will the guests please rise. Welcome to the hall of the House.

In the balcony, the Chair would like to welcome residents of the Margaret Moul Home. They are the guests of Representative Seth Grove. Welcome to the hall of the House.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—194

Adolph	Evans, J.	Kula	Reed
Baker	Everett	Levdansky	Reese
Barbin	Fabrizio	Longietti	Reichley
Barrar	Fairchild	Maher	Roea
Bear	Farry	Mahoney	Rock
Benninghoff	Fleck	Major	Roebuck
Beyer	Frankel	Manderino	Rohrer
Bishop	Freeman	Mann	Ross
Boback	Gabig	Markosek	Sabatina
Boyd	Gabler	Marshall	Sainato
Boyle	Galloway	Marsico	Samuelson
Bradford	Geist	Matzie	Santarsiero
Brennan	George	McGeehan	Santoni
Briggs	Gerber	McI. Smith	Saylor
Brooks	Gergely	Melio	Scavello
Brown	Gibbons	Mensch	Schroder
Burns	Gillespie	Metcalfe	Seip
Buxton	Gingrich	Metzgar	Siptroth
Caltagirone	Godshall	Micozzie	Smith, K.
Carroll	Goodman	Millard	Smith, M.
Casorio	Grell	Miller	Smith, S.
Causar	Grove	Milne	Solobay
Christiana	Grucela	Mirabito	Sonney
Civera	Haluska	Moul	Staback
Clymer	Hanna	Mundy	Stern
Cohen	Harhai	Murphy	Stevenson
Conklin	Harhart	Mustio	Sturla
Costa, D.	Harkins	Myers	Swanger
Costa, P.	Harper	O'Brien, D.	Tallman
Cox	Harris	O'Brien, M.	Taylor, J.
Creighton	Helm	O'Neill	Taylor, R.
Cruz	Hennessey	Oberlander	Thomas
Curry	Hess	Oliver	True
Cutler	Hickernell	Pallone	Turzai
Daley	Hornaman	Parker	Vereb
Dally	Houghton	Pashinski	Vitali
Day	Hutchinson	Payne	Vulakovich
Deasy	Johnson	Payton	Walko
Delozier	Josephs	Peifer	Wansacz
DeLuca	Kauffman	Petrarca	Waters
Denlinger	Keller, M.K.	Petri	Watson
DePasquale	Keller, W.	Phillips	Wheatley
DeWeese	Kessler	Pickett	White
DiGirolamo	Killion	Preston	Williams

Donatucci	Kirkland	Pyle	Youngblood
Drucker	Knowles	Quigley	Yudichak
Eachus	Kortz	Quinn	
Ellis	Kotik	Rapp	McCall,
Evans, D.	Krieger	Readshaw	Speaker

ADDITIONS—0

NOT VOTING—0

EXCUSED—9

Belfanti	Miccarelli	Perry	Shapiro
Dermody	Murt	Perzel	Wagner
Lentz			

LEAVES ADDED—1

George

LEAVES CANCELED—1

Murt

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

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 360 By Representatives THOMAS, McGEEHAN, OLIVER, JOSEPHS, BISHOP, DALEY, HALUSKA, KAUFFMAN, KIRKLAND, PALLONE, PARKER, PAYTON, SIPTROTH, WILLIAMS and YOUNGBLOOD

A Resolution urging the Bureau of Professional and Occupational Affairs to conduct an in-depth review of the Commonwealth's approved professional nursing programs to determine each program's effectiveness in producing well-prepared licensed practical nurse candidates.

Referred to Committee on PROFESSIONAL LICENSURE, June 17, 2009.

HOUSE BILLS INTRODUCED AND REFERRED

No. 21 By Representatives DeWEESE, FABRIZIO, SOLOBAY, SANTONI, BELFANTI, BRENNAN, CALTAGIRONE, EACHUS, FRANKEL, GERGELY, HARHAI, KORTZ, KULA, MAHONEY, PALLONE, PASHINSKI, K. SMITH, STABACK, WHITE and GERBER

An Act relating to amusement; authorizing table games; imposing powers and duties on the Pennsylvania Gaming Control Board; providing for eligibility to conduct authorized table games, for licensure of table game facilities, for conduct of authorized table games, for statement of compliance, for certificate of operation, for table game employees, for key employees, for service industry employees and for licensure of table game service industries; imposing powers and conferring duties on the Bureau of Investigation and Enforcement, the Pennsylvania State Police and the Attorney General; providing for distribution of gross table game revenue, for property tax relief, for corrupt organizations, for prohibitions, for inspections, for enforcement and for compulsive and problem gambling assistance; providing penalties; making appropriations; and making related repeals.

Referred to Committee on GAMING OVERSIGHT, June 17, 2009.

No. 1535 By Representatives MENSCH, BEAR, CLYMER, CREIGHTON, CUTLER, DENLINGER, ELLIS, EVERETT, GABLER, GINGRICH, HORNAMAN, HUTCHINSON, MILNE, OBERLANDER, QUINN, SAYLOR, STERN, SWANGER, TURZAI, WATSON and BEYER

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

Referred to Committee on LABOR RELATIONS, June 17, 2009.

No. 1725 By Representatives STURLA, BOYD, BELFANTI, BEYER, BRENNAN, BRIGGS, CALTAGIRONE, CLYMER, FRANKEL, JOSEPHS, KILLION, KIRKLAND, KULA, MANN, McILVAINE SMITH, MURPHY, MURT, MUSTIO, READSHAW, REICHLEY, SIPTROTH, K. SMITH, STABACK, SWANGER, THOMAS, WALKO and WANSACZ

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for the educational improvement tax credit.

Referred to Committee on EDUCATION, June 17, 2009.

No. 1726 By Representatives PRESTON, BRADFORD, BRENNAN, CALTAGIRONE, DONATUCCI, FRANKEL, HARHAI, HORNAMAN, KORTZ, KULA, MAHONEY, MELIO, MILLARD, MILNE, PALLONE, PASHINSKI, SAINATO, SIPTROTH, SOLOBAY, VULAKOVICH and YOUNGBLOOD

An Act providing for public notice of the use of donated household items proffered at publicly available collection bins.

Referred to Committee on CONSUMER AFFAIRS, June 17, 2009.

No. 1727 By Representatives PHILLIPS, FAIRCHILD, BOYD, BARRAR, BELFANTI, BEYER, BOBACK, BROOKS, CALTAGIRONE, CAUSER, CLYMER, CONKLIN, CREIGHTON, CUTLER, DENLINGER, ELLIS, EVERETT, FARRY, FLECK, GEIST, GEORGE, GIBBONS, GRELL, GROVE, HARHAI, HARRIS, HENNESSEY, HICKERNELL, HORNAMAN, M. KELLER, LONGIETTI, MAJOR, MARSHALL, MARSICO, METZGAR, MILLER, MILNE, MURT, OBERLANDER, O'NEILL, PEIFER, PICKETT, RAPP, READSHAW, REICHLEY, ROAE, ROSS, SEIP, SIPTROTH, SOLOBAY, SONNEY, STERN, STEVENSON, SWANGER, TALLMAN, J. TAYLOR, TRUE, TURZAI and VULAKOVICH

An Act amending the act of July 15, 1976 (P.L.1036, No.208), known as the Volunteer Fire Company, Ambulance Service and Rescue Squad Assistance Act, further providing for assistance to volunteer fire companies, ambulance service and rescue squads.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, June 17, 2009.

No. 1728 By Representatives CREIGHTON, DENLINGER, EVERETT, GEIST, METZGAR, MURT, SIPTROTH and SWANGER

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for dealing in proceeds of unlawful activities.

Referred to Committee on JUDICIARY, June 17, 2009.

No. 1729 By Representatives CREIGHTON, THOMAS, D. COSTA, GEIST, MILLARD, MILLER, MOUL, RAPP, SIPTROTH and SWANGER

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, further providing for payments to counties for services to children.

Referred to Committee on CHILDREN AND YOUTH, June 17, 2009.

No. 1730 By Representatives CREIGHTON, DENLINGER, MURT, ROCK, SIPTROTH and SWANGER

An Act amending the act of December 7, 1990 (P.L.615, No.156), known as the Official Visitation of Prisons Act, further providing for the definition of "official visitor."

Referred to Committee on JUDICIARY, June 17, 2009.

No. 1731 By Representatives BISHOP, CREIGHTON, COHEN, MANDERINO, YOUNGBLOOD, JOHNSON, J. TAYLOR, QUINN, SIPTROTH, PHILLIPS, DENLINGER, WATERS, THOMAS, REICHLEY, MURT and KORTZ

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for sentencing to partial confinement and for sentencing to total confinement.

Referred to Committee on JUDICIARY, June 17, 2009.

No. 1732 By Representatives HUTCHINSON, MILLARD, OBERLANDER, GABLER, BROOKS, STEVENSON, FAIRCHILD, PHILLIPS, RAPP, CAUSER, BAKER, BOBACK, CLYMER, DENLINGER, EVERETT, HANNA, HARRIS, MAJOR, METCALFE, ROAE, ROHRER, SCAVELLO, S. H. SMITH, SWANGER and TALLMAN

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, repealing provisions relating to conversion of Interstate 80; and further providing for application to United States Department of Transportation.

Referred to Committee on TRANSPORTATION, June 17, 2009.

No. 1733 By Representatives COHEN, BELFANTI, KIRKLAND, STURLA, MELIO, DONATUCCI, McGEEHAN, JOSEPHS, STABACK, CALTAGIRONE, FREEMAN, GEORGE, GERGELY, MURPHY, J. TAYLOR, YOUNGBLOOD, WATERS, SIPTROTH, LENTZ, BROWN, BRENNAN and BEYER

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

Referred to Committee on LABOR RELATIONS, June 17, 2009.

No. 1734 By Representatives GODSHALL, BEYER, BOBACK, BRENNAN, CLYMER, DENLINGER, MOUL, PASHINSKI, PICKETT, ROAE, SCHRODER, SWANGER and J. TAYLOR

An Act amending Titles 18 (Crimes and Offenses) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for insurance fraud, for penalties relating to antifraud plans, for reinstatement of operating privilege or vehicle registration, for reports by police and for admissibility of department records.

Referred to Committee on TRANSPORTATION, June 17, 2009.

No. 1735 By Representatives GODSHALL, BEYER, BOBACK, BRENNAN, CLYMER, MOUL, PASHINSKI, PICKETT, ROAE, SCHRODER, SWANGER and J. TAYLOR

An Act amending the act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act, further providing for powers and duties of victim advocate.

Referred to Committee on JUDICIARY, June 17, 2009.

No. 1736 By Representatives GODSHALL, BEYER, BOBACK, BRENNAN, CLYMER, MOUL, PASHINSKI, PICKETT, ROAE, SCHRODER, SWANGER and J. TAYLOR

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

Referred to Committee on INSURANCE, June 17, 2009.

No. 1737 By Representatives GODSHALL, BEYER, BOBACK, BRENNAN, CLYMER, MOUL, PASHINSKI, PICKETT, ROAE, SCHRODER, SWANGER and J. TAYLOR

An Act amending the act of May 17, 1921 (P.L.789, No.285), known as The Insurance Department Act of 1921, further providing for powers and duties of the Insurance Fraud Prevention Authority and for the Insurance Fraud Prevention Trust Fund.

Referred to Committee on INSURANCE, June 17, 2009.

No. 1738 By Representatives GODSHALL, BEYER, BOBACK, BRENNAN, CLYMER, MOUL, PASHINSKI, PICKETT, ROAE, SCHRODER, SWANGER and J. TAYLOR

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

Referred to Committee on HEALTH AND HUMAN SERVICES, June 17, 2009.

No. 1739 By Representatives GODSHALL, BEYER, BOBACK, BRENNAN, CLYMER, HARHART, MOUL, PASHINSKI, PICKETT, ROAE, SCHRODER, SWANGER and J. TAYLOR

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, providing for antifraud plans; and making a related repeal.

Referred to Committee on INSURANCE, June 17, 2009.

No. 1740 By Representatives GODSHALL, BEYER, BOBACK, BRENNAN, CLYMER, HARHART, MOUL, PASHINSKI, PICKETT, ROAE, SCHRODER, SWANGER and J. TAYLOR

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for insurance fraud forfeiture; and further providing for seized property.

Referred to Committee on INSURANCE, June 17, 2009.

SENATE BILLS FOR CONCURRENCE

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

SB 301, PN 300

Referred to Committee on GAME AND FISHERIES, June 17, 2009.

SB 302, PN 301

Referred to Committee on GAME AND FISHERIES, June 17, 2009.

SB 852, PN 1143

Referred to Committee on STATE GOVERNMENT, June 17, 2009.

SB 862, PN 1027

Referred to Committee on STATE GOVERNMENT, June 17, 2009.

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

HB 9, PN 2205 (Amended) By Rep. JOSEPHS

An Act amending the act of July 2, 1984 (P.L.561, No.112), known as the Pennsylvania Conservation Corps Act, further providing for supervisors and for expiration.

STATE GOVERNMENT.

HB 419, PN 463 By Rep. STABACK

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for the right to hunt, fish and harvest game.

GAME AND FISHERIES.

HB 1030, PN 1187

By Rep. JOSEPHS

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 City of Oil City, Venango County.

STATE GOVERNMENT.

HB 1175, PN 2206 (Amended)

By Rep. JOSEPHS

An Act providing for identification devices and for subcutaneous implanting; and imposing civil penalties.

STATE GOVERNMENT.

HB 1523, PN 2208 (Amended)

By Rep. STABACK

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, in protection of property and persons, further providing for hunting or furtaking prohibited while under influence of alcohol or controlled substance and for chemical test to determine amount of alcohol.

GAME AND FISHERIES.

HB 1595, PN 2207 (Amended)

By Rep. JOSEPHS

An Act amending Title 65 (Public Officers) of the Pennsylvania Consolidated Statutes, in ethics standards and financial disclosure, further providing for statement of financial interests to be filed.

STATE GOVERNMENT.

HB 1596, PN 1988

By Rep. JOSEPHS

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for Voting Standards Development Board.

STATE GOVERNMENT.

CALENDAR

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 786, PN 2148**, entitled:

An Act establishing the State Energy Office; and imposing duties on the State Energy Office.

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

RESOLUTION PURSUANT TO RULE 35

Mr. BURNS called up **HR 330, PN 1981**, entitled:

A Resolution designating June 20, 2009, as "Oval Race Track Day" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—194

Adolph	Evans, J.	Kula	Reed
Baker	Everett	Levdansky	Reese
Barbin	Fabrizio	Longiatti	Reichley
Barrar	Fairchild	Maher	Roae
Bear	Farry	Mahoney	Rock
Benninghoff	Fleck	Major	Roebuck
Beyer	Frankel	Manderino	Rohrer
Bishop	Freeman	Mann	Ross
Boback	Gabig	Markosek	Sabatina
Boyd	Gabler	Marshall	Sainato
Boyle	Galloway	Marsico	Samuelson
Bradford	Geist	Matzie	Santarsiero
Brennan	George	McGeehan	Santoni
Briggs	Gerber	McI. Smith	Saylor
Brooks	Gergely	Melio	Scavello
Brown	Gibbons	Mensch	Schroder
Burns	Gillespie	Metcalfe	Seip
Buxton	Gingrich	Metzgar	Sipthoth
Caltagirone	Godshall	Micozzie	Smith, K.
Carroll	Goodman	Millard	Smith, M.
Casorio	Grell	Miller	Smith, S.
Causer	Grove	Milne	Solobay
Christiana	Grucela	Mirabito	Sonney
Civera	Haluska	Moul	Staback
Clymer	Hanna	Mundy	Stern
Cohen	Harhai	Murphy	Stevenson
Conklin	Harhart	Mustio	Sturla
Costa, D.	Harkins	Myers	Swanger
Costa, P.	Harper	O'Brien, D.	Tallman
Cox	Harris	O'Brien, M.	Taylor, J.
Creighton	Helm	O'Neill	Taylor, R.
Cruz	Hennessey	Oberlander	Thomas
Curry	Hess	Oliver	True
Cutler	Hickernell	Pallone	Turzai
Daley	Hornaman	Parker	Vereb
Dally	Houghton	Pashinski	Vitali
Day	Hutchinson	Payne	Vulakovich
Deasy	Johnson	Payton	Walko
DeLozier	Josephs	Peifer	Wansacz
DeLuca	Kauffman	Petrarca	Waters
Denlinger	Keller, M.K.	Petri	Watson
DePasquale	Keller, W.	Phillips	Wheatley
DeWeese	Kessler	Pickett	White
DiGirolamo	Killion	Preston	Williams
Donatucci	Kirkland	Pyle	Youngblood
Drucker	Knowles	Quigley	Yudichak
Eachus	Kortz	Quinn	
Ellis	Kotik	Rapp	McCall,
Evans, D.	Krieger	Readshaw	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—9

Belfanti	Miccarelli	Perry	Shapiro
Dermody	Murt	Perzel	Wagner
Lentz			

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

GUESTS INTRODUCED

The SPEAKER. To the left of the Speaker, the Chair would like to introduce three summer interns that are working in Representative Curtis Thomas's district office: Ms. Cheree Kenyatta, who is working in the Harrisburg office. She attends Lincoln University. She is a senior. Her career goal is public relations; Ms. Tiffany Gibson, working in the Philadelphia district office, St. John's University. She is a freshman. Her career goal is ob-gyn (obstetrician-gynecologist), high school GPA (grade point average) was 3.9; and Mr. Darius Barnum, Philadelphia district office, La Salle University sophomore, and his career goal is marketing specialist and maybe public office someday. Welcome to the hall of the House.

RULES COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentlelady from Lehigh County, Representative Mann.

Miss MANN. Thank you, Mr. Speaker.

I would like to call an immediate meeting of the Rules Committee in the majority caucus room.

The SPEAKER. The Chair thanks the gentlelady.

An immediate meeting of the House Rules Committee in the majority caucus room.

SUBCOMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Allegheny County, Representative Walko, for the purpose of an announcement.

Mr. WALKO. Thank you, Mr. Speaker.

Immediately upon the call of the recess, there will be a meeting of the Judiciary Committee, Subcommittee on Courts, in room G-50 of the Irvis Office Building. Thank you.

The SPEAKER. There will be a meeting of the Subcommittee on Courts in room G-50 of the Irvis Office Building.

Just as a reminder, we are not recessing. We are putting the House at ease. We are putting the House at ease for an immediate meeting of the House Rules Committee. We will return to the floor promptly.

All Rules Committee members, please report to the majority caucus room.

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

HB 1647, PN 2052 By Rep. ROEBUCK

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing, in funding for public libraries, for State aid for 2009-2010.

EDUCATION.

HB 1665, PN 2106 By Rep. ROEBUCK

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

tuition and maintenance of certain exceptional children in approved institutions and in the four chartered schools for the education of the deaf and blind.

EDUCATION.**BILLS REREPORTED FROM COMMITTEE**

HB 255, PN 2059 By Rep. EACHUS

An Act amending the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, adding definitions; and providing for licensure of prosthetists, orthotists, pedorthists and orthotic fitters.

RULES.

HB 746, PN 2004 By Rep. EACHUS

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, further providing for conditions subject to which policies are to be issued; providing for exemption from general applicability, for health insurance coverage for certain children of insured parents for guaranteed availability and renewability of small group health benefit plans and for affordable small group health care coverage; and making inconsistent repeals.

RULES.

HB 1152, PN 2094 By Rep. EACHUS

An Act establishing the Department of Aging and Long-Term Living and providing for its powers and duties; and making related repeals.

RULES.

HB 1407, PN 1729 By Rep. EACHUS

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, further providing for property held by financial institutions, for property held by insurers, for property held by utilities, for property held by business associations, for property held by fiduciaries, for property held by courts and public officers and agencies and for miscellaneous property held for or owing to another.

RULES.

HB 1418, PN 1740 By Rep. EACHUS

An Act providing for the capital budget for the fiscal year 2009-2010.

RULES.

HB 1419, PN 1741 By Rep. EACHUS

An Act making an appropriation from the Public School Employees' Retirement Fund to provide for expenses of the Public School Employees' Retirement Board for the fiscal year July 1, 2009, to June 30, 2010, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2009.

RULES.

HB 1420, PN 1742 By Rep. EACHUS

An Act making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the fiscal year July 1, 2009, to June 30, 2010, and

for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2009.

RULES.

HB 1421, PN 1743 By Rep. EACHUS

An Act making appropriations from the Professional Licensure Augmentation Account and from restricted revenue accounts within the General Fund to the Department of State for use by the Bureau of Professional and Occupational Affairs in support of the professional licensure boards assigned thereto.

RULES.

HB 1422, PN 1744 By Rep. EACHUS

An Act making appropriations from the Workmen's Compensation Administration Fund to the Department of Labor and Industry and the Department of Community and Economic Development to provide for the expenses of administering the Workers' Compensation Act, The Pennsylvania Occupational Disease Act and the Office of Small Business Advocate for the fiscal year July 1, 2009, to June 30, 2010, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2009.

RULES.

HB 1423, PN 1745 By Rep. EACHUS

An Act making an appropriation from a restricted revenue account within the General Fund and from Federal augmentation funds to the Pennsylvania Public Utility Commission.

RULES.

HB 1424, PN 1746 By Rep. EACHUS

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Consumer Advocate in the Office of Attorney General.

RULES.

HB 1425, PN 1747 By Rep. EACHUS

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Small Business Advocate in the Department of Community and Economic Development.

RULES.

HB 1609, PN 2001 By Rep. EACHUS

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, further defining "traditional neighborhood development"; further providing for grant of power to municipalities, for standards and conditions for traditional neighborhood development designations and for manuals of written and graphic design guidelines; and providing for subdivision and land development ordinance provisions applicable to traditional neighborhood development.

RULES.

HB 1618, PN 2096 By Rep. EACHUS

An Act providing for data collection relating to dropouts by the Department of Education.

RULES.

HB 1663, PN 2104 By Rep. EACHUS

An Act making appropriations from the restricted revenue accounts within the State Gaming Fund and from the State Gaming Fund to the Pennsylvania Gaming Control Board, the Department of Revenue, the Pennsylvania State Police and the Attorney General for the fiscal year beginning July 1, 2009, to June 30, 2010, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2009.

RULES.

HB 1683, PN 2124 By Rep. EACHUS

An Act making an appropriation to the Beacon Lodge Camp.

RULES.

HB 1684, PN 2125 By Rep. EACHUS

An Act making appropriations to the Carnegie Museums of Pittsburgh for operations and maintenance expenses and the purchase of apparatus, supplies and equipment.

RULES.

HB 1685, PN 2126 By Rep. EACHUS

An Act making an appropriation to the Everhart Museum in Scranton for operating expenses.

RULES.

HB 1686, PN 2127 By Rep. EACHUS

An Act making an appropriation to the African-American Museum in Philadelphia for operating expenses.

RULES.

HB 1687, PN 2128 By Rep. EACHUS

An Act making an appropriation to the Academy of Natural Sciences for maintenance expenses.

RULES.

HB 1689, PN 2129 By Rep. EACHUS

An Act making an appropriation to the Franklin Institute Science Museum for maintenance expenses.

RULES.

HB 1690, PN 2130 By Rep. EACHUS

An Act making an appropriation to the Mercer Museum in Doylestown, Pennsylvania, for operating expenses.

RULES.

HB 1691, PN 2131 By Rep. EACHUS

An Act making an appropriation to the Whitaker Center for Science and the Arts in Harrisburg, Pennsylvania, for operating expenses.

RULES.

<p>HB 1692, PN 2132 By Rep. EACHUS</p> <p>An Act making an appropriation to the Burn Foundation, Philadelphia, for outpatient and inpatient treatment.</p>	<p>HB 1701, PN 2141 By Rep. EACHUS</p> <p>An Act making an appropriation to the Philadelphia College of Osteopathic Medicine, Philadelphia.</p>
<p>RULES.</p>	<p>RULES.</p>
<p>HB 1693, PN 2133 By Rep. EACHUS</p> <p>An Act making an appropriation to the Central Penn Oncology Group.</p>	<p>HB 1702, PN 2142 By Rep. EACHUS</p> <p>An Act making an appropriation to the Lake Erie College of Osteopathic Medicine, Erie.</p>
<p>RULES.</p>	<p>RULES.</p>
<p>HB 1694, PN 2134 By Rep. EACHUS</p> <p>An Act making an appropriation to the Fox Chase Institute for Cancer Research, Philadelphia, for the operation and maintenance of the cancer research program.</p>	<p>HB 1703, PN 2143 By Rep. EACHUS</p> <p>An Act making an appropriation to the University of the Arts, Philadelphia, for instruction and student aid.</p>
<p>RULES.</p>	<p>RULES.</p>
<p>HB 1695, PN 2135 By Rep. EACHUS</p> <p>An Act making an appropriation to Lancaster Cleft Palate for outpatient-inpatient treatment.</p>	<p>HB 1704, PN 2144 By Rep. EACHUS</p> <p>An Act making appropriations to the Trustees of the University of Pennsylvania.</p>
<p>RULES.</p>	<p>RULES.</p>
<p>HB 1696, PN 2136 By Rep. EACHUS</p> <p>An Act making an appropriation to The Children's Institute, Pittsburgh, for treatment and rehabilitation of certain persons with disabling diseases.</p>	<p>HB 1705, PN 2145 By Rep. EACHUS</p> <p>An Act making an appropriation to Salus University, Philadelphia.</p>
<p>RULES.</p>	<p>RULES.</p>
<p>HB 1697, PN 2137 By Rep. EACHUS</p> <p>An Act making an appropriation to The Children's Hospital of Philadelphia for comprehensive patient care and general maintenance and operation of the hospital.</p>	<p>HB 1706, PN 2146 By Rep. EACHUS</p> <p>An Act making an appropriation to the Johnson Technical Institute of Scranton for operation and maintenance expenses.</p>
<p>RULES.</p>	<p>RULES.</p>
<p>HB 1698, PN 2138 By Rep. EACHUS</p> <p>An Act making appropriations to the Wistar Institute, Philadelphia, for operation and maintenance expenses and for AIDS research.</p>	<p>HB 1707, PN 2147 By Rep. EACHUS</p> <p>An Act making an appropriation to the Williamson Free School of Mechanical Trades in Delaware County for operation and maintenance expenses.</p>
<p>RULES.</p>	<p>RULES.</p>
<p>HB 1699, PN 2139 By Rep. EACHUS</p> <p>An Act making an appropriation to the Trustees of Drexel University, Philadelphia.</p>	<p>HB 1708, PN 2150 By Rep. EACHUS</p> <p>A Supplement to the act of April 1, 1863 (P.L.213, No.227), entitled "An act to accept the grant of Public Lands, by the United States, to the several states, for the endowment of Agricultural Colleges," making Federal and State appropriations for carrying the same into effect; and providing for a basis for payments of such appropriations, for a method of accounting for the funds appropriated and for certain fiscal information disclosure.</p>
<p>RULES.</p>	<p>RULES.</p>
<p>HB 1700, PN 2140 By Rep. EACHUS</p> <p>An Act making an appropriation to the Philadelphia Health and Education Corporation for the Colleges of Medicine, Public Health, Nursing and Health Professions for continuation of pediatric services.</p>	<p>HB 1709, PN 2151 By Rep. EACHUS</p> <p>A Supplement to the act of July 7, 1972 (P.L.743, No.176), known as the Lincoln University-Commonwealth Act, making Federal and State appropriations for carrying the same into effect; and providing for a basis for payments of the appropriations, for a method of accounting for the funds appropriated and for certain fiscal information disclosure.</p>
<p>RULES.</p>	<p>RULES.</p>

HB 1710, PN 2152

By Rep. EACHUS

A Supplement to the act of November 30, 1965 (P.L.843, No.355), known as the Temple University—Commonwealth Act, making Federal and State appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

RULES.

HB 1711, PN 2153

By Rep. EACHUS

A Supplement to the act of July 28, 1966 (3rd Sp.Sess., P.L.87, No.3), known as the University of Pittsburgh—Commonwealth Act, making Federal and State appropriations for carrying the same into effect; and providing for a basis for payments of such appropriations, for a method of accounting for the funds appropriated and for certain fiscal information disclosure.

RULES.

The SPEAKER. Those bills will be placed on the House supplemental calendar.

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader, who moves that the following bills be removed from the tabled calendar:

SB 81;
SB 139;
SB 140;
SB 141; and
SB 568.

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

BILLS RECOMMITTED

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

SB 81;
SB 139;
SB 140;
SB 141; and
SB 568.

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

BILLS RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader, who moves that the following bills be removed from the supplemental calendar and recommitted to the Committee on Appropriations:

HB 255;
HB 746;
HB 1152;
HB 1407;
HB 1609;
HB 1618;
HB 1683;
HB 1684;
HB 1685;
HB 1686;
HB 1687;
HB 1689;
HB 1690;
HB 1691;
HB 1692;
HB 1693;
HB 1694;
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HB 1701;
HB 1702;
HB 1703;
HB 1704;
HB 1705;
HB 1706;
HB 1707;
HB 1708;
HB 1709;
HB 1710;
HB 1711;
HB 1418;
HB 1419;
HB 1420;
HB 1421;
HB 1422;
HB 1423;
HB 1424;
HB 1425; and
HB 1663.

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

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

HB 1713, PN 2155

By Rep. MELIO

An Act imposing additional requirements for closure or sale of any State veterans home, center or school.

VETERANS AFFAIRS AND EMERGENCY
PREPAREDNESS.

RESOLUTION

Mr. EACHUS called up **HR 34, PN 162**, entitled:

A Resolution establishing a select committee to investigate and review the policies, procedures and practices in place by the various Commonwealth agencies, authorities, boards, commissions, councils, departments and offices and the entities they license or regulate to protect the personal health, financial and other sensitive data of the citizens of this Commonwealth.

On the question,
Will the House adopt the resolution?

RESOLUTION TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves that HR 34 be removed from the active calendar and placed on the tabled calendar.

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 34 be removed from the tabled calendar and placed on the active calendar.

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

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentlelady from Lehigh County, Representative Mann, for the purpose of an announcement.

Miss MANN. Thank you, Mr. Speaker.

I would like to call an immediate meeting of the Appropriations Committee in the majority caucus room. We will return to the floor at 12:15. An immediate meeting of Appropriations in the majority caucus room and return to the floor at 12:15. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentlelady.

The Appropriations Committee will meet immediately in the majority caucus room.

SUBCOMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Allegheny County, Representative Walko, for the purpose of an announcement.

Mr. WALKO. Thank you, Mr. Speaker.

I would like to clarify an earlier announcement. The Judiciary Committee, Subcommittee on Courts, will be meeting now, concurrently with the Appropriations Committee meeting, in G-50 of the Irvis Office Building. That is the Subcommittee on Courts.

The SPEAKER. The Chair thanks the gentleman.

The Subcommittee on Courts will meet now in room G-50 of the Irvis Office Building.

RECESS

The SPEAKER. This House does now stand in recess until 12:15 p.m., unless sooner recalled by the Speaker.

AFTER RECESS

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

BILLS REREPORTED FROM COMMITTEE**HB 746, PN 2004**

By Rep. D. EVANS

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, further providing for conditions subject to which policies are to be issued; providing for exemption from general applicability, for health insurance coverage for certain children of insured parents for guaranteed availability and renewability of small group health benefit plans and for affordable small group health care coverage; and making inconsistent repeals.

APPROPRIATIONS.**HB 984, PN 2054**

By Rep. D. EVANS

An Act amending the act of December 19, 1974 (P.L.973, No.319), known as the Pennsylvania Farmland and Forest Land Assessment Act of 1974, further providing for split-off, separation or transfer; and providing for removal of land from preferential assessment.

APPROPRIATIONS.**HB 1152, PN 2094**

By Rep. D. EVANS

An Act establishing the Department of Aging and Long-Term Living and providing for its powers and duties; and making related repeals.

APPROPRIATIONS.**HB 1394, PN 2055**

By Rep. D. EVANS

An Act amending the act of December 19, 1974 (P.L.973, No.319), known as the Pennsylvania Farmland and Forest Land Assessment Act of 1974, further providing for definitions, for responsibilities of the county assessor in general, for split-off, separation or transfer of land and for roll-back taxes and special circumstances; and providing for removal of land from preferential assessment.

APPROPRIATIONS.**HB 1609, PN 2001**

By Rep. D. EVANS

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, further defining "traditional neighborhood development"; further providing for grant of power to municipalities, for standards and conditions for traditional neighborhood development designations and for manuals of written and graphic design guidelines; and providing for subdivision and land development ordinance provisions applicable to traditional neighborhood development.

APPROPRIATIONS.

The SPEAKER. Those bills will go to the House supplemental calendar.

Members, please report to the floor.

CALENDAR CONTINUED**RESOLUTIONS PURSUANT TO RULE 35**

Mr. WATERS called up **HR 349, PN 2077**, entitled:

A Resolution designating the week of June 21 through 27, 2009, as "Rubbernecking Awareness Week" in Pennsylvania.

