

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

MONDAY, JUNE 29, 2009

SESSION OF 2009

193D OF THE GENERAL ASSEMBLY

No. 55

### HOUSE OF REPRESENTATIVES

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

**THE SPEAKER (KEITH R. McCALL)**  
**PRESIDING**

#### PRAYER

HON. RICHARD T. GRUCELA, member of the House of Representatives, offered the following prayer:

Thank you, Mr. Speaker.  
Good afternoon.

Please bow your heads in prayer, as today we are blessed to reach out in heart and soul to others. The challenges we meet in life are more easily overcome when we turn our attention to the needs of family and friends.

Dear God, we pray that You will give perfection to beginners, give intelligence to little ones, give sorrow to the negligent, and give aid to those who are running their course.

We pray that every child has an opportunity to obtain a good education and that every adult who is thirsting for knowledge has that longing satisfied.

We pray for everyone who has lost a loved one and for those serving our country far from home, especially our own Scott Perry and Nick Miccarelli, and for good health for all our members and their families.

All this we ask in Your name as we enjoy this beautiful day in Pennsylvania. 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 Thursday, June 25, 2009, will be postponed until printed. The Chair hears no objection.

### SENATE MESSAGE

HOUSE AMENDMENTS  
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 731, PN 1172**.

#### BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

##### **SB 731, PN 1172**

An Act designating Bushkill Drive, State Route 2019, Northampton County, as the Victor W. Anckaitis Memorial Highway; and designating a portion of State Route 2017 in Lower Macungie Township, Lehigh County, as the Sgt. Ashly L. Moyer Memorial Road.

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

#### HOUSE RESOLUTIONS INTRODUCED AND REFERRED

**No. 377** By Representatives BOBACK, BEAR, BROOKS, CLYMER, EVERETT, FAIRCHILD, FLECK, HELM, KORTZ, MAJOR, McILVAINE SMITH, MILLARD, MOUL, PHILLIPS, PICKETT, REICHLEY, SANTARSIERO, SONNEY, SWANGER, TALLMAN and VULAKOVICH

A Resolution establishing a special subcommittee of the Labor Relations Committee to study school strikes.

Referred to Committee on LABOR RELATIONS, June 25, 2009.

**No. 380** By Representatives BROWN, DRUCKER, DeWEESE, BAKER, BELFANTI, D. COSTA, FRANKEL, GEORGE, GOODMAN, HARKINS, HENNESSEY, HORNAMAN, JOHNSON, KORTZ, KULA, MURT, O'NEILL, PARKER, QUINN, REICHLEY, SEIP, SIPTROTH, STABACK, STURLA, J. TAYLOR, THOMAS and YOUNGBLOOD

A Resolution directing the Legislative Budget and Finance Committee to study and to issue a report on the status of and any disparities found in dental care for Pennsylvanians with disabilities.

Referred to Committee on HEALTH AND HUMAN SERVICES, June 25, 2009.

**No. 382** By Representatives SCAVELLO, ADOLPH, BARRAR, BELFANTI, BEYER, CALTAGIRONE, COHEN, D. COSTA, CREIGHTON, DALLY, DONATUCCI, D. EVANS, FARRY, GEIST, GEORGE, HENNESSEY, HORNAMAN, HOUGHTON, KORTZ, KOTIK, McGEEHAN, MELIO, MILLARD, MILLER, MURPHY, MURT, MUSTIO, REICHLEY, SEIP, SIPTROTH, SWANGER, J. TAYLOR, VEREB, VULAKOVICH and YOUNGBLOOD

A Resolution urging the Congress of the United States to enact H.R. 847, which would establish the James Zadroga 9/11 Health and Compensation Act.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, June 26, 2009.

**No. 383** By Representatives SCAVELLO, BEYER, BRENNAN, BRIGGS, CALTAGIRONE, D. COSTA, CREIGHTON, DONATUCCI, GEIST, HENNESSEY, JOSEPHS, KORTZ, KOTIK, MAJOR, MILLARD, MILNE, MURPHY, MURT, REICHLEY, ROEBUCK, SIPTROTH and YOUNGBLOOD

A Resolution urging the Department of Health to implement certain requirements relating to tetanus/diphtheria booster immunizations.

Referred to Committee on HEALTH AND HUMAN SERVICES, June 26, 2009.

### HOUSE BILLS INTRODUCED AND REFERRED

**No. 1309** By Representatives VEREB, REICHLEY, TURZAI, MARSICO, ADOLPH, BEYER, CAUSER, CLYMER, CREIGHTON, DALLY, DENLINGER, EVERETT, FREEMAN, GEIST, GINGRICH, GROVE, HENNESSEY, HICKERNELL, HUTCHINSON, KAUFFMAN, METZGAR, MILLER, MOUL, MURT, OBERLANDER, D. O'BRIEN, O'NEILL, PHILLIPS, PYLE, QUIGLEY, RAPP, REED, ROCK, SAYLOR, K. SMITH, SONNEY, STERN, STEVENSON, SWANGER, TALLMAN, TRUE, VULAKOVICH, WAGNER, WATSON and YOUNGBLOOD

Amending Title 4 (Amusements) of the Pennsylvania Consolidated Statutes, further providing for the definition of "bureau"; providing for the definitions of "unit" and "unit director"; further providing for the Pennsylvania Gaming Control Board, for applicability of other statutes, for general and specific powers, for license or permit application hearing process, public input hearings, for board minutes and records, for regulatory authority of board, for collection of fees and fines, for applications for license or permit, for slot machine license application, for slot machine license application character requirements, for additional slot machine license requirements, for licensing of principals, for licensing of key employees, for slot machine license application financial fitness requirements, for conditional Category 1 licenses, for supplier licenses, for manufacturer licenses, for occupation permit application, for slot machine accounting controls and audits, for license renewals, for duty of licensees and for key employees and gaming employees; providing for transfer of information to the unit;

further providing for gross terminal revenue deductions and for investigations and enforcement; providing for gaming unit; further providing for conduct of public officials and employees, for prohibited acts, for penalties, for duty to provide, for submission of fingerprints and photographs and for reimbursement; and transferring powers and duties to the Gaming Unit.

Referred to Committee on GAMING OVERSIGHT, June 25, 2009.

**No. 1310** By Representatives SCHRODER, ROHRER, BENNINGHOFF, BOYD, CLYMER, CREIGHTON, CUTLER, DePASQUALE, EVERETT, GINGRICH, HESS, HICKERNELL, KAUFFMAN, KORTZ, MOUL, MURT, OBERLANDER, RAPP, ROAE, SIPTROTH, STERN, SWANGER, TRUE, VEREB and VULAKOVICH

An Act amending Title 4 (Amusements) of the Pennsylvania Consolidated Statutes, further providing for the membership, terms of office, procedure and qualifications and restrictions of the Pennsylvania Gaming Control Board.

Referred to Committee on GAMING OVERSIGHT, June 29, 2009.