On the question,
Will the House adopt the resolution?

(Members proceeded to vote.)

VOTE STRICKEN

The SPEAKER. The Chair will strike the vote.

The Chair recognizes the gentleman from Allegheny County, Representative Maher, on the resolution.

Mr. MAHER. Typically, when rubbernecking occurs, it is because of a car crash, and it may be really timely to have this resolution adopted when we anticipate the way that the Governor is driving the State budget off the road. It is a car crash waiting to happen because of reckless driving, and I want all Pennsylvanians to rubberneck at that wreckage.

Thank you, Mr. Speaker.

The SPEAKER. On the resolution, the Chair recognizes the gentleman from Philadelphia, Representative Thomas.

Mr. THOMAS. Mr. Speaker, the last speaker knows that I have a lot of respect for him, but we cannot allow that kind of comment to go on record without a response. As long as unemployment is as high as it is, as long as there are people out there with no roofs over their heads, and as long as there are folks going to our schools that need to be able to finish their education, the Governor can rubberneck as long as he wants as long as at the end of the day, at the end of the day, we provide access to young people who want a quality education, housing for those who need decent and affordable housing, and jobs for those who are unemployed. This is Pennsylvania. This is not Mississippi.

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

Mr. MAHER. Thank you, Mr. Speaker.

On the resolution—

The SPEAKER. Will the gentleman yield.

For what purpose does the gentleman rise?

Mr. MAHER. On the resolution, Mr. Speaker.

The SPEAKER. On the resolution.

Mr. MAHER. I completely agree with my colleague, Mr. Thomas. All of those subjects, all of those concerns are worthy, which is why, instead of heading for another car crash, the Governor ought to sit down and—

The SPEAKER. The gentleman will yield.

The gentleman is not on the resolution. The gentleman will keep his remarks to the resolution before the House.

Mr. MAHER. Thank you, Mr. Speaker, and I will respect that.

The gentleman, Mr. Thomas, raised some very good points with which I agree entirely, which is why I believe that we ought to take note of the rubbernecking that we should expect when there are car crashes, especially those which are entirely avoidable if we had adults behind the wheel.

You know, we pass a lot of legislation about children drivers and trying to reduce the incidents of wreckage and injury, and I have voted for all those measures, and I think it really would be great if Pennsylvania had an adult behind the wheel so that the—

The SPEAKER. The gentleman will yield.

Mr. MAHER. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Representative Waters, on the resolution.

Mr. WATERS. On the resolution, Mr. Speaker.

I want to thank you for introducing the resolution today. However, I would like to stay on content with this resolution. The resolution is intended to increase awareness so that people would drive safely so that there will be less accidents for all Pennsylvanians and people who travel through our great State and our great Commonwealth. So if we stay focused on the resolution, I would welcome a positive response from all of my colleagues on both sides of the aisle as we let all Pennsylvanians know how we feel about safe driving conditions here in the Commonwealth of Pennsylvania.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Montgomery County, Representative Vereb, on the resolution.

Mr. VEREB. On the resolution, Mr. Speaker, and also to correct my colleague from Allegheny County, whom I respect, but the rubbernecking issue is a major issue especially in accidents. However, for him to suggest about adults driving, I submit to you, Mr. Speaker, that the trooper that drives the Governor is an adult and does do a good job.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

(Members proceeded to vote.)

VOTE STRICKEN

The SPEAKER. Strike the vote.

LEAVE OF ABSENCE

The SPEAKER. Turning to leaves of absence, the Chair recognizes the majority whip, Representative DeWeese, who requests the following leave of absence: the gentleman from Clearfield County, Representative GEORGE, for the day. Without objection, the leave will be granted.

CONSIDERATION OF HR 349 CONTINUED

The SPEAKER. On the resolution, the Chair recognizes the gentleman from Cumberland County, Representative Gabig.

Mr. GABIG. Thank you, Mr. Speaker.

I have new glasses. They are called progressives, for all the progressives on the other side, and it is hard to see, and I am sure the Speaker is having trouble, as you get to a certain age seeing, but I am back here waving to be—

I wonder if the gentleman would stand for a brief interrogation actually on the merits of this for a clarification on the resolution, my good friend from Philadelphia, Representative Waters?

The SPEAKER. Will the gentleman, Representative Waters, stand for interrogation? The gentleman indicates he will stand for interrogation. The gentleman, Mr. Gabig, is in order and may proceed.

Mr. GABIG. Thank you, Mr. Speaker.

I was looking, actually, at the resolution as I heard some of the other debate, and I saw lines 11 and 12. I see a computer in front of Mr. Williams. If you can pull your glasses out and take a look at lines 11 and 12, where it says one of— No, the computer – Mr. Waters is looking at it. On lines 11 and 12, one of the reasons for rubbernecking, the last reason listed there – are you with me? – can you share with the rest of the class what that last reason is? I just want to know. My question then, can you clarify that? That seemed a little— Can you clarify that for us, please?

Mr. WATERS. In all due respect, Mr. Speaker, to the gentleman, I think that it speaks for itself. We who are men understand what that means and people who are women understand what that means and people can be distracted. All this is saying is that sometimes you could be distracted by the opposite sex. That is what it means, Mr. Speaker.

Mr. GABIG. All right. So the idea is that attractive men or women can be a distraction which would cause rubbernecking. Is that term "attractive" supposed to be— That is not discriminatory in any manner, Mr. Speaker?

Mr. WATERS. No.

Mr. GABIG. You are not saying that there are some unattractive people out there that are not distractions, are you? I am certainly sure that is not the intent of the gentleman. Is it, Mr. Speaker?

Mr. WATERS. You know, Mr. Speaker, I thought this was an uncontroversial resolution, but I just want to say this in trying to help you out, Mr. Speaker: Beauty is in the eye of the beholder.

Mr. GABIG. I am going to take that as a good answer, Mr. Speaker. Thank you very much.

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

Mr. SAMUELSON. I rise to make a motion.

The SPEAKER. The gentleman is in order.

Mr. SAMUELSON. I move to refer this bill to the Transportation Committee so perhaps it can be rewritten to address driver safety concerns. Thank you.

The SPEAKER. The gentleman, Mr. Samuelson, this is a rule 35 noncontroversial resolution. If you object to the resolution, the resolution will be automatically rereferred to committee. Do you state an objection?

Does the gentleman, Mr. Samuelson, object to the running of HR 349?

The Chair recognizes the gentleman from Northampton County, Representative Samuelson.

Mr. SAMUELSON. All right. I will withdraw my motion, but then we can vote up or down right now.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—190

Adolph	Evans, D.	Krieger	Reed
Baker	Evans, J.	Kula	Reese
Barbin	Everett	Levdansky	Reichley
Barrar	Fabrizio	Longiatti	Roae
Bear	Fairchild	Maher	Rock
Benninghoff	Farry	Mahoney	Roebuck
Beyer	Fleck	Major	Rohrer
Bishop	Frankel	Manderino	Ross
Boback	Freeman	Mann	Sabatina
Boyd	Gabig	Markosek	Sainato
Boyle	Gabler	Marshall	Santarsiero
Bradford	Galloway	Marsico	Santoni
Brennan	Geist	Matzie	Saylor
Briggs	Gerber	McGeehan	Scavello
Brooks	Gergely	Melio	Schroder
Brown	Gibbons	Mensch	Seip
Burns	Gillespie	Metcalfe	Sipthro
Buxton	Gingrich	Metzgar	Smith, K.
Caltagirone	Godshall	Micozzie	Smith, M.
Carroll	Goodman	Millard	Smith, S.
Casorio	Grell	Miller	Solobay
Causer	Grove	Milne	Sonney
Christiana	Grucela	Mirabito	Staback
Civera	Haluska	Moul	Stern
Clymer	Hanna	Mundy	Stevenson
Cohen	Harhai	Murphy	Sturla
Conklin	Harhart	Mustio	Swanger
Costa, D.	Harkins	Myers	Tallman
Costa, P.	Harper	O'Brien, D.	Taylor, J.
Cox	Harris	O'Brien, M.	Taylor, R.
Creighton	Helm	O'Neill	Thomas
Cruz	Hennessey	Oberlander	True
Curry	Hess	Oliver	Turzai
Cutler	Hickernell	Pallone	Vereb
Daley	Hornaman	Parker	Vitali
Dally	Houghton	Pashinski	Vulakovich
Day	Hutchinson	Payne	Walko
Deasy	Johnson	Payton	Wansacz
Delozier	Josephs	Peifer	Waters
DeLuca	Kauffman	Petrarca	Watson
Denlinger	Keller, M.K.	Petri	Wheatley
DePasquale	Keller, W.	Phillips	White
DeWeese	Kessler	Pickett	Williams
DiGirolamo	Killion	Preston	Youngblood
Donatucci	Kirkland	Pyle	Yudichak
Drucker	Knowles	Quigley	
Eachus	Kortz	Quinn	McCall,
Ellis	Kotik	Readshaw	Speaker

NAYS—3

McI. Smith	Rapp	Samuelson
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NOT VOTING—0

EXCUSED—10

Belfanti	Lentz	Perry	Shapiro
Dermody	Miccarelli	Perzel	Wagner
George	Murt		

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

* * *

Mr. WALKO called up **HR 359, PN 2165**, entitled:

A Resolution honoring Ross Township, Allegheny County, on the celebration of its bicentennial.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—193

Adolph	Evans, J.	Levdansky	Reese
Baker	Everett	Longiatti	Reichley
Barbin	Fabrizio	Maher	Roae
Barrar	Fairchild	Mahoney	Rock
Bear	Farry	Major	Roebuck
Benninghoff	Fleck	Manderino	Rohrer
Beyer	Frankel	Mann	Ross
Bishop	Freeman	Markosek	Sabatina
Boback	Gabig	Marshall	Sainato
Boyd	Gabler	Marsico	Samuelson
Boyle	Galloway	Matzie	Santarsiero
Bradford	Geist	McGeehan	Santoni
Brennan	Gerber	McI. Smith	Saylor
Briggs	Gergely	Melio	Scavello
Brooks	Gibbons	Mensch	Schroder
Brown	Gillespie	Metcalfe	Seip
Burns	Gingrich	Metzgar	Siptroth
Buxton	Godshall	Micozzie	Smith, K.
Caltagirone	Goodman	Millard	Smith, M.
Carroll	Grell	Miller	Smith, S.
Casorio	Grove	Milne	Solobay
Causar	Grucela	Mirabito	Sonney
Christiana	Haluska	Moul	Staback
Civera	Hanna	Mundy	Stern
Clymer	Harhai	Murphy	Stevenson
Cohen	Harhart	Mustio	Sturla
Conklin	Harkins	Myers	Swanger
Costa, D.	Harper	O'Brien, D.	Tallman
Costa, P.	Harris	O'Brien, M.	Taylor, J.
Cox	Helm	O'Neill	Taylor, R.
Creighton	Hennessey	Oberlander	Thomas
Cruz	Hess	Oliver	True
Curry	Hickernell	Pallone	Turzai
Cutler	Hornaman	Parker	Vereb
Daley	Houghton	Pashinski	Vitali
Dally	Hutchinson	Payne	Vulakovich
Day	Johnson	Payton	Walko
Deasy	Josephs	Peifer	Wansacz
Delozier	Kauffman	Petrarca	Waters
DeLuca	Keller, M.K.	Petri	Watson
Denlinger	Keller, W.	Phillips	Wheatley
DePasquale	Kessler	Pickett	White
DeWeese	Killion	Preston	Williams
DiGirolamo	Kirkland	Pyle	Youngblood

Donatucci	Knowles	Quigley	Yudichak
Drucker	Kortz	Quinn	
Eachus	Kotik	Rapp	McCall,
Ellis	Krieger	Readshaw	Speaker
Evans, D.	Kula	Reed	

NAYS—0

NOT VOTING—0

EXCUSED—10

Belfanti	Lentz	Perry	Shapiro
Dermody	Miccarelli	Perzel	Wagner
George	Murt		

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

RESOLUTION

Mr. HORNAMAN called up **HR 286, PN 1725**, entitled:

A Resolution pledging support to the Shriners Hospitals for Children in dealing with a budget shortfall which threatens to close six hospitals throughout the country, one of which is located in Erie, and encouraging the Shriners Hospital System to explore every available option for making the system financially sound and for keeping open the Erie hospital, which serves the needs of children and families in a five-state area.

On the question,
Will the House adopt the resolution?

The SPEAKER. On that question, the Chair recognizes the gentleman from Allegheny County, Representative Maher.

Mr. MAHER. I applaud Representative Hornaman for bringing our attention to the consequences of a budget shortfall, and sometimes actions speak louder than words. And while the resolution is helpful – bringing our attention to a budget shortfall – I am hoping that everyone who votes for this resolution will also stand up and say, let us be adults and deal with the budget shortfall rather than just commiserating about it.

We all have 60,000, maybe 70,000, bosses at home. I think those bosses want to see adults working in a bipartisan fashion to deal with the budget shortfall. I salute Representative Hornaman for bringing this subject to our attention, but I would ask, I would ask for action and not mere words.

The SPEAKER. On the question, the Chair recognizes the gentleman from Butler County, Representative Metcalfe.

Mr. METCALFE. Mr. Speaker, I would also like to commend the maker of this resolution because the resolution talks about cutting operating expenses, which is specifically what the State government should be doing instead of raising taxes as the Governor would like to do.

Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—193

Adolph	Evans, J.	Levdansky	Reese
Baker	Everett	Longiatti	Reichley
Barbin	Fabrizio	Maher	Roae
Barrar	Fairchild	Mahoney	Rock
Bear	Farry	Major	Roebuck
Benninghoff	Fleck	Manderino	Rohrer
Beyer	Frankel	Mann	Ross
Bishop	Freeman	Markosek	Sabatina
Boback	Gabig	Marshall	Sainato
Boyd	Gabler	Marsico	Samuelson
Boyle	Galloway	Matzie	Santarsiero
Bradford	Geist	McGeehan	Santoni
Brennan	Gerber	McI. Smith	Saylor
Briggs	Gergely	Melio	Scavello
Brooks	Gibbons	Mensch	Schroder
Brown	Gillespie	Metcalfe	Seip
Burns	Gingrich	Metzgar	Siptroth
Buxton	Godshall	Micozzie	Smith, K.
Caltagirone	Goodman	Millard	Smith, M.
Carroll	Grell	Miller	Smith, S.
Casorio	Grove	Milne	Solobay
Causer	Grucela	Mirabito	Sonney
Christiana	Haluska	Moul	Staback
Civera	Hanna	Mundy	Stern
Clymer	Harhai	Murphy	Stevenson
Cohen	Harhart	Mustio	Sturla
Conklin	Harkins	Myers	Swanger
Costa, D.	Harper	O'Brien, D.	Tallman
Costa, P.	Harris	O'Brien, M.	Taylor, J.
Cox	Helm	O'Neill	Taylor, R.
Creighton	Hennessey	Oberlander	Thomas
Cruz	Hess	Oliver	True
Curry	Hickernell	Pallone	Turzai
Cutler	Hornaman	Parker	Verbe
Daley	Houghton	Pashinski	Vitali
Dally	Hutchinson	Payne	Vulakovich
Day	Johnson	Payton	Walko
Deasy	Josephs	Peifer	Wansacz
Delozier	Kauffman	Petrarca	Waters
DeLuca	Keller, M.K.	Petri	Watson
Denlinger	Keller, W.	Phillips	Wheatley
DePasquale	Kessler	Pickett	White
DeWeese	Killion	Preston	Williams
DiGirolamo	Kirkland	Pyle	Youngblood
Donatucci	Knowles	Quigley	Yudichak
Drucker	Kortz	Quinn	
Eachus	Kotik	Rapp	McCall,
Ellis	Krieger	Readshaw	Speaker
Evans, D.	Kula	Reed	

NAYS—0

NOT VOTING—0

EXCUSED—10

Belfanti	Lentz	Perry	Shapiro
Dermody	Miccarelli	Perzel	Wagner
George	Murt		

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

SUPPLEMENTAL CALENDAR A

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 984, PN 2054**, entitled:

An Act amending the act of December 19, 1974 (P.L.973, No.319), known as the Pennsylvania Farmland and Forest Land Assessment Act of 1974, further providing for split-off, separation or transfer; and providing for removal of land from preferential assessment.

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

The SPEAKER. On that question, the Chair recognizes the gentleman from Lancaster County, Representative Cutler, who offers amendment A01721.

The gentleman withdraws the amendment? The Chair thanks the gentleman.

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

Mr. **KESSLER** offered the following amendment
No. **A01748**:

Amend Bill, page 3, lines 3 through 17, by striking out all of said lines

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

The SPEAKER. On that question, the Chair recognizes the gentleman from Berks County, Representative Kessler.

Mr. **KESSLER**. Thank you, Mr. Speaker.

The purpose of this bill is to promote alternative energy, and this bill specifically talks about wind energy only. This amendment would make null and void the preferential assessment on noncoal surface mining. Noncoal surface mining and wind energy, in my opinion, are two different animals – one is alternative energy and one is not.

So therefore, I urge the members to vote "yes" for this amendment.

The SPEAKER. On the question, the Chair recognizes the gentlelady from Susquehanna County, Representative Major.

Miss **MAJOR**. Thank you, Mr. Speaker.

I rise to oppose the Kessler amendment for the reason that the amendment that he is proposing specifically strips out language that was placed in the bill in committee, while being considered in committee, and that language in that amendment passed 14 to 10.

Understand what we are trying to do here. It is very similar to the situation of rolling back the land for the wind energy. Individuals who are currently mining with these small noncoal permits are only mining 5 acres of land, and what would occur here is that counties' assessors are put into the position of rolling back the entire parcel. When an individual is involved in a

mining operation, the permit, like I said, is only involved with 5 acres. So to require them to roll back the entire parcel is indeed a hardship on many of the farmers who obtain these permits.

This is about helping our farmers, our dairymen, our people on our farmlands who cannot make a living on milking a cow, and they have moved onto obtaining these 5-acre permits to do what we call bluestone quarrying up in my legislative district.

So I would oppose the previous speaker, the prime sponsor's amendment, and ask for the support in opposition. Thank you.

The SPEAKER. The Chair thanks the lady.

The Chair recognizes the gentleman from Allegheny County, Representative Maher, on the amendment.

Mr. MAHER. Mr. Speaker, I have had many comments this session about how infrequently I have been to this microphone, and I am happy to note that it is actually working today.

I want you to understand that this bill came out of committee as amended on a unanimous vote. It was a unanimous vote because there was a genuine bipartisan effort to actually sort out our differences, and there are many elements in this bill that are not as I would have written them, but at the end of the day, we had a unanimous vote. Now that bipartisan spirit is being cast asunder. Why?

If you think about the subject matter here, we are talking about bluestone. Many of you have bluestone in your districts. Bluestone is presented by Mother Earth to be harvested, and what is it used for? It is used for infrastructure. Our President, our Governor have said go, go, go; infrastructure; stimulus; build, build, build. Why would you vote against build, build, build? Why would you vote against Pennsylvania bluestone and instead encourage it being imported from China?

This is about Pennsylvania. It is about landowners in Pennsylvania. It is about infrastructure. It is about jobs. Why would you be asked to vote against jobs in Pennsylvania? Why would you be asked to vote against Mother Earth in Pennsylvania? As you know, I am now an ag guy. So I have learned more about Mother Earth, but my goodness gracious, why do you want to penalize Pennsylvanians and subsidize imported gravel? It makes no sense.

I do not know who has a concern here, but I know this: The county commissioners have asked for guidance. They have to deal with this question. We have 67 counties, and every county has to make a decision here. They are saying, give us the rules of the road. I think that is fair enough. Let us give them the rules of the road. Otherwise, we have 67 different answers, and chances are, if you are voting against Pennsylvania, you are voting for imports. Pennsylvania should be exporting bluestone. Infrastructure, stimulus, bluestone. You cannot build a highway without bluestone. Why are we voting against Pennsylvania?

Please oppose this amendment. Please embrace the bipartisan unanimous vote of the committee.

The SPEAKER. The Chair recognizes the gentleman from Perry County, Representative Keller.

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

Mr. Speaker, as a member of the Agriculture and Rural Affairs Committee and seeing the process that took place in that committee where we had our differences and then we decided to vote that particular bill out of committee unanimously, it concerns me that once it is voted out of committee, then we change in the middle of the stream.

One of the things that I would like for the members to think about here is the core of the bill that the Representative has

introduced. We think we all agree on what he is trying to get at here is the fact that we have wind energy, we have gas energy that are actually driving at some type of an income for those farmers other than just the dairy, the beef, the crop, those types of things.

What he is trying to strip out of this with his amendment is taking mining of bluestone of a 5-acre tract out of that. It is the same thing. You are driving at an income. There is an income realized from the wind energy; there is an income realized from the gas energy; and there is an income realized from the bluestone for these farmers that are hurting, in a way, and trying to survive and keep the open lands that are available to us as constituents of Pennsylvania.

So I would recommend the members to oppose the Kessler amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentlelady from Bradford County, Representative Pickett.

Ms. PICKETT. Thank you, Mr. Speaker.

I, too, rise to oppose the amendment, and I notice, as others have, that the vote in the committee was 14 to 10.

But I would like to clarify a few things here today. We are talking about very small bluestone operators – Pennsylvania bluestone that is very, very unique to our State. This would allow them to work on their farmland, no more than 5 acres, and I will also note that that permit allows them to operate only on 1 acre at a time. They must then reclaim and move to the next acre in that permit.

I want to tell you that I know a lot of these operators, these people who have the bluestone operations, because they are small farmers. They are people that I know personally who use this money to keep their farm operation viable. We are talking about people like my grandfather who had one of these quarries on his farm for years and years and he used it for the extra money to supplement the milk check or to be able to pay the taxes for his property or to be able to keep his farm operation going, maybe with a new piece of equipment. We are not talking major operations here; we are talking something that is used to keep that farm in operation.

What I want to clarify today also is that right now those operations are not causing rollbacks. The counties have not made a move, but because of what has been in discussion about the gas industry, it has become a forefront discussion. They have not been rolled back to date. They have not been asked to pay 7 years' worth of taxes on their entire farm in order to produce this amount of income to keep their farm going.

So in effect, if we do this today, we clarify something that will protect that farmer and that small operator who is producing a unique product in Pennsylvania that might be a patio stone or a hearthstone for your fireplace, and at the same time we are saying, okay; we will clarify in the law that it does make sense to allow them to pay full market value on those 5 acres that that permit is giving them. So in effect, by doing this today, we are not asking to roll the entire farm back for 7 years, but we are saying, there will be a few more tax dollars for our counties, our townships, and our school districts.

On those grounds today, Mr. Speaker, I ask, please, everyone to please oppose this amendment and stand by those Pennsylvania bluestone folks. Thank you.

The SPEAKER. The Chair thanks the lady.

On the amendment, the Chair recognizes the gentleman from Armstrong County, Representative Pyle.

Mr. PYLE. Thank you, Mr. Speaker.

Like the other speakers before me, I reach out to my friend from the other side of the aisle and would ask for a "no" vote on this.

In an uncertain economic time such as we are having right now, to remove income from the pockets of small, single-plot farmers just is not wise.

Now, in a very similar occasion earlier, I dealt with the subject of river mussels and how they interfered with the aggregates used by PENNDOT in many, many construction projects. As my friend, the gentleman from Allegheny County, mentioned earlier, these aggregates that come from Pennsylvania are of such high grade, we really cannot replace them, and then on top of that, we have the fact that the money realized from the river dredging and from the bluestone and whatnot is money earned by Pennsylvanians, used in Pennsylvania, that pays Pennsylvanians' taxes. To think that we would import those from out of State is simply not good economic sense, and with due respect to my friend from Bucks and Berks, I would urge a "no" vote.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Clinton County, Representative Hanna.

Mr. HANNA. Thank you, Mr. Speaker.

Let me start by saying the most important words for everyone to think about during this debate: This law is known as the Clean and Green law. Remember that – Clean and Green.

Now, let me talk a little bit about the committee process. It has been an excellent committee process. I want to thank the Ag Committee for being nonpartisan and working on amendments in a very nonpartisan way, and I certainly appreciate that. While the bill did come out unanimously, the vote on the amendment that put the quarry language into the Clean and Green law was a 14-to-10 vote.

There are very basic differences, philosophical differences, about whether a quarry can ever fit within the Clean and Green law. Please understand that. That is what this is about. You are being asked to amend the Clean and Green law to say that a development that is a quarry is consistent with the Clean and Green law. It is not; never has been. This law was adopted back in the seventies. The intent was to maintain Clean and Green lands. The intent was to make sure that there was not development.

What we have done over the years is looked at special uses that do not violate the original intent of Clean and Green. We have found some of those that we felt could be consistent with the Clean and Green law. They are things like cell towers. They are things like, now, wind towers. You are going to be asked to look at, for instance, alternative energy sources, but none of them is the development on the scale of a quarry; not any of them is anything similar to that.

If you choose to amend the Clean and Green law to allow quarrying in a Clean and Green area, you might as well repeal Clean and Green.

Now, the additional things that we have looked at have all focused on alternative energy. We have a reason for saying that we want to create an exemption for alternative energy. We are trying to reduce dependence on foreign oil, and by creating an exemption for alternative energy, we do that. That is not the case with the quarry. So it does not even fit the original intent of this amendment, what we started to do when this bill was

introduced. So that is why we are asking you to vote for this amendment and say that a quarry is not consistent with the Clean and Green operation.

We also want to point out to you that in fact, under the language that is in the bill now, while it is limited to small, 5-acre quarries, they could be sequential. There could be multiple permits on a property. You could actually end up with a very large quarrying operation by the time the operation is complete.

So again, this is a loophole that you do not want to create in the Clean and Green law. This is something that does not belong in there. It flies in the face of the philosophy of Clean and Green. It violates the intent of Clean and Green.

Let me conclude by telling you that there is considerable opposition to allowing quarrying, both from the Department of Agriculture and also from environmental groups like PennFuture who have all joined in support of the Kessler amendment to strip out the language that would allow quarrying.

So for that reason, I am asking for an affirmative vote on the Kessler amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the gentleman from Greene County, the majority whip, Representative DeWeese.

Mr. DeWEESE. Real quickly, Mr. Speaker.

If my honorable colleagues on the Republican side of the aisle want to help out our friends on the farm, the agriculture community, maybe they should spend this much time and this much focus and this much energy on restoring funds to the Department of Agriculture.

Your brothers, your brothers and sisters in the State Senate have lacerated the agricultural budget by 28 percent. So my admonition is that you focus where your focus should be.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentlelady from Bradford County, Representative Pickett, for the second time.

Ms. PICKETT. Thank you, Mr. Speaker.

I would like to comment to one of the previous speakers that I am sure that he is not saying that quarrying is not important in Pennsylvania, and also would like to point out that gas and oil are not alternative energy; they are fossil fuel energy.

But even more important, Mr. Speaker, Clean and Green is something that we could not agree with more. Clean and Green is vital and important in Pennsylvania, and we honor it to the utmost point.

And the permit that these 5 acres would be given says that it has to be restored completely, so absolutely nothing is left without being completely restored back to its original state. And remember, it is only able to be used 1 acre at a time out of those 5 acres.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

The Chair recognizes the gentleman from Allegheny County, Representative Maher, for the second time.

Mr. MAHER. Thank you, Mr. Speaker.

My good friend, the Democratic chair of the Agriculture Committee, is correct. The Clean and Green law already provides guidance for counties to deal with subjects like cell phone towers.

Now, I do not know if you have seen a cell phone tower, but it does not look much like a tree. It does not look much like a

crop. But the counties asked for guidance, how to deal with this situation. The legislature responded and provided the guidance.

With the stimulus under way, whether you like it or not, whether you think the stimulus package was a good idea or a bad idea, does not really matter because it is under way. And Mother Earth presents Pennsylvania with outcroppings, in small areas, of bluestone. Pennsylvanians want to harvest that bluestone. Pennsylvanians, I believe, would rather have their infrastructure investment buying bluestone from Pennsylvania rather than buying it from China.

The bill as written does not give anybody a free ride on bluestone. In fact, the bill as written imposes the highest rate of tax possible on bluestone quarries. But it recognizes that if less than a few acres are being used for bluestone out of hundreds, even thousands of acres that are enrolled in Clean and Green, no more than the footprint for a couple cell phone towers is as an impediment to Clean and Green's mission, and moreover, because we are talking about harvesting – it is so much more consistent than a cell phone tower. Why are you being asked to vote against Pennsylvanians? Why are you being asked to betray your neighbors in favor of China? Why are you being asked to ignore the bipartisan spirit with which this bill was reported?

And my friend, the chairman, is correct: The vote that adopted this particular element was a split vote, but it was a bipartisan vote. Because, my friends on that side of the aisle, these are your neighbors. This is the bounty of Pennsylvania. Let us vote for Pennsylvania.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the gentleman from Delaware County, Representative Civera.

Mr. CIVERA. Mr. Speaker, I have to rise and respond to the majority whip, if he is listening, to his criticism about the cuts in the Department of Agriculture.

He is correct, and what we have been trying to do here for the last several weeks and when I rise to this floor is to bring that budget amendment to this floor so we could debate exactly what the gentleman has said. It is not the Republicans that are blocking it; it is the Democrats that are blocking it, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Berks County, Representative Kessler.

Mr. KESSLER. Thank you, Mr. Speaker.

During this debate I have heard gas, oil, cell towers. Let me reiterate: This bill specifically addresses wind power alternative energy.

You heard Representative Hanna talk about the loophole. Well, if you check your e-mails, I e-mailed you a picture of what can happen on the loophole. This is not considered, to me, an alternative energy if you take a hard look at this, and that is what my bill specifically addresses is, again, wind power, alternative energy, and this is not alternative energy. Thank you.

The SPEAKER. The Chair recognizes the gentlelady from Susquehanna County, Representative Major.

Miss MAJOR. Thank you, Mr. Speaker.

I was not going to rise again, but I feel the need to to correct the previous speaker.

First of all, we are not talking about blue coal. This has nothing to do with coal. This is about the bluestone industry. It is a rock. It is mined. It builds, as Representative Pickett said, patios and walls. The picture that the previous speaker just sent out as an e-mail to the members shows a very large –

mining operation. It is not a 5-acre parcel which we are referring to today, in his amendment, to oppose. We are talking about two different specifics here.

So I rise to correct the previous speaker. Thank you.

The SPEAKER. The Chair thanks the gentlelady.

The Chair recognizes the gentleman from Clinton County, Representative Hanna.

Mr. HANNA. Thank you, Mr. Speaker.

Let me start by saying this is not a budget vote. This is about Clean and Green, and it is only about Clean and Green.

Now, just to clarify about the picture that was sent around to you: It is in fact three 5-acre parcel quarries. It is the very exception, the very loophole that I am talking about. It is what can happen under this amendment – or, I am sorry – under the law if unamended.

So it is very important for you to keep in mind what this is about. It is about amending the Clean and Green law, and it is about saying the quarrying does not fit in there.

Now, we heard a number of speakers say that quarrying does fit in there. We have made other exceptions; why not quarries? Let me just say, quickly, there was a rationale for the cell phone towers. It was thought that it was an emergency communications need in the public interest and that is why it should be included. Wind energy is clearly alternative energy, and that is why an exception is being created for that.

Natural gas may not be, as pointed out by Representative Pickett, may not be an alternative energy source, but it is a homegrown energy source which has a tremendous ability to reduce our dependence on foreign oil. That is why we have looked at that as a worthwhile exception. Quarrying does not fit any of those definitions, does not fit any of those reasons for an exception.

Again, we are talking about the Clean and Green law. All you have to do is use your common sense. Does Clean and Green and a quarry fit together? They do not. So I again urge a favorable vote for the Kessler amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

LEAVE OF ABSENCE CANCELED

The SPEAKER. Turning to leaves of absence, the Chair notes the presence of the gentleman from Montgomery County, Representative Murt, on the floor of the House. His name will be added to the master roll.

CONSIDERATION OF HB 984 CONTINUED

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Lycoming County, Representative Everett.

Mr. EVERETT. Mr. Speaker, I rise to oppose the Kessler amendment.

I am not going to repeat everything that the previous speakers have said, but I, too, represent a very rural district in north-central Pennsylvania, and our small farmers do many things to be able to stay on their farms. They timber in the wintertime when they cannot be haying, and they quarry and the quarries are small. They are harvesting off of their land. They are not changing the use of their land. It is restored. The use is not changed when they are done nor while they are doing it.

I would ask all of you to support our small family farmers in being able to use their land in a manner that nature meant. Bluestone is a natural thing that can be harvested from their land, and I would ask you to support the small farmers of Pennsylvania. Thank you.