**No. 1440** By Representatives SCHRODER, M. O'BRIEN, BENNINGHOFF, BAKER, BEYER, BRADFORD, BROOKS, CARROLL, CLYMER, COHEN, CREIGHTON, CUTLER, DENLINGER, FLECK, GIBBONS, GINGRICH, GOODMAN, HESS, KAUFFMAN, MAJOR, MARSICO, MELIO, MILLER, MOUL, MURT, MUSTIO, OBERLANDER, RAPP, REED, REICHLEY, ROAE, ROCK, ROHRER, SIPTROTH, S. H. SMITH, SONNEY, STERN, SWANGER, TALLMAN, TRUE and VULAKOVICH

An Act amending Title 4 (Amusements) of the Pennsylvania Consolidated Statutes, further providing for legislative intent.

Referred to Committee on GAMING OVERSIGHT, June 29, 2009.

**No. 1580** By Representatives SEIP, GOODMAN, BRENNAN, DENLINGER, GERGELY, GIBBONS, HELM, HORNAMAN, KESSLER, KORTZ, LONGIETTI, MANN, McCALL, MILNE, MOUL, PALLONE, PICKETT, REICHLEY, SIPTROTH, HARKINS, MAHONEY and KULA

An Act amending the act of June 26, 1931 (P.L.1379, No.348), referred to as the Third Class County Assessment Board Law, further providing for appeals.

Referred to Committee on LOCAL GOVERNMENT, June 25, 2009.

**No. 1780** By Representatives FRANKEL, MUSTIO, BEYER, BRENNAN, BUXTON, CALTAGIRONE, CARROLL, CLYMER, D. COSTA, CREIGHTON, FAIRCHILD, FREEMAN, KORTZ, MANN, MUNDY, MURT, OBERLANDER, M. O'BRIEN, PICKETT, REICHLEY, SAYLOR, SIPTROTH, STERN, VULAKOVICH and YOUNGBLOOD

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, providing for sole proprietors; and making a repeal.

Referred to Committee on LABOR RELATIONS, June 26, 2009.

**No. 1781** By Representatives KORTZ, BENNINGHOFF, BRIGGS, BROWN, CONKLIN, CREIGHTON, CUTLER, DENLINGER, DONATUCCI, HARHAI, JOSEPHS, KIRKLAND, KULA, MAHONEY, MILNE, READSHAW, REICHLEY, SIPTROTH, WAGNER, WALKO and YOUNGBLOOD

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in other required equipment, further providing for general requirements for school buses.

Referred to Committee on TRANSPORTATION, June 25, 2009.

**No. 1782** By Representatives KORTZ, GEORGE, BELFANTI, BRIGGS, COHEN, CREIGHTON, DENLINGER, FREEMAN, HARHAI, HARPER, HORNAMAN, HOUGHTON, JOSEPHS, KOTIK, MANDERINO, MOUL, MUNDY, MUSTIO, SANTONI, SIPTROTH, SWANGER and VULAKOVICH

An Act amending Titles 27 (Environmental Resources) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for participation in environmental law or regulation; and, in particular rights and immunities, providing for participation in law or regulation related to an issue in the public interest.

Referred to Committee on JUDICIARY, June 25, 2009.

**No. 1783** By Representatives FAIRCHILD, PHILLIPS and HARRIS

An Act designating State Route 35 from Selinsgrove to the Snyder County line near Richfield as the Pfc. Justin W. Drees Memorial Highway.

Referred to Committee on TRANSPORTATION, June 25, 2009.

**No. 1784** By Representatives PETRARCA, SIPTROTH, HENNESSEY, BEYER, BRIGGS, EACHUS, FLECK, FREEMAN, HARHAI, JOSEPHS, W. KELLER, KULA, MAHER, MUNDY, PASHINSKI, PAYTON, READSHAW, ROHRER, K. SMITH, SOLOBAY, STABACK, WANSACZ, WHEATLEY, WHITE, YOUNGBLOOD and GRUCELA

An Act licensing and regulating the practice of naturopathic medicine; imposing penalties; and making an appropriation.

Referred to Committee on PROFESSIONAL LICENSURE, June 29, 2009.

**No. 1786** By Representatives PASHINSKI, BOYD, BRENNAN, BRIGGS, CARROLL, CLYMER, CRUZ, DeLUCA, FAIRCHILD, GEIST, GINGRICH, HARHAI, HARHART, HOUGHTON, KORTZ, MANN, MELIO, MENSCH, MICOZZIE, MUNDY, MURT, PHILLIPS, PRESTON, READSHAW, SAINATO, SCAVELLO, SIPTROTH, K. SMITH, SOLOBAY, STERN, VULAKOVICH and WALKO

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for disposition of delinquent child and for sentencing for criminal mischief.

Referred to Committee on JUDICIARY, June 26, 2009.

**No. 1787** By Representatives MARKOSEK, RAPP, CAUSER, GEIST, BEYER, P. COSTA, DENLINGER, DERMODY, FLECK, HARHAI, HESS, KORTZ, LEVDANSKY, MAHONEY, OBERLANDER, SANTONI, SIPTROTH, M. SMITH, SOLOBAY, SONNEY and SWANGER

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in size, weight and load, further providing for conditions of permits and security for damages and for permit for movement of bulk refined oil; and providing for permit for movement of nonhazardous liquid glue.

Referred to Committee on TRANSPORTATION, June 26, 2009.

**No. 1788** By Representatives CUTLER, HARHART, HESS, HOUGHTON, METZGAR, PYLE, ROCK, SONNEY and SWANGER

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, providing for payments to certain local taxing authorities to offset assessments reduced under this act.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, June 26, 2009.

**No. 1789** By Representatives SOLOBAY, EVERETT, MELIO, ADOLPH, BEAR, BELFANTI, BRENNAN, BRIGGS, CARROLL, D. COSTA, DALLY, DePASQUALE, DERMODY, DiGIROLAMO, J. EVANS, FARRY, FRANKEL, GEIST, GIBBONS, GINGRICH, GRUCELA, HALUSKA, HARHAI, HARHART, HARKINS, HENNESSEY, HESS, HORNAMAN, JOSEPHS, W. KELLER, KNOWLES, KORTZ, KOTIK, KULA, LEVDANSKY, MANN, MARKOSEK, MARSHALL, MATZIE, McGEEHAN, McILVAINE SMITH, MENSCH, MILLER, MURT, OBERLANDER, M. O'BRIEN, O'NEILL, OLIVER, PASHINSKI, PAYNE, PETRI, PHILLIPS, PICKETT, QUINN, READSHAW, REICHLEY, SABATINA, SANTONI, SEIP, SIPTROTH, K. SMITH, SONNEY, STERN, STURLA, J. TAYLOR, R. TAYLOR, VEREB, VULAKOVICH, WAGNER, WALKO, WHITE, YOUNGBLOOD, YUDICHAK and SAYLOR

An Act amending the act of July 9, 1990 (P.L.340, No.78), known as the Public Safety Emergency Telephone Act, further providing for definitions and for Wireless E-911 Emergency Services Fund; and imposing a prepaid wireless E-911 surcharge.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, June 29, 2009.