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

The following roll call was recorded:

YEAS—91

Barbin	DeWeese	Kirkland	Sabatina
Beyer	Donatucci	Kortz	Sainato
Bishop	Drucker	Kula	Samuelson
Boyle	Eachus	Levdansky	Santarsiero
Bradford	Evans, D.	Longiatti	Santoni
Brennan	Fabrizio	Mahoney	Seip
Briggs	Frankel	Manderino	Siptroth
Brown	Freeman	Mann	Smith, K.
Burns	Galloway	Markosek	Smith, M.
Buxton	Gerber	Matzie	Sturla
Caltagirone	Gergely	McGeehan	Taylor, R.
Carroll	Gibbons	McI. Smith	Thomas
Casorio	Goodman	Melio	Vitali
Cohen	Grucela	Mundy	Walko
Conklin	Hanna	Myers	Waters
Costa, D.	Harhai	O'Brien, M.	Wheatley
Costa, P.	Harkins	Oliver	White
Cruz	Hornaman	Pallone	Williams
Curry	Houghton	Parker	Youngblood
Daley	Johnson	Pashinski	Yudichak
Day	Josephs	Payton	
Deasy	Keller, W.	Preston	McCall,
DeLuca	Kessler	Roebuck	Speaker
DePasquale			

NAYS—103

Adolph	Gabler	Mensch	Reed
Baker	Geist	Metcalfe	Reese
Barrar	Gillespie	Metzgar	Reichley
Bear	Gingrich	Micozzie	Roae
Benninghoff	Godshall	Millard	Rock
Boback	Grell	Miller	Rohrer
Boyd	Grove	Milne	Ross
Brooks	Haluska	Mirabito	Saylor
Causar	Harhart	Moul	Scavello
Christiana	Harper	Murphy	Schroder
Civera	Harris	Murt	Smith, S.
Clymer	Helm	Mustio	Solobay
Cox	Hennessey	O'Brien, D.	Sonney
Creighton	Hess	O'Neill	Staback
Cutler	Hickernell	Oberlander	Stern
Dally	Hutchinson	Payne	Stevenson
Delozier	Kauffman	Peifer	Swanger
Denlinger	Keller, M.K.	Petrarca	Tallman
DiGirolamo	Killion	Petri	Taylor, J.
Ellis	Knowles	Phillips	True
Evans, J.	Kotik	Pickett	Turzai
Everett	Krieger	Pyle	Vereb
Fairchild	Maher	Quigley	Vulakovich
Farry	Major	Quinn	Wansacz
Fleck	Marshall	Rapp	Watson
Gabig	Marsico	Readshaw	

NOT VOTING—0

EXCUSED—9

Belfanti	Lentz	Perry	Shapiro
Dermody	Miccarelli	Perzel	Wagner
George			

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

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

Mr. MAHER offered the following amendment
No. A01794:

Amend Bill, page 3, line 8, by inserting after "ACT."
At any one time, a landowner may only have one active small noncoal surface mining permit as required by 25 Pa. Code § 77.108 (relating to permit for small noncoal operations) per application for preferential assessment.

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

The SPEAKER. On that question, the Chair recognizes the gentleman from Allegheny County, Representative Maher.

Mr. MAHER. Thank you, Mr. Speaker.

This amendment is offered in the spirit of embracing some of the concerns we have just heard. This amendment would limit any of the harvest of bluestone to not more than one 5-acre parcel on any property.

So to the extent that the bluestone harvest concerns you, you probably want to limit it. To the extent that you view it as a harvest but you are Clean and Green, you probably want to limit it.

So I would hope that we would have a bipartisan accord on this amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the gentleman from Clinton County, Representative Hanna.

Mr. HANNA. Thank you, Mr. Speaker.

In light of the rejection of the Kessler amendment, I would agree with Chairman Maher that in fact his amendment does improve the language that is in the bill.

So we would agree to this amendment and urge a favorable vote for the Maher amendment.

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

The following roll call was recorded:

YEAS—194

Adolph	Evans, J.	Levdansky	Reed
Baker	Everett	Longiatti	Reese
Barbin	Fabrizio	Maher	Reichley
Barrar	Fairchild	Mahoney	Roae
Bear	Farry	Major	Rock

Benninghoff	Fleck	Manderino	Roebuck
Beyer	Frankel	Mann	Rohrer
Bishop	Freeman	Markosek	Ross
Boback	Gabig	Marshall	Sabatina
Boyd	Gabler	Marsico	Sainato
Boyle	Galloway	Matzie	Samuelson
Bradford	Geist	McGeehan	Santarsiero
Brennan	Gerber	McI. Smith	Santoni
Briggs	Gergely	Melio	Saylor
Brooks	Gibbons	Mensch	Scavello
Brown	Gillespie	Metcalfe	Schroder
Burns	Gingrich	Metzgar	Seip
Buxton	Godshall	Micozzie	Siptroth
Caltagirone	Goodman	Millard	Smith, K.
Carroll	Grell	Miller	Smith, M.
Casorio	Grove	Milne	Smith, S.
Causer	Grucela	Mirabito	Solobay
Christiana	Haluska	Moul	Sonney
Civera	Hanna	Mundy	Staback
Clymer	Harhai	Murphy	Stern
Cohen	Harhart	Murt	Stevenson
Conklin	Harkins	Mustio	Sturla
Costa, D.	Harper	Myers	Swanger
Costa, P.	Harris	O'Brien, D.	Tallman
Cox	Helm	O'Brien, M.	Taylor, J.
Creighton	Hennessey	O'Neill	Taylor, R.
Cruz	Hess	Oberlander	Thomas
Curry	Hickernell	Oliver	True
Cutler	Hornaman	Pallone	Turzai
Daley	Houghton	Parker	Vereb
Dally	Hutchinson	Pashinski	Vitali
Day	Johnson	Payne	Vulakovich
Deasy	Josephs	Payton	Walko
DeLozier	Kauffman	Peifer	Wansacz
DeLuca	Keller, M.K.	Petrarca	Waters
Denlinger	Keller, W.	Petri	Watson
DePasquale	Kessler	Phillips	Wheatley
DeWeese	Killion	Pickett	White
DiGirolamo	Kirkland	Preston	Williams
Donatucci	Knowles	Pyle	Youngblood
Drucker	Kortz	Quigley	Yudichak
Eachus	Kotik	Quinn	
Ellis	Krieger	Rapp	McCall,
Evans, D.	Kula	Readshaw	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-9

Belfanti	Lentz	Perry	Shapiro
Dermody	Miccarelli	Perzel	Wagner
George			

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. MAHER offered the following amendment No. **A01827**:

Amend Bill, page 3, lines 3 through 17, by striking out all of said lines and inserting

(b.6) The owner of property subject to preferential assessment may lease or devote land covered by the preferential assessment to be used for small noncoal surface mining, as provided for under the act of

December 19, 1984 (P.L.1093, No.219), known as the "Noncoal Surface Mining Conservation and Reclamation Act." At any one time, a landowner may only have one active small noncoal surface mining permit as required by 25 Pa. Code § 77.108 (relating to permit for small noncoal operations) per application for preferential assessment.

(b.7) Roll-back taxes shall be imposed upon those portions of land leased or devoted by the landowner for small noncoal surface mining, and the fair market value of those portions of the land shall be adjusted accordingly. Roll-back taxes on those portions of the land shall not invalidate the preferential assessment of the land which is not so leased or devoted, and the land shall continue to be eligible for preferential assessment if it continues to meet the requirements of section 3.

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

AMENDMENT WITHDRAWN

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Allegheny County, Representative Maher.

Mr. MAHER. Thank you, Mr. Speaker.

Oh, what a happy day. We have accomplished a bipartisan accord, and in that spirit, I will withdraw this amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

* * *

The House proceeded to second consideration of **HB 746, PN 2004**, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, further providing for conditions subject to which policies are to be issued; providing for exemption from general applicability, for health insurance coverage for certain children of insured parents for guaranteed availability and renewability of small group health benefit plans and for affordable small group health care coverage; and making inconsistent repeals.

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

Mr. SCHRODER offered the following amendment No. **A01486**:

Amend Bill, page 1, lines 26 through 31; page 2, line 1, by striking out all of said lines, page 1 and "INCONSISTENT REPEALS" in line 1, page 2 and inserting

providing for small group health benefits

Amend Bill, page 23, lines 24 through 30; pages 24 through 42, lines 1 through 30; page 43, lines 1 through 11, by striking out all of said lines on said pages and inserting

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

ARTICLE XXII

SMALL GROUP HEALTH BENEFITS

Section 2201. Scope of article.

This article relates to health benefit plans offered by an insurer to employees of small employers.

Section 2202. Definitions.

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

"Community rate." An insurer's rating methodology that is based on the experience of all risks covered by that plan without regard to health status, occupation or any other factor. An insurer may adjust its community rate for age, geographic region as approved by the Insurance Department and family composition.

"Department." The Insurance Department of the Commonwealth.

"Health benefit plan." Any group health insurance policy, subscriber contract, certificate or plan which provides health or sickness and accident coverage which is offered by an insurer. The term shall not include any of the following:

- (1) Accident only policy.
- (2) Limited benefit policy.
- (3) Credit only policy.
- (4) Long-term or disability income policy.
- (5) Specified disease policy.
- (6) Medicare supplement policy.
- (7) Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) supplement.
- (8) Fixed indemnity.
- (9) Dental only.
- (10) Vision only.
- (11) Workers' compensation policy.
- (12) Automobile medical payment policy under

75 Pa.C.S. (relating to vehicles).

"Health care benefits."

(1) The term shall include all of the following:

(i) Health care services that are either provided or reimbursed by the insurer or its contracted providers as covered benefits to its enrollees and subscribers.

(ii) The costs of programs or activities, including training and the provision of informational materials that are determined to improve the provision of quality care, improve health care outcomes or encourage the use of evidence-based medicine.

(iii) Disease management expenses using cost-effective evidence-based guidelines.

(iv) Payments to providers as quality payments of pay-for-performance initiatives.

(v) Medical advice by telephone.

(vi) Prescription drug management programs.

(2) The term shall not include administrative costs, agent and broker commissions and solicitation costs associated with the issuance of small group health benefit plan contracts, dividends, profits, stock options, assessments or fines levied by the department or administrative costs associated with existing or new regulatory requirements.

"Insurer." A company or health insurance entity licensed in this Commonwealth to issue any group health, sickness or accident policy or subscriber contract or certificate or plan that provides medical or health care coverage by a health care facility or licensed health care provider that is offered or governed under this act or any of the following:

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

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

(3) 40 Pa.C.S. Ch. 61 (relating to hospital plan

corporations) or 63 (relating to professional health services plan corporations).

"Medical loss ratio." The portion of the total insurance product costs utilized to provide the health care benefits.

"Preexisting condition." A disease or physical condition for which medical advice or treatment has been recommended or received prior to the effective date of coverage.

"Small employer." In connection with a group health plan with respect to a calendar year and a plan year, an employer who employs an average of at least two but not more than 50 employees on business days during the preceding calendar year and who employs at least two such employees on the first day of the plan year. In the case of an employer which was not in existence throughout the preceding calendar year, the determination whether an employer is a small employer shall be based on the average number of employees that it is reasonably expected that the employer will employ on business days in the current calendar year.

"Small group health benefit plan." A health benefit plan offered to a small employer.

"Standard plan." The health benefit package established by the Insurance Department in accordance with section 2203(d).

Section 2203. Health insurance rate increases and standard plan.

(a) Applicability.—This section shall apply to all small group health benefit plans issued, made effective, delivered or renewed in this Commonwealth after the effective date of this section.

(b) Premium rates.—

(1) All insurers shall establish community rates for plans subject to this section and shall file the rates with the department as required by law.

(2) An insurer shall apply all risk adjustment factors under subsection (c)(1)(i) and (ii) consistently with respect to all plans subject to this section.

(3) An insurer shall not charge a rate that is more than 33% above or below the community rate, as adjusted as permitted under paragraph (1).

(4) An insurer shall base its rating methods and practices on commonly accepted actuarial assumptions and sound actuarial principles. Rates shall not be excessive, inadequate or unfairly discriminatory.

(c) Additional rate review.—

(1) In conjunction with and in addition to the standards set forth under the act of December 18, 1996 (P.L.1066, No.159), known as the Accident and Health Filing Reform Act, and all other applicable statutory and regulatory requirements, the department may disapprove a rate filing based upon the following:

(i) The rate is not actuarially sound.

(ii) Insurers shall expend for the medical loss ratio no less than 85% of the aggregate dues, fees, premiums and other periodic payments received by the insurer on the total book of small group health benefit plan business the insurer writes and maintains in this Commonwealth. For purposes of this section, an insurer may deduct from the aggregate dues, fees, premiums or other periodic payments received by the insurer the amount of income taxes or other taxes that the insurer expenses.

(2) In the event an insurer does not comply with the requirements of paragraph (1)(ii), the department may, in addition to any other remedies available under law, require the insurer to refund the difference to policyholders on a pro rata basis as soon as practicable following receipt of notice from the department of such requirement but in no event later than 120 days following receipt of the notice. The department shall establish procedures for the circumstances under which the refunds will be required.

(d) Standard plan required.—

(1) An insurer shall not offer a plan that does not meet the minimum benefits specified in the standard plan developed by the department in accordance with the following criteria:

(i) Plans offered by an insurer on an expense-incurred basis shall be actuarially equivalent to at least the minimum benefits required to be offered under the standard plan.

(ii) The standard plan shall at least include all of the benefits of the basic benefit package.

(iii) The standard plan shall not contain preexisting condition exclusion.

(2) The standard plan may include options for deductible and cost-sharing provisions if the department determines that the provisions meet all of the following:

(i) Dissuade consumers from seeking unnecessary services.

(ii) Balance the effect of cost-sharing in reducing premiums and in effecting utilization of appropriate services.

(iii) Limit the total cost-sharing that may be incurred by an individual in a year.

(3) Each individual in this Commonwealth who applies to an insurer for enrollment in a plan offered by the insurer shall be accepted as an enrollee.

(4) The department shall forward a notice of the elements of the standard plan to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin. Insurers subject to the provisions of this section shall be required to begin offering the standard plan as soon as practicable following the publication but in no event later than 120 days following the publication.

(e) Optional additional coverage.—

(1) An insurer may offer benefits in addition to those in the standard plan if the additional benefits meet all of the following:

(i) Are offered and priced separately from benefits specified in the standard plan.

(ii) Do not have the effect of duplicating any of the benefits in the standard plan.

(iii) Are clearly specified as enhancements to the standard plan.

(2) Each benefit offered in addition to the standard plan that increases health care choices or lowers the cost-sharing arrangement is subject to all of the provisions of this section applicable to the standard plan.

(3) The department may prohibit an insurer from offering an additional benefit under this section if the department finds that the additional benefit will be sold in conjunction with the standard plan of the insurer in a manner designed to promote risk selection or underwriting practices otherwise prohibited by this section or other statute.

(f) Regulations.—The department may promulgate regulations necessary for the implementation and administration of this article.

Section 2. This act shall take effect in 120 days.

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

AMENDMENT WITHDRAWN

The SPEAKER. The Chair recognizes the gentleman from Chester County, Representative Schroder.

Mr. SCHRODER. Mr. Speaker, I will be withdrawing that amendment.

The SPEAKER. 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. **A01487**:

Amend Bill, page 1, line 29, by inserting a comma after "PARENTS"

Amend Bill, page 1, line 30, by inserting after "PLANS", for foreign health insurance

Amend Bill, page 23, lines 25 and 26, by striking out "AN" in line 25 and "ARTICLE" in line 26 and inserting articles

Amend Bill, page 23, by inserting between lines 26 and 27

ARTICLE XXVI

FOREIGN HEALTH INSURANCE

Section 2601. Definitions.

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

"Commissioner." The Insurance Commissioner of the Commonwealth.

"Covered person." An individual who is entitled to health care services provided, arranged for, paid for or reimbursed under a health benefits plan.

"Domestic health insurer." An insurer licensed to sell, offer or provide health benefits plans in this Commonwealth.

"Foreign health insurer." An insurer licensed to sell, offer or provide health benefits plans in any other state.

"Hazardous financial condition." A condition in which a foreign health insurer is unlikely to be able to meet obligations to policyholders with respect to known claims or to any other obligations in the normal course of business, based on its present or reasonably anticipated financial status.

"Health benefits plan." An arrangement for the delivery of health care, on an individual or group basis, in which a health carrier undertakes to provide, arrange for, pay for or reimburse any of the costs of health care services for a covered person that is offered in accordance with the laws of any state. The term does not include any of the following:

(1) Short-term travel, accident only, limited or specified disease or individual conversion policies or contracts.

(2) Policies or contracts designed for issuance to persons eligible for coverage under Title XVIII of the Social Security Act (49 Stat. 620, 42 U.S.C. § 1395 et seq.).

(3) Any other coverage, similar to that listed under paragraph (1) or (2), under Federal or State governmental plans.

"Provider" or "health care provider." Any hospital, physician, or other person authorized by statute, licensed or certified to furnish health care services.

"Resident." An individual whose primary residence is in this Commonwealth and who is present in this Commonwealth for at least six months of the calendar year.

Section 2602. Out-of-State carriers' provision of coverage.

Notwithstanding any other law or regulation, a foreign health insurer may sell, offer and provide a health benefits plan to residents in this Commonwealth if that insurer does all of the following:

(1) Offers the health benefit plan in its domiciliary state and is in compliance with all applicable laws, regulations and requirements of its domiciliary state.

(2) Obtains a certificate of authority to do business as a foreign health insurer in this Commonwealth.

(3) Complies with all laws and regulations of this State enacted for the benefit of health insurance consumers.

(4) Is not required to offer the health benefits mandated by the laws or regulations of this Commonwealth, or comply with any law regarding rate regulation.

Section 2603. Certificate of authority.

(a) Application.—A foreign health insurer may apply for a

certificate that authorizes the foreign health insurer to do business as a foreign health insurer in this Commonwealth using a form prescribed by the commissioner. Upon application, the commissioner shall issue a certificate to the foreign health insurer unless the commissioner determines that the foreign health insurer meets any of the following:

(1) Will not provide a health benefits plan in compliance with the provisions of this article.

(2) Is in a hazardous financial condition, as determined by an examination by the commissioner conducted in accordance with the Financial Analysis Handbook of the National Association of Insurance Commissioners.

(3) Has not adopted procedures to ensure compliance with all applicable laws governing the confidentiality of its records with respect to providers and covered persons.

(b) Validity.—A certificate of authority issued under this section shall be valid for three years from the date of issuance by the commissioner. The commissioner shall, by regulation, establish all of the following:

(1) Procedures for a foreign health insurer to renew a certificate of authority under this article.

(2) Certificate of authority application and renewal fees, the amount of which shall be no greater than is reasonably necessary to enable the commissioner to carry out the provisions of this article.

Section 2604. Required disclosures.

Each health benefits plan and each application for a health benefits plan provided by a foreign health insurer to a resident shall disclose all of the following in plain language:

(1) The differences between the benefits of the health benefits plan issued by the foreign health insurer and a health benefits plan issued under the laws of this Commonwealth.

(2) The differences that relate to mandated health benefits, underwriting standards, premium rating, preexisting conditions, renewability, portability and cancellation.

(3) That the health benefits plan is primarily governed by the laws of the foreign health insurer's domicile and therefore all of the rating laws applicable to individual or group accident and health insurance filed in this Commonwealth do not apply to the health benefits plan, which may result in increases to the insurance premium at the time of renewal that would not be permissible with a health benefits plan governed by the laws of this Commonwealth.

(4) That any purchase of health insurance should be considered carefully since future medical conditions may make it impossible to qualify for another health benefits plan.

(5) That although the health benefits plan may provide more affordable health coverage, the following apply:

(i) The health benefits plan may also provide fewer health benefits than those normally included as State-mandated health insurance policies issued by domestic health insurers.

(ii) The insured's insurance agent should be consulted to determine which State-mandated health benefits are excluded under the policy.

Section 2605. Powers and duties of the commissioner.

(a) Powers.—The commissioner may do all of the following:

(1) After notice and opportunity to be heard, deny, revoke or suspend a certificate of authority issued to a foreign health insurer for any violation of this article. The commissioner shall provide for an appropriate and timely right of appeal for a foreign health insurer whose certificate of authority is denied, revoked or suspended.

(2) Conduct market conduct and solvency examinations of an existing or prospective foreign health insurer. The market conduct and solvency examinations shall be conducted in the same manner and under the same terms and conditions as an examination of an insurer located in this State.

(b) Duties.—

(1) The commissioner shall establish procedures for the review of claims and grievances filed by a health care provider or a covered individual, marketing materials proposed by a foreign health insurer to market a health benefit plan to residents or employers in this State and the application and health benefit plan of a prospective foreign health insurer.

(2) The commissioner shall adopt rules to administer this article. The rules shall not do any of the following:

(i) Require the foreign health insurer to modify coverage or benefit requirements or restrict underwriting requirements or premium ratings in a manner that conflicts with the laws or regulations of a foreign health insurer's domiciliary state.

(ii) Provide for an expansion of the commissioner's authority over foreign health insurers in a way that conflicts with this article.

On the question,

Will the House agree to the amendment?

AMENDMENT PASSED OVER TEMPORARILY

The SPEAKER. We will temporarily go over the Boyd amendment.

On the question recurring,

Will the House agree to the bill on second consideration?

Mr. DeLUCA offered the following amendment No. A01817:

Amend Bill, page 24, line 17, by striking out "300GG-91" and inserting

300GG)

Amend Bill, page 24, line 26, by striking out "BENEFITS PLAN" and inserting benefit plans

Amend Bill, page 25, line 6, by striking out "CARE"

Amend Bill, page 27, line 30, by striking out "300GG-91" and inserting

300GG

Amend Bill, page 28, lines 6 and 7, by striking out all of said lines and inserting

"Rating geographic average rate." The arithmetical average of the lowest premium and the corresponding highest premium to be charged by an insurer in the service area where the insurer offers small employer health benefit plans or where the insurer has a provider network.

Amend Bill, page 29, line 8, by striking out the underscored comma

Amend Bill, page 29, lines 19 and 20, by striking out "THE DEPARTMENT SHALL CONSULT" in line 19 and all of line 20

Amend Bill, page 31, by inserting between lines 2 and 3

(d) Standard plan bulletin.—The department shall issue a standard plan bulletin.

(e) Consulting with insurers.—Prior to issuance of a bulletin, the department shall consult with insurers concerning the development of a standard plan bulletin.

(f) Open meetings.—Meetings held under subsection (b) shall be open to the public.

(g) Publication.—The department shall publish the proposed standard plan bulletin in the Pennsylvania Bulletin and solicit public comments for a minimum of 30 days. After consideration of the comments it receives, the department may proceed to adopt the final standard plan bulletin by publication in the Pennsylvania Bulletin. The department shall include its responses to the public comments that it received concerning the proposed bulletin.

Amend Bill, page 31, line 12, by striking out "300GG-91" and inserting
300GG

Amend Bill, page 31, line 23, by inserting after "A"
rating

Amend Bill, page 31, line 24, by inserting after "THE"
rating

Amend Bill, page 31, line 25, by inserting after "THE" where it occurs the second time
rating

Amend Bill, page 31, line 27, by inserting after "ITS"
rating

Amend Bill, page 32, line 3, by inserting after "THE"
rating

Amend Bill, page 32, line 28, by inserting after "THE"
rating

Amend Bill, page 32, line 30, by striking out "WHO PARTICIPATES IN" and inserting
group who completes

Amend Bill, page 33, line 1, by striking out ". THE WELLNESS PROGRAM MUST SATISFY" and inserting
that satisfies

Amend Bill, page 33, line 3, by striking out "AND PUBLISHED" and inserting
. The departments will publish the minimum standards

Amend Bill, page 33, line 6, by striking out "146.121F" and inserting
146.121

Amend Bill, page 34, line 2, by striking out "HAS NOT OPERATED EFFICIENTLY OR"

Amend Bill, page 38, line 16, by inserting after "YEAR."
the department may require

Amend Bill, page 38, line 17, by striking out "SHALL" and inserting
to

Amend Bill, page 38, line 23, by inserting after "YEAR."
the department may require

Amend Bill, page 38, line 24, by striking out "SHALL" and inserting
to

Amend Bill, page 38, line 28, by striking out "UNAVAILABLE" and inserting
not available from the annual statement blank

Amend Bill, page 38, line 29, by striking out "AMOUNT" and inserting
Total amount

Amend Bill, page 39, line 2, by striking out "AMOUNT" and inserting
Total amount

Amend Bill, page 39, line 3, by striking out "AMOUNT" and inserting
Total amount

Amend Bill, page 39, line 5, by striking out "NET" and inserting
Total net

Amend Bill, page 39, line 9, by striking out "UNAVAILABLE" and inserting
not available from the annual statement blank

Amend Bill, page 39, line 13, by striking out "NUMBER" and inserting
Total number

Amend Bill, page 39, line 14, by striking out "NUMBER" and inserting
Total number

Amend Bill, page 39, line 19, by inserting after "DIVIDING"
total

Amend Bill, page 39, line 19, by inserting after "BY" where it occurs the second time
total

Amend Bill, page 39, line 22, by inserting after "DIVIDING"
total

Amend Bill, page 39, line 23, by inserting after "BY"
total

Amend Bill, page 40, line 1, by striking out "UNAVAILABLE" and inserting
not there available

Amend Bill, page 40, line 4, by striking out "NUMBER" and inserting
Total number

Amend Bill, page 40, line 7, by striking out "NUMBER" and inserting
Total number

Amend Bill, page 41, lines 14 through 22, by striking out "EXEMPTION.—EXCEPT FOR THE REGULATIONS PROMULGATED UNDER" in line 14 and all of lines 15 through 22 and inserting
Authority.—The department may promulgate regulations as necessary for the implementation of this act.

Amend Bill, page 41, lines 24 through 30; page 42, lines 1 through 3, by striking out all of said lines on said pages and inserting
(a) Formation authority.—A group of two or more small employers may form a purchasing group for the purpose of purchasing a small group health benefit plan provided for under this article from an insurer.

(b) Certification.—No insurance policy may be issued, delivered or renewed to a purchasing group unless that purchasing group has a valid certification from the department.

(c) Regulations.—The department may promulgate regulations, including certification requirements, as necessary for the implementation and administration of this section.

(d) Minimum number in group.—The regulations may establish a minimum number of small employers that may form and participate in a purchasing group. The regulations may also provide that individuals may participate in a purchasing group.

(e) Certification subject to criteria.—Unless certification requirements are promulgated, certification under this subsection shall be subject to the criteria set forth in section 621.2(a)(5.1).

(f) Applicability.—The provisions of this section shall apply notwithstanding the provisions of section 621.2(a)(2).

Amend Bill, page 42, lines 18 and 19, by striking out all of said lines

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the gentleman from Allegheny County, Representative DeLuca.

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, amendment 1817 to HB 746 is a comprehensive reform amendment on the small group market in Pennsylvania. We have, over the years, 5 to 6 years, been toying with this reform in Pennsylvania, and we have worked with the administration to get their support of the bill.

Now, this amendment makes some technical changes to the bill, and it adds some clarity to the process by which the Commissioner will develop the standard benefit package that the process is identical to what the House approved in Act 1 of 2009, so that the stakeholders will have the ability to provide valuable input into the standard package. In addition, we have provided clarity to the rate review process and the insurers' reporting process.

Now, we have worked with some of the stakeholders to draft this amendment. Naturally, they did not get everything they wanted, but I think it is a good amendment, Mr. Speaker.

And for the record, I would just like to say that the Insurance Commissioner has sent each and every one of you correspondence pertaining to some of the comments made by some of the individuals whom we work with, and for the record, I would just like to read a couple of the comments which I think go to the point of this amendment and to the point of the legislation:

"Some individuals have made a good point about the importance of cost control in a recent e-mail, and I expect it would agree that Pennsylvania is a national" – let me specify this – "is a national leader on issues like managing chronic care and reducing unnecessary provider costs..." by controlling hospital infections, which we passed, and never event legislation which we just passed. "But the claim that small group reform should wait on cost control misses the point that rating is always about two issues: 1) the size of the pie, in this case the insurer's aggregate rate need (this is the cost control issue); and 2) how the pie is divided, in this case the rules about who pays more and who pays less..." and this is what HB 746 addresses.

"The challenge," Mr. Speaker, "is to find a balanced solution that keeps care affordable for those who most need it, while also keeping the costs fair for those that are fortunate enough not to need a lot of care right now. HB 746 does this by limiting rate variations but not eliminating them (the healthiest groups still pay half as much as the least healthy), phasing in the rate bands (to minimize rate disruption for the healthiest groups), and capping rate increases (so that currently healthy groups who have some expensive claims next year do not see their rates skyrocket.)"

Now, "We can continue to debate whether the fairest system is one in which there are the fewest cross subsidies between healthy and sick, but even the insurance industry" – now, I specify this – "even the insurance industry now supports guaranteed issue and the elimination of pre-existing condition exclusions and rating based on..." health-care issues "in the individual market as part of a comprehensive..." plan in Washington.

Mr. Speaker, I think now is the time. We have debated this issue. We have studied this issue. My good friend, Representative Micozzie, had hearings when he was the chairman of the Insurance Committee. I think it is time to act on this legislation. It is the first step and certainly this is a good piece of legislation, and I would ask my colleagues to vote on this amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the gentleman from Delaware County, Representative Killion.

Mr. KILLION. Thank you, Mr. Speaker.

I rise to oppose my good friend Chairman DeLuca's amendment.

I understand what he is trying to do in cleaning it up, but I think the problem is we are abdicating our responsibility and we are turning over the responsibility to structure this core benefit to the Insurance Commissioner. And as we all know, administrations come and go. Insurance Commissioners come and go. We already have a special-care policy that all the carriers have currently. It works. We can use that as the standard plan. It would be clean. It would be supported.

This amendment, it is my understanding, is being opposed by the NFIB (National Federation of Independent Business), the Chamber, the Insurance Federation. I think they would rather

see us go in a different direction with a plan that we as legislators can agree on and help solve the problem of the uninsured.

So as much as I hate to, I want to oppose my good friend and the chairman of the Insurance Committee. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—98

Barbin	Eachus	Levdansky	Sainato
Bishop	Evans, D.	Longiotti	Samuelson
Boyle	Fabrizio	Mahoney	Santarsiero
Bradford	Frankel	Manderino	Santoni
Brennan	Freeman	Mann	Seip
Briggs	Galloway	Markosek	Sipthroth
Brown	Gerber	Matzie	Smith, K.
Burns	Gergely	McGeehan	Smith, M.
Buxton	Gibbons	McI. Smith	Solobay
Caltagirone	Goodman	Melio	Staback
Carroll	Grucela	Mirabito	Sturla
Casorio	Haluska	Mundy	Taylor, R.
Cohen	Hanna	Murphy	Thomas
Conklin	Harhai	Myers	Vitali
Costa, D.	Harkins	O'Brien, M.	Walko
Costa, P.	Hornaman	Oliver	Wansacz
Cruz	Houghton	Pallone	Waters
Curry	Johnson	Parker	Wheatley
Daley	Josephs	Pashinski	White
Deasy	Keller, W.	Payton	Williams
DeLuca	Kessler	Petrarca	Youngblood
DePasquale	Kirkland	Preston	Yudichak
DeWeese	Kortz	Readshaw	
Donatucci	Kotik	Roebuck	McCall,
Drucker	Kula	Sabatina	Speaker

NAYS—96

Adolph	Fairchild	Maher	Quinn
Baker	Farry	Major	Rapp
Barrar	Fleck	Marshall	Reed
Bear	Gabig	Marsico	Reese
Benninghoff	Gabler	Mensch	Reichley
Beyer	Geist	Metcalfe	Roae
Boback	Gillespie	Metzgar	Rock
Boyd	Gingrich	Micozzie	Rohrer
Brooks	Godshall	Millard	Ross
Causer	Grell	Miller	Saylor
Christiana	Grove	Milne	Scavello
Civera	Harhart	Moul	Schroder
Clymer	Harper	Murt	Smith, S.
Cox	Harris	Mustio	Sonney
Creighton	Helm	O'Brien, D.	Stern
Cutler	Hennessey	O'Neill	Stevenson
Dally	Hess	Oberlander	Swanger
Day	Hickernell	Payne	Tallman
Delozier	Hutchinson	Peifer	Taylor, J.
Denlinger	Kauffman	Petri	True
DiGirolamo	Keller, M.K.	Phillips	Turzai
Ellis	Killion	Pickett	Vereb
Evans, J.	Knowles	Pyle	Vulakovich
Everett	Krieger	Quigley	Watson

NOT VOTING—0

EXCUSED—9

Belfanti	Lentz	Perry	Shapiro
Dermody	Miccarelli	Perzel	Wagner
George			

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?

AMENDMENT A01487 WITHDRAWN

The SPEAKER. The gentleman from Lancaster, Representative Boyd, are you withdrawing both amendments, 1487 and 1821? The Chair thanks the gentleman.