**No. 1790** By Representatives SOLOBAY, McGEEHAN, D. COSTA, GRUCELA, MANN, MURPHY, READSHAW, K. SMITH, J. TAYLOR and YOUNGBLOOD

An Act amending the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, providing for additional building requirements.

Referred to Committee on LABOR RELATIONS, June 29, 2009.

**No. 1791** By Representatives GEORGE, BURNS, CALTAGIRONE, CARROLL, DeLUCA, DePASQUALE, EVERETT, GOODMAN, HALUSKA, HARHAI, HARHART, HARPER, HORNAMAN, HOUGHTON, YUDICHAK, HUTCHINSON, JOSEPHS, KORTZ, MANN, McCALL, MELIO, MYERS, OBERLANDER, REED, SEIP, SIPTROTH, K. SMITH, WALKO, WANSACZ, WHITE and YOUNGBLOOD

An Act amending the act of November 30, 2004 (P.L.1672, No.213), known as the Alternative Energy Portfolio Standards Act, further providing for alternative energy credits; providing for applicability; and making a related repeal.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, June 29, 2009.

**No. 1792** By Representatives SCHRODER, BEYER, BRENNAN, CLYMER, D. COSTA, CREIGHTON, GILLESPIE, GINGRICH, HORNAMAN, KAUFFMAN, MARSICO, MURT, O'NEILL, PHILLIPS, PYLE, RAPP, ROCK, SCAVELLO, SIPTROTH, SWANGER, TRUE, VULAKOVICH and YOUNGBLOOD

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for penalties and for Accelerated Rehabilitative Disposition.

Referred to Committee on TRANSPORTATION, June 29, 2009.

**No. 1793** By Representatives SCHRODER, BENNINGHOFF, BARRAR, BEAR, BRADFORD, BROOKS, CLYMER, CREIGHTON, CUTLER, DENLINGER, GINGRICH, GROVE, HARPER, HENNESSEY, MELIO, MOUL, MURT, OBERLANDER, PYLE, RAPP, ROHRER, SIPTROTH, STERN, SWANGER, TALLMAN, TURZAI and VULAKOVICH

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, providing for political influence by persons associated with gaming.

Referred to Committee on GAMING OVERSIGHT, June 29, 2009.

**No. 1794** By Representatives SCHRODER, CREIGHTON, EVERETT, HENNESSEY, MILNE, MURT, PHILLIPS, ROHRER, SIPTROTH and VULAKOVICH

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for the procedure to obtain certificates of public convenience.

Referred to Committee on CONSUMER AFFAIRS, June 29, 2009.

## SENATE BILLS FOR CONCURRENCE

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

### **SB 55 , PN 752**

Referred to Committee on EDUCATION, June 26, 2009.

### **SB 56, PN 1214**

Referred to Committee on EDUCATION, June 26, 2009.

### **SB 569, PN 1215**

Referred to Committee on LOCAL GOVERNMENT, June 29, 2009.

### **SB 572 , PN 583**

Referred to Committee on STATE GOVERNMENT, June 25, 2009.

### **SB 574, PN 945**

Referred to Committee on GAME AND FISHERIES, June 25, 2009.

### **SB 783 , PN 1171**

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, June 26, 2009.

### **SB 901, PN 1087**

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, June 29, 2009.

### **SB 921 , PN 1139**

Referred to Committee on PROFESSIONAL LICENSURE, June 26, 2009.

### **SB 958 , PN 1161**

Referred to Committee on TRANSPORTATION, June 26, 2009.

## LEAVES OF ABSENCE

The SPEAKER. Turning to leaves of absence, the Chair recognizes the majority whip, the gentleman from Greene County, Representative DeWeese, who requests the following leaves of absence: Representative LENTZ from Delaware County for the week, Representative SHAPIRO from Montgomery County for the day, Representative MURPHY from Lackawanna County for the day, and Representative BRADFORD from Montgomery County for the day. Without objection, the leaves will be granted.

The Chair recognizes the minority whip, Representative Turzai, who indicates there are no leaves of absence on the Republican side.

Members will please report to the floor of the House.

### GUESTS INTRODUCED

The SPEAKER. To the left of the Speaker, the Chair welcomes Nick Fink, who is the guest of Representative Scott Hutchinson. Will the guest please rise. Welcome to the hall of the House.

In the well of the House, the Chair welcomes Shelby Baird, who is the guest of Representative Carl Metzgar. She is a guest page. Welcome to the floor of the House.

To the left of the Speaker is Ed O'Brien, who is the Speaker's labor liaison, as well as Nate Halenar, who is an intern in the Speaker's district office. Will the guests please rise. Welcome to the floor of the House.

In the balcony, the Chair welcomes Cathy Burke and Mike Bettinger. They are district office employees of Representative Tim Briggs and guests of Representative Tim Briggs. Will the guests please rise. Welcome to the hall of the House.

In the back of the hall of the House, the Chair welcomes a group who dedicated a book to the State Library titled "All About the Burg." Gerald McGrew is the mayor of Dravosburg; Richard Backus, president of the archives; Janice Catalogna, who is the editor; Bill Snodgrass, Jr., councilman of Dravosburg; and joining them are also members of the Historical Society and residents of Dravosburg. They are the guests of Representative Bill Kortz. Will all the guests please rise. Welcome to the hall of the House.

### REMARKS SUBMITTED FOR THE RECORD

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

Mr. Speaker, it is my privilege to bring to the attention of the Speaker and the members of the Pennsylvania House of Representatives the name of William James Newman, who has recently been awarded Scouting's highest honor – Eagle Scout.

Mr. Speaker, I would like to read to the members of the House of Representatives the following citation of merit honoring William James Newman.

Whereas, William James Newman earned the Eagle Award in Scouting. This is the highest award that Boy Scouts can bestow and as such represents great sacrifice and tremendous effort on the part of this young man. William is a member of Troop 145.

Now therefore, Mr. Speaker and members of the House of Representatives, it is my privilege to congratulate and place in the Legislative Journal the name of William James Newman.

### 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—197

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

#### ADDITIONS—0

#### NOT VOTING—0

#### EXCUSED—6

|          |            |       |         |
|----------|------------|-------|---------|
| Bradford | Miccarelli | Perry | Shapiro |
| Lentz    | Murphy     |       |         |

#### LEAVES CANCELED—3

|          |        |         |
|----------|--------|---------|
| Bradford | Murphy | Shapiro |
|----------|--------|---------|

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

### **DONEGAL HIGH SCHOOL GIRLS SOCCER TEAM PRESENTED**

The SPEAKER. The Chair recognizes the gentleman from Lancaster County, Representative Hickernell, for the purpose of a presentation.

Mr. HICKERNELL. Thank you, Mr. Speaker.

Good afternoon. I join my colleague, Representative Tom Creighton, today in welcoming to the hall of the House the 2009 State Class AA Girls Soccer Championship Team, the Donegal High School Indians.

It is a true honor today to welcome to the hall the Lady Indians on their outstanding accomplishment. Some of you who were here a few years ago may recall a similar situation; it is actually the second girls championship team from Donegal in as many as 3 years. Last time it was the softball team; this year, obviously, it is the soccer team – only the second time in school history, I am told, that a team has ever won a State championship in any sport.