On the question recurring,

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

Mr. **KILLION** offered the following amendment No. **A01489**:

Amend Bill, page 1, line 29, by inserting a comma after "PARENTS"

Amend Bill, page 1, line 30, by striking out "AND" and inserting a comma

Amend Bill, page 1, line 31, by inserting after "COVERAGE" and for BasicCare health insurance

Amend Bill, page 23, lines 25 and 26, by striking out "AN" in line 25 and "ARTICLE" in line 26 and inserting articles

Amend Bill, page 42, by inserting between lines 29 and 30

ARTICLE XLIII**BASICCARE HEALTH INSURANCE**

Section 4301. Scope of article.

This article relates to BasicCare health insurance.

Section 4302. Definitions.

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

"BasicCare policy." A health benefit plan that provides health or sickness and accident coverage as specified in the Special Care, Guaranteed Renewable, Hospital Benefit Contract for Direct Payment Subscribers, Form 4044 on file with the department as of April 2, 2009, to an individual or small employer group with coverage for dependents offered as an additional option.

"Department." The Insurance Department of the Commonwealth.

"Health benefit plan." An individual or group health insurance policy, subscriber contract, certificate or plan, which provides medical or health care coverage by a health care facility or licensed health care provider and which is offered by an insurer. The term does not include any of the following:

- (1) An accident-only policy.
- (2) A limited benefit policy.
- (3) A credit-only policy.
- (4) A long-term care or disability income policy.
- (5) A specified disease policy.
- (6) A Medicare supplement policy.
- (7) A Civilian Health and Medical Program of the

Uniformed Services (CHAMPUS) supplement policy.

(8) An automobile medical payment policy under 75

Pa.C.S. (relating to vehicles).

(9) A vision-only policy.

(10) A workers' compensation policy.

(11) A dental policy.

(12) A fixed indemnity policy.

"Insurer." A company or insurance entity licensed in this Commonwealth to issue an individual or group insurance policy, subscriber contract, certificate or plan which is offered or governed under any of the following:

(1) This act.

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

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

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

"Small employer group." A group of at least two but not more than 50 individuals employed by the same person.

Section 4303. BasicCare policy.

(a) Requirement.—Within 90 days of the effective date of this section, an insurer issuing or delivering a health benefit plan in this Commonwealth shall make available for purchase by individuals and small employer groups a BasicCare policy.

(b) Coverage.—Coverage under a BasicCare policy shall be subject to any copayment permitted under the Special Care, Guaranteed Renewable, Hospital Benefit Contract for Direct Payment Subscribers, Form 4044 on file with the department as of April 2, 2009.

(c) Cost sharing.—Coverage under a BasicCare policy may be subject to coinsurance or deductible.

(d) Exclusion.—An insurer may exclude coverage under a BasicCare policy for an individual who has not been covered by a health benefit plan for more than 30 days, for up to one year for medical conditions for which medical advice or treatment was received by the individual during the 12 months prior to the effective date of the individual's BasicCare policy.

(e) Applicability.—No law, regulation or administrative directive requiring the coverage of a health care benefit or service or requiring the reimbursement, utilization or inclusion of a specific category of licensee shall apply to a BasicCare policy delivered or issued for delivery in this Commonwealth under the authority granted under this article, including the provision of the benefits or requirements mandated under Article VI-A, or regulations promulgated under this act.

Section 4304. Department duties.

The department shall take all actions necessary to ensure that insurers make available for purchase BasicCare policies no later than 90 days following the effective date of this section.

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the gentleman from Delaware County, Representative Killion.

Mr. KILLION. Thank you, Mr. Speaker.

We have an opportunity right now to actually do something. What this amendment would do is allow us to cover uninsureds in Pennsylvania. It provides a core benefit plan that is affordable; it is transparent; it will allow consumers to shop. It is supported by the NFIB, the chambers of commerce. It is the way we need to go.

We all know at the end of the day, at the end of the day, if we really want to cover the uninsured, we need a plan now. This plan is already being offered by the Blues. It is well priced. It

provides catastrophic coverage, and we can actually do something today, actually do something today to cover the uninsured in Pennsylvania at a reasonable price that requires the department to keep track of the rates so it makes it easy for uninsureds to shop and make comparisons.

It is very transparent; it is the right thing to do, and I would urge an affirmative vote on amendment 1489. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Allegheny County, Representative DeLuca.

Mr. DeLUCA. Thank you, Mr. Speaker.

Although I hate to oppose my good friend over there, I oppose this amendment. We voted this down in HB 1. It certainly, in my opinion, does not give the employers a chance to develop a good plan for their employees. I think this is a disincentive for our employers, and I am sure our employers would not be in favor of this amendment.

So I am asking my colleagues to vote "no" on this amendment.

The SPEAKER. Will the House agree to the amendment? On that question, the Chair recognizes the gentleman from Delaware County, Representative Killion, for the second time.

Mr. KILLION. Very briefly, Mr. Speaker.

This amendment really gives employers options. Currently, they are stuck with the mandates in expensive plans. This provides a cheaper plan than is out there, and if they want to add additional benefits, they can. And that is why it is supported by the chambers, the NFIB, the Insurance Federation – those folks that right now today are providing the jobs to our residents of Pennsylvania and are asking for some help with their insurance coverages so we can cover more uninsureds.

I am asking, once again, for an affirmative vote on amendment 1489. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question, the Chair recognizes the gentleman from Allegheny County, Representative DeLuca.

Mr. DeLUCA. Once again, in due reference to my good colleague there, I oppose this amendment. I believe it is not in the right spirit of what we are trying to do in the small group reform, and I would echo the fact that we voted this down in HB 1. I do not believe it does the job. I think it is a disincentive for our employers out there, and I would ask for a negative vote on the Killion amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—96

Adolph	Fairchild	Maher	Quinn
Baker	Farry	Major	Rapp
Barrar	Fleck	Marshall	Reed
Bear	Gabig	Marsico	Reese
Benninghoff	Gabler	Mensch	Reichley
Beyer	Geist	Metcalfe	Roae
Boback	Gillespie	Metzgar	Rock
Boyd	Gingrich	Micozzie	Rohrer
Brooks	Godshall	Millard	Ross
Causar	Grell	Miller	Saylor
Christiana	Grove	Milne	Scavello
Civera	Harhart	Moul	Schroder

Clymer	Harper	Murt	Smith, S.
Cox	Harris	Mustio	Sonney
Creighton	Helm	O'Brien, D.	Stern
Cutler	Hennessey	O'Neill	Stevenson
Dally	Hess	Oberlander	Swanger
Day	Hickernell	Payne	Tallman
Delozier	Hutchinson	Peifer	Taylor, J.
Denlinger	Kauffman	Petri	True
DiGirolamo	Keller, M.K.	Phillips	Turzai
Ellis	Killion	Pickett	Vereb
Evans, J.	Knowles	Pyle	Vulakovich
Everett	Krieger	Quigley	Watson

NAYS—98

Barbin	Eachus	Levdansky	Sainato
Bishop	Evans, D.	Longiotti	Samuelson
Boyle	Fabrizio	Mahoney	Santarsiero
Bradford	Frankel	Manderino	Santoni
Brennan	Freeman	Mann	Seip
Briggs	Galloway	Markosek	Siproth
Brown	Gerber	Matzie	Smith, K.
Burns	Gergely	McGeehan	Smith, M.
Buxton	Gibbons	McI. Smith	Solobay
Caltagirone	Goodman	Melio	Staback
Carroll	Grucela	Mirabito	Sturla
Casorio	Haluska	Mundy	Taylor, R.
Cohen	Hanna	Murphy	Thomas
Conklin	Harhai	Myers	Vitali
Costa, D.	Harkins	O'Brien, M.	Walko
Costa, P.	Hornaman	Oliver	Wansacz
Cruz	Houghton	Pallone	Waters
Curry	Johnson	Parker	Wheatley
Daley	Josephs	Pashinski	White
Deasy	Keller, W.	Payton	Williams
DeLuca	Kessler	Petrarca	Youngblood
DePasquale	Kirkland	Preston	Yudichak
DeWeese	Kortz	Readshaw	
Donatucci	Kotik	Roebuck	McCall,
Drucker	Kula	Sabatina	Speaker

NOT VOTING—0

EXCUSED—9

Belfanti	Lentz	Perry	Shapiro
Dermody	Miccarelli	Perzel	Wagner
George			

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

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

Mr. KILLION offered the following amendment
No. A01490:

Amend Bill, page 1, lines 15 through 31; page 2, line 1, by striking out "AMENDING THE ACT OF MAY 17," in line 15, all of lines 16 through 31, page 1 and "INCONSISTENT REPEALS" in line 1, page 2 and inserting

Providing for BasicCare health insurance
Amend Bill, page 23, lines 24 through 30; pages 24 through 42, lines 1 through 30; page 43, lines 1 through 11, by striking out all of said lines on said pages and inserting
Section 1. Short title.

This act shall be known and may be cited as the BasicCare Health Insurance Act.

Section 2. Definitions.

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

"BasicCare policy." A health benefit plan that provides health or sickness and accident coverage as specified in the Special Care, Guaranteed Renewable, Hospital Benefit Contract for Direct Payment Subscribers, Form 4044 on file with the department as of April 2, 2009, to an individual or small employer group with coverage for dependents offered as an additional option.

"Department." The Insurance Department of the Commonwealth.

"Health benefit plan." An individual or group health insurance policy, subscriber contract, certificate or plan, which provides medical or health care coverage by a health care facility or licensed health care provider and which is offered by an insurer. The term does not include any of the following:

- (1) An accident-only policy.
- (2) A limited benefit policy.
- (3) A credit-only policy.
- (4) A long-term care or disability income policy.
- (5) A specified disease policy.
- (6) A Medicare supplement policy.
- (7) A Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) supplement policy.
- (8) An automobile medical payment policy under 75 Pa.C.S. (relating to vehicles).
- (9) A vision-only policy.
- (10) A workers' compensation policy.
- (11) A dental policy.
- (12) A fixed indemnity policy.

"Insurer." A company or insurance entity licensed in this Commonwealth to issue an individual or group insurance policy, subscriber contract, certificate or plan which is offered or governed under any of the following:

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

"Small employer group." A group of at least two but not more than 50 individuals employed by the same person.

Section 3. BasicCare policy.

(a) Requirement.—Within 90 days of the effective date of this section, an insurer issuing or delivering a health benefit plan in this Commonwealth shall make available for purchase by individuals and small employer groups a BasicCare policy.

(b) Coverage.—Coverage under a BasicCare policy shall be subject to any copayment permitted under the Special Care, Guaranteed Renewable, Hospital Benefit Contract for Direct Payment Subscribers, Form 4044 on file with the department as of April 2, 2009.

(c) Cost sharing.—Coverage under a BasicCare policy may be subject to coinsurance or deductible.

(d) Exclusion.—An insurer may exclude coverage under a BasicCare policy for an individual who has not been covered by a health benefit plan for more than 30 days, for up to one year for medical conditions for which medical advice or treatment was received by the individual during the 12 months prior to the effective date of the individual's BasicCare policy.

(e) Applicability.—No law, regulation or administrative directive requiring the coverage of a health care benefit or service or requiring

the reimbursement, utilization or inclusion of a specific category of licensee shall apply to a BasicCare policy delivered or issued for delivery in this Commonwealth under the authority granted under this act, including the provision of the benefits or requirements mandated under Article VI-A of the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, or regulations promulgated under that act.

Section 4. Department duties.

The department shall take all actions necessary to ensure that insurers make available for purchase BasicCare policies no later than 90 days following the effective date of this section.

Section 10. Effective date.

This act shall take effect immediately.

On the question,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

The SPEAKER. On that question, the Chair recognizes the gentleman from Delaware County, Representative Killion.

The gentleman indicates he is withdrawing the amendment. The Chair thanks the gentleman.

On the question recurring,

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

Mr. **KILLION** offered the following amendment No. **A01820**:

Amend Bill, page 1, lines 15 through 31; page 2, line 1, by striking out "AMENDING THE ACT OF MAY 17," in line 15, all of lines 16 through 31, page 1 and all of line 1, page 2 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," requiring the Insurance Department to develop standard health benefit plans that certain insurers shall offer to individuals and small employers; and requiring the Insurance Department to facilitate the availability of standard health benefit plan information by electronic and other means.

Amend Bill, page 23, lines 24 through 30; pages 24 through 42, lines 1 through 30; page 43, lines 1 through 11, by striking out all of said lines on said pages and inserting

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

ARTICLE XLII

LIFELINE HEALTH INSURANCE

Section 4201. Definitions.

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

"Commissioner." The Insurance Commissioner of the Commonwealth.

"Department." The Insurance Department of the Commonwealth.

"Dependent child." A natural or adopted child of a qualified individual. The term includes a stepchild who resides in a qualified

individual's household if the qualified individual has assumed the financial responsibility for the child and another parent is not legally responsible for the support and medical expenses of the child.

"Eligible dependent." A spouse of a qualified individual and any dependent children who are under 19 years of age.

"Health benefit plan." An individual or group health insurance policy, subscriber contract, certificate or plan that provides health or sickness and accident coverage which is offered by an insurer. The term does not include any of the following:

- (1) An accident only policy.
- (2) A limited benefit policy.
- (3) A credit only policy.
- (4) A long-term or disability income policy.
- (5) A long-term care policy.
- (6) A specified disease policy.
- (7) A Medicare supplement policy.
- (8) A Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) supplement policy.
- (9) A fixed indemnity policy.
- (10) A dental only policy.
- (11) A vision only policy.
- (12) A workers' compensation policy.
- (13) An automobile medical payment policy under 75

Pa.C.S. (relating to vehicles).

"High deductible health plan." A health insurance policy that would qualify as a high deductible health plan under section 223(c)(2) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 223(c)(2)).

"Insurer." A company or health insurance entity licensed in this Commonwealth to issue any individual or group health insurance, sickness or accident policy, subscriber contract, certificate or plan that provides medical or health care coverage by a health care facility or licensed health care provider that is offered or governed under any of the following:

- (1) This act.
- (2) The act of December 29, 1972 (P.L.1701, No.364), known as the Health Maintenance Organization Act.
- (3) The act of May 18, 1976 (P.L.123, No.54), known as the Individual Accident and Sickness Insurance Minimum Standards Act.
- (4) 40 Pa.C.S. Ch. 61 (relating to hospital plan corporations) or 63 (relating to professional health services plan corporations).

"Licensee." An individual who is licensed by the Department of State to provide professional health care services in this Commonwealth.

"LifeLine health plan." A health benefit plan that offers the following, subject to the provisions of section 4202:

- (1) Twenty-one days of inpatient hospital surgical and medical coverage per policy year.
- (2) Coverage for four office visits for primary health care services for covered services rendered by a licensee, subject to a copayment for each visit of \$10 for treatment of injury or illness.
- (3) Coverage for surgery and anesthesia.
- (4) Coverage for emergency accident and medical treatment.
- (5) Coverage for diagnostic services up to \$1,000 per policy year.
- (6) Coverage for chemotherapy and radiation treatment.
- (7) Coverage for maternity care.
- (8) Coverage for newborn care for up to 31 days following birth.

"Participating insurer." An insurer that offers health benefit plans to groups or individuals and which has health benefit plans in force covering in the aggregate at least 100,000 qualified individuals in this Commonwealth.

"Small employer. In connection with a group health plan with

respect to a calendar year and a plan year, an employer who employs an average of at least two but not more than 50 eligible employees on business days during the preceding calendar year and who employs at least two eligible employees on the first day of the plan year. In the case of an employer which was not in existence throughout the preceding calendar year, the determination whether an employer is a small employer shall be based on the average number of eligible employees that it is reasonably expected that the employer will employ on business days in the current calendar year.

"Standard health benefit plan." The LifeLine health plan and any high deductible health plan offered by participating insurers to individuals and employers.

Section 4202. Offering of standard health benefit plans.

(a) Offering of plans.—All participating insurers shall offer the standard benefit plans specified under this article to individuals and to employers for the benefit of individuals employed by them.

(b) Inclusion in coverage.—If coverage is provided to eligible dependents under a LifeLine health plan, the coverage shall include dependent children of the insured from the moment of birth and for adopted dependent children with prior coverage from the date of the interocutory decree of adoption. The participating insurer may require that the insured give notice to it of any newborn child within 90 days following the birth of the child and of any adopted child within 60 days of the date the insured has filed a petition to adopt.

(c) Exclusion.—Participating insurers may exclude coverage under a LifeLine health plan for an individual who has not been covered by a health benefit plan for more than 30 days for up to one year for medical conditions for which medical advice or treatment was received by the individual during the 12 months prior to the effective date of the individual's LifeLine health plan policy.

(d) Applicability.—No law, regulation or administrative directive requiring the coverage of a health care benefit or service or requiring the reimbursement, utilization or inclusion of a specific category of licensee shall apply to LifeLine health plans delivered or issued for delivery in this Commonwealth under the authority granted under this article, including the provision of the benefits or requirements mandated under Article VI-A or by regulations promulgated under this article.

Section 4203. Facilitation by the department of access to standard health benefit plans and related information.

(a) Duty of department.—The department shall take all actions necessary to effectuate the provisions of this article such that participating insurers are able to make standard benefit plans available not later than 180 days following the effective date of this section.

(b) Demonstration of coverage.—

(1) Each insurer shall, not more than 90 days after the effective date of this section, demonstrate to the commissioner all of the following:

(i) If it has health benefit plans in force covering a sufficient number of individuals to qualify as a participating insurer.

(ii) If qualified as a participating insurer, that it has the capacity to issue standard health benefit plans and provide information sufficient to permit the department to discharge the responsibilities assigned to it under subsection (d).

(iii) If qualified as a participating insurer, that it has undertaken a process to make standard benefit plans available not later than 180 days following the effective date of this section.

(2) The commissioner shall notify an insurer of its qualification as a participating insurer under this subsection.

(c) Demonstration of capacity.—

(1) An insurer shall, within 30 days of first providing coverage under health benefit plans to a sufficient number of individuals to qualify as a participating insurer under this article, demonstrate to the commissioner all of the following:

(i) That it has the capacity to issue standard

health benefit plans and provide information sufficient to permit the department to discharge the responsibilities assigned to it under subsection (d).

(ii) That it has undertaken a process to make standard benefit plans available not later than 180 days following provision of the information to the commissioner.

(2) The commissioner shall notify an insurer of its qualification as a participating insurer under this subsection.

(d) Facilitation.—The department shall facilitate the availability of information relating to standard health benefit plans by electronic and other means, inclusive of pricing and benefit information and all other relevant information, so that prospective purchasers of the plans have the ability to compare benefits, terms, conditions and pricing among all participating insurers.

(e) Provision of information.—Participating insurers shall provide the department, at its request, with information sufficient to enable it to discharge its responsibilities under subsection (d).

Section 4204. Small employer premium rates at renewal.

The percentage increase in the premium rate an insurer shall charge to a small employer for a new rating period may not exceed the sum of the following:

(1) The percentage change in the premium rate measured from the first day of the prior rating period to the first day of the rating period.

(2) An adjustment, not to exceed 25% annually and adjusted pro rata for rating periods of less than one year, due to the claim experience, health status or duration of coverage of the employees or dependents of the small employer as determined from the insurer's rate manual for the class of business.

(3) Any adjustment due to change in coverage or change in the case characteristics of the small employer as determined from the insurer's rate manual for the class of business.

Section 4205. Records and reporting.

A participating insurer shall provide an annual report to the department in a form prescribed by the department enumerating all of the following:

(1) The number of individuals covered under standard health benefit plans, including coverage provided both directly to individuals and through employers.

(2) The number of persons receiving coverage both under LifeLine health benefit plans and through high deductible health plans.

Section 4206. Petition for exception.

(a) Petition.—

(1) An insurer may, after the third anniversary of its qualification as a participating insurer, petition the commissioner to be relieved of the obligation to offer LifeLine health plans under this article.

(2) The commissioner may grant the petition upon a finding that the petitioner has used its commercially reasonable best efforts to market and issue the coverage and that continuation of the efforts would not provide LifeLine health plan coverage to a sufficient number of individuals to justify continued efforts to market and issue the coverage.

(b) Arrangements.—The commissioner shall, as a condition for approving a petition described under subsection (a), require that arrangements be made for the orderly disposition of outstanding coverage.

Section 2. This act shall take effect in 60 days.

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

The SPEAKER. On that question, the Chair recognizes the gentleman from Delaware County, Representative Killion.

Mr. KILLION. Thank you, Mr. Speaker.

I am going to give it another crack here.

This does what my previous amendment also did, providing basic coverage. We do not need to go through that again. But also, there is a provision that will reduce the spikes that many of our employers complain about when they have these year-to-year increases they just cannot absorb. This has some language that will help alleviate that burden and prevent huge rate spikes from premium year to premium year.

The SPEAKER. The Chair thanks the gentleman.

On the question, the Chair recognizes the gentleman from Allegheny County, Representative DeLuca.

Mr. DeLUCA. Thank you, Mr. Speaker.

Will the gentleman, Mr. Killion, stand for brief interrogation?

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

Mr. DeLUCA. Mr. Speaker, would this cover autism?

Mr. KILLION. Are we going on the basic plan?

Mr. DeLUCA. Yes.

Mr. KILLION. Okay.

This plan, as we said, is a basic plan. It has certain coverages, but there are a lot of the mandates that are not in it, which is what makes it affordable. The goal of the plan is really to cover more catastrophic things, although it does have coverages for four office visits a year with a \$10 copay. There is maternity, newborn child coverage, surgery coverage, chemotherapy, radiation coverage; they are all in there. But many of the mandates are out. That is why it is much cheaper, much more affordable.

So the answer, the quick answer is no, it does not cover autism.

Mr. DeLUCA. That is what I figured. I understand it does not cover autism, which we passed in this House, well, last session, if I am not mistaken.

I also— I am done with the interrogation, Mr. Speaker.

I rise to oppose this amendment, and that is one of the reasons I rise, because it is a gut-and-replace amendment.

And also, I think the 25-percent cap on premiums is pretty high. Can you imagine, people today are talking about the increases in their premiums, yet we are going to cap it at 25 percent. The fact is, let us look at it – 25 percent a year; that is pretty substantial in the market.

So because of those two issues, I will be opposing this amendment, and I would respectfully ask the members on this side and on the other side to oppose this amendment, too. Thank you.

Thank you, Mr. Speaker.

The SPEAKER. On the question, the Chair recognizes the gentleman from Allegheny County, Representative Mustio.

Mr. MUSTIO. Thank you, Mr. Speaker.

I would like to interrogate the maker of the amendment.

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

Mr. MUSTIO. Thank you, Mr. Speaker.

Mr. Speaker, the amendment, in the coverage provided in the plan, we heard the previous speaker identify areas that are not covered; for example, autism. Maybe we could talk a little bit about expanding, for my knowledge, what is covered.

We have a lot of uninsured in Pennsylvania, and I am certain that this coverage you are talking about is going to address many of those underinsured.

Mr. KILLION. Thank you, Mr. Speaker.

That is exactly the point. It is pretty much a mandate-free policy. So when you talk about autism, that is not covered, although an autistic child would be covered for all the other things that are obviously in his policy.

But what is good about it is it is affordable because of that and provides some basic coverages and some catastrophic coverages. Just to give you an example – and I took this off the Blue Cross Blue Shield Web site – you could purchase this policy for an adult with one child for \$182 a month; a single person, \$127 a month; two adults, \$255 a month; two adults and all their children for \$310 a month.

So what it does, it allows the uninsured to have something. Is it the Cadillac policy that covers everything? No, but it is better than going bare. You at least can have some coverage that you can afford until maybe your economic circumstances or the company starts doing better and can afford a better plan.

It also allows, they do not have to offer just this. This is the basic plan. The employer can decide to add additional benefits to it if they choose to. So what I am trying to do here is I am not trying to take away those folks that have greater coverages; I am trying to get someone who has no coverage, that goes to bed at night worried about getting sick and losing their savings and losing their college fund and losing their retirement money or losing their home, that they know that for a fairly reasonable price, they can get some coverage that has four office visits a year; it has surgery – I went through them a little earlier; I am not going to go through them again – and enough coverage that you know your savings is protected. That is all this is.

It is not rocket science here. You do not need to be a genius to figure this out. It is better than having nothing. It is affordable. It is transparent. It is supported by the business community. It is supported by the Insurance Federation. The policy already exists, but it is only available to folks with limited income – 200 percent or less than poverty level. We are just saying, make it available to everyone and then I know I can get coverage at a rate I can afford and we can cover some of the uninsured in Pennsylvania. I think that is what we all want to do. We have an opportunity to do that today.

Please vote for amendment 1820.

Mr. MUSTIO. Mr. Speaker, a couple more questions.

I was just talking to one of our colleagues over here earlier whose child is graduating from college and is looking for employment and has the opportunity to work part-time or as an intern. Would this type of coverage be available to an individual in that situation?

Mr. KILLION. That is exactly who we are talking about. You can get a young college student coming out of college, has not found that great job yet but found a job that does not have benefits, and for \$127 a month – I am going to repeat that, \$127 a month – they know they are covered if, God forbid, something happens to them catastrophically, a major illness, and they also have some coverages for routine doctor's office visits. I went through them a little earlier and I will not do that again, but for \$127, they have something. And it exists; we have it in black and white.

Under the previous amendment offered by the chairman of the Insurance Commission, we take that responsibility and give it over to the Insurance Department, the Insurance Commissioner. Why do we not do something we have right now?

Again, \$127 a month. It is exactly what that college student is looking for. And even if they cannot afford it, I will bet their parents would help them with that premium because they know they need to have their children covered with health care.

Mr. MUSTIO. You did all that without taking a breath. I am impressed.

Mr. Speaker, would it be fair to say that the younger person's rates are probably lower because they are going to be healthier?

Mr. KILLION. That is fair to say.

Mr. MUSTIO. Now, we have heard numbers thrown about – 800,000, a million uninsured – and my understanding of what you are trying to do, and correct me if I am wrong, is to try and address a significant portion of those underinsured by giving them the opportunity, if I am understanding this correctly, to buy insurance coverage that meets their needs at a rate that, really, they can determine by what is added on. You know, if they are healthy, then their rate is going to be a lot lower, but if they need some other coverages, they can do that by amendment or endorsement or whatever to the plan. Is that right?

Mr. KILLION. Mr. Speaker, that is exactly it. People are uninsured for a whole host of reasons, and when you look at all the uninsured, for some it is economic, some they are young and they just do not think they need insurance. Here you have the largest portion of our uninsured between the ages of 18 and 34 – 18 and 34. This basic policy goes right at them. They really do not want to spend the money for the big, expensive products because they do not have it, but they would be willing to buy a cheaper product that provides the coverages that they need, and with that, we could take care of a significant portion of the uninsured – it is not going to solve them all – and then we will continue to work on that. I will work with the chairman on some of the other things we are looking at, expanding adultBasic and whatever we need to do to get there at the end of the day.

What I am trying to do right now is, in a simple way, just address a small portion with a basic plan that is easy to understand that already exists. It is in the marketplace. We just need to take away the income limits.

Mr. MUSTIO. So by taking away that income level then, you are giving the opportunity to the small employer who we get a lot of e-mails from saying, we cannot afford coverage on these large group company rates to offer to their employees.

Mr. KILLION. There are many employers right now that would love— All employers want to cover their employees, I believe. I am a small business owner myself, and I provide coverage to my employees, but sometimes at the end of the day when they look at their bottom line, they simply cannot afford it.

We have a product that is currently being sold by the Blues in Pennsylvania – and you heard the rates I gave – that our employers could afford, but they are precluded from buying it under the current law. This will allow these small employers to buy coverage for their employees at an affordable rate.

Is it the Cadillac policy? No, it is a Chevy, but it is coverage, and their employees can know they have something and that their assets are protected in case of a catastrophic loss. That is what we are trying to do here, and that is why I will say again, it is supported by the NFIB as well as the Chamber of Commerce.

Mr. MUSTIO. Mr. Speaker, I like your analogy of the car dealerships, because really, when you go in to buy a car, you have the option of adding various items or options to the vehicle.

Now, Mr. Speaker, the policy itself, you have mentioned, now is currently offered by the Blues. Under your amendment, will there be other companies that will be able to offer the coverage? And in addition to that, the premiums that you mentioned earlier, by having more insurance companies involved in the marketplace, will the opportunity exist then for those premiums to go down as more and more of those policies are sold? But more importantly, more importantly, rather than dictating from the Insurance Commissioner's Office what is covered and what is not, the individuals that currently sell those products will be able to counsel those people buying the coverage. Would that not be correct?

Mr. KILLION. Yes, Mr. Speaker. Under this amendment, any insurer in the Commonwealth that insures in excess of 100,000 lives would be required to offer this basic policy.

And you are right. I mean, if you do not know anything about insurance, the law of large numbers, if more people join that risk pool, then most likely – you cannot guarantee it – but most likely, the premiums could actually go down even further.

Mr. MUSTIO. Thank you, Mr. Speaker.

On the amendment.

The SPEAKER. The chairman is recognized and may proceed.

Mr. MUSTIO. Mr. Speaker, I would encourage my fellow colleagues to vote in favor of this amendment for several reasons: One, it addresses a significant portion of the uninsured. It provides a marketplace solution, taking the politics of the Insurance Commissioner's Office out of providing coverage or mandating what coverages are. It gives the opportunity for the legislature then to act today to implement coverages for those uninsured, and at the same time gives us the ability to come back later and make revisions to this after we see how effective the marketplace is in driving down costs and getting more people covered.

So I would encourage my colleagues to vote "yes." Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Allegheny County, the minority whip, Representative Turzai.

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

If I might interrogate the maker of the amendment for just a few questions.

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

Mr. TURZAI. Sir, I know the issue was raised by the chair of the Insurance Committee with respect to the issue of autism. I have had a number of members ask me some questions on the amendment and its coverage issues. I just wanted to clarify a couple of points: If somebody wanted additional coverage for autism, they can buy that in the marketplace. Your amendment in no way precludes that. Is that correct?

Mr. KILLION. That is absolutely correct. I voted, last session, for autism coverage, and I believe we should do that, but what we are trying to get at here is when someone has no coverage.

If I am a family and I have an autistic child and I cannot afford to buy insurance and my employer does not provide insurance, if this passes and my employer can afford this, my autistic child will have four doctor's visits a year, will have emergency care coverage, will have catastrophic coverage should they get some serious illness.

Now, the employer can choose to add more to that and provide autism coverage, but what we are trying to do is for people that have absolutely nothing, to get them something. That is all.

Mr. TURZAI. And it would be true, sir, that as you are indicating, that this provides an option for a particular – I hate to say market – but a market for some people that might not otherwise get insurance would get insurance and for those people that are having a hard time getting insurance so that they do get some insurance. And in that way, we are actually expanding the opportunities for folks, not limiting them.

Mr. KILLION. Absolutely.

Mr. TURZAI. Thank you very much.

I rise in support of the Representative's amendment.

The SPEAKER. The gentleman is in order.

Mr. TURZAI. I think it makes clear that by no means is this— This is nothing but a positive amendment and makes sure that people who either do not have the option of getting insurance because of financial reasons or who might otherwise forgo it, but we can get them in so that they do have it and we are not sending them off into ERs when they actually could be getting coverage. This amendment provides that opportunity.

I think it also makes sure that it does not do anything to take away the fact that people with autism can get coverage and in fact makes sure that some people with autism can get coverage.

Thank you very, very much.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentlelady from Philadelphia, Representative Manderino.

Ms. MANDERINO. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the Killion amendment.

I listened very carefully to the dialogue that has been happening on this amendment, and I think that there is some clarification that I would like to bring to members' attention.

Right now there is a basic minimum policy for groups regulated by the Department of Insurance, and we have, over the years, defined what that minimum coverage means.

Every time in the past that we have, as a General Assembly, approved and the Governor has signed into law a level of coverage, for example, saying in Pennsylvania, autism services to this extent will be covered in a basic group plan, we made a policy decision about what we think is minimum coverage. We made that same policy decision with regard to coverage for Pap smears for women or mammogram coverage on a yearly basis after you reach a certain age, or prostate screening for men after you reach a certain age. We have made policy health decisions as a governing body about what is minimum health-care coverage for a group plan in Pennsylvania.

This amendment undoes all of that. If an amendment like this would pass, what it would say is that a group policy does no longer have to have those basic levels of insurance coverage that over the years we have determined that it should.

I think there are a lot of consequences to this that have not yet been discussed. For example, on the area of autism, which was the last dialogue, it is true that if your employer who will now be eligible to buy a package— In Pennsylvania now, if he is going to provide coverage, he or she, the plan that they provide is going to have a basic level of coverage for autism. If we say, you can now buy a plan that does not have that basic level of coverage for autism, he or she, that employer, can do that, but then you as an individual will not be able to go out and

supplement your employer's plan because you have an autistic child, to make sure that your child has that coverage.