Not only do I represent the Donegal School District, but I also take pride in being a graduate of Donegal, so this is a special day for me as well. And do not anybody ask what year I graduated; let us just say it was a few years ago.

It was Friday, June 5, that the Indians defeated Lancaster Mennonite High School in Hershey by a score of 3 to 0 to take the soccer championship here in Class AA.

With that, I would like to recognize my colleague, Representative Creighton, for a few remarks, and then we will introduce the girls to you here this afternoon. Tom.

The SPEAKER. The Chair recognizes the gentleman from Lancaster County, Representative Creighton.

Mr. CREIGHTON. I want to extend my congratulations on a job well done. The girls have demonstrated skill and talent, and that comes by a lot of hard work. And most importantly, you have demonstrated teamwork, which has to happen when you win a prize such as this.

We in Mount Joy Township and in my district are very proud of your accomplishments. You have created memories that will last a lifetime. So congratulations again. Dave.

Mr. HICKERNELL. Standing behind us today are team captains Laura Kassab, Alecia McNiff, and Britt Knouse, and head coach Heather Kemp and school principal John Felix. Let us give them a round of applause.

Also joining us this afternoon is the remainder of the team. Ladies, if you would like to stand. They are in the back of the House, to my left. I think it is only fitting that I announce their names as well because of this achievement: Kayleigh Hershey, Molly Brubaker, Alyssa Gower, Nicki Person, Lissy Libhart, Jessy Shober, Jovita Richardson, Alex Smith, Rita Amato, Ashley Grove, Jamie Hunter, Jenna Hunter, Shaista Bhatti, Hannah Weyland, Mary Lynam, Kelsey Kleinhans, and Emily Green. Congratulations, ladies.

Also with us today is assistant coach Scott Steffen, and, up in the gallery, various parents who accompanied their daughters to Harrisburg today. Welcome.

Again, congratulations, and we will look for a repeat next year. Thank you very much for coming to Harrisburg.

### **KEVIN NANIEWICZ PRESENTED**

The SPEAKER. The Chair recognizes the gentleman from Lackawanna County, Representative Wansacz, who has two citations to present.

Mr. WANSACZ. Thank you, Mr. Speaker.

I stand before you today to recognize the accomplishments of a magnificent young man from my legislative district. Kevin Naniewicz is the first-place winner of level four golf for the 40th Annual Special Olympics Summer Games, which were held at Penn State University June 4-6.

The 2009 Special Olympics Summer Games were sponsored by Sheetz and attracted more than 2,000 athletes, 750 coaches, and 2,500 volunteers from across the Commonwealth. The Pennsylvania Special Olympics provides training and competition to 23 Olympic-type sports to more than 20,000 children and adults with disabilities. More than 2.5 million athletes of all ages are involved in Special Olympics sports training and competition in more than 180 countries.

To his credit, Kevin Naniewicz shot nine holes and earned a score of 62 to claim a first-place finish. The Special Olympics oath is "Let me win. But if I cannot win, let me be brave in the attempt." I would like to recognize Kevin not only for his very impressive golf game but also for his bravery and sportsmanship in the face of adversity.

Seated to the left of me, I would like to recognize Kevin's parents, Richard and Shirley Naniewicz. Please rise. We want to thank you for raising such a fine young man. And as well, Kevin's uncle, coach Bob Davis, who also does double duty as Kevin's coach and golf caddy. Can you rise, too, Coach?

The reason why I call him "Coach" – I actually should call both of them "Coach" – is because they coached me in football and they coached me in basketball when I was younger. But the reason why I said "adversity" earlier was because Coach Davis almost cost him the gold as his caddy.

As many of you know, when golfing, they play by the PGA (Professional Golfers' Association) rules, and Kevin hit such a fine shot out of the rough that when Coach Davis went up to look at the ball, he mistakenly picked the wrong ball and had Kevin go up and hit. So he hit the wrong ball and ended up with a two-stroke penalty. Kevin's ball was 40 yards further. So he survived the win by one stroke, and we are thankful of that. So Coach learned his lesson to look at the ball more closely.

So please join me in giving all of them a round of applause. Thank you very much.

The SPEAKER. Maybe Kevin can give you some lessons, Jim.

### **ABINGTON HEIGHTS HIGH SCHOOL BOYS BASEBALL TEAM PRESENTED**

The SPEAKER. The Chair recognizes the gentleman from Lackawanna, Representative Wansacz, for another citation presentation.

Mr. WANSACZ. Thank you, Mr. Speaker.

I rise today for a second time. It is a good day to be from Lackawanna County when I am recognizing so many special young athletes.

I would like to ask my colleagues to join me in congratulating the Abington Heights Baseball Team, the Comets, which won the PIAA Class AAA State Championship against Chartiers Valley on June 12, and Chartiers is represented by Nick Kotik, I believe. Their win marks the first State baseball championship in the history of Abington Heights High School.

In the championship game, the Comets were aided by Cory Spangenberg's 2-run homerun in the third inning and Tony Castellano's solo shot in the sixth inning for a 3-2 victory. The Lackawanna League First Team All-Star Team winning pitcher in the championship game was Steve Mills, who also batted .420.

June 12 was a particularly sweet day for the Comets' senior players, as not only do they return home winning a baseball championship but also graduated from high school on that very same day and got their diplomas. I would like to congratulate all the members of the Abington Heights 2009 State Championship Baseball Team for their accomplishments on and off the field.

Standing behind me is head coach Bill Zalewski; assistant coaches present today are Mike Zwanch and Gary McIntyre; the pitcher, Pete Doggett, who was the Lackawanna League First Team All-Star and who also – check this out – up 3 to 2, 1 out, a guy on first and third, Pete Doggett comes in and gets the last 2 outs of the game.

And as for some of you who may not know, Representative Frank Dermody is also a grad of Abington Heights High School, so we are glad that they at least won a championship at something.

The catcher, Matt Mortell, is also behind me. Matt was the Lackawanna League First Team All-Star Team Defensive Player of the Year, and it was proven in the championship game as he picked off two runners. He did not throw them out; he picked them off of taking too hard of a lead. So you can see this young man has quite an arm on him.

Seated in the rear of the House, if I can have the Abington Heights High School Baseball Team stand, please. Guys, can we have a big round of applause?

They are joined in the back of the House by one of our friends, ex-Abington Heights player and former Minor League player, Jim Davis, who is also in the back of the House. Jim, welcome to the House floor.

Please join me in giving them all a great round of applause. Congratulations.

### LEAVE OF ABSENCE CANCELED

The SPEAKER. Turning to leaves of absence, the Chair notes the presence of the gentleman from Lackawanna County, Representative Murphy, and will also recognize Representative Murphy for some brief comments. His name will be added to the master roll.

### REMARKS BY MR. MURPHY

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

Along with my colleague, Representative Wansacz, I want to congratulate the Abington Comets Baseball Team on an amazing accomplishment: going through the Lackawanna League, making it down through the State playoffs, and accomplishing a goal that every high school baseball player sets

out to do – winning a State championship. It is an honor, it is a privilege for me to be here to not only celebrate the baseball players – the boys and the team and their coaches – but the parents, the teachers, and the community of Abingtons.

It is truly an honor and a privilege to be here today to help celebrate this great occasion, and once again, I want to congratulate the parents, teachers, students, and the baseball team, of course. Congratulations.

## CALENDAR

### RESOLUTIONS PURSUANT TO RULE 35

Mr. D. O'BRIEN called up **HR 362, PN 2222**, entitled:

A Resolution honoring Insulators Local 14 upon the occasion of the 100th anniversary of its establishment.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

### YEAS—198

|             |              |             |             |
|-------------|--------------|-------------|-------------|
| Adolph      | Evans, J.    | Levdansky   | Reed        |
| Baker       | Everett      | Longietti   | Reese       |
| Barbin      | Fabrizio     | Maher       | Reichley    |
| Barrar      | Fairchild    | Mahoney     | Roae        |
| Bear        | Farry        | Major       | Rock        |
| Belfanti    | Fleck        | Manderino   | Roebuck     |
| Benninghoff | Frankel      | Mann        | Rohrer      |
| Beyer       | Freeman      | Markosek    | Ross        |
| Bishop      | Gabig        | Marshall    | Sabatina    |
| Boback      | Gabler       | Marsico     | Sainato     |
| Boyd        | Galloway     | Matzie      | Samuelson   |
| Boyle       | Geist        | McGeehan    | Santarsiero |
| Brennan     | George       | McI. Smith  | Santoni     |
| Briggs      | Gerber       | Melio       | Saylor      |
| Brooks      | Gergely      | Mensch      | Scavello    |
| Brown       | Gibbons      | Metcalfe    | Schroder    |
| Burns       | Gillespie    | Metzgar     | Seip        |
| Buxton      | Gingrich     | Micozzie    | Siptroth    |
| Caltagirone | Godshall     | Millard     | Smith, K.   |
| Carroll     | Goodman      | Miller      | Smith, M.   |
| Casorio     | Grell        | Milne       | Smith, S.   |
| Causer      | Grove        | Mirabito    | Solobay     |
| Christiana  | Grucela      | Moul        | Sonney      |
| Civera      | Haluska      | Mundy       | Staback     |
| Clymer      | Hanna        | Murphy      | Stern       |
| Cohen       | Harhai       | Murt        | 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      | Wagner      |
| Delozier    | Josephs      | Peifer      | Walko       |
| DeLuca      | Kauffman     | Perzel      | Wansacz     |
| Denlinger   | Keller, M.K. | Petrarca    | Waters      |
| DePasquale  | Keller, W.   | Petri       | Watson      |
| Dermody     | 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—5

|          |            |       |         |
|----------|------------|-------|---------|
| Bradford | Miccarelli | Perry | Shapiro |
| Lentz    |            |       |         |

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

\* \* \*

Mr. DALEY called up **HR 376, PN 2276**, entitled:

A Resolution recognizing the 30th anniversary of the enactment of the Taiwan Relations Act and hailing Taiwan as an ongoing friend and partner of this Commonwealth.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—198

|             |            |             |             |
|-------------|------------|-------------|-------------|
| Adolph      | Evans, J.  | Levdansky   | Reed        |
| Baker       | Everett    | Longietti   | Reese       |
| Barbin      | Fabrizio   | Maher       | Reichley    |
| Barrar      | Fairchild  | Mahoney     | Roae        |
| Bear        | Farry      | Major       | Rock        |
| Belfanti    | Fleck      | Manderino   | Roebuck     |
| Benninghoff | Frankel    | Mann        | Rohrer      |
| Beyer       | Freeman    | Markosek    | Ross        |
| Bishop      | Gabig      | Marshall    | Sabatina    |
| Boback      | Gabler     | Marsico     | Sainato     |
| Boyd        | Galloway   | Matzie      | Samuelson   |
| Boyle       | Geist      | McGeehan    | Santarsiero |
| Brennan     | George     | McI. Smith  | Santoni     |
| Briggs      | Gerber     | Melio       | Saylor      |
| Brooks      | Gergely    | Mensch      | Scavello    |
| Brown       | Gibbons    | Metcalfe    | Schroder    |
| Burns       | Gillespie  | Metzgar     | Seip        |
| Buxton      | Gingrich   | Micozzie    | Siptroth    |
| Caltagirone | Godshall   | Millard     | Smith, K.   |
| Carroll     | Goodman    | Miller      | Smith, M.   |
| Casorio     | Grell      | Milne       | Smith, S.   |
| Causar      | Grove      | Mirabito    | Solobay     |
| Christiana  | Grucela    | Moul        | Sonney      |
| Civera      | Haluska    | Mundy       | Staback     |
| Clymer      | Hanna      | Murphy      | Stern       |
| Cohen       | Harhai     | Murt        | 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      | Verab       |
| Dally       | Houghton   | Pashinski   | Vitali      |

|            |              |          |            |
|------------|--------------|----------|------------|
| Day        | Hutchinson   | Payne    | Vulakovich |
| Deasy      | Johnson      | Payton   | Wagner     |
| Delozier   | Josephs      | Peifer   | Walko      |
| DeLuca     | Kauffman     | Perzel   | Wansacz    |
| Denlinger  | Keller, M.K. | Petrarca | Waters     |
| DePasquale | Keller, W.   | Petri    | Watson     |
| Dermody    | 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—5

|          |            |       |         |
|----------|------------|-------|---------|
| Bradford | Miccarelli | Perry | Shapiro |
| Lentz    |            |       |         |

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

## SUPPLEMENTAL CALENDAR A

### RESOLUTION PURSUANT TO RULE 35

Mr. THOMAS called up **HR 388, PN 2316**, entitled:

A Resolution recognizing October 29, February 1 and June 12 each year as "Pennsylvania World Championship Days" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—198

|             |           |            |             |
|-------------|-----------|------------|-------------|
| Adolph      | Evans, J. | Levdansky  | Reed        |
| Baker       | Everett   | Longietti  | Reese       |
| Barbin      | Fabrizio  | Maher      | Reichley    |
| Barrar      | Fairchild | Mahoney    | Roae        |
| Bear        | Farry     | Major      | Rock        |
| Belfanti    | Fleck     | Manderino  | Roebuck     |
| Benninghoff | Frankel   | Mann       | Rohrer      |
| Beyer       | Freeman   | Markosek   | Ross        |
| Bishop      | Gabig     | Marshall   | Sabatina    |
| Boback      | Gabler    | Marsico    | Sainato     |
| Boyd        | Galloway  | Matzie     | Samuelson   |
| Boyle       | Geist     | McGeehan   | Santarsiero |
| Brennan     | George    | McI. Smith | Santoni     |
| Briggs      | Gerber    | Melio      | Saylor      |
| Brooks      | Gergely   | Mensch     | Scavello    |
| Brown       | Gibbons   | Metcalfe   | Schroder    |
| Burns       | Gillespie | Metzgar    | Seip        |
| Buxton      | Gingrich  | Micozzie   | Siptroth    |
| Caltagirone | Godshall  | Millard    | Smith, K.   |
| Carroll     | Goodman   | Miller     | Smith, M.   |
| Casorio     | Grell     | Milne      | Smith, S.   |
| Causar      | Grove     | Mirabito   | Solobay     |
| Christiana  | Grucela   | Moul       | Sonney      |
| Civera      | Haluska   | Mundy      | Staback     |



|            |              |             |            |
|------------|--------------|-------------|------------|
| Clymer     | Hanna        | Murphy      | Stern      |
| Cohen      | Harhai       | Murt        | 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      | Wagner     |
| DeLozier   | Josephs      | Peifer      | Walko      |
| DeLuca     | Kauffman     | Perzel      | Wansacz    |
| Denlinger  | Keller, M.K. | Petrarca    | Waters     |
| DePasquale | Keller, W.   | Petri       | Watson     |
| Dermody    | 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—5

|          |            |       |         |
|----------|------------|-------|---------|
| Bradford | Miccarelli | Perry | Shapiro |
| Lentz    |            |       |         |