The current plan that we have in place that is being talked about by the Blues is, to the best of my understanding, an individual policy. An individual who has no access to group coverage and no other way to cover themselves or their family can get a basic, basic minimum of coverage. I think if you – and I am looking at my chairman, and he is going to send a staff person to correct me if I am wrong, but I am pretty sure I am correct. But my point is, my point in that is that you do not have access to a group policy, and that is why that minimum basic catastrophic plan is there.

I bet if we asked our providers what kind of reimbursement rates they got – whether they were institutional providers like hospitals or individual providers like doctors – what kind of reimbursement rates you get under those severely restricted plans, you will find that their reimbursement rates are much lower than the reimbursement rates provided in the more comprehensive group plans.

So to now downgrade the group market all the way to that level, you are either going to be totally underfunding the needs of our institutional and individual providers, or we are kidding ourselves about what the real cost of that even basic catastrophic package is really going to be on the marketplace if instead of just a few individuals who have access to no health care are in it now, but now tens of thousands or hundreds of thousands of people are now in that plan. So I think we are kidding ourselves on a lot of different levels by not having that complete dialogue.

I, for one, made very conscious decisions each and every time we were asked to consider whether or not it was important for the citizens of Pennsylvania, for example, to be able to have regular Pap smears, mammograms, prostate screenings, or autism coverage. When I said yes to that, I knew what I was doing in terms of the cost-benefit analysis for the health of the citizens of Pennsylvania weighed against the cost of premiums. I am not prepared to undo that today. I hope you are not either.

I hope you will vote against the Killion amendment.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Representative DeLuca, for the second time.

Mr. DeLUCA. Thank you, Mr. Speaker.

Once again I want to rise to oppose this amendment. And let me just say to my good friend, Representative Killion, in our bill, we cap it at 10 percent. The Killion bill does 25-percent increases, caps it up to 25 percent.

But let me also, as the previous speaker, Representative Manderino, just alluded to, let me mention the fact that this bill would not cover childhood immunizations, would not cover diabetic supplies and chemotherapy for cancer, hormone treatments. I mean, if we really want to look at the ramifications of his amendment, in the long run, I believe this would raise health-care costs. I believe by cutting those benefits that we have worked over the years to make people healthier, to reduce health-care costs, with the Killion amendment, we would raise health-care costs. That is unacceptable in this Commonwealth and it is unacceptable in this nation when we are debating health care.

We need to cut down health-care costs, and we could come up with all kinds of things to say – we should not do this, we should not have this, we should not have this, we should not have a benefit plan there and that there. But the reality is that in the long run, this will raise health-care costs.

Therefore, I am asking for a "no" vote on the Killion amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from Delaware County, Representative Killion.

Mr. KILLION. Thank you, Mr. Speaker, and I will be brief.

First, just a quick comment. The gentelady from Philadelphia talked about undoing what we have done here with some of the mandates that we have passed, which, frankly, I supported. But the special-care policy today does not include any of those mandates. They are not in there today, and that policy is being offered to people with less than 200 percent of the poverty level in income. All I am saying, all I am saying is let us cover people that have no insurance – zip, zero, zilch, no coverage at all. They go to the doctor's, they have to pay; they go to the emergency room, they have to pay; they get really sick, they are going to lose their home, their education funding, their retirement funding.

What this is is a basic, affordable policy that will allow employers to offer it – and the legislation does allow it for groups of 2 to 50; it is not just individuals, the amendment – that they can get some coverage, that they can have something so they can put their head on their pillow and know they have coverage.

I am not looking to undo anything. I want everyone to have a Cadillac policy, but if they cannot have a Cadillac policy, let us give them something. This is something. It is a chance to do something today for the uninsured in Pennsylvania. We should do it.

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

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—96

Adolph	Fairchild	Maher	Quinn
Baker	Farry	Major	Rapp
Barrar	Fleck	Marshall	Reed
Bear	Gabig	Marsico	Reese
Benninghoff	Gabler	Mensch	Reichley
Beyer	Geist	Metcalfe	Roae
Boback	Gillespie	Metzgar	Rock
Boyd	Gingrich	Micozzie	Rohrer
Brooks	Godshall	Millard	Ross
Causar	Grell	Miller	Saylor
Christiana	Grove	Milne	Scavello
Civera	Harhart	Moul	Schroder
Clymer	Harper	Murt	Smith, S.
Cox	Harris	Mustio	Sonney
Creighton	Helm	O'Brien, D.	Stern
Cutler	Hennessey	O'Neill	Stevenson
Dally	Hess	Oberlander	Swanger
Day	Hickernell	Payne	Tallman
Delozier	Hutchinson	Peifer	Taylor, J.
Denlinger	Kauffman	Petri	True
DiGirolamo	Keller, M.K.	Phillips	Turzai
Ellis	Killion	Pickett	Vereb
Evans, J.	Knowles	Pyle	Vulakovich
Everett	Krieger	Quigley	Watson

NAYS—98

Barbin	Eachus	Levdansky	Sainato
Bishop	Evans, D.	Longietti	Samuelson
Boyle	Fabrizio	Mahoney	Santarsiero
Bradford	Frankel	Manderino	Santoni
Brennan	Freeman	Mann	Seip
Briggs	Galloway	Markosek	Siptroth
Brown	Gerber	Matzie	Smith, K.
Burns	Gergely	McGeehan	Smith, M.
Buxton	Gibbons	McI. Smith	Solobay
Caltagirone	Goodman	Melio	Staback
Carroll	Grucela	Mirabito	Sturla
Casorio	Haluska	Mundy	Taylor, R.
Cohen	Hanna	Murphy	Thomas
Conklin	Harhai	Myers	Vitali
Costa, D.	Harkins	O'Brien, M.	Walko
Costa, P.	Hornaman	Oliver	Wansacz
Cruz	Houghton	Pallone	Waters
Curry	Johnson	Parker	Wheatley
Daley	Josephs	Pashinski	White
Deasy	Keller, W.	Payton	Williams
DeLuca	Kessler	Petrarca	Youngblood
DePasquale	Kirkland	Preston	Yudichak
DeWeese	Kortz	Readshaw	
Donatucci	Kotik	Roebuck	McCall,
Drucker	Kula	Sabatina	Speaker

NOT VOTING—0

EXCUSED—9

Belfanti	Lentz	Perry	Shapiro
Dermody	Miccarelli	Perzel	Wagner
George			

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

On the question recurring,

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

Mr. **PETRI** offered the following amendment No. **A01822**:

Amend Bill, page 41, line 10, by striking out "(A)
IMPLEMENTATION AND ADMINISTRATION.—"

Amend Bill, page 41, line 11, by striking out "MAY" and inserting

shall

Amend Bill, page 41, lines 14 through 22, by striking out all of said lines

On the question,

Will the House agree to the amendment?

The **SPEAKER**. On that question, the Chair recognizes the gentleman from Bucks County, Representative Petri.

Mr. **PETRI**. Mr. Speaker, this amendment requires the Insurance Department to promulgate regulations with respect to this bill.

I would ask for your support.

The **SPEAKER**. On the question, the Chair recognizes the gentleman from Allegheny County, Representative DeLuca.

Mr. DeLUCA. Mr. Speaker, I support the Petri amendment, and I would ask my side to vote for it too.

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

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—194

Adolph	Evans, J.	Levdansky	Reed
Baker	Everett	Longietti	Reese
Barbin	Fabrizio	Maher	Reichley
Barrar	Fairchild	Mahoney	Roae
Bear	Farry	Major	Rock
Benninghoff	Fleck	Manderino	Roebuck
Beyer	Frankel	Mann	Rohrer
Bishop	Freeman	Markosek	Ross
Boback	Gabig	Marshall	Sabatina
Boyd	Gabler	Marsico	Sainato
Boyle	Galloway	Matzie	Samuelson
Bradford	Geist	McGeehan	Santarsiero
Brennan	Gerber	McI. Smith	Santoni
Briggs	Gergely	Melio	Saylor
Brooks	Gibbons	Mensch	Scavello
Brown	Gillespie	Metcalfe	Schroder
Burns	Gingrich	Metzgar	Seip
Buxton	Godshall	Micozzie	Siptroth
Caltagirone	Goodman	Millard	Smith, K.
Carroll	Grell	Miller	Smith, M.
Casorio	Grove	Milne	Smith, S.
Causar	Grucela	Mirabito	Solobay
Christiana	Haluska	Moul	Sonney
Civera	Hanna	Mundy	Staback
Clymer	Harhai	Murphy	Stern
Cohen	Harhart	Murt	Stevenson
Conklin	Harkins	Mustio	Sturla
Costa, D.	Harper	Myers	Swanger
Costa, P.	Harris	O'Brien, D.	Tallman
Cox	Helm	O'Brien, M.	Taylor, J.
Creighton	Hennessey	O'Neill	Taylor, R.
Cruz	Hess	Oberlander	Thomas
Curry	Hickernell	Oliver	True
Cutler	Hornaman	Pallone	Turzai
Daley	Houghton	Parker	Vereb
Dally	Hutchinson	Pashinski	Vitali
Day	Johnson	Payne	Vulakovich
Deasy	Josephs	Payton	Walko
Delozier	Kauffman	Peifer	Wansacz
DeLuca	Keller, M.K.	Petrarca	Waters
Denlinger	Keller, W.	Petri	Watson
DePasquale	Kessler	Phillips	Wheatley
DeWeese	Killion	Pickett	White
DiGirolamo	Kirkland	Preston	Williams
Donatucci	Knowles	Pyle	Youngblood
Drucker	Kortz	Quigley	Yudichak
Eachus	Kotik	Quinn	
Ellis	Krieger	Rapp	McCall,
Evans, D.	Kula	Readshaw	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—9

Belfanti	Lentz	Perry	Shapiro
Dermody	Miccarelli	Perzel	Wagner
George			

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. **SCHRODER** offered the following amendment No. **A01819**:

Amend Bill, page 1, lines 15 through 31; page 2, line 1, by striking out "AMENDING THE ACT OF MAY 17, " in line 15, all of lines 16 through 31, page 1 and "INCONSISTENT REPEALS" in line 1, page 2 and inserting

Amending the act of May 17, 1921 (P.L.682, No.284), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," further providing for conditions subject to which policies are to be issued; providing for exemption from general applicability, for health insurance coverage for certain children of insured parents for guaranteed availability and renewability of small group health benefit plans and for affordable small group health care coverage; and making inconsistent repeals

Amend Bill, page 23, lines 24 through 30; pages 24 through 42, lines 1 through 30; page 43, lines 1 through 11, by striking out all of said lines on said pages and inserting

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

ARTICLE XLII

AFFORDABLE SMALL GROUP HEALTH CARE COVERAGE

Section 4201. Scope of article.

This article relates to health care reform.

Section 4202. Definitions.

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

"Accident and Health Filing Reform Act." The act of December 18, 1996 (P.L.1066, No.159), known as the Accident and Health Filing Reform Act.

"Commissioner." The Insurance Commissioner of the Commonwealth.

"Commonwealth Attorneys Act." The act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act.

"Commonwealth Documents Law." The act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law.

"Creditable coverage." As defined in section 2701 of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191, 42 U.S.C. § 300gg-91).

"Department." The Insurance Department of the Commonwealth.

"Eligible employee." A person employed by a large employer or a small employer on a regularly scheduled basis, with a normal work week of 17.5 hours or more, but does not include persons who work on a temporary, seasonal or substitute basis.

"Geographic service area." The service area where an insurer offers small group health benefit plan coverage.

"Health benefit plan." Any individual or group health insurance policy, subscriber contract, certificate or plan which provides health or

sickness and accident coverage which is offered by an insurer. The term shall not include any of the following:

(1) An accident only policy.

(2) A credit only policy.

(3) A long-term care or disability income policy.

(4) A long-term care policy.

(5) A specified disease policy.

(6) A Medicare supplement policy.

(7) A Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) supplement policy.

(8) A fixed indemnity policy.

(9) A dental only policy.

(10) A vision only policy.

(11) A workers' compensation policy.

(12) An automobile medical payment policy under 75 Pa.C.S. (relating to vehicles).

(13) Any other similar policies providing for limited benefits.

"Health care benefits." The term shall include, but is not limited to, all of the following:

(1) Health care services that are either provided or reimbursed by the insurer or its contracted providers as covered benefits to its enrollees and subscribers.

(2) The costs of programs or activities, including training and the provision of informational materials that are determined to improve the provision of quality care, improve health care outcomes or encourage the use of evidence-based medicine.

(3) Disease management expenses using cost-effective evidence-based guidelines.

(4) Payments to providers as quality payments of pay-for-performance initiatives.

(5) Medical advice by telephone.

(6) Prescription drug management programs.

The term shall not include administrative costs, agent and broker commission and solicitation costs associated with the issuance of small group health benefit plan contracts, dividends, profits stock options, assessments or fines levied by the department or administrative costs associated with existing or new regulatory requirements.

"Health insurance region." Any of the following:

(1) "Region I." The geographic area covered by the counties of Bucks, Chester, Delaware, Montgomery and Philadelphia.

(2) "Region II." The geographic area covered by the counties of Adams, Berks, Cumberland, Dauphin, Franklin, Fulton, Lancaster, Lebanon, Lehigh, Northampton, Perry, Schuylkill and York.

(3) "Region III." The geographic area covered by the counties of Bradford, Carbon, Clinton, Lackawanna, Luzerne, Lycoming, Monroe, Pike, Sullivan, Susquehanna, Tioga, Wayne and Wyoming.

(4) "Region IV." The geographic area covered by the counties of Centre, Columbia, Juniata, Mifflin, Montour, Northumberland, Snyder and Union.

(5) "Region V." The geographic area covered by the counties of Bedford, Blair, Cambria, Clearfield, Huntingdon, Jefferson and Somerset.

(6) "Region VI." The geographic area covered by the counties of Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Lawrence, Washington and Westmoreland.

(7) "Region VII." The geographic area covered by the counties of Cameron, Clarion, Crawford, Elk, Erie, Forest, McKean, Mercer, Potter, Venango and Warren.

"Individual market." The health insurance market for individuals as defined in section 2791 of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191, 42 U.S.C. § 300gg-91).

"Insurer." A company or health insurance entity licensed in this

Commonwealth to issue any individual or group health, sickness or accident policy or subscriber contract or certificate or plan that provides medical or health care coverage by a health care facility or licensed health care provider that is offered or governed under this act or any of the following:

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

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

(3) 40 Pa.C.S. Ch. 61 (relating to hospital plan corporations) or Ch. 63 (relating to professional health services plan corporations).

(4) Article XXIV.

"Insurer group." A group of insurers writing coverage in this Commonwealth, including a parent insurer, its subsidiaries and affiliates.

"Large employer." In connection with a group health plan with respect to a calendar year and a plan year, an employer who employs an average of 51 or more eligible employees on business days during the preceding calendar year and who employs at least 51 eligible employees on the first day of the plan year. In the case of an employer which was not in existence throughout the preceding calendar year, the determination whether an employer is a large employer shall be based on the average number of eligible employees that it is reasonably expected that the employer will employ on business days in the current calendar year.

"Large group market." The health insurance market for large employers.

"Medical loss ratio." The portion of the total insurance product costs utilized to provide the health care benefits.

"NAIC." The National Association of Insurance Commissioners.

"Plan year." The 12-consecutive-month period beginning on the first day of coverage under a health benefit plan.

"Preexisting condition exclusion." As defined in section 2701 of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191, 42 U.S.C. § 300gg-91). Pregnancy and conditions for which medical advice, diagnosis, care or treatment was recommended or received before birth or within the first 60 days after birth or within the first 60 days after adoption as a minor child shall not be treated as conditions described in the definition in section 2701.

"Regulatory Review Act." The act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act.

"Small employer." In connection with a group health plan with respect to a calendar year and a plan year, an employer who employs an average of at least two but not more than 50 eligible employees on business days during the preceding calendar year and who employs at least two eligible employees on the first day of the plan year. In the case of an employer which was not in existence throughout the preceding calendar year, the determination whether an employer is a small employer shall be based on the average number of eligible employees that it is reasonably expected that the employer will employ on business days in the current calendar year.

"Small group health benefit plan." A health benefit plan offered to a small employer.

"Small group market." The health insurance market for small employers.

"Standard plan." One of the health benefit packages established by the Insurance Department in accordance with section 4204. Section 4203. Exemption from general applicability.

With the exception of section 4206(c)(2)(iii) and (3), sections 4204 and 4206 shall not apply to small group health benefit plans issued, made effective, delivered or renewed in this Commonwealth by any insurer that is part of an insurer group where that insurer group insures or administers health care coverage for less than 1% of the health insurance premiums in the Commonwealth, as measured by NAIC annual statement data. If the NAIC annual statement data does not contain the specificity to demonstrate that the insurer group

premium for health insurance is less than 1% of the health insurance premium in the Commonwealth, an insurer group seeking to claim exemption from the requirements of this article shall present additional evidence supported by a statement by an independent, certified public accountant, utilizing agreed-upon procedures acceptable to the department to demonstrate its market share.

Section 4204. Standard plans.

(a) Applicability.—This section shall apply to all small group health benefit plans issued, made effective, delivered or renewed in this Commonwealth after the effective date of this section.

(b) Standard plans required.—

(1) An insurer shall not offer a plan that does not meet the minimum benefits specified in one of the standard plans developed by the department. The department shall consult with insurers in developing the standard plans.

(2) The standard plans may not contain any preexisting condition exclusions.

(3) Standard plans may include options for deductibles and cost-sharing if the department determines that the options:

(i) Do not dissuade consumers from seeking necessary services.

(ii) Promote a balance of the impact of cost-sharing in reducing premiums and in effecting utilization of appropriate services.

(iii) Limit the total cost-sharing that may be incurred by an individual in a year.

(4) The following apply:

(i) The department shall forward notice of the elements of the standard plans to the Legislative Reference Bureau for publication as a notice in the Pennsylvania Bulletin.

(ii) An insurer subject to the provisions of this section shall be required to begin offering its standard plans as soon as practicable following the publication but in no event later than 180 days following the publication under subparagraph (i).

(5) Each standard plan shall qualify as creditable coverage.

(c) Additional benefits.—

(1) An insurer may offer benefits in addition to those in any of its standard plans.

(2) Each additional benefit shall:

(i) Be offered and priced separately from benefits specified in the standard plan with which the benefits are being offered.

(ii) Not have the effect of duplicating any of the benefits in the standard plan with which the benefits are being offered.

(iii) Be clearly specified as additions to the standard plan with which the benefits are being offered.

(3) The department may prohibit an insurer from offering an additional benefit under this section if the department finds that the additional benefit will be sold in conjunction with one of the insurer's standard plans in a manner designed to promote risk selection or underwriting practices otherwise prohibited under this section or other State law.

Section 4205. Guaranteed availability and renewability of small group health benefit plans.

(a) Availability.—The availability of each small group health benefit plan offered under this article is subject to the provisions of the act of June 25, 1997 (P.L.295, No.29), known as the Pennsylvania Health Care Insurance Portability Act.

(b) Preexisting conditions.—Any preexisting condition exclusions for small group health benefit plans shall comply with section 2701 of Title XXVII of the Public Health Service Act (Public Law 104-191, 42 U.S.C. § 300gg-91).

(c) Renewability.—The renewability of each small group health benefit plan offered under this article is subject to the provisions of the

Pennsylvania Health Care Insurance Portability Act.
Section 4206. Health insurance premium rates.

(a) Applicability.—This section shall apply to all small group health benefit plans that are issued, made effective, delivered or renewed in this Commonwealth after the effective date of this section.

(b) Premium rates.—

(1) An insurer shall establish a base rate by geographic service area for benefit plans and shall file the base rates with the department as required by law. The base rate may not be changed more frequently than once every 12 months. An insurer may adjust its base rates for age and geographic location only.

(2) An insurer shall apply the risk adjustment factors under paragraph (1) consistently with respect to all plans subject to this section.

(3) An insurer's adjusted base rate as permitted under paragraph (1) shall not be more than 33% above or below the base rate. Additional adjustments may be made to reflect the inclusion of additional benefits as specified under section 4204(c) and differences in family composition.

(4) The premium for a small group health benefit plan shall not be adjusted by an insurer more than once each year, except that rates may be changed more frequently to reflect:

(i) Changes to the enrollment of the small employer group.

(ii) Changes to a small group health benefit plan that have been requested by the small employer.

(iii) Changes pursuant to a government order or judicial proceeding.

(5) Except for adjustments related to enrollment or benefit changes, any proposed changes which effect an increase or decrease in the base rate of more than 10% annually will be subject to filing, review and prior approval by the department.

(6) Rate changes permitted by the base rate adjustments in paragraph (3) shall be phased in over a three-year period. Any small group receiving a rate increase at renewal shall have the portion of that rate increase attributable to the base rate adjustments permitted in paragraph (3) limited to 10% of the prior rate. At the end of the three-year phase-in transition period, such limit will expire, and all insurers subject to this act will be permitted to only adjust rates as specified in section 4206(b)(1), (2), (3), (4) and (5).

(7) An insurer shall be permitted to apply a wellness adjustment factor to the base rate of groups at renewal, not to exceed 5%, for any small employer group participating in and completing a wellness program that satisfies minimum standards established by the department in coordination with the Department of Health, and which does not violate the requirements under 45 C.F.R. § 146.121 (relating to prohibiting discrimination against participants and beneficiaries based on a health factor). The department and the Department of Health shall publish by notice in the Pennsylvania Bulletin the minimum standards for wellness programs.

(8) An insurer shall base its rating methods and practices on commonly accepted actuarial assumptions and sound actuarial principles. Rates shall not be excessive, inadequate or unfairly discriminatory.

(9) For purposes of this subsection, an insurer's "base rate" for a benefit plan shall refer to a rating methodology that is based on the experience of small group risks covered by the plan in that geographic service area without regard to health status, occupation or any other factor, except as specified in paragraphs (1), (3) and (7).

(c) Additional rate review and prior approval.—

(1) In conjunction with and in addition to the standards set forth in the act of December 18, 1996 (P.L.1066, No.159), known as the Accident and Health Filing Reform Act, and all other applicable statutory and regulatory requirements, all rate filings shall be subject to prior approval by the department within

the 45-day period provided by section 3(f) of the Accident and Health Filing Reform Act.

(2) In conjunction with and in addition to the standards set forth under the Accident and Health Filing Reform Act and all other applicable statutory and regulatory requirements, the department may disapprove a small group rate filing based upon any of the following:

(i) The rate is not actuarially sound.

(ii) Insurer groups shall expend for the medical loss ratio not less than 85% of the aggregate dues, fees, premiums and other periodic payments received by the insurer group on the total book of small group health benefit plan business the insurer group writes and maintains in this Commonwealth. For purposes of this section, an insurer group may deduct from the aggregate dues, fees, premiums or other periodic payments received by the insurer the amount of income taxes or other taxes that the insurer expenses.

(iii) Insurer groups with less than 1% market share as measured by health insurance premiums shall expend for the medical loss ratio not less than 80% of the aggregate dues, fees, premiums and other periodic payments received by the insurer group on the total book of small group health benefit plan business the insurer group writes and maintains in this Commonwealth. For purposes of this section, an insurer group may deduct from the aggregate dues, fees, premiums or other periodic payments received by the insurer the amount of income taxes or other taxes that the insurer expenses.

(3) In the event an insurer group does not comply with the requirements of subsection 9(c)(2)(ii) and (iii), the department may, in addition to any other remedies available under law, require the insurer to refund the difference to policyholders on a pro rata basis as soon as practicable following receipt of notice from the department of the requirement but in no event later than 120 days following receipt of the notice. The department shall establish procedures under which such refunds will be made.

(d) Procedures.—The filing and review procedures set forth under the Accident and Health Filing Reform Act shall apply to any filing conducted under this section, except that no filing deemed to meet the requirements of this act shall take effect unless the department receives written notice of the insurer's intent to exercise the right granted under this section at least ten calendar days prior to implementation of rates authorized by this act.

Section 4207. College student insurance requirements.

(a) Minimum health benefit package.—Within 90 days following the effective date of this section, the department shall establish a minimum health benefit package for full-time students enrolled in public or private baccalaureate and postbaccalaureate programs in this Commonwealth and transmit a description of the package to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin. As soon as practicable after the date of publication of the package, but in no event later than 120 days following the publication, all insurers shall offer the package as individual coverage available to students and as group coverage through the institution. The department may make revisions to the minimum health benefit package periodically, but no more than one time per 12-month period. Each revision shall be implemented by insurers as soon as practicable following publication of the revision in the Pennsylvania Bulletin, but in no event later than 120 days following such publication.

(b) Required health insurance coverage.—

(1) Every full-time student enrolled in a public or private baccalaureate or postbaccalaureate program in this Commonwealth shall maintain health insurance coverage which provides the minimum benefit package established under this section. The coverage shall be maintained throughout the period of the student's enrollment.

(2) Every student required to meet the mandatory coverage under this section shall present evidence of such coverage to the institution in which the student is enrolled at least annually, in a manner prescribed by the institution.

(3) Every public or private college or university or postbaccalaureate program in this Commonwealth shall make available health insurance coverage on a group or individual basis for purchase by students who are required to maintain the coverage under this section.

(4) Notwithstanding paragraphs (1), (2) and (3), the requirements of this section may be satisfied if the baccalaureate or postbaccalaureate program provides on-campus student health care coverage equivalent to the minimum benefit package through its own clinics and health care facilities and receives approval from the Department of Education, in consultation with the department, that such coverage is equivalent. The coverage shall provide that the student is covered for hospital admissions and emergency services at facilities throughout this Commonwealth.

(c) Effective date.—This section shall apply to public or private baccalaureate or postbaccalaureate program in this Commonwealth beginning the first August 1 following 180 days after the publication of the notice of the elements of the standard plans.

(d) Annual certification.—Every public or private baccalaureate or postbaccalaureate program in this Commonwealth shall certify to the Department of Education at least annually that the requirements of this section have been met for all periods of the preceding year.

(e) Penalty for failure to comply.—The Secretary of Education may impose a fine of up to \$500 per day for each day that a public or private baccalaureate or postbaccalaureate program fails to meet any of its obligations in this section. The fine shall be due within 30 days following receipt by the institution of notice of the violation. Funds collected under this subsection and any returns on the funds shall be deposited into the Tobacco Settlement Fund established under the act of June 26, 2001 (P.L.755, No.77), known as the Tobacco Settlement Act.

Section 4208. Fair marketing standards.

Every insurer and producer must meet the following standards, as appropriate:

(1) An insurer that offers small group health benefit plans shall offer to small employers all of the small group health benefit plans that the insurer actively markets in this Commonwealth. An insurer shall be considered to be actively marketing a small group health benefit plan if it offers that plan to any small group not currently covered by that insurer.

(2) The following shall apply:

(i) Except as provided in subparagraph (ii), a producer or an insurer that provides small group health benefit plans shall not encourage or direct a small employer to refrain from filing an application for coverage with the insurer or seek coverage from another insurer because of a health status-related factor or the nature of the industry, occupation or geographic location of the small employer.

(ii) The provisions of subparagraph (i) shall not apply with respect to information provided by an insurer or producer to a small employer regarding an established geographic service area or a restricted network provision of an insurer.

(3) An insurer that provides small group health benefit plans shall not enter into a contract, agreement or arrangement that provides for or results in a producer's compensation being varied because of a health status-related factor or the nature of the industry or occupation of the small employer.

(4) An insurer that provides small group health benefit plans shall not terminate, fail to renew or limit its contract or agreement with a producer for a reason or reasons related to a health status-related factor or occupation of the small employer.

(5) A producer or insurer that provides small group health benefit plans shall not induce or encourage a small employer to exclude an employee or the employee's dependents from health coverage or benefits available under the plan.

Section 4209. Reporting requirements.

(a) Health insurance region small group market share.—Not less frequently than March 1 of every calendar year, each insurer group shall file a report with the department of the insurer group's small group market share by health insurance region and the small group market share of each insurer within the insurer group by health insurance region, for the immediately preceding calendar year.

(b) Health insurance market reports.—Not less frequently than March 1 of every calendar year, each insurer and each insurer group shall file the following reports with the department:

(1) Aggregate financial information for the preceding year derived from each insurer's NAIC annual statement blank or, if unavailable, from other certifiable records:

(i) Amount of general administrative expenses, including identification of the five largest nonmedical administrative expenses.

(ii) Amount of surplus maintained.

(iii) Amount of reserves maintained for unpaid claims.

(iv) Net underwriting gain or loss.

(v) Insurer's net income after taxes.

(2) Market information for the preceding calendar year derived from each insurer's NAIC annual statement blank or, if unavailable, from other certifiable records, segmented both Statewide and by health insurance region, segregated for the individual market, the small group market and the large group market:

(i) Number of members as of December 31.

(ii) Number of member months.

(iii) Premiums earned.

(iv) Incurred medical claims costs.

(v) Medical loss ratio.

(vi) Average premium per member per month for the reporting year, derived by dividing earned premiums by member months.

(vii) Average premium per member per month for the preceding reporting year, derived by dividing earned premiums by member months.

(viii) A description of each rating method used to determine rates indicating the specific group size for which each method was used.

(ix) A listing of all factors used in the rating for each market and the range of these factors.

(3) Aggregate market information for the preceding year derived from each insurer's NAIC annual statement blank or, if unavailable, from other certifiable records, for covered lives in Pennsylvania by individual market, small group market and large group market:

(i) Number of members covered by entities with administrative services contracts or administrative services-only arrangements.

(ii) Number of members covered by associations or out-of-State trusts covering lives in Pennsylvania.

(c) Submission.—Each report required by this section shall be electronically submitted in a format and according to instructions prescribed by the department.

(d) Review of reports.—By July 1 of each year, the department shall review the reports provided for under subsection (a) and shall transmit to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin a statement of the status of each insurer within each region in which the insurer provides coverage.

(e) The department shall make the information reported under this section available to the public through a searchable public Internet website.

(f) Data calls.—The department may issue data calls as necessary to fulfill the requirements of this article. Any data calls issued under this section shall be published in the Pennsylvania Bulletin.

(g) Limitation.—The department shall have discretion to modify the reporting requirements of this section by transmitting notice to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin.

(h) Compliance.—For failure to comply with any reports or data calls required under this section, the commissioner shall impose an administrative penalty of \$1,000 against each insurer or \$5,000 against each insurer group for every day that the report or data is not provided in accordance with this section.

(i) Definition.—As used in this section, specifically for purposes of the reporting required in subsection (b), member means an individual person covered by a health benefit plan, an association or an out-of-State trust. The term includes dependents.

Section 4210. Regulations.

The department and the Department of Education may promulgate regulations as necessary for the implementation and administration of this article.

Section 4211. Enforcement.

(a) Determination of violation.—Upon a determination that a person licensed by the department has violated any provision of this article, the commissioner may, subject to 2 Pa.C.S. Chs. 5 Subch. A (relating to practice and procedure of Commonwealth agencies) and 7 Subch. A (relating to judicial review of Commonwealth agency action), do any of the following:

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

(2) Suspend or revoke or refuse to issue or renew the certificate or license of the offending party or parties.

(3) Impose an administrative penalty of up to \$5,000 for each violation.

(4) Seek restitution.

(5) Impose any other penalty or pursue any other remedy deemed appropriate by the commissioner.

(b) Other remedies.—The enforcement remedies imposed under this section shall be in addition to any other remedies or penalties that may be imposed by any other statute, including:

(1) The act of July 22, 1974 (P.L.589, No.205), known as the Unfair Insurance Practices Act. A violation by any person of this article is deemed an unfair method of competition and an unfair or deceptive act or practice pursuant to the Unfair Insurance Practices Act.

(2) The act of December 18, 1996 (P.L.1066, No.159), known as the Accident and Health Filing Reform Act.

Section 2. Repeals are as follows:

(1) The General Assembly declares that the repeal under paragraph (2) is necessary to effectuate the addition of Article XLII of the act.

(2) Section 3 of the act of December 18, 1996 (P.L.1066, No.159), known as the Accident and Health Filing Reform Act, is repealed insofar as it applies to small group health benefit plan rates.

(3) All other acts and parts of acts are repealed insofar as they are inconsistent with the addition of Article XLII of the act.
Section 3. This act shall take effect immediately.

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 as amended?

The SPEAKER. The gentleman also has another amendment, amendment— You are withdrawing the amendment? The Chair thanks the gentleman.

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

Mr. GRUCELA offered the following amendment No. A01825:

Amend Bill, page 1, line 27, by inserting after "FOR" benefits and standard of care for bleeding disorders, for Amend Bill, page 23, lines 25 and 26, by striking out "AN" in line 25 and "ARTICLE" in line 26 and inserting articles

Amend Bill, page 23, by inserting between lines 26 and 27

ARTICLE VI-B
BENEFITS AND STANDARD OF CARE
FOR BLEEDING DISORDERS

Section 601-B. Scope.

This article provides for required coverage and standard of care for bleeding disorders.