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

## LEAVE OF ABSENCE CANCELED

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

## CALENDAR CONTINUED

## BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1312, PN 2291**, entitled:

An Act authorizing the City of Wilkes-Barre, Luzerne County, to convey a fee interest in certain Project 70 lands free of restrictions imposed under the Project 70 Land Acquisition and Borrowing Act; and authorizing the City of Warren, Warren County, to sell and convey certain Project 70 lands free of restrictions imposed by the Project 70 Land Acquisition and Borrowing Act.

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

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

(Bill analysis was read.)

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

The following roll call was recorded:

## YEAS—199

|             |              |             |             |
|-------------|--------------|-------------|-------------|
| Adolph      | Evans, J.    | Levdansky   | Reed        |
| Baker       | Everett      | Longietti   | Reese       |
| Barbin      | Fabrizio     | Maher       | Reichley    |
| Barrar      | Fairchild    | Mahoney     | Roae        |
| Bear        | Farry        | Major       | Rock        |
| Belfanti    | Fleck        | Manderino   | Roebuck     |
| Benninghoff | Frankel      | Mann        | Rohrer      |
| Beyer       | Freeman      | Markosek    | Ross        |
| Bishop      | Gabig        | Marshall    | Sabatina    |
| Boback      | Gabler       | Marsico     | Sainato     |
| Boyd        | Galloway     | Matzie      | Samuelson   |
| Boyle       | Geist        | McGeehan    | Santarsiero |
| Bradford    | George       | McI. Smith  | Santoni     |
| Brennan     | Gerber       | Melio       | Saylor      |
| Briggs      | Gergely      | Mensch      | Scavello    |
| Brooks      | Gibbons      | Metcalfe    | Schroder    |
| Brown       | Gillespie    | Metzgar     | Seip        |
| Burns       | Gingrich     | Micozzie    | Sipthoth    |
| Buxton      | Godshall     | Millard     | Smith, K.   |
| Caltagirone | Goodman      | Miller      | Smith, M.   |
| Carroll     | Grell        | Milne       | Smith, S.   |
| Casorio     | Grove        | Mirabito    | Solobay     |
| Causar      | Grucela      | Moul        | Sonney      |
| Christiana  | Haluska      | Mundy       | Staback     |
| Civera      | Hanna        | Murphy      | Stern       |
| Clymer      | Harhai       | Murt        | 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      | Wagner      |
| Deasy       | Josephs      | Peifer      | Walko       |
| DeLozier    | Kauffman     | Perzel      | Wansacz     |
| DeLuca      | Keller, M.K. | Petrarca    | Waters      |
| Denlinger   | Keller, W.   | Petri       | Watson      |
| DePasquale  | Kessler      | Phillips    | Wheatley    |
| Dermody     | Killion      | Pickett     | White       |
| DeWeese     | Kirkland     | Preston     | Williams    |
| DiGirolamo  | Knowles      | Pyle        | Youngblood  |
| Donatucci   | Kortz        | Quigley     | Yudichak    |
| Drucker     | Kotik        | Quinn       |             |
| Eachus      | Krieger      | Rapp        | McCall,     |
| Ellis       | Kula         | Readshaw    | Speaker     |
| Evans, D.   |              |             |             |

## NAYS—0

## NOT VOTING—0

## EXCUSED—4

|       |            |       |         |
|-------|------------|-------|---------|
| Lentz | Miccarelli | Perry | Shapiro |
|-------|------------|-------|---------|

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

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

\* \* \*

The House proceeded to third consideration of **HB 1607, PN 2295**, entitled:

An Act amending Titles 42 (Judiciary and Judicial Procedure), 44 (Law and Justice) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, consolidating the law relating to constables; in Title 44, revising provisions on second and third class cities, on boroughs, on townships, on the Constables' Training and Education Board, on use of firearms, on the Constables' Training and Education Account and on statutory authority; making editorial changes; and making related repeals.

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

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

(Bill analysis was read.)

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

The following roll call was recorded:

#### YEAS—199

|             |           |             |             |
|-------------|-----------|-------------|-------------|
| Adolph      | Evans, J. | Levdansky   | Reed        |
| Baker       | Everett   | Longietti   | Reese       |
| Barbin      | Fabrizio  | Maher       | Reichley    |
| Barrar      | Fairchild | Mahoney     | Roae        |
| Bear        | Farry     | Major       | Rock        |
| Belfanti    | Fleck     | Manderino   | Roebuck     |
| Benninghoff | Frankel   | Mann        | Rohrer      |
| Beyer       | Freeman   | Markosek    | Ross        |
| Bishop      | Gabig     | Marshall    | Sabatina    |
| Boback      | Gabler    | Marsico     | Sainato     |
| Boyd        | Galloway  | Matzie      | Samuelson   |
| Boyle       | Geist     | McGeehan    | Santarsiero |
| Bradford    | George    | McI. Smith  | Santoni     |
| Brennan     | Gerber    | Melio       | Saylor      |
| Briggs      | Gergely   | Mensch      | Scavello    |
| Brooks      | Gibbons   | Metcalfe    | Schroder    |
| Brown       | Gillespie | Metzgar     | Seip        |
| Burns       | Gingrich  | Micozzie    | Siptroth    |
| Buxton      | Godshall  | Millard     | Smith, K.   |
| Caltagirone | Goodman   | Miller      | Smith, M.   |
| Carroll     | Grell     | Milne       | Smith, S.   |
| Casorio     | Grove     | Mirabito    | Solobay     |
| Causar      | Grucela   | Moul        | Sonney      |
| Christiana  | Haluska   | Mundy       | Staback     |
| Civera      | Hanna     | Murphy      | Stern       |
| Clymer      | Harhai    | Murt        | 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    | Wagner     |
| Deasy      | Josephs      | Peifer    | Walko      |
| Delozier   | Kauffman     | Perzel    | Wansacz    |
| DeLuca     | Keller, M.K. | Petrarca  | Waters     |
| Denlinger  | Keller, W.   | Petri     | Watson     |
| DePasquale | Kessler      | Phillips  | Wheatley   |
| Dermody    | Killion      | Pickett   | White      |
| DeWeese    | Kirkland     | Preston   | Williams   |
| DiGirolamo | Knowles      | Pyle      | Youngblood |
| Donatucci  | Kortz        | Quigley   | Yudichak   |
| Drucker    | Kotik        | Quinn     |            |
| Eachus     | Krieger      | Rapp      | McCall,    |
| Ellis      | Kula         | Readshaw  | Speaker    |
| Evans, D.  |              |           |            |