Section 602-B. Declaration of policy.

The General Assembly finds and declares as follows:

(1) Hemophilia is a rare, hereditary bleeding disorder affecting at least 1,700 individuals in this Commonwealth. It is a chronic, lifelong, incurable disease.

(2) Until the 1970s, persons afflicted with severe hemophilia suffered from uncontrollable internal bleeding, crippling orthopedic deformities and a diminished lifespan.

(3) The scientific discovery of highly purified blood clotting factors has enabled many persons with hemophilia the opportunity to lead normal lives free of pain and crippling arthritis.

(4) The blood clotting factors are expensive and must be injected intravenously several times per week, but this medicine can be administered in the patient's home, the preferred method of treatment.

(5) In addition to blood clotting factors, patients require expert, specialized medical care at a regional hemophilia treatment program affiliated with a hospital.

(6) The purpose of this article is to establish a standard of care so that patients with severe bleeding disorders can receive necessary and appropriate medical care.

Section 603-B. Definitions.

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

"340B program." An outpatient pharmacy licensed by the Commonwealth to dispense blood clotting products and which is conditionally or fully designated as a covered entity under the Veterans Health Care Act of 1992 (Public Law 102-585, 106 Stat. 4943), which enacted section 340B of the Public Health Service Act (58 Stat. 682, 42 U.S.C. § 256b).

"Ancillary infusion equipment and supplies." The equipment and supplies required to infuse a blood clotting product into a human vein, including, but not limited to, syringes, needles, sterile gauze and alcohol swabs, tourniquets, medical tape, sharps or equivalent biohazard waste containers and cold compression packs.

"Bleeding disorder." A medical condition characterized by a severe deficiency or absence of one or more essential blood clotting proteins in the human blood, often called factors, including all forms of hemophilia, von Willebrand disease and other bleeding disorders which result in uncontrollable bleeding or abnormal blood clotting.

"Blood clotting product." An intravenously administered medicine manufactured from human plasma or recombinant biotechnology techniques, approved for distribution by the Food and Drug Administration and which is used for the treatment and prevention of symptoms associated with bleeding disorders. The term includes, but is not limited to:

- (1) Factor VIIa, Factor VIII and Factor IX products.
- (2) von Willebrand Factor products.
- (3) Prothrombin complex concentrates.
- (4) Activated prothrombin complex concentrates.
- (5) Other products approved by the FDA for the treatment of bleeding disorders and associated inhibitors.

"Clinical coagulation laboratory." A laboratory affiliated with a State-recognized hemophilia program which is able to diagnose bleeding disorders and perform specialized coagulation studies of human blood for patients with bleeding disorders.

"Covered person." An individual who is entitled to receive health care benefits or coverage from a health care insurer.

"Department." The Department of Health of the Commonwealth.

"Drug formulary." A schedule of prescription drugs or preferred therapeutic agents, including blood clotting products, approved for use by a health care insurer or its agent, which will be covered and dispensed through participating pharmacies.

"FDA." The United States Food and Drug Administration.

"Full-service home care pharmacy." A vendor or provider of blood clotting products, ancillary infusion equipment, home nursing services and patient assistance for the management of bleeding disorders in the home setting that does the following:

- (1) Supplies blood clotting products and home nursing services as prescribed by the covered person's treating physician and does not make any substitutions of blood clotting products without the prior approval of the treating physician.
- (2) Supplies all FDA-approved brands of blood clotting products in multiple assay ranges, low, medium and high, as applicable, including products manufactured from human plasma and those manufactured with recombinant biotechnology techniques.
- (3) Supplies all needed ancillary infusion equipment and supplies.
- (4) Provides directly or through a reliable third-party agency home nursing services, whenever the services are prescribed and deemed necessary by the treating physician.
- (5) Upon receiving a prescription, ships the prescribed blood clotting products and ancillary infusion equipment to the covered person within three business days.
- (6) Provides a pharmacist on call, available at all times to fill prescriptions for blood clotting products.
- (7) Provides appropriate and necessary recordkeeping and documentation.
- (8) Provides administrative assistance for covered persons to obtain payment for blood clotting products, ancillary infusion equipment and home nursing services.
- (9) Provides covered persons, upon request, with information about the anticipated out-of-pocket costs for blood clotting products, ancillary infusion equipment and services that are not otherwise paid for by the health care insurer.
- (10) Provides patient notification of recalls and withdrawals of blood clotting products and ancillary infusion equipment as soon as practical.
- (11) Provides sharps containers or the equivalent for the removal and disposal of medical waste.
- (12) Is certified by the Department of Health.

"Health care insurer." An entity that issues an individual or a

group health insurance policy.

"Health insurance policy."

(1) An individual or group health insurance policy, subscriber contract, certificate or plan which provides medical or health care coverage by a health care facility or licensed health care provider and which is offered by or is governed under this article or any of the following:

- (i) The act of December 29, 1972 (P.L.1701, No. 364), known as the Health Maintenance Organization Act.
- (ii) The act of May 18, 1976 (P.L.123, No.54), known as the Individual Accident and Sickness Insurance Minimum Standards Act.
- (iii) 40 Pa.C.S. Ch. 61 (relating to hospital plan corporations).
- (iv) 40 Pa.C.S. Ch. 63 (relating to professional health services plan corporations).

(2) The term does not include any of the following types of insurance, alone or in combination with each other:

- (i) Hospital indemnity.
- (ii) Accident only policies.
- (iii) Specified disease policies.
- (iv) Disability income policies.
- (v) Dental plans.
- (vi) Vision plans.
- (vii) CHAMPUS supplement.
- (viii) Long-term care policies.
- (ix) Other limited benefit plans.

"Hemophilia." A human bleeding disorder caused by a hereditary deficiency of the Factor VIII, Factor IX or Factor XI blood clotting protein in human blood.

"Home nursing services." Specialized nursing care provided in the home setting to assist a patient in the reconstitution and administration of blood clotting products.

"Invasive uterine surgical procedure." Any procedure performed by a physician licensed in this Commonwealth that involves the insertion of a surgical instrument into the human uterus, including, but not limited to, the performance of a hysterectomy or uterine ablation.

"Menorrhagia." Excessive uterine or menstrual bleeding.

"Participating pharmacy." An entity which enters into an agreement with a health care insurer to dispense blood clotting products, ancillary infusion equipment and supplies to individuals with bleeding disorders.

"Pharmacy." A full-service home care pharmacy, a mail-order pharmacy, 340B program or other dispensing pharmacy that is licensed by the Commonwealth to dispense blood clotting products, ancillary infusion equipment and, in the case of full-service home care pharmacies, home nursing services.

"Policy." A written document or contract that provides health care coverage and health care benefits for a covered person.

"Prescription" or "prescription drug." A drug or a blood clotting product dispensed by order of a health care provider with prescriptive authority under the laws of this Commonwealth.

"State-recognized hemophilia program." A facility and program for the treatment of bleeding disorders that receive funding from the Commonwealth as part of the Hemophilia Program administered by the Division of Child and Adult Health Services in the Department of Health.

"von Willebrand disease." A human bleeding disorder caused by a hereditary deficiency or abnormality of the von Willebrand Factor in human blood.

Section 604-B. Required coverage.

(a) Products.—A health care insurer shall contract with pharmacies that will provide blood clotting products as prescribed by the covered person's treating physician. The pharmacies shall not make any substitutions of blood clotting products without the prior approval of the treating physician.

(b) Payments.—

(1) A health care insurer shall provide payment for all FDA-approved brands of blood clotting products in multiple assay ranges, low, medium and high, as applicable, including products manufactured from human plasma and those manufactured with recombinant biotechnology techniques.

(2) A health care insurer shall provide payment for blood clotting products as prescribed by the treating physician for in-patient care, out-patient care and the home treatment of bleeding disorders.

(c) Drug formulary.—If a health care insurer has a drug formulary, including a formulary relating to specialty pharmaceutical therapies, all FDA-approved blood clotting products shall be included in the formulary.

(d) Preauthorization.—

(1) Except as otherwise provided in paragraph (2), if a health care insurer requires preapproval or preauthorization of a prescription for blood clotting products prior to the dispensing of the same, preapproval or preauthorization shall be completed within 24 hours or one business day, whichever is later.

(2) If the circumstances are deemed urgent by the treating physician, then preapproval or preauthorization shall be administered upon the request of the treating physician.

(e) Ancillary infusion equipment.—When dispensing blood clotting products to individuals with bleeding disorders in this Commonwealth, a pharmacy shall supply ancillary infusion equipment sufficient to prepare and infuse the quantity of blood clotting product being dispensed.

Section 605-B. Pharmacies.

(a) Choice of pharmacies.—A health care insurer shall provide to a covered person a choice of at least three full-service home care pharmacies which demonstrate full compliance with this article.

(b) Using other pharmacies.—A patient with hemophilia may obtain blood clotting products and ancillary infusion equipment from any other participating pharmacy and from the 340B program affiliated with the patient's State-recognized hemophilia program.

(c) List of pharmacies.—The department shall compile and distribute, upon request, a list of full-service home care pharmacies which comply with this article.

Section 606-B. State-recognized hemophilia programs.

A health care insurer shall provide coverage for the following services provided to persons with bleeding disorders by a State-recognized hemophilia program:

(1) Physician services.

(2) Blood clotting products, if available, from a 340B program or similar program associated with a State-recognized hemophilia program.

(3) Clinical laboratory services at a hospital with a State-recognized hemophilia program when a covered person's treating physician determines that the use of the hospital's clinical coagulation laboratory is medically necessary for the screening, diagnosis, provisional diagnosis and treatment of bleeding disorders or suspected bleeding disorders. The term medically necessary includes, but is not limited to, circumstances deemed urgent by the treating physician.

Section 607-B. Medical screening.

(a) Required screening.—A physician licensed in this Commonwealth to provide obstetrical and gynecological services shall request a medical screening for von Willebrand disease and other bleeding disorders prior to advising an individual that an invasive uterine surgical procedure is the most appropriate treatment for menorrhagia.

(b) Place of screening.—The medical screening referenced in subsection (a) shall be performed at a clinical coagulation laboratory associated with a State-recognized hemophilia program.

(c) Coverage for screening.—A health care insurer shall provide coverage for the medical screening required under subsection (a), including, but not limited to, physician's fees and diagnostic laboratory services.

Section 608-B. Applicability.

All health care insurers shall comply with the provisions of this article.

Section 609-B. Regulations.

The department may adopt regulations to carry out the provisions of this article.

On the question,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Northampton County, Representative Grucela.

Mr. GRUCELA. Thank you, Mr. Speaker.

Mr. Speaker, amendment 1825 to this particular bill is actually a House bill for Representative Curry, a stand-alone bill. It would require coverage and standard care for hemophiliacs.

I have a rather parochial interest in this particular bill for a little 2-year-old boy in my district named Marco Marozzi. But this morning I received a commitment from the majority chairman to run Representative Curry's bill in committee before we recess for the summer.

So at this time, Mr. Speaker, I would withdraw this amendment.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

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

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

* * *

The House proceeded to second consideration of **HB 1394, PN 2055**, entitled:

An Act amending the act of December 19, 1974 (P.L.973, No.319), known as the Pennsylvania Farmland and Forest Land Assessment Act of 1974, further providing for definitions, for responsibilities of the county assessor in general, for split-off, separation or transfer of land and for roll-back taxes and special circumstances; and providing for removal of land from preferential assessment.

On the question,

Will the House agree to the bill on second consideration?

Mr. **CUTLER** offered the following amendment No. **A01722**:

Amend Bill, page 1, line 8, by striking out ", " and inserting ; providing for payments to certain local taxing authorities to offset assessments reduced under this act; further providing

Amend Bill, page 3, by inserting between lines 23 and 24

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

Section 4.3. Payments to Impacted Local Taxing Authorities.—(a)

The General Assembly finds that although all citizens of this Commonwealth benefit from the preservation of open space lands, the burden of the shifting of real property taxes falls heavily on certain

local taxing authorities. In order to ensure that the taxpayers of these local taxing authorities do not bear too much of the burden of this act, it is in the public interest to make assistance payments to these authorities from the General Fund, where the authorities would otherwise lose ten percent (10%) or more of their assessed value as a result of this act.

(b) A local taxing authority that meets the requirements for eligibility under subsection (d) may apply to the Department of Community and Economic Development for payment from the Commonwealth as provided in this section.

(c) For each fiscal year for which payment under this section is requested, an application must be submitted to the Department of Community and Economic Development by April 1 on a form prescribed by the Department of Community and Economic Development. The application must include the following:

(1) The total of the normal assessed values of all real property within the jurisdiction of the local taxing authority.

(2) The total of the normal assessed values of all properties preferentially assessed under this act within the jurisdiction of the local taxing authority.

(3) The total of the preferentially assessed values of all properties preferentially assessed under this act within the jurisdiction of the local taxing authority.

(4) The real estate tax rate of the local taxing authority for its current fiscal year.

(5) Such other information as may be required by the Department of Community and Economic Development.

If the local taxing authority fails to file the application required by this subsection by the date prescribed by this subsection, or within any extension granted by the Department of Community and Economic Development, it shall forfeit its eligibility for payment under this section for that fiscal year.

(d) If the difference between the amount stated under subsection (c)(2), less the amount stated under subsection (c)(3), is equal to or greater than ten percent (10%) of the amount stated under subsection (c)(1), the local taxing jurisdiction shall be eligible to receive payments under this section.

(e) The Commonwealth shall pay to the eligible local taxing authority for the fiscal year ninety percent (90%) of the difference between the amount stated under subsection (c)(2), less the amount stated under subsection (c)(3), multiplied by the rate stated under subsection (c)(4). The data stated by the local taxing authority must be verified by the county assessor before such payment may be made. The Department of Community and Economic Development shall make payment to the local taxing authorities no later than October 1.

(f) Payments under this section shall be funded by appropriations from the General Fund. For purposes of making this payment, the Department of Community and Economic Development shall make requisition in the manner prescribed by the act of April 9, 1929 (P.L.343, No.176), known as "The Fiscal Code." If the amount appropriated for purposes of this section is insufficient to fully fund the payments otherwise required by this section, the payment to each local taxing authority shall be reduced by an equal percentage.

(g) The Department of Community and Economic Development shall promulgate such rules and regulations as are necessary to administer this section.

(h) As used in this section, the term "local taxing authority" means a political subdivision having authority to impose taxes on real estate.

Amend Bill, page 3, line 24, by striking out "2" and inserting

3

Amend Bill, page 4, line 4, by striking out "3" and inserting

4

Amend Bill, page 12, line 22, by striking out "4" and inserting

5

Amend Bill, page 13, by inserting between lines 6 and 7

Section 6. With respect to any fiscal year that includes December 31, 2009, or any fiscal year prior thereto, the Department of

Community and Economic Development may vary the application or payment deadlines that would otherwise apply under section 4.3. For this purpose, the department may adopt interim regulations, which shall be exempt from review under section 205 of the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law, section 204(b) of the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act, and the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act.

Amend Bill, page 13, line 7, by striking out "5" and inserting

7

On the question,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Lancaster County, Representative Cutler.

Mr. CUTLER. Thank you, Mr. Speaker.

As I am sure everyone in the chamber is aware, Clean and Green is a very good program that does preserve farmland and prevent development. However, the honorable gentleman from Chester County and myself have a unique problem in that we have a disproportional amount of farmland that is preserved in our area that actually adversely impacts our tax base.

Accordingly, we sometimes have difficulty raising property taxes in that area and it affects school funding. So I had offered this amendment so that we could engage in a debate over school funding in general. However, after discussions with the prime sponsor of the bill as well as the chairman of the Ag Committee, we have reached a discussion and an agreement that rather than offer the amendment and have that debate here today, I will introduce this amendment in bill form and we will have a hearing on the bill in the Ag Committee at that time, as that is the preferable place to have this discussion and debate the merits of the individual percentages and items that are currently contained in the amendment.

So I will be withdrawing the amendment at this time. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the bill on second consideration?

Mr. HOUGHTON offered the following amendment
No. **A01747**:

Amend Bill, page 10, lines 11 through 25, by striking out all of said lines

On the question,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

The SPEAKER. The Chair recognizes the gentleman from Chester County, Representative Houghton.

Mr. HOUGHTON. Thank you, Mr. Speaker.

Essentially, HB 1394 is the same as Representative Kessler's bill except it goes a little bit further and allows for oil and gas and coalbed methane extraction along with wind energy, and fortunately, we have reached bipartisan consensus on all the amendments.

So at this time I agree with Representative Cutler, and I will work with him on a hearing this summer.

The SPEAKER. So the gentleman is withdrawing the amendment?

Mr. HOUGHTON. Yes. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the bill on second consideration?

The SPEAKER. The Chair recognizes the gentleman from Allegheny County, Representative Maher, who offers amendment— Should we go over the amendments you are withdrawing and offering? I have you withdrawing amendment 1736.

Mr. MAHER. That is correct, Mr. Speaker, and the bipartisan spirit continues.

The SPEAKER. 1828.

Mr. MAHER. Correct.

The SPEAKER. 1830.

Mr. MAHER. Correct.

The SPEAKER. 1832.

Mr. MAHER. Is it not a good day for Pennsylvania, Mr. Speaker?

The SPEAKER. It is a good day in Pennsylvania.

Mr. MAHER. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the bill on second consideration?

Mr. MAHER offered the following amendment No. **A01751**:

Amend Bill, page 2, line 13, by inserting after "ENERGY" where it occurs the second time

annually

Amend Bill, page 2, line 27, by inserting after "ENERGY" where it occurs the second time

annually

Amend Bill, page 3, line 15, by inserting after "ENERGY"

annually

Amend Bill, page 8, line 21, by striking out "RECEIPT" and inserting

approval

Amend Bill, page 10, line 16, by inserting after "ACT."

At any one time, a landowner may only have one active small noncoal surface mining permit as required under 25 Pa. Code § 77.108 (relating to permit for small noncoal operations) per application for preferential assessment.

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the gentleman from Allegheny County, Representative Maher.

Mr. MAHER. Thank you, Mr. Speaker.

This embraces language exactly the same as the bill we just passed a little bit ago. I understand that there is a bipartisan accord to proceed. It is mostly technical, but it does also limit the bluestone to one tract per property. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the gentleman, Mr. Houghton.

Mr. HOUGHTON. Mr. Speaker, we are in full agreement. I am in full agreement.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—194

Adolph	Evans, J.	Levdansky	Reed
Baker	Everett	Longiatti	Reese
Barbin	Fabrizio	Maher	Reichley
Barrar	Fairchild	Mahoney	Roae
Bear	Farry	Major	Rock
Benninghoff	Fleck	Manderino	Roebuck
Beyer	Frankel	Mann	Rohrer
Bishop	Freeman	Markosek	Ross
Boback	Gabig	Marshall	Sabatina
Boyd	Gabler	Marsico	Sainato
Boyle	Galloway	Matzie	Samuelson
Bradford	Geist	McGeehan	Santarsiero
Brennan	Gerber	McI. Smith	Santoni
Briggs	Gergely	Melio	Saylor
Brooks	Gibbons	Mensch	Scavello
Brown	Gillespie	Metcalfe	Schroder
Burns	Gingrich	Metzgar	Seip
Buxton	Godshall	Micozzie	Siprath
Caltagirone	Goodman	Millard	Smith, K.
Carroll	Grell	Miller	Smith, M.
Casorio	Grove	Milne	Smith, S.
Causer	Grucela	Mirabito	Solobay
Christiana	Haluska	Moul	Sonney
Civera	Hanna	Mundy	Staback
Clymer	Harhai	Murphy	Stern
Cohen	Harhart	Murt	Stevenson
Conklin	Harkins	Mustio	Sturla
Costa, D.	Harper	Myers	Swanger
Costa, P.	Harris	O'Brien, D.	Tallman
Cox	Helm	O'Brien, M.	Taylor, J.
Creighton	Hennessey	O'Neill	Taylor, R.
Cruz	Hess	Oberlander	Thomas
Curry	Hickernell	Oliver	True
Cutler	Hornaman	Pallone	Turzai
Daley	Houghton	Parker	Vereb
Dally	Hutchinson	Pashinski	Vitali
Day	Johnson	Payne	Vulakovich
Deasy	Josephs	Payton	Walko
Delozier	Kauffman	Peifer	Wansacz
DeLuca	Keller, M.K.	Petrarca	Waters
Denlinger	Keller, W.	Petri	Watson
DePasquale	Kessler	Phillips	Wheatley
DeWeese	Killion	Pickett	White
DiGirolamo	Kirkland	Preston	Williams
Donatucci	Knowles	Pyle	Youngblood
Drucker	Kortz	Quigley	Yudichak
Eachus	Kotik	Quinn	
Ellis	Krieger	Rapp	McCall,
Evans, D.	Kula	Readshaw	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—9

Belfanti	Lentz	Perry	Shapiro
Dermody	Miccarelli	Perzel	Wagner
George			

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. MAHER offered the following amendment No. A01795:

Amend Bill, page 9, lines 13 through 23, by striking out "A COUNTY THAT HAS PREVIOUSLY ASSESSED ROLL-BACK" in line 13 and all of lines 14 through 23

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, Chair recognizes the gentleman from Allegheny County, Representative Maher.

Mr. MAHER. Thank you, Mr. Speaker.

This amendment is a technical amendment to provide that the bill's effect will be prospective as it stands, but we are open to further developments and conversations with the county commissioners about how to resolve, once and for all, what has happened up to this point in time. Those conversations will continue.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Chester County, Representative Houghton, on the amendment.

Mr. HOUGHTON. Thank you, Mr. Speaker.

I am in agreement.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—194

Adolph	Evans, J.	Levdansky	Reed
Baker	Everett	Longiotti	Reese
Barbin	Fabrizio	Maher	Reichley
Barrar	Fairchild	Mahoney	Roae
Bear	Farry	Major	Rock
Benninghoff	Fleck	Manderino	Roebuck
Beyer	Frankel	Mann	Rohrer
Bishop	Freeman	Markosek	Ross
Boback	Gabig	Marshall	Sabatina
Boyd	Gabler	Marsico	Sainato
Boyle	Galloway	Matzie	Samuelson
Bradford	Geist	McGeehan	Santarsiero
Brennan	Gerber	McI. Smith	Santoni
Briggs	Gergely	Melio	Saylor
Brooks	Gibbons	Mensch	Scavello
Brown	Gillespie	Metcalfe	Schroder
Burns	Gingrich	Metzgar	Seip
Buxton	Godshall	Micozzie	Siptroth
Caltagirone	Goodman	Millard	Smith, K.
Carroll	Grell	Miller	Smith, M.
Casorio	Grove	Milne	Smith, S.
Causer	Grucela	Mirabito	Solobay

Christiana	Haluska	Moul	Sonney
Civera	Hanna	Mundy	Staback
Clymer	Harhai	Murphy	Stern
Cohen	Harhart	Murt	Stevenson
Conklin	Harkins	Mustio	Sturla
Costa, D.	Harper	Myers	Swanger
Costa, P.	Harris	O'Brien, D.	Tallman
Cox	Helm	O'Brien, M.	Taylor, J.
Creighton	Hennessey	O'Neill	Taylor, R.
Cruz	Hess	Oberlander	Thomas
Curry	Hickernell	Oliver	True
Cutler	Hornaman	Pallone	Turzai
Daley	Houghton	Parker	Vereb
Dally	Hutchinson	Pashinski	Vitali
Day	Johnson	Payne	Vulakovich
Deasy	Josephs	Payton	Walko
DeLozier	Kauffman	Peifer	Wansacz
DeLuca	Keller, M.K.	Petrarca	Waters
Denlinger	Keller, W.	Petri	Watson
DePasquale	Kessler	Phillips	Wheatley
DeWeese	Killion	Pickett	White
DiGirolamo	Kirkland	Preston	Williams
Donatucci	Knowles	Pyle	Youngblood
Drucker	Kortz	Quigley	Yudichak
Eachus	Kotik	Quinn	
Ellis	Krieger	Rapp	McCall,
Evans, D.	Kula	Readshaw	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—9

Belfanti	Lentz	Perry	Shapiro
Dermody	Miccarelli	Perzel	Wagner
George			

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. MAHER offered the following amendment No. A01803:

Amend Bill, page 9, lines 7 through 13, by striking out "conducted exclusively by parties" in line 7, all of lines 8 through 12 and "section. ACT." in line 13 and inserting occurring after the effective date of this section if all of the following conditions are met:

(1) The activities are conducted exclusively by parties other than the landowner.

(2) The activities are conducted pursuant to an instrument, conveyance or other vesting of such rights occurring before the land received a preferential assessment under this act and before the effective date of this subsection.

(3) The activities are not conducted pursuant to a lease.

(c.4)

Amend Bill, page 9, line 24, by striking out "(C.4)" and inserting

(c.5)

Amend Bill, page 9, line 27, by striking out "(C.5)" and inserting

(c.6)

Amend Bill, page 10, line 11, by striking out "(C.6)" and inserting

(c.7)

Amend Bill, page 10, line 17, by striking out "(C.7)" and inserting

(c.8)

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

The SPEAKER. On that question, the Chair recognizes the gentleman from Allegheny County, Representative Maher.

Mr. MAHER. Thank you, Mr. Speaker.

This amendment is another technical enhancement that is particularly important to those west of the Susquehanna, where most of the mineral rights had been severed from the land rights 100 years ago, and it is just to make it clear that those who own the surface will not have an adverse tax consequence based upon the behavior of those who own the mineral rights.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Chester County, Representative Houghton.

Mr. HOUGHTON. Thank you, Mr. Speaker.

I am in agreement.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—194

Table listing names of representatives who voted 'YEAS', including Adolph, Baker, Barbin, Barrar, Bear, Benninghoff, Beyer, Bishop, Boback, Boyd, Boyle, Bradford, Brennan, Briggs, Brooks, Brown, Burns, Buxton, Caltagirone, Carroll, Casorio, Causer, Christiana, Civera, Clymer, Cohen, Conklin, Costa, D., Costa, P., Cox, Creighton, Cruz, Curry, Cutler, Daley, Dally, Day, Deasy, Evans, J., Everett, Fabrizio, Fairchild, Farry, Fleck, Frankel, Freeman, Gabig, Gabler, Galloway, Geist, Gerber, Gergely, Gibbons, Gillespie, Gingrich, Godshall, Goodman, Grell, Grove, Grucela, Haluska, Hanna, Harhai, Harhart, Harkins, Harper, Harris, Helm, Hennessey, Hess, Hickernell, Hornaman, Houghton, Hutchinson, Johnson, Josephs, Levdansky, Longiotti, Maher, Mahoney, Major, Manderingo, Mann, Markosek, Marshall, Marsico, Matzie, McGeehan, McI. Smith, Melio, Mensch, Metcalfe, Metzgar, Micozzie, Millard, Miller, Milne, Mirabito, Moul, Mundy, Murphy, Murt, Mustio, Myers, O'Brien, D., O'Brien, M., O'Neill, Oberlander, Oliver, Pallone, Parker, Pashinski, Payne, Payton, Reed, Reese, Reichley, Roae, Rock, Roebuck, Rohrer, Ross, Sabatina, Sainato, Samuelson, Santarsiero, Santoni, Saylor, Scavello, Schroder, Seip, Siptroth, Smith, K., Smith, M., Smith, S., Solobay, Sonney, Staback, Stern, Stevenson, Sturla, Swanger, Tallman, Taylor, J., Taylor, R., Thomas, True, Turzai, Vereb, Vitali, Vulakovich, Walko.

Table listing names of representatives who were present or voted, including DeLozier, DeLuca, Denlinger, DePasquale, DeWeese, DiGirolamo, Donatucci, Drucker, Eachus, Ellis, Evans, D., Kauffman, Keller, M.K., Keller, W., Kessler, Killion, Kirkland, Knowles, Kortz, Kotik, Krieger, Kula, Peifer, Petrarca, Petri, Phillips, Pickett, Preston, Pyle, Quigley, Quinn, Rapp, Readshaw, Wansacz, Waters, Watson, Wheatley, White, Williams, Youngblood, Yudichak, McCall, Speaker.

NAYS—0

NOT VOTING—0

EXCUSED—9

Table listing names of representatives who were excused, including Belfanti, Dermody, George, Lentz, Miccarelli, Perry, Perzel, Shapiro, Wagner.

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

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

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

* * *

The House proceeded to second consideration of HB 1152, PN 2094, entitled:

An Act establishing the Department of Aging and Long-Term Living and providing for its powers and duties; and making related repeals.

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

Mrs. BROOKS offered the following amendment No. A01741:

Amend Bill, page 6, by inserting between lines 15 and 16 (b) Administration.—The Secretary of Aging and Long-Term Living shall oversee the administrative activities of the department and may appoint a Deputy Secretary for Aging and a Deputy Secretary for Long-Term Living. The secretary may not appoint any other deputy secretary for the department.

Amend Bill, page 6, line 16, by striking out "(b)" and inserting (c)

Amend Bill, page 15, line 8, by striking out "(c)" and inserting (d)

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

The SPEAKER. On that question, the Chair recognizes the gentledady from Mercer County, Representative Brooks.

Mrs. BROOKS. Thank you, Mr. Speaker.

This amendment affirms the ability for the Secretary of the Department of Aging and Long-Term Living to continue to have two deputies. What it does, though, if he does decide to create a new position of deputies, the deputies are to be the Deputy of Long-Term Living and then the Deputy of Aging.

So what we are doing is we are asking in this new endeavor to have a comprehensive and balanced focus on each group, long-term living as well as our senior citizens.

The SPEAKER. The Chair thanks the lady and recognizes the gentlelady from Luzerne County, Representative Mundy.

Ms. MUNDY. Thank you, Mr. Speaker.

I rise in opposition to the Brooks amendment.

The language in this amendment is very unclear as to the intent. For example, it says that the Secretary may appoint a Deputy Secretary of Aging and a Deputy Secretary of Long-Term Living but may not appoint any other deputy secretary.

In my experience, we use "may" provisions in State law to give flexibility and "shall" when we want to require something. So I think that based on what the lady said about her intent, the language does not reflect her intent.

Secondly, Secretaries need the flexibility to determine positions under their jurisdiction, including which deputy secretaries they appoint. I do not believe that this provision belongs in statute. One of the reasons for merging the two departments in the first place was to integrate and merge the functions of the Department of Aging and the Department of Public Welfare as they related to long-term living, not to build silos and cement them into place.

This amendment really goes against the whole philosophy of the reorganization in that we are not creating two separate branches of a department for those under 60 and those over 60. Rather, we want all the home- and community-based services to be administered by a single Secretary to improve consistency and increase efficiency. This amendment gives the impression that the two populations are somehow pitted against each other rather than focusing on the commonalities in the two populations – aging and the disabled.

I would oppose the amendment on that basis, and I would ask members to oppose it as well. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

The Chair recognizes the gentleman from Chester County, Representative Hennessey.

Mr. HENNESSEY. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of amendment 1741, and I do so because it seems to me that the current situation that we deal with now, we have had a Secretary of Aging that spoke for the concerns of our senior citizens and we have had a bureau within the Department of Public Welfare who addressed concerns that dealt with the disabled community within our population.

What we are proposing here is to merge both of those voices, and in that sense, we will in a sense be relying on just the determination of this new Secretary of Aging. However, we will be calling him the Secretary of Aging and also of Long-Term Living. It seems to me that someone within that hierarchy should do what we do now. The Office of Long Term Living advocates for the disabled to the Secretary of Welfare. The Secretary of Aging advocates for the elderly. When we merge, we should have two separate voices that can bring the attention of the Secretary to any specific disagreements or conflicts that might arise, because someone is going to have to make that decision. If the Secretary has two deputy secretaries devoted

each to their own field, they can highlight those kinds of difficulties before it reaches us at the legislative level or reaches the ear of the Governor.

I think what Representative Brooks's amendment does is simply replicates the kind of situation we have been dealing with for many, many years as we have had a separate Department of Aging. The merger creates the need for separate voices within the single department to speak for separate groups. Sometimes their concerns are very much in alignment and other times they are disparate. It seems to me that we should have a deputy secretary to speak for each of those two communities.

The suggestion has been made in the flow charts or the corporate organizational charts that have been circulated that there is a desire to have two deputy secretaries. What we are trying to do is make sure that if we are going to have two deputy secretaries, we get them speaking for the two groups.

I think it is good for Pennsylvania, and I would ask for support for the amendment.

The SPEAKER. The Chair thanks the gentleman.

On the question, the Chair recognizes the gentlelady from Luzerne County, Representative Mundy.

Ms. MUNDY. Thank you, Mr. Speaker.

With regard to the issue of the need or the perceived need to have two separate deputy secretaries, I want to point out that in the language of the bill, we have set up a council which advises the department, and it consists of two subcouncils – one for aging and one for the disabled community.

In addition, we have established objectives for each of those two populations. It is very clear in the language of the bill that we are paying equal attention to both populations and that one Secretary has to pay attention to both of those groups, so there is no need for this amendment.

In fact, the Pennsylvania Council of Independent Living, the Pennsylvania CILs, are in full support of the bill as it was amended in committee, and I would suggest that the Brooks amendment was defeated in committee and there is no need for it in the bill now.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentlelady and recognizes the gentlelady from Mercer County, Representative Brooks.

Mrs. BROOKS. Thank you, Mr. Speaker.

I have been in the seat as a former county commissioner of trying to deliver services without enough money, and this amendment precisely reflects my intent.

In my opening statement, I said that this amendment affirms the ability for the Secretary to maintain the two deputies. But what it also does is it points out that he does not need to appoint two deputies in this difficult budget time if he does not see the need to do so. A deputy secretary can make \$100,000. Would not those services be well embraced in our counties if we had an additional \$100,000 to spend on our senior citizens? So that is why I have used the "may" language.

Mr. Speaker, AARP and the area agencies on aging support my amendment. And just for my colleagues, I want to go over the structure right now of the Department of Aging.

Currently right now the Department of Aging has a Deputy Secretary of Aging and a Deputy Secretary for Long-Term Living. Under this proposal, it will delete the Deputy Secretary of Aging if this amendment does not go on. What the new proposal will make or create is within this new department, it

will create a Deputy Secretary for Long-Term Living and a Deputy Secretary for Strategic Planning and Quality Assurance.

In these challenging budget times, it is incumbent upon every employee within that agency to ensure quality assurance and strategic planning. What this amendment does is it asks for a balanced and comprehensive approach to represent our senior citizens as well as long-term living.

So, Mr. Speaker, I ask my colleagues for an affirmative vote so that we continue to equally represent our senior citizens. Thank you.

The SPEAKER. The Chair thanks the lady.

The Chair recognizes the gentleman from Chester County, Representative Hennessey.

Mr. HENNESSEY. Thank you, Mr. Speaker.

Mr. Speaker, as the gentlelady from Luzerne County has recognized, the bill as it is proposed calls for two subcouncils, one to address the concerns of the elderly, one to address the concerns of long-term living, primarily the disabled. Those are two voices. They are two separate points of view. It makes perfect sense. It is perfectly consistent to have deputy secretaries for the seniors' point of view and deputy secretaries for the point of view of the disabled. Representative Brooks's proposal here makes complete sense, and I ask for approval from the members of the House. Thank you.

The SPEAKER. On the amendment, will the House agree to the amendment?

The Chair recognizes the gentleman from Luzerne County, Representative Pashinski.

Mr. PASHINSKI. Thank you, Mr. Speaker.

Will the maker stand for interrogation, please?

The SPEAKER. The gentlelady from Mercer, Representative Brooks, indicates she will stand for interrogation. The gentleman may proceed.

Mr. PASHINSKI. Thank you, Mr. Speaker.

I appreciate the efforts by Representative Brooks. I would like to know, do you have documentation verifying the fact that you have this support from P4A (Pennsylvania Association of Area Agencies on Aging) and AARP?

Mrs. BROOKS. Our staff members do have the e-mails and we would be happy to provide those. It is our understanding, and even in my own discussions, that AARP and the AAAs want to see our senior citizen population equally represented.

So I would be happy to provide to you what correspondence we have and if you have later correspondence that we are not aware of—

Mr. PASHINSKI. The reason why I bring that up is because we do have documentation from AARP that verifies total support for Representative Mundy's proposal. So it is important that we have verification of that documentation.

Mrs. BROOKS. I would be happy to provide that and they may be in support of the proposal, but what you did not say is they did not single out that they are against this amendment.

Mr. PASHINSKI. They were in support of this bill as amended in committee. That is exactly what we have.

Mrs. BROOKS. It is also our understanding that they are in support of this amendment.

Mr. PASHINSKI. We will have to share those documents then.

Mrs. BROOKS. I would be happy to. Thank you.

Mr. PASHINSKI. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—96

Adolph	Fairchild	Maher	Quinn
Baker	Farry	Major	Rapp
Barrar	Fleck	Marshall	Reed
Bear	Gabig	Marsico	Reese
Benninghoff	Gabler	Mensch	Reichley
Beyer	Geist	Metcalfe	Roae
Boback	Gillespie	Metzgar	Rock
Boyd	Gingrich	Micozzie	Rohrer
Brooks	Godshall	Millard	Ross
Causer	Grell	Miller	Saylor
Christiana	Grove	Milne	Scavello
Civera	Harhart	Moul	Schroder
Clymer	Harper	Murt	Smith, S.
Cox	Harris	Mustio	Sonney
Creighton	Helm	O'Brien, D.	Stern
Cutler	Hennessey	O'Neill	Stevenson
Dally	Hess	Oberlander	Swanger
Day	Hickernell	Payne	Tallman
Delozier	Hutchinson	Peifer	Taylor, J.
Denlinger	Kauffman	Petri	True
DiGirolo	Keller, M.K.	Phillips	Turzai
Ellis	Killion	Pickett	Vereb
Evans, J.	Knowles	Pyle	Vulakovich
Everett	Krieger	Quigley	Watson

NAYS—98

Barbin	Eachus	Levdansky	Sainato
Bishop	Evans, D.	Longiatti	Samuelson
Boyle	Fabrizio	Mahoney	Santarsiero
Bradford	Frankel	Manderino	Santoni
Brennan	Freeman	Mann	Seip
Briggs	Galloway	Markosek	Sipthro
Brown	Gerber	Matzie	Smith, K.
Burns	Gergely	McGeehan	Smith, M.
Buxton	Gibbons	McI. Smith	Solobay
Caltagirone	Goodman	Melio	Staback
Carroll	Grucela	Mirabito	Sturla
Casorio	Haluska	Mundy	Taylor, R.
Cohen	Hanna	Murphy	Thomas
Conklin	Harhai	Myers	Vitali
Costa, D.	Harkins	O'Brien, M.	Walko
Costa, P.	Hornaman	Oliver	Wansacz
Cruz	Houghton	Pallone	Waters
Curry	Johnson	Parker	Wheatley
Daley	Josephs	Pashinski	White
Deasy	Keller, W.	Payton	Williams
DeLuca	Kessler	Petrarca	Youngblood
DePasquale	Kirkland	Preston	Yudichak
DeWeese	Kortz	Readshaw	
Donatucci	Kotik	Roebuck	McCall,
Drucker	Kula	Sabatina	Speaker

NOT VOTING—0

EXCUSED—9

Belfanti	Lentz	Perry	Shapiro
Dermody	Miccarelli	Perzel	Wagner
George			

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

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

GUESTS INTRODUCED

The SPEAKER. To the left of the Speaker, the Chair welcomes to the hall of the House Father Matthew Butrie and his wife Lisa Butrie. He is joined with their two children, his son Taras, and his daughter Anastasia. They are visiting from Michigan, but the family, the Butrie family, is originally from the Speaker's district in Lansford. Welcome to the hall of the House.

CONSIDERATION OF HB 1152 CONTINUED

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

Mr. HENNESSEY offered the following amendment
No. **A01744**:

Amend Bill, page 29, by inserting between lines 16 and 17
Section 10. State Lottery Fund utilization.

(a) General rule.—Pursuant to the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, all moneys remaining after payment of prizes and operating expenses for the lottery shall remain in the State Lottery Fund and shall be allocated only for the following purposes:

(1) Senior citizens property tax relief and rent rebate assistance pursuant to the provisions of Chapter 13 of act of June 27, 2006 (1st Sp.Sess., P.L.1873, No.1), known as the Taxpayer Relief Act.

(2) Free or reduced fare transit service for the elderly pursuant to the act of February 11, 1976 (P.L.14, No.10), known as the Pennsylvania Rural and Intercity Common Carrier Surface Transportation Assistance Act.

(3) Pharmaceutical assistance for the elderly pursuant to the State Lottery Law under the PACE and PACENET programs.

(4) Funding to the department for distribution to local area agencies on aging and senior community centers.

(5) Long-term care nursing facility services and home and community-based services for individuals age 60 and older.

(b) Restrictions.—Except as otherwise specifically authorized under any act specified in subsection (a), no moneys in the State Lottery Fund shall be used:

(1) To provide any benefit or service to any person under 60 years of age.

(2) To pay the operating expenses of any Commonwealth agency, including expenses incurred in the administration of any program or service funded by the State Lottery.

(3) For any appropriations or loan to prepare for, implement and administer any program or service for individuals under 60 years of age.

Amend Bill, page 29, line 17, by striking out "19" and inserting
11

Amend Bill, page 29, line 30, by striking out "20" and inserting
12

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

The SPEAKER. On that question, the Chair recognizes the gentleman from Chester County, Representative Hennessey.

Mr. HENNESSEY. Thank you, Mr. Speaker.

Mr. Speaker, I offer amendment 1744 to correct something done by this legislature in the budgets of 2007-2008 and also last year, the current year, 2008-2009. And frankly, we are poised to do the same thing again in the coming fiscal year. With the adoption of this amendment, we would not be doing that.

This amendment would assure that lottery funds remain dedicated to our seniors and to programs which affect seniors and serve them, and it would prevent this legislature, and also any future legislature, from ever using lottery funds to cover the operational expenses of the Department of Aging.

Until 2 years ago we have always paid those operational expenses from the Department of Aging, ever since it was created 30 years ago, out of the General Fund. That is as it should be and that is the way it always was, but beginning with the '07-'08 fiscal year, we changed that and we took the operational funds of a single department of State government out of the Lottery Fund, which was passed premised on the proposition that it would be dedicated for our seniors. Now, at times – and frankly, I think it was wrong when we did it 2 years ago and when we did it last year, and I would like to see us not make that same mistake again. I recognize that at times the Lottery Fund generates a substantial balance and prior administrations, both Republican and Democrat, have dipped into the Lottery Fund at times to borrow money to close gaps or to make loans from that fund. However, it was always done with the intention of paying back that money, and as far as I know, they have always done so.

The last 2 years have been different. We have taken money dedicated for seniors with no intent to repay it to the Lottery Fund. Just to be accurate, over the course of those 2 years, we have taken about \$20 million a year. I am sorry; \$20 million a year, a total of \$40 million, but half of that has been essentially dedicated to the operational funds of the Department of Aging. The other half has gone to support the Family Caregiver Program, which is a program dedicated to seniors, and this amendment would, in addition to prohibiting the raid on the Lottery Fund for operational expenses, would actually authorize the Family Caregiver Program to be paid for by those funds.

The object here is the roughly \$9 million of operational funds each year. At a time when the State faces a \$3.2 billion budget, some might say this is a bad time to try to make this correction, but frankly, it is a correction that needs to be fixed. We can and we should find that \$9 million in the fix that we are going to create to cover the \$3.2 billion deficit that we are facing. The time is now to stop raiding the Lottery Fund and making our seniors pay for a General Fund expense. If this merger goes through between Aging and the Office of Long-Term Living, as we expect that it will, it is going to be harder and harder to isolate the costs of the Department of Aging and those services dedicated strictly to seniors from the other services that are dedicated to the disabled portion of our population.

The current budget for the Department of Aging is \$900 million. That is expected to balloon under the new department to \$5.1 billion. The new department, essentially, is 5 1/2 times larger. It will be hard to do the allocation of costs to keep those costs separate. The lines are going to blur – it is almost impossible to imagine how they would not blur – and it is going to be an accounting nightmare to try to make sure that the operational expenses of just the Department of Aging portion of this new department get taken out of the lottery.

There is an easy way to fix that. We ought to fix it now. We can prohibit the Lottery Fund from being used as a way to supplement or to pay for State governmental operations. That is a responsibility of the General Fund. We ought to return it to the General Fund and stop trying to balance our budget on the backs of our seniors. The lottery funds were promised to them. Gus the Groundhog tells us that every time we see him on the commercial. We should not be making them pay for their particular part of State government when they pay enough in terms of the property taxes and the other taxes that they pay.

They are citizens just like the rest of us. We should not be shouldering them with the burden by taking their money out of the Lottery Fund to pay for State government. I ask for the adoption of 1744.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Northampton County, Representative Samuelson.

Mr. SAMUELSON. Thank you, Mr. Speaker.

We had a discussion on this amendment in our committee. I raise a concern: The gentleman has a worthy goal, but in order to accomplish that goal in this fiscal year, as I understand what he is asking, he is asking that we find \$9 million in the General Fund to make up for his amendment, to make sure that the Department of Aging is running smoothly and efficiently.

Well, the challenge is this: If he is seeking to find \$9 million extra in General Fund money for the Department of Aging, we have to be cognizant of the various budget proposals that are out there. I know there are some voices that say we should cut everything in the State 10 percent. Well, if you did that, if you cut everything in the State 10 percent, that would be at least \$75 million less for the Department of Aging. So the challenge would be finding \$9 million more when some would like to cut \$75 million.

Let me just say this: Right across the building from us sits the State Senate. They voted last month on a budget. The Governor had proposed \$832 million for Department of Aging. Well, what did our friends in the Senate do? They passed a budget, \$798 million. So the State Senate, 30 of them, have voted to take \$34 million out of the Department of Aging from what the Governor has proposed. So the challenge the gentleman from Chester presents is that he would like to find \$9 million more when the Senate is taking \$34 million out of the Governor's proposal.

I think we should focus our energy on trying to enact a budget as close as possible to the Governor's proposal with regard to the Department of Aging because we have to make sure that these very valuable programs that help our seniors are run smoothly and efficiently within our Department of Aging.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentlelady from Luzerne County, Representative Mundy.

Ms. MUNDY. Thank you, Mr. Speaker.

I rise in opposition to the Hennessey amendment for the following reasons: Representative Samuelson is absolutely right that this amendment creates an \$8 or \$9 million hole in the General Fund. Secondly, this is not the appropriate vehicle for changes in the Lottery Law. This is a Title 72 bill— I am sorry; the Lottery Law is a Title 72 bill. This has nothing to do with the Lottery Law, per se. So it seems to amend the State Lottery Law by putting it in this statute and that is not appropriate to do. Thirdly, in committee, we amended 1152 with the following

language, "The department shall not expend moneys available through the State Lottery Fund for the administration and provision of programs being transferred by this act from the Department of Public Welfare to provide services for people with disabilities who are under 60 years of age."

To me, that adequately protects lottery funding for senior citizens, which was the original intent of the Lottery Law. So I would suggest that there is no need to further protect the Lottery Law with the Hennessey amendment. It creates an \$8 or \$9 million hole in the General Fund, and this is not the appropriate vehicle for this amendment anyway.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentlelady.

On the amendment, the Chair recognizes the gentleman from Chester County, Representative Hennessey.

Mr. HENNESSEY. Thank you, Mr. Speaker.

The purpose of this amendment is to ensure that the seniors and the senior programs that we have in this Commonwealth are adequately funded and that money is not raided from the Lottery Fund to pay for governmental operations. I do not think that there is a senior out there that if you ask them if they believe that paying for government bureaucracy, the operational costs of the Department of Aging, is an appropriate use of the lottery funds when we tell them that this is to benefit senior citizens, would agree with that concept.

The bottom line— The language that the gentlelady from Luzerne County added into the bill at our request was an attempt to get at what we were talking about in terms of protecting the lottery funds. However, she was very specific in only those eight programs, eight waivers – seven of which deal more with the disabled community than with the aging community – those eight programs are the only ones in which her language would prohibit the use of lottery funds. There is nothing in the language as she has presented it that would stop this administration or future administrations from creating other programs outside of those eight and then deciding to raid the lottery and take our seniors' money for other kinds of programs.

This language in 1744, the amendment, would prohibit that and return the lottery to the status quo that it enjoyed for the 35 years that it was in existence before the initial raid in 2007-2008. It makes perfect sense and I think it keeps our promise to our seniors to adopt this language. It is not misplaced. The gentlelady herself talks about the lottery in her bill.

So the language is not misplaced. It is a good amendment. It returns our promise to our seniors and I think it restores the trust that we need to restore with our senior community. So I would ask for approval of 1744.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-96

Adolph	Fairchild	Maher	Quinn
Baker	Farry	Major	Rapp
Barrar	Fleck	Marshall	Reed
Bear	Gabig	Marsico	Reese
Benninghoff	Gabler	Mensch	Reichley
Beyer	Geist	Metcalfe	Roae
Boback	Gillespie	Metzgar	Rock

Boyd	Gingrich	Micozzie	Rohrer
Brooks	Godshall	Millard	Ross
Causer	Grell	Miller	Saylor
Christiana	Grove	Milne	Scavello
Civera	Harhart	Moul	Schroder
Clymer	Harper	Murt	Smith, S.
Cox	Harris	Mustio	Sonney
Creighton	Helm	O'Brien, D.	Stern
Cutler	Hennessey	O'Neill	Stevenson
Dally	Hess	Oberlander	Swanger
Day	Hickernell	Payne	Tallman
DeLozier	Hutchinson	Peifer	Taylor, J.
Denlinger	Kauffman	Petri	True
DiGirolamo	Keller, M.K.	Phillips	Turzai
Ellis	Killion	Pickett	Vereb
Evans, J.	Knowles	Pyle	Vulakovich
Everett	Krieger	Quigley	Watson

NAYS—98

Barbin	Eachus	Levdansky	Sainato
Bishop	Evans, D.	Longiatti	Samuelson
Boyle	Fabrizio	Mahoney	Santarsiero
Bradford	Frankel	Manderino	Santoni
Brennan	Freeman	Mann	Seip
Briggs	Galloway	Markosek	Siptroth
Brown	Gerber	Matzie	Smith, K.
Burns	Gergely	McGeehan	Smith, M.
Buxton	Gibbons	McI. Smith	Solobay
Caltagirone	Goodman	Melio	Staback
Carroll	Grucela	Mirabito	Sturla
Casorio	Haluska	Mundy	Taylor, R.
Cohen	Hanna	Murphy	Thomas
Conklin	Harhai	Myers	Vitali
Costa, D.	Harkins	O'Brien, M.	Walko
Costa, P.	Hornaman	Oliver	Wansacz
Cruz	Houghton	Pallone	Waters
Curry	Johnson	Parker	Wheatley
Daley	Josephs	Pashinski	White
Deasy	Keller, W.	Payton	Williams
DeLuca	Kessler	Petrarca	Youngblood
DePasquale	Kirkland	Preston	Yudichak
DeWeese	Kortz	Readshaw	
Donatucci	Kotik	Roebuck	McCall,
Drucker	Kula	Sabatina	Speaker

NOT VOTING—0

EXCUSED—9

Belfanti	Lentz	Perry	Shapiro
Dermody	Miccarelli	Perzel	Wagner
George			

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

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

Mrs. **GINGRICH** offered the following amendment
No. **A01796**:

Amend Bill, page 26, line 24, by inserting after "adults"
and people with disabilities

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

The SPEAKER. On that question, the Chair recognizes the gentledady from Lebanon County, Representative Gingrich.

Mrs. GINGRICH. Thank you, Mr. Speaker.

This is a simple but significant amendment to a very important bill. And I do just want to take a second and talk about the significance of the work that went into this bill. We are taking our most vulnerable and fragile populations and bringing them together under one umbrella of service. We want to be sure that we do it right. The point that I make with this amendment is simply one of clarity. From the beginning we discussed the importance of equal protection, equal services, and equal attention being given both to the aging population typically served under Aging and those from Long-Term Living, which will include the disabled community, some of them ranging from age 18 to 60. So we will have some challenges, and we are trying to prepare ourselves well for that.

This particular amendment simply makes a language adjustment. It is under section 6 of the bill, where we look at the evaluation on an annual basis, and it goes on to state some of the reporting requirements statistically, fiscally, and all of those types of things. What we would like to do is in the language in that particular section, we include language that states "older adults." What we do not have and what I would like to add is the language "and people with disabilities" so that we are clearly covering the entire population range that we are diligent about serving in this bill.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

The Chair recognizes the gentledady from Luzerne County, Representative Mundy.

Ms. MUNDY. Thank you, Mr. Speaker.

I fully support the concept of what Representative Gingrich is trying to do and I will be voting in favor of her amendment. Although, I would like to say for the record that I believe that this amendment is placed in the wrong section of the bill. So while I fully support the notion that the department should be gathering statistical data on programs and services for people with disabilities who are younger than 60, I would like to see that be under the department's duties instead of the section where it is currently placed. So I am hoping that we can fix that in the Senate, and I would appreciate Representative Gingrich's cooperation with doing that.

Thank you, Mr. Speaker. I am in support of the Gingrich amendment.

The SPEAKER. The Chair thanks the gentledady.

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

The following roll call was recorded:

YEAS—194

Adolph	Evans, J.	Levdansky	Reed
Baker	Everett	Longiatti	Reese
Barbin	Fabrizio	Maher	Reichley
Barrar	Fairchild	Mahoney	Roae
Bear	Farry	Major	Rock
Benninghoff	Fleck	Manderino	Roebuck
Beyer	Frankel	Mann	Rohrer
Bishop	Freeman	Markosek	Ross
Boback	Gabig	Marshall	Sabatina
Boyd	Gabler	Marsico	Sainato
Boyle	Galloway	Matzie	Samuelson

Bradford	Geist	McGeehan	Santarsiero
Brennan	Gerber	McI. Smith	Santoni
Briggs	Gergely	Melio	Saylor
Brooks	Gibbons	Mensch	Scavello
Brown	Gillespie	Metcalfe	Schroder
Burns	Gingrich	Metzgar	Seip
Buxton	Godshall	Micozzie	Siptroth
Caltagirone	Goodman	Millard	Smith, K.
Carroll	Grell	Miller	Smith, M.
Casorio	Grove	Milne	Smith, S.
Causar	Grucela	Mirabito	Solobay
Christiana	Haluska	Moul	Sonney
Civera	Hanna	Mundy	Staback
Clymer	Harhai	Murphy	Stern
Cohen	Harhart	Murt	Stevenson
Conklin	Harkins	Mustio	Sturla
Costa, D.	Harper	Myers	Swanger
Costa, P.	Harris	O'Brien, D.	Tallman
Cox	Helm	O'Brien, M.	Taylor, J.
Creighton	Hennessey	O'Neill	Taylor, R.
Cruz	Hess	Oberlander	Thomas
Curry	Hickernell	Oliver	True
Cutler	Hornaman	Pallone	Turzai
Daley	Houghton	Parker	Verb
Dally	Hutchinson	Pashinski	Vitali
Day	Johnson	Payne	Vulakovich
Deasy	Josephs	Payton	Walko
Delozier	Kauffman	Peifer	Wansacz
DeLuca	Keller, M.K.	Petrarca	Waters
Denlinger	Keller, W.	Petri	Watson
DePasquale	Kessler	Phillips	Wheatley
DeWeese	Killion	Pickett	White
DiGiroloamo	Kirkland	Preston	Williams
Donatucci	Knowles	Pyle	Youngblood
Drucker	Kortz	Quigley	Yudichak
Eachus	Kotik	Quinn	
Ellis	Krieger	Rapp	McCall,
Evans, D.	Kula	Readshaw	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-9

Belfanti	Lentz	Perry	Shapiro
Dermody	Miccarelli	Perzel	Wagner
George			

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. **PETRI** offered the following amendment No. **A01726**:

Amend Bill, page 25, line 20, by inserting after "(1)"

(i)

Amend Bill, page 25, lines 26 through 28, by striking out ", except that " in line 26, all of line 27 and "State funds received in the preceding program year" in line 28

Amend Bill, page 25, by inserting between lines 28 and 29

(ii) For fiscal year 2009-2010, any balance in the Lottery Fund as of the end of the preceding fiscal year which has resulted due to implementation of the Medicare Part D prescription drug benefit shall first be allocated to only those area agencies on aging whose

most recent census data indicates growth in their service area population 60 years of age or older. This allocation shall be based on the most recent census data weighted by the following factors: 25% elderly in poverty; 25% rural elderly; 20% minority elderly; 20% elderly 70 years of age or older; and 10% elderly between 60 years of age and 69 years of age, inclusive.

On the question,

Will the House agree to the amendment?

The **SPEAKER**. On that question, the Chair recognizes the gentleman from Bucks County, Representative **Petri**.

Mr. **PETRI**. Thank you, Mr. Speaker.

I am offering amendment 01726, which does a number of things to correct a great inequity in Pennsylvania. Did you know that seniors from different counties are not treated equally with regard to our lottery funds? Sad, but true. It depends what county you are from. In some counties, you are worth more than others. We have a slogan in the lottery which is really bothersome to me every time I hear it. It says, the lottery benefits older senior citizens. Well, it does but not equally. And what I mean by that is there is a funding formula that is used and has been in State law since the late nineties and it is approved by the department and transmitted to the Federal government. So we have told the Federal government, this is how we are going to fund our seniors. It is not true, but it does not matter.

Part of the problem, part of the problem is that there is a hold harmless provision in the code. What that means is that if your county AAA received a certain amount of money the year prior, they have to receive that amount of money in the next year. Well, what that has caused is that there is \$30.6 million that county's AAAs are receiving too less. That breaks up to be 55 counties. Fifty-five counties in the State of Pennsylvania are not funded properly. That creates waiting lists in those counties. That creates circumstances where there are seniors that cannot get the services they deserve. That creates circumstances where your communities who provide those services are forced to pay extra dollars in county taxes. So in order to resolve that, I have introduced this amendment, and what this amendment does, Mr. Speaker, is takes savings that the Department of Aging and the Lottery Fund are realizing each week out of Medicare Part D.

Ever since Medicare Part D was instituted, we have been saving, on average, \$6 million a week – \$6 million. So we have a \$30 million problem, but we have a \$6 million savings. What that means is in 5 weeks, we can make everybody whole. Now, would you not like to go home to your community, your county, and say, I brought back an extra \$3 million for the seniors in Montgomery County; I brought back \$2.9 million for the seniors in Bucks County; I brought back \$350,000 for the seniors in Erie County? Your constituents deserve to be treated fairly. Fifty-five counties in our State are not being treated fairly. I urge the members to vote for amendment 1726.

The **SPEAKER**. The Chair recognizes the gentlelady from Luzerne County, Representative **Mundy**.

Ms. **MUNDY**. Thank you, Mr. Speaker.

This is the first in three **Petri** amendments that all do away with the hold harmless provision in current law. Now, I acknowledge and the Department of Aging acknowledges that there are problems with the hold harmless provision, but the

department and I both disagree that the solution proposed by the Petri amendments is the appropriate one today. Now, the AAAs and the department have been engaged in a discussion about the underlying funding formula, and that conversation is going very well. In fact, the department just met yesterday with the State board for the AAAs, the P4A, on this issue, and they asked that the legislature allow these talks to continue before making any drastic changes that would be very disruptive to the aging network. And just as a result of conversations we had in caucus, we placed a call to Crystal Lowe from the P4A, who confirmed that the P4A has started initial discussions with the Department of Aging on the hold harmless issue, and developing a more equitable formula for how we fund our local AAAs is ongoing. She also said that the AAAs would prefer to let those discussions continue rather than just arbitrarily pass the Petri amendments, not having the opportunity to provide input. So we really do not know totally what all the unintended consequences might be of the Petri amendment. The P4As want the ability to have input into the funding formula. They do not want us as legislators to arbitrarily do away with hold harmless and be very divisive and disruptive of their network.

In addition, the counties that would be drastically harmed by any of the three Petri amendments are: Allegheny, Cambria, Lackawanna, Luzerne-Wyoming, Northumberland, Philadelphia, and Schuylkill. Those counties would have, some of them would have their allocations for their AAA cut in half as a result of this amendment, creating enormous upheaval in those counties. Again, I totally acknowledge that the formula needs work. I am fully committed to working on the formula and eventually doing away with the hold harmless and instituting a more equitable funding formula, but today is not the day to do that without the input of the AAAs.

I also want to point out that this particular amendment, 1726, has a \$30 million cost to the Commonwealth. The fiscal note says, "Adoption of this amendment would result in increased annual Lottery Fund expenditures of approximately \$30 million due to the elimination of the hold harmless provision." So the fiscal note says it costs \$30 million. The AAAs say, let us work this out. And I say that we should allow the AAAs the ability to have input into what is a fair formula that they can all live with.

So I am asking for a "no" vote on the Petri amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

The Chair recognizes the gentleman from Allegheny County, Representative Readshaw.

Mr. READSHAW. Thank you, Mr. Speaker.

I just wanted to point out to the members from the western part of the State, as the previous speaker stated, this amendment is detrimental to Allegheny County. I just wanted to reinforce that and ask for a "no" vote.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from York County, Representative Miller, on the amendment.

Mr. MILLER. Thank you, Mr. Speaker.

I rise in support of the Petri amendment. Today is the day, today is the day to remove the hold harmless. Our senior citizens in York County and many of the areas of this State have been penalized for far too long because of the hold harmless. Representative Petri has recognized for a long time that our senior citizens get hurt on this hold harmless for senior center funding; our AAAs get hurt because of this hold harmless. It is very similar to the fight that we fought on our growing school

districts. We have to count people, and I hear the commitment to work on this, but I have heard this for 10 years, Mr. Speaker.

We need to do this legislatively. It is time that we stop waiting for the administration and the departments to address this issue. I urge a "yes" vote on the Petri amendment. Thank you.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Monroe County, Representative Scavello.

Mr. SCAVELLO. Thank you, Mr. Speaker.

We just heard earlier about the 8 or so counties that are going to be hurt, but there are 67 counties in the State, and 59 of them, their seniors are not getting adequately funded. In the growing areas of our Commonwealth, the senior population is being hurt by— The dollars are just not there to help them. In my AAA, I have to tell you, I think my director is a magician on how she is able to fund the programs that she is. She pretty much is robbing Peter to pay Paul to help make it happen. It is a shame that we put that pressure on the growing areas of our county. This is the time – and I agree with the last speaker – this is the time. Let us get it done. Let us get it done right today, and let us move this legislation forward.

Please, I beg the members to please give us a positive vote on this amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from Chester County, Representative Hennessey.

Mr. HENNESSEY. Thank you, Mr. Speaker.

It is refreshing to know that people are recognizing that we do have a problem. Someone has said, we have recognized that for a long period of time and nothing has been done to change it. The problem in a nutshell is as some counties have lost population and lost need, they have gotten that money year after year after year and as other counties have increased that population that needs that service, they have had to do with less and less money.

In the southeast, it is a particularly difficult problem because in Chester County, it costs us roughly \$2 1/2 million in Chester County to have this hold harmless clause in place. In Bucks County, the figure is \$2.9 million, and in Montgomery County, it is \$3 million. But it is not just limited to the southeast. In Centre County, the county loses \$850,000 a year because of this hold harmless provision, and in Monroe County, for example, it loses \$1.1 million. This is a problem if we all recognize, and I hear voices on both sides of the aisle saying there is a problem that we need to fix, then the time is now. Let us fix it now. Adopt the Petri amendment. This bill has to go to the Senate; it has to go to the Governor. There is plenty of time for these discussions that people are talking about finally taking place to take place, but we can put some pressure on it and add some heat to the fire, so to speak, add some urgency to the situation by showing that we have the will in the House to insist upon these changes to getting rid of the hold harmless, to rethinking that formula. Otherwise, we may be facing this problem again in a year or 2 years or 3. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the gentledady from Lehigh County, Representative Mann. The lady waives off.

The Chair recognizes the gentleman from Northampton County, Representative Samuelson.

Mr. SAMUELSON. Thank you, Mr. Speaker.

The Department of Aging, the Area Agencies on Aging are working on this issue. It is my hope that perhaps the gentleman

from Bucks County, Mr. Petri, would try to work with that process to make changes to this formula. Here we are on the House floor, each of us, 203 of us representing different districts; we do not have statistics in front of us today on how this amendment would affect all 67 counties. The gentleman says a bit here and a bit there of what he thinks would happen, but we do not have the data. Our Aging and Older Adult Services has not analyzed this data. The gentleman, frankly, has not distributed that data to the other members of the House. So I believe that it is better to have this process work with input from our communities, with input from our counties, with input from our Area Agency on Aging in every county to make sure that this is done in a fair process.

I also hear some very passionate speeches today. I heard the gentleman from Bucks County speak very passionately, the gentleman from York County speak very passionately, the gentleman from Monroe County. In fact, the gentleman from Monroe said our seniors are not getting adequately funded.

Well, all three of those gentlemen who I just spoke of sit on that House Appropriations Committee, and last week they voted for a budget that cuts \$34 million from Aging. Where were their voices last week? Why can we not expect them to stand up for seniors every day and not just when it is convenient? I think we have to focus as a House to fight the cuts that the Senate wants to impose on the Department of Aging which really will impact our seniors, and I hope that we could get those voices to join us in opposing those Senate cuts. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentelady from Luzerne County, Representative Mundy.

Ms. MUNDY. Thank you, Mr. Speaker.