NAYS—0

NOT VOTING—0

EXCUSED—4

|       |            |       |         |
|-------|------------|-------|---------|
| Lentz | Miccarelli | Perry | Shapiro |
|-------|------------|-------|---------|

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

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

#### LEAVE OF ABSENCE CANCELED

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

#### BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1, PN 2098**, entitled:

An Act establishing the Expanded Adult Basic Coverage Insurance Program and the Physician Retention Loan Forgiveness Program in the Pennsylvania Higher Education Assistance Agency; providing for powers and duties of the Pennsylvania Higher Education Assistance Agency and for health care coverage for telehealth; establishing the Hospital Electronic Information Incentive Payment Program and the Dentists for Medical Assistance Patients Program in the Department of Public Welfare; making appropriations; and making related repeals.

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

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

(Bill analysis was read.)

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

On that question, the Chair recognizes the gentleman from Lancaster County, Representative Boyd.

Mr. BOYD. Thank you, Mr. Speaker.

I was wondering if the maker of the bill would stand for some interrogation?

The SPEAKER. The majority leader, the gentleman from Luzerne County, Representative Eachus, indicates he will stand for interrogation. The gentleman, Mr. Boyd, is in order and may proceed.

Mr. BOYD. Thank you, Mr. Speaker.

Mr. Speaker, we have had some debate on this piece of legislation in the past on second consideration and discussed a number of issues regarding the funding mechanisms.

The first question I would like to ask is, the bill identifies \$362 million that is being taken out of the Health Care Provider Retention Account. The balance in that account is approximately \$700 million. In the Governor's budget address, he planned on using \$350 million of that balance for General Fund purposes. He had designated another \$280 million to retire the Mcare (Medical Care Availability and Reduction of Error) Fund's unfunded liability, and he was going to use \$67 million to have it set aside for adultBasic. That totals \$696 million. Now HB 1 is taking \$362 million from that account.

So my first question is, are you taking the \$350 million from what the Governor had designated to balance his budget, or are you taking it from the \$280 million that the Governor wants to retire the Mcare Fund's unfunded liability?

Mr. EACHUS. Thank you, Mr. Speaker.

The gentleman has noted a difference, and that difference is that the House Democratic Caucus, in many cases, agrees with the Governor's assumptions. In this case, this is an affirmative policy, and that policy is that we feel strongly that the people of Pennsylvania who lack health insurance access should have some transition through during these most difficult times. It is a departure from the Governor's position, both financially in his fiscal considerations in his budget but also fundamentally.

As you know, the Governor has a different position on adultBasic than we have, and we feel strongly in our caucus that 130,000 people should not have to wait in order to get access. This bill is an affirmative step forward, and we feel strongly that we are going to take this to the table and negotiate it on behalf of the people who lack health care in Pennsylvania.

Mr. BOYD. Is it your intent then, Mr. Speaker, to preserve a portion of the fund to retire the Mcare unfunded liability, or is the rest of that money on the table as a part of budget negotiations?

Mr. EACHUS. As you have noted in the numbers, Mr. Speaker, from the Mcare Reserve Fund, the estimate is clear: We want \$362 million to go toward access to affordable health care for those who are currently lacking it and in order to ready ourselves for the changes from Washington.

The changes that we propose will guarantee not only the money that we propose in that spend from the reserve fund for Mcare be spent right now to try and help people who are struggling, but also make sure that when the changes come from Washington, that our program can avail itself to additional resources that will come from the changes the Obama administration in Washington is proposing.

Mr. BOYD. Then simply put, are we putting at risk the Mcare Fund unfunded liability or the Retention Account, the money necessary identified by the administration to retire that fund?

Mr. EACHUS. Mr. Speaker, I disagree with your assumption that there is a risk.

Mr. BOYD. Thank you, Mr. Speaker.

Next question, if I may. The bill identifies a new tax. It is a premium tax on the Blues. Now, we have been through a lot of discussions as the budget has been approaching and as you have articulated a number of times to the members at large – there are negotiations going on. Another proposal that the Governor had was a 2-percent premium tax on MCOs (managed-care organizations). I just want to make sure that I am clear: The tax that is proposed in HB 1 is different from the 2-percent tax that the Governor has proposed on managed-care organizations. Correct?

Mr. EACHUS. Let me be clear about this: Mr. Speaker, the Pennsylvania public knows about the seriously large, gigantic surpluses that the Blues continue to carry. Today the Blues in Pennsylvania have \$5 billion – \$5 billion in reserve that is not being spent either to lower the costs of health care for Pennsylvanians or help ratepayers.

This proposal is clear. You call it a tax. All this says is that for 2 years, until the agreement between the Commonwealth of Pennsylvania and the Blues, which dedicated \$150 million about 6 years ago to invest in the adultBasic program, that was an agreement reached between the Office of Health Care Reform and the Blues, that they would invest \$150 million of surplus – not all of it, just \$150 million – that they would put that in the adultBasic program.

All this says is if the Blues are not willing to negotiate on behalf of people who lack health-care access, with \$5 billion in surplus, I do not think it is unreasonable to ask them to commit to a small percentage to guarantee that we can fund a proposal for people who need health care. That is what this does.

Let me also be clear: This characterization that it is a tax – if the Blues come to the table in advance of that 24 months and, once again, rededicate themselves to an investment in people who lack health care and they arrange more money to come into that agreement, there will not be any assessment at all whatsoever.

So I understand the characterization of a tax, but this is an obligation that I think the Blue Cross companies need to make to people of Pennsylvania who lack health care. They have done it before; all that we ask is that they do it again.

Mr. BOYD. Thank you, Mr. Speaker.

I guess the question is, though, this is different than the 2-percent tax on MCOs that was proposed by the Governor, right?

Mr. EACHUS. They are two totally different issues.

Mr. BOYD. Thank you. I just wanted to clarify that.

The reason I needed to clarify that was— Oh, and by the way, just for the record, I want to let everybody know that I have some information from IBC (Independence Blue Cross) that tells me that their reserves now would cover 2 months. That is the depth of their reserves.

However, the question that I want to get to is, earlier this month Secretary Richman, Deputy Secretary Nardone, and Commissioner Ario testified about the 2-percent tax on insurers in HB 1351, which is the MCO tax. They discussed that it was to be used to generate Federal matches. And actually, they testified that that money from that MCO tax would not be approved by CMS (Centers for Medicare & Medicaid Services) to draw down Federal moneys under that Federal Medicaid waiver.

Now, it is the exact same scheme that is being proposed here in HB 1. So the question is, how can you have one tax that the administration and the Secretary of Welfare says cannot be used to draw down Federal money and yet, in HB 1, you are proposing either the same kind of tax or this agreement and using it to draw down Federal money?