I want to read an e-mail that I just received from Crystal Lowe of the P4A. She says, "I wanted to let you know we are working with the Department to develop a resolution to the current "hold" harmless provision; which has our membership very divided. The formula needs addressed. Yesterday in our first meeting, we understood much more clearly the complexity of the current formula. We believe that Secretary Hall is committed to working with us to develop a formula which better addresses allocating funds to those individuals and programs that they are intended to serve."

I want to address the issue of— I heard it said that we have been here before. We have heard these commitments before. I want to tell you, I have never been the chairman of the Aging Committee and made a commitment to do something that I have not done, and I am committed to fixing the formula so that it is equitable, county to county, across Pennsylvania. This amendment does not fix a thing. It simply devastates the counties that I talked about earlier and their funding for AAAs. It does not fix anything; it just slashes and burns in six counties across Pennsylvania.

I ask you to let the AAAs work out a fair formula. I am committed, along with Secretary Hall, to doing that. We pledge our commitment to that and would ask for your support to not do what Representative Petri is asking you to do today. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentelady.

The Chair recognizes the gentelady from Bucks County, Representative Watson.

Mrs. WATSON. Thank you, Mr. Speaker.

I was not going to say anything, but I had to based on an earlier comment. First of all, let me say, I applaud the

gentelady who is my friend from Luzerne and I would believe her. She is correct; she has not been the chairman before. Having been on the Aging and Older Adult Services Committee since 2001, I have been through – you notwithstanding; you are out of it – but I have been through several chairmen promising. I have been through meetings with Representatives from the various counties, legislators in the House and also in the Senate, and I have been through two Secretaries, all who have promised, and still we sit here and seniors are not properly funded in the majority of the 67 counties due to this hold harmless.

So I appreciate, and I appreciate hearing from Crystal Lowe, who speaks for all of the Area Agencies, and I also recognize that she and I had a conversation on one of these times that we were all together talking about this, maybe about 2 years ago, when the comment had been made, well, it is really hard because within their AAA group there will be, quote, "the usual winners and losers," and they, in effect, at that time did not really want to get into the mix; yhey wanted it turned over to the legislators to do the work.

I have grave concerns because this problem is being compounded year after year. We are seeing the beginnings of baby boomers who are then going to be turning 65, so our pool of folks who need our services, our senior centers and so forth, just expands. We need to address it. I thought this was a particularly fine time to do so because, in effect, we are forming a new department, a new combination department, elevating one group with the other, working on all of this and it would seem to me it is a time for priorities, and it is a time to say, how do we do this? How do we fix the inequities so we start fresh and clean? In my mind, this is the perfect time to address it. Respectfully to my friend, who I know makes a promise, and I am sure she would keep it, but others have promised and that is why we got to this place.

I applaud Representative Petri. I know, with me just cheering him in the background, he has been working on this for about the past 4 years. I applaud him and I say, now is the time to do it, and in some ways, I think it is much better if we as the policymakers take over the function, recognizing the great value – nobody has stood up for AAAs more than I have – but I do think it is a policymaking decision; we should make it. It is part and parcel of forming this new department, and I think we ought to start off on the right foot for all of those counties that really have been shortchanged and have growing senior populations.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentelady.

The Chair recognizes the gentleman from Schuylkill County, Representative Seip.

Mr. SEIP. Thank you, Mr. Speaker.

As a licensed social worker, I can tell you that there are a number of complexities involved with the calculation of the current formula. Just to name a few: There may be different distances from providers to the consumers' homes; how many providers you have in a given county; the number of seniors that actually need the services; the number of seniors who actually meet qualifying criteria for specific services.

So given all of these complexities that are involved in this formula, I would urge a negative vote on this amendment so that we can allow the department to use their expertise to work out a formula that will work best for all of our older Pennsylvanians.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Luzerne County, Representative Carroll.

Mr. CARROLL. Thank you, Mr. Speaker.

The Speaker mentioned that I represent Luzerne County, but I also represent Monroe County, and that gives me a very difficult question to answer today, because when we talk about the counties that are going to be beneficiaries and counties that are going to be losers in this transaction, I represent one of each. So I am faced with the decision of whether or not to support the Petri amendment with the full knowledge that one county may benefit and one county may lose. That is the key thing for me because it is "may." I am not sure as I stand here today how much Monroe will benefit and if they will benefit properly with the formula that is before me, and I do not know how much Luzerne will lose with respect to the formula that is before me.

I, like many others in this chamber, want a fair formula. I want the hold harmless removed. I want to make sure that my seniors in my two counties get what they deserve, but I do not know, on such short notice, whether this formula that has been drafted and offered is that fair formula. So while I am eager to make sure that we have this solved, I want to make sure it is solved correctly and I want to make sure seniors are treated fairly in all 67 counties, including the 2 that I represent.

So having said all of that, I ask for a negative vote on the Petri amendment with the full expectation that the department and the AAAs are going to get this right, they are going to get it right soon, and if they do not get it right soon then we are going to come back here on this floor and demand that they get it right by virtue of a change in the law, whether it is the language today before us with Petri or some other language that embodies a fair formula.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from Luzerne County, Representative Pashinski.

Mr. PASHINSKI. Thank you, Mr. Speaker.

I think the previous speaker said everything I need to say. I concur totally and I recommend a negative vote. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Cumberland County, Representative Gabig.

Mr. GABIG. Thank you, Mr. Speaker.

I was also not going to get up to address this issue until I heard the gentleman from Northampton's comments, and I just felt the need to add to the debate. As I understand the debate, there is a system in Pennsylvania which discriminates against certain senior citizens, the existing system, and Representative Petri's amendment is designed – which everybody can see, even those that are against Representative Petri's amendment say there is a wrong funding system. And so therefore, citizens are being treated differently and not equally throughout the State. In my county, Cumberland County, under this system, we are losing \$1.4 million according to our committee staff – \$1.4 million under this unfair, discriminatory system.

That seems unfair to the seniors in my area. Now, I heard the chairlady, the chairwoman, chairman – whatever the appropriate term is in today's culture – say that the Petri amendment would slash and burn somehow. Well, I do not know if that is true or not, but if it is true, what that means is the current system is slashing and burning all the other counties. It is slashing and

burning Cumberland County, my citizens. All the Petri amendment is going to do is divide this money up equally and it is not going to be discriminatory.

So I hear some complaints, well, we do not have enough information about the Petri amendment, so let us vote it down even though what he is doing is right and what is going on is wrong. Well, there is another way to handle that. I also hear that somehow some people that stood up and passionately defended it, the gentleman from York and other places, it sounds like they are hypocrites for doing that because somebody might have voted for an earlier appropriations budget bill. Well, you can either, in life— I have learned over my life, and I know many people here would agree with me and they have demonstrated through their lives, you can either, when you are a leader, take action when action is demanded – and the Commonwealth is standing ready for you to take action, like they are waiting for us to take action today on this amendment and on this bill – or you can be derelict in your duty and not take action, stand by while HB 1416 is sitting in committee, not doing anything, the Governor's budget, which is in control of the Democrats. They refuse to bring it up, and now we are definitely going into a car crash as was mentioned earlier, because 1416 is going to shut down all of government.

The SPEAKER. The gentleman will yield. The gentleman will yield. The gentleman will yield. The question before the House is the Petri amendment. The gentleman will keep his remarks to the Petri amendment.

Mr. GABIG. Thank you, Mr. Speaker.

I guess I would have a parliamentary inquiry on that caution.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. GABIG. I understand that I am supposed to keep my remarks to the bill or the amendment that is at hand. How about the gentleman from Northampton, that every bill or resolution that comes up, mentions 850 that has already has been voted down by the Democrats on Appropriations? Is he under the same rules and guidelines under the debate, and will the Speaker please caution him every time he mentions it?

The SPEAKER. That is not a parliamentary inquiry.

Mr. GABIG. All right. I see all these Parliamentarians up here, but I respect the Speaker's experience. He has been up here a long time, and I will move on.

But there is another solution to this dilemma that the Petri amendment really does address something that is wrong and inequitable in Pennsylvania. We are in such a rush here to get this moving. I think we could wait till next week. We are going to be here next week. Obviously, the budget is not passing today. We are not going home soon. We could wait until next week to finish work on this bill and all these discussions that are apparently taking place. We are now getting some pressure on, and we are finally getting to address this important issue. They could be addressed and the Petri amendment could be fully vetted with all these stakeholders.

MOTION TO TABLE

Mr. GABIG. So I would move to table the bill and the amendment until these discussions are resolved, the information is provided to all those that do not have the information, and we can make a full and fair decision next week when we are here.

The SPEAKER. The gentleman from Cumberland County, Representative Gabig, has made a motion that HB 1152, along with all of its amendments, be placed on the table.

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

The SPEAKER. On that motion, the Chair recognizes the majority leader, the gentleman from Luzerne County, Representative Eachus.

Mr. EACHUS. Thank you, Mr. Speaker.

I rise to oppose the gentleman's motion. I think the gentelady and the committee have done good work. We are here today to try and resolve an important policy that affects senior citizens. Once again, I oppose this motion to table.

The SPEAKER. On the motion, the Chair recognizes the gentleman from Cumberland County, Representative Gabig.

On the motion to table, those in favor of tabling HB 1152, along with its amendments, will vote "aye"; those opposed to tabling will vote "no."

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

The following roll call was recorded:

YEAS-96

Adolph	Fairchild	Maher	Quinn
Baker	Farry	Major	Rapp
Barrar	Fleck	Marshall	Reed
Bear	Gabig	Marsico	Reese
Benninghoff	Gabler	Mensch	Reichley
Beyer	Geist	Metcalfe	Roae
Boback	Gillespie	Metzgar	Rock
Boyd	Gingrich	Micozzie	Rohrer
Brooks	Godshall	Millard	Ross
Causar	Grell	Miller	Saylor
Christiana	Grove	Milne	Scavello
Civera	Harhart	Moul	Schroder
Clymer	Harper	Murt	Smith, S.
Cox	Harris	Mustio	Sonney
Creighton	Helm	O'Brien, D.	Stern
Cutler	Hennessey	O'Neill	Stevenson
Dally	Hess	Oberlander	Swanger
Day	Hickernell	Payne	Tallman
Delozier	Hutchinson	Peifer	Taylor, J.
Denlinger	Kauffman	Petri	True
DiGiolamo	Keller, M.K.	Phillips	Turzai
Ellis	Killion	Pickett	Vereb
Evans, J.	Knowles	Pyle	Vulakovich
Everett	Krieger	Quigley	Watson

NAYS-98

Barbin	Eachus	Levdansky	Sainato
Bishop	Evans, D.	Longietti	Samuelson
Boyle	Fabrizio	Mahoney	Santarsiero
Bradford	Frankel	Manderino	Santoni
Brennan	Freeman	Mann	Seip
Briggs	Galloway	Markosek	Siptroth
Brown	Gerber	Matzie	Smith, K.
Burns	Gergely	McGeehan	Smith, M.
Buxton	Gibbons	McI. Smith	Solobay
Caltagirone	Goodman	Melio	Staback
Carroll	Grucela	Mirabito	Sturla
Casorio	Haluska	Mundy	Taylor, R.
Cohen	Hanna	Murphy	Thomas

Conklin	Harhai	Myers	Vitali
Costa, D.	Harkins	O'Brien, M.	Walko
Costa, P.	Hornaman	Oliver	Wansacz
Cruz	Houghton	Pallone	Waters
Curry	Johnson	Parker	Wheatley
Daley	Josephs	Pashinski	White
Deasy	Keller, W.	Payton	Williams
DeLuca	Kessler	Petrarca	Youngblood
DePasquale	Kirkland	Preston	Yudichak
DeWeese	Kortz	Readshaw	
Donatucci	Kotik	Roebuck	McCall,
Drucker	Kula	Sabatina	Speaker

NOT VOTING-0

EXCUSED-9

Belfanti	Lentz	Perry	Shapiro
Dermody	Miccarelli	Perzel	Wagner
George			

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

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

The SPEAKER. On that question, the Chair recognizes the gentleman from York County, Representative Miller.

Mr. MILLER. Thank you, Mr. Speaker.

I would like to thank my colleague from Northampton for raising the issue. It is a very important issue when you look at this amendment, A01726, because what is important about it is we will have a debate about the accurate level of funding for this program and for the programs that the AAAs administer, and that will be a very important debate. But this amendment is not about the amount of money; this amendment is about the fairness of the distribution. That is the key point. I have to tell you, my seniors in my district – and we are talking pretty much what we call the Greatest Generation, the World War II generation – they know about sacrifice, and if this budget year requires sacrifice, they will sacrifice. They may not like it, but my seniors understand that and they will do what they need to do.

All this does is says it will be fair to them, that all seniors across Pennsylvania will participate in that at a fair rate. It says, basically, that a rising tide should raise all boats equally, and when it is going down, everyone should share in that. Mr. Speaker, we need to pass the Petri amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman. Any other speakers on the amendment?

The Chair recognizes the gentleman from Bucks County, Representative Petri.

Mr. PETRI. Thank you, Mr. Speaker.

I think we have had a fairly good debate on this issue finally – finally – because despite what has been said, I have been dealing with this issue since 2004. Today someone mentioned, one of the speakers mentioned we should study this issue. Well, guess what? The Legislative Budget and Finance Committee did in 2004, and they presented these numbers and I introduced bills, and what did we do? Nothing. What did we do next session when I introduced bills? Nothing. What did we do the next session? Nothing. I have had conversations with the

Secretary of Aging, the previous Secretary. What did we do? Nothing. It is a pretty consistent theme on this issue.

Look, Mr. Speaker, here is the important aspect: You heard that this bill has a fiscal note of \$30 million. First of all, it is not out of the budget. It is PennCare dollars. It is lottery money. Do you know how much money is currently in the lottery? There was a profit last year of \$644 million. As a result of Medicare Part D, we are saving somewhere between \$5 and \$6 million a week.

Now, here is the important thing to understand about this debate and this amendment: If the fiscal cost to PennCare funds is \$30.6 million, which is what the chairman of Aging indicated, that means that no county will receive less; they will simply receive what they received last year, and the 55 counties that are being cheated will be made whole. How can that be a bad result? How can you walk out of this chamber and say, well, the funding formula that we have been using since 1993 and we have all declared every year to be the right formula – you walk out of here and say, well, I am still getting more than what that formula says, and I want to vote against this because the counties that are being cheated are going to be made whole for the first time since 1993. And the speaker, the gentlelady from Bucks County, indicated these numbers – we have looked at them every year – get worse and worse and worse and your county still has to deliver these services.

So you are cheating your county government. You are cheating your local seniors. That is the truth of this debate. That is the truth. So if you are sitting there saying, well, I am going to be a loser in this, apparently, according to the fiscal note, you are still going to get what you got last year. You are just going to allow your neighbor to be treated fairly. So there is no cost to the budget. The current formula has been in existence since 1993. If this formula is so bad and has so many holes, why did it take the Department of Aging until last year to start doing statewide hearings to change the formula? And look, if they think the formula is old and not adequate, I am for amending the formula and making it right. We do not want any of our seniors, regardless of where they live, to be hurt. None of us want that, that is clear. So they have already undertaken a process of doing statewide hearings. Those hearings are already done. If they really wanted to address this issue, it would have been done. I have met with the Secretary on this issue and what he has told me is it may take him 3 or 4 years to remove the hold harmless and fix it. Well, what about the counties that year after year sacrifice and go into their pockets by millions of dollars? If we wait that long, shame on us, shame on us, because we are abdicating our responsibilities.

So I say that we need to remove the hold harmless. Many of my colleagues have agreed with me on that. Here is why, here is why: One of the problems we have as a Pennsylvania State is we have roughly the same population. We are not raising or lowering in total population. We are shifting out and different counties are growing and some are shrinking. Every time we have a hold harmless and we give an increase, everybody gets an increase, but nobody gets less. What happens to the size of taxes and dollars in government? It has to go up. You cannot give everybody the same amount, never cut anybody regardless of need or the like. We have to get rid of the hold harmless clause. The AAA organization is a great organization, but their constituency is not going to let them do that. They are not going

to let them because there are too many diverse individuals and counties in that group. We have to be the ones to eliminate the hold harmless clause.

Look, we have had since 2004 to deal with this. The Aging Department has done nothing in that amount of time. We have done little or nothing. It is time to fix this circumstance. Now, for those of you that did not have the list or were not provided the list, I am going to read real briefly those counties that will be made whole by my amendment: Erie, Crawford, Cambria, Elk, McKean, Beaver, Indiana, Westmoreland, Somerset, Blair, Bedford, Fulton, Huntingdon, Centre, Lycoming, Clinton, Columbia, Montour, Union, Snyder, Mifflin, Juniata, Franklin, Adams, Cumberland, Perry, Lebanon, York, Lancaster, Chester, Montgomery, Bucks, Delaware, Berks, Lehigh, Northampton, Pike, Carbon, Clearfield, Jefferson, Forest, Warren, Venango, Armstrong, Lawrence, Mercer, Monroe, Clarion, Butler, Potter, and Wayne.

Vote for your seniors today. Vote to support them. Vote to treat every senior the same. It is the same formula regardless of where you live. It takes into account rural. It takes into account urban, minority, all the factors that we have said since 1993 were appropriate. Treat your seniors fairly. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—92

Adolph	Everett	Killion	Quinn
Baker	Fairchild	Krieger	Rapp
Barrar	Farry	Major	Reed
Bear	Fleck	Marshall	Reese
Benninghoff	Gabig	Melio	Reichley
Beyer	Gabler	Mensch	Roae
Boyd	Galloway	Metcalfe	Rock
Brooks	Geist	Metzgar	Rohrer
Causer	Gillespie	Micozzie	Ross
Christiana	Gingrich	Millard	Santarsiero
Civera	Godshall	Miller	Saylor
Clymer	Grell	Milne	Scavello
Cox	Grove	Mirabito	Schroder
Creighton	Harhart	Moul	Sipthoth
Cutler	Harper	Murt	Smith, S.
Dally	Harris	O'Brien, D.	Sonney
Day	Hennessey	O'Neill	Stern
Delozier	Hess	Oberlander	Stevenson
Denlinger	Hickernell	Peifer	Swanger
DePasquale	Hutchinson	Petri	Tallman
DiGirolamo	Kauffman	Pickett	True
Ellis	Keller, M.K.	Pyle	Vereb
Evans, J.	Kessler	Quigley	Watson

NAYS—102

Barbin	Evans, D.	Maher	Sainato
Bishop	Fabrizio	Mahoney	Samuelson
Boback	Frankel	Manderino	Santoni
Boyle	Freeman	Mann	Seip
Bradford	Gerber	Markosek	Smith, K.
Brennan	Gergely	Marsico	Smith, M.
Briggs	Gibbons	Matzie	Solobay
Brown	Goodman	McGeehan	Staback
Burns	Grucela	McI. Smith	Sturla
Buxton	Haluska	Mundy	Taylor, J.
Caltagirone	Hanna	Murphy	Taylor, R.

Carroll	Harhai	Mustio	Thomas
Casorio	Harkins	Myers	Turzai
Cohen	Helm	O'Brien, M.	Vitali
Conklin	Hornaman	Oliver	Vulakovich
Costa, D.	Houghton	Pallone	Walko
Costa, P.	Johnson	Parker	Wansacz
Cruz	Josephs	Pashinski	Waters
Curry	Keller, W.	Payne	Wheatley
Daley	Kirkland	Payton	White
Deasy	Knowles	Petrarca	Williams
DeLuca	Kortz	Phillips	Youngblood
DeWeese	Kotik	Preston	Yudichak
Donatucci	Kula	Readshaw	
Drucker	Levdansky	Roebuck	McCall,
Eachus	Longietti	Sabatina	Speaker

NOT VOTING—0

EXCUSED—9

Belfanti	Lentz	Perry	Shapiro
Dermody	Miccarelli	Perzel	Wagner
George			

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

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

GUESTS INTRODUCED

The SPEAKER. In the balcony, the Chair welcomes the Teen Learning Community of the congregation of Shaare Shamayim. They are led here today by Mrs. Judi Shapiro, who is the mother of Representative Josh Shapiro. Among the 25 people present is Amanda Cohen, daughter of Representative Mark Cohen, and Alice Getzes, the mother-in-law of Representative Cohen. With them is the synagogue executive director, Jacques Lurie, and Rabbi Jean Claude Klein. Will the guests please rise. Welcome to the hall of the House.

CONSIDERATION OF HB 1152 CONTINUED

The SPEAKER. The Chair recognizes the gentleman from Bucks County, Representative Petri, who offers amendment A01727. The gentleman indicates he is withdrawing the amendment. The Chair thanks the gentleman.

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

Mr. **PETRI** offered the following amendment No. **A01728**:

- Amend Bill, page 25, line 20, by inserting after "(1)"
 - (i) Amend Bill, page 25, lines 26 through 28, by striking out ", except that" in line 26, all of line 27 and "State funds received in the preceding program year" in line 28 and inserting
 - (ii) The secretary shall work in consultation with the council, service providers, centers for independent living, support organizations and the area agencies to

revise and update the current funding formula based upon the most recent census data and shall report back to the General Assembly with findings and recommendations not later than June 30, 2009.

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

The SPEAKER. On that question, the Chair recognizes the gentleman from Bucks County, Representative Petri.

Mr. **PETRI**. Thank you, Mr. Speaker.

We had a lively debate about what needs to be done and when it needs to be done. Well, this amendment would require the Department of Aging and the other stakeholders to meet and resolve the funding formula issue by June 30 of this year. They have already had statewide hearings. There is no reason they cannot meet and come back and resolve this issue for this fiscal year. This amendment would require that. I would ask the members support.

The SPEAKER. The Chair recognizes the gentlelady from Luzerne County, Representative Mundy.

Ms. **MUNDY**. Thank you, Mr. Speaker.

I think the June 30 deadline is unrealistic and unobtainable. Just to get all these groups scheduled for their meeting, because it is not just the AAAs and the department; this amendment calls for the Council on Aging, service providers, Centers for Independent Living, support organizations, and the AAAs to revise and update the current Aging block grant funding formula – impossible to get all of those groups together and have them come up with a fair funding formula in less than 2 weeks. The Petri amendment also continues its path towards simply doing away with the hold harmless as well.

So I would say that this amendment is even more unrealistic than the one we defeated, and I would ask you to vote against amendment 1728. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentlelady.

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

The following roll call was recorded:

YEAS—92

Adolph	Fairchild	Killion	Quinn
Baker	Farry	Knowles	Rapp
Barrar	Fleck	Krieger	Reed
Bear	Freeman	Major	Reese
Benninghoff	Gabig	Marshall	Reichley
Beyer	Gabler	Mensch	Roae
Boyd	Galloway	Metcalfe	Rock
Brooks	Geist	Metzgar	Rohrer
Causer	Gillespie	Micozzie	Ross
Christiana	Gingrich	Millard	Samuelson
Civera	Godshall	Miller	Santarsiero
Clymer	Grell	Milne	Saylor
Cox	Grove	Moul	Scavello
Creighton	Harhart	Murt	Schroder
Cutler	Harper	O'Brien, D.	Smith, S.
Dally	Harris	O'Neill	Sonney
Day	Hennessey	Oberlander	Stern
Delozier	Hess	Peifer	Stevenson
Denlinger	Hickernell	Petri	Swanger
DiGirolamo	Hutchinson	Phillips	Tallman
Ellis	Kauffman	Pickett	True
Evans, J.	Keller, M.K.	Pyle	Vereb
Everett	Kessler	Quigley	Watson

NAYS—102

Barbin	Eachus	Mahoney	Sainato
Bishop	Evans, D.	Manderino	Santoni
Boback	Fabrizio	Mann	Seip
Boyle	Frankel	Markosek	Siptroth
Bradford	Gerber	Marsico	Smith, K.
Brennan	Gergely	Matzie	Smith, M.
Briggs	Gibbons	McGeehan	Solobay
Brown	Goodman	McI. Smith	Staback
Burns	Grucela	Melio	Sturla
Buxton	Haluska	Mirabito	Taylor, J.
Caltagirone	Hanna	Mundy	Taylor, R.
Carroll	Harhai	Murphy	Thomas
Casorio	Harkins	Mustio	Turzai
Cohen	Helm	Myers	Vitali
Conklin	Hornaman	O'Brien, M.	Vulakovich
Costa, D.	Houghton	Oliver	Walko
Costa, P.	Johnson	Pallone	Wansacz
Cruz	Josephs	Parker	Waters
Curry	Keller, W.	Pashinski	Wheatley
Daley	Kirkland	Payne	White
Deasy	Kortz	Payton	Williams
DeLuca	Kotik	Petrarca	Youngblood
DePasquale	Kula	Preston	Yudichak
DeWeese	Levdansky	Readshaw	
Donatucci	Longietti	Roebuck	McCall,
Drucker	Maher	Sabatina	Speaker

NOT VOTING—0

EXCUSED—9

Belfanti	Lentz	Perry	Shapiro
Dermody	Miccarelli	Perzel	Wagner
George			

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

On the question recurring,

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

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

The SPEAKER. There will be no further votes. Are there any announcements?

HOUSE SCHEDULE

The SPEAKER. The Chair recognizes the majority leader, Representative Eachus.

Mr. EACHUS. Thank you, Mr. Speaker.

I would like to take a moment – this is important information for the members regarding scheduling. Next week we are going to— We have already sunshined every day through the weekend. We intend to work all week next week, have an aggressive legislative schedule and try and continue in the framework of reaching some bipartisan framework of discussions. I know that the Appropriations chairman is interested in that dialogue. But we should just let members know, pack for the weekend. We are going to be here through the weekend and into the end of the month. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Delaware County, Representative Civera.

Mr. CIVERA. Thank you, Mr. Speaker.

To the majority leader: If that is the case that we are going to work the whole week, will the budget bill be noticed this afternoon so we can start to draw amendments to the budget bill by the 29th of June?

Mr. EACHUS. Mr. Speaker, in conformity with what the gentleman from Philadelphia, the Appropriations chairman, said very clearly last week, we are going to continue to do outreach in the framework of bipartisan discussions so that we can try and reach conclusion to our budget differences. We feel strongly that the Governor's words yesterday have put a new wrinkle in this discussion. Our own caucus will be having further discussions next week about trying to reach a consensus on this issue. So we look forward to those bipartisan discussions that I know that you and the chairman of the Appropriations Committee are committed to.

Mr. CIVERA. Mr. Speaker, it appears that we are going to have to reach awful far based on those comments. I believe that, in a bipartisan way, and you as the majority leader, what should be done, the right thing should be done – that bill should be noticed this afternoon and the bill should be— The 29th of June, we would be able to draw amendments and then we could do what we have to do as far as getting this budget process started.

Mr. EACHUS. Mr. Speaker, in the interest of bilateral relations on your committee, I am going to ask the gentleman from Philadelphia, the Appropriations chairman, to take the microphone.

Mr. D. EVANS. Thank you, Mr. Speaker.

Mr. Speaker—

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Representative Evans.

Mr. D. EVANS. Thank you, Mr. Speaker.

Mr. Speaker, what I reported to you yesterday – the Governor has put out his proposal. He is due to put out some more reductions; we are still waiting for that information. When we get that information, we will be more than glad, I am assuming you are going to share it with your office, also, then we can kind of begin to get into some serious discussion.

Mr. CIVERA. Mr. Speaker, the majority leader has just indicated a schedule to us that we will work all next week into next weekend. I do not have a problem doing that and neither do the members, because if that makes the process go forward, we are all for that. But if we are going to be here all week with the people of Pennsylvania thinking that we might get this budget started and we are going to fool them by us being present, that is not fair. I think what we need to do – we are all grown men; I think you need to do your job, notice the budget. The Governor still has a play in this; you know he does. We have talked about that and let the process begin, but what we are doing here is we are talking words and we are not being effective.

The SPEAKER. Any further announcements?

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

Mr. MAHER. Mr. Speaker, I am hoping I can offer a question or two to the majority leader or majority Appropriations chairman so that I can make sure I actually understood what they were saying.

The SPEAKER. There is no question before the House. The Chair would recognize the gentleman, Mr. Maher from Allegheny County, under unanimous consent.

Mr. MAHER. Thank you, Mr. Speaker.

I am delighted to hear the intent of the word sunshine being offered by the majority leader. He has sunshined notices for this House to be in session through next week. However, all the conversations about the budget are happening in darkness, behind closed doors, without public input. The people of Pennsylvania deserve to know where we stand. Instead, they are being shut out of the process. We each have sixty, seventy thousand bosses. Those sixty, seventy thousand bosses deserve to know where we stand. The only public document—

Mr. EACHUS. Mr. Speaker—

Mr. MAHER. —that dealt with the budget—

Mr. EACHUS. Point of order.

The SPEAKER. The gentleman will yield.

Mr. MAHER. —has been expunged—

The SPEAKER. The gentleman will yield.

Majority leader.

Mr. EACHUS. I am happy to answer the gentleman's question; I think that he has one in there somewhere. I was trying to make sure I am getting to that question, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Maher, may proceed with the question.

Mr. MAHER. Thank you, Mr. Speaker.

I was not aware that the majority leader was prepared to accept a question. I am delighted to learn that he is.

The SPEAKER. The gentleman is recognized under unanimous consent.

Mr. MAHER. Thank you, Mr. Speaker.

The SPEAKER. If any member objects to your questioning or what you are about to say, your time on the floor will be cut off.

Mr. MAHER. Mr. Speaker, I do understand that and I certainly understand that there are members in this chamber that do not want the people of Pennsylvania to know what is going on, and so I will expect that that moment will arrive to shut out the public, just as has happened by defeating the only document that was out there for the public to comment on. I know we all had concerns about the budget document. The Democrats' response was to make sure there is no document to discuss. The public is completely shut out. The public deserves to know what is going on.

The SPEAKER. The gentleman will yield.

What does the gentleman, Representative Barbin— For what purpose does the gentleman rise?

Mr. BARBIN. I rise for the purpose of withdrawing unanimous consent. It is not the purpose of this House to hear Mr. Maher's interpretation of the budget process. I think we have better things to do than hear from Mr. Maher.

Mr. S. SMITH. Mr. Speaker? Mr. Speaker?

The SPEAKER. Will the gentleman yield.

Mr. S. SMITH. Mr. Speaker?

The SPEAKER. Unanimous consent has been withdrawn.

PARLIAMENTARY INQUIRY

Mr. S. SMITH. Mr. Speaker, point of parliamentary inquiry.

The SPEAKER. The gentleman, Mr. Smith, will state his point of parliamentary inquiry.

Mr. S. SMITH. Mr. Speaker, am I correct that the rules suggest that when members are addressing the body, they are to address the Speaker, which either by direct rule or by inference suggests that you are not supposed to refer to members by name? You may refer to them by their district, by the county they come from, some other euphemistic kind of phrase, but you are not supposed to refer to them by name.

The SPEAKER. The gentleman is absolutely correct.

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

I realize it gets hectic, but it is one of my pet peeves, I guess. I would appreciate your attention to that.

The SPEAKER. The Chair thanks the gentleman. The Chair will enforce that.

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

Mr. BARBIN. Mr. Speaker, I rise to apologize to the gentleman from Allegheny. I believe that the House has better things to do than to listen to the gentleman from Allegheny.

STATEMENT BY MR. MAHER

The SPEAKER. For what purpose does the gentleman rise? For what purpose does the gentleman from Allegheny County rise? The gentleman from Allegheny rises on the point of personal privilege.

Without objection, that personal privilege will be granted. The gentleman may proceed.

Mr. MAHER. Thank you, Mr. Speaker.

I am not offended, and I agree that this House has better things to do than hear me scold you for not doing anything.

Let us do what needs to be done. Let us get about it. Let us do it in the sunshine. Let the people of Pennsylvania see. Let us go through the budget line by line. Where do you stand?

Thank you, Mr. Speaker.

ANNOUNCEMENT BY MAJORITY LEADER

The SPEAKER. The Chair recognizes the majority leader, Representative Eachus.

Mr. EACHUS. Just one more administrative matter, Mr. Speaker. Tomorrow is a nonvoting session day.

The SPEAKER. The Chair thanks the gentleman.

STATEMENT BY MR. MILLARD

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

Mr. MILLARD. Personal privilege.

The SPEAKER. The gentleman will be granted personal privilege, without objection.

Mr. MILLARD. I guess that to simplify this, the question that is on all of our minds is we have heard the majority Appropriations chair mention on two different occasions, at least, that there is no deadline of June 30. So as we go passed the June 30 deadline, there apparently is no regard for those that will be absent paychecks and everything else.

So my concern, my comment is, if there is no June 30 deadline, Mr. Speaker, why, if we do not have a budget vehicle on the table, would we be adding extra days? And if somebody can answer that, I would be delighted. I am sure that the rest of the 12 1/2 million in Pennsylvania would be delighted, too.

The SPEAKER. The Chair thanks the gentleman.

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 has in its possession a motion to adjourn by the lady from Clarion County, Representative Oberlander, who moves that this House do now adjourn until Thursday, June 18, 2009, 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 3:36 p.m., e.d.t., the House adjourned.