The first question is, do you intend to use the community health reinvestment agreement dollars to draw down Federal money or the tax, and if so, why is this different than the MCO tax proposed in HB 1351 that the Democratic administration has said will not qualify to be used to draw down Federal money?

Mr. EACHUS. Let me be clear: Your characterization on the first question on Federal match is wrong. We do not intend to use the money for it. The answer is no.

The second issue as it relates to— What was your second question? I am sorry. Give it to me one more time.

Mr. BOYD. I think if the first question the answer is no, the second question is moot, so I will save you from having to answer it.

Mr. EACHUS. See that?

Mr. BOYD. A gentleman and a scholar.

Which would lead me then, the question is, on page 8 of the bill, under line 1, it says, "Program establishment.—There is established in the department the Pennsylvania Expanded Adult Basic Coverage Insurance Program. The program is contingent on, and shall not be authorized without, sufficient Federal financial participation to fund the program." So my question is, if you are not going to rely on Federal dollars and you are not saying it is a Federal program, why is that in the bill?

Mr. EACHUS. Mr. Speaker, the way we get Federal waiver money comes from the way we apply disproportionate share dollars to hospitals. That is, we will be applying against the equation for disproportionate share against the Federal match within the Federal model to be able to draw down that new money that will be able to come in for adult Pennsylvanians between 19 and 64. That is how we get there.

Mr. BOYD. So if I understand then – and I really do want to understand this – if I understand what you are saying then is some of the money that you are proposing for this new Expanded Adult Basic Program will be used to draw down Federal dollars, some of it will not.

Mr. EACHUS. Let me be clear, and maybe it is better to be clear in the real-life perspective. The more people that are covered with insurance, the less disproportionate share money in the equation will go to hospitals, and that is how we gain the Federal waiver dollars. It is because they are looking for less spend at that level, so it guarantees more Federal dollars.

Mr. BOYD. Thank you, Mr. Speaker. It is an interesting concept.

Has a waiver like this been offered and approved in any other State in the nation to date?

Mr. EACHUS. Eleven States, Mr. Speaker.

Mr. BOYD. So 11 States are currently drawing down Federal dollars for an expanded health insurance plan with the model that you are proposing right now?

Mr. EACHUS. Those 11 States have responsibly taken steps forward to cover 19- to 64-year-olds with coverage to help people get through the gaps when they lose their job and need health insurance.

I am happy to provide that list to you after the debate is over.

Mr. BOYD. I would like to have that, because I have received some information from other groups that have said there has never been a Federal waiver approved where a premiums tax or an assessment is being used to draw down that money.

Mr. EACHUS. Once again, I am going to explain to you that we are not— I answered your question before. The answer was no, we are not using any community health reinvestment money in our equation. Once again, the lower the disproportionate share dollars, the more Federal waiver money goes.

So let me be clear: I think there has been a lot of misinformation in the narrative over the last couple of weeks. I hope that that clarifies the situation.

Mr. BOYD. It does to a degree, but the conceptual problem that I am still having is, then clearly, you are going to have to create separate buckets of money, some money that will qualify to draw down Federal dollars and some money that will not, so that we do not violate the terms of CMS in them granting the waiver.

Mr. EACHUS. Mr. Speaker, this is not Calculus II. We do this already in the Children's Health Insurance Program in a way that makes the waiver money for children through SCHIP (State Children's Health Insurance Program) come to the fore. So this is not, like, nuclear rocket science here; it is a State program. So I understand the gentleman is having a problem conceptualizing it, but I do think that it is going to be easier than you think.

Mr. BOYD. I appreciate that, and clearly, I am not a rocket scientist. I am a pretty simple person. I am just trying to get my arms around this, because I do not want to provide an offering or a program to Pennsylvania citizens that is based on a scheme that ultimately will not be approved by the Federal government.

We made some calls to CMS, and we were told pretty directly that any money – I think it is DSH (disproportionate share hospital) money – being redirected will not qualify for Federal matching funds. So my understanding is, that is where we are at.

Mr. EACHUS. Well, you know, once again, I am not trying to be argumentative, but if you ask the right question, you get the right answer. I am happy to work with you to make sure that if there is a clarification in the question you need from CMS, we can ask the same question and get the same answer.

I am confident that the answer we receive from Washington affirms the ability to put the model in place to pay for this program.

Mr. BOYD. And I really appreciate that offer. It is what we asked for in committee when we asked to have the bill gone over so we could have some hearings and maybe have some folks from CMS come in and testify, but we were not permitted to have that. This bill has not had any public hearings in its current form, and we wanted some of the answers to that question. Unfortunately, we were not permitted to get those answers.

Let me move on, if I can, to another issue that I think is imperative for our constituents. You have repeatedly said this is not a federalized program, and I believe that you would say – I am not trying to put words in your mouth – but you would say this is not a new entitlement. So I am going to go back to a question that I asked in committee that I do not believe I got an answer to, and I would like a simple yes-or-no answer to the question, if that is at all possible.

The question is, we are using \$362 million of a fund that that money eventually goes away. We are going to be expanding coverage, by your estimation, and I believe I am fairly accurate to this number, to close to between 85,000 and 100,000 new recipients. We are putting them on a program, we are adding behavioral health and we are adding prescription drug so that we can get Federal matching funds. At the end of the 3- or 4-year period of time, when this plan has worked its way through and we no longer have access to that \$362 million, we do not have enough money to provide the coverage for people who have been on the plan for the last 4 years. Can people be removed from this plan based on the limitations of funds? Can they be removed?

Mr. EACHUS. Let me say, at the end of 4 years, under the exact scenario that you laid out, we will still have over \$150 million ready to be used from additional revenue that flows into that fund.

The other issue, Mr. Speaker, is that people need access to affordable health care right now, and if we are not ready for when the Federal changes come and we do not make these changes, as you say— There was one thing you left out on the platform. You said that there were going to be prescription drugs and wellness; there is also disease management, which really helps control costs.

So we are not only investing in additional dollars – and it is an investment; the money does not go away that we invest in our people here, people who are struggling – we invest those dollars in people, and then what we do is we also guarantee a better insurance platform to help manage the costs of care so we can also reduce the cost of the adultBasic program. And the third and best by-product is that we will be ready for the changes from Washington when it comes to being ready to take the Federal dollars that our people in Pennsylvania truly deserve.

Mr. BOYD. Let me try and rephrase the question again in a different fashion to see if I can get a yes-or-no answer.

I believe that we are federalizing the adultBasic program. I believe we are creating a Medicaid-looking program, a medical assistance-appearing program. Everybody who is on the existing adultBasic program will be rolled into this new program.

Under current medical assistance rules, with this Federal match, has anybody who has ever been provided services been denied continuation of those services because we ran out of money and could not fund them?

Mr. EACHUS. Well, I know that if you would have simpler questions, I might be able to give you a yes-or-no answer. I cannot give a yes-or-no answer to that question.

What I can say is that there are tens of thousands of people waiting on the adultBasic line right now – 280,000 precisely. Ten thousand more people continue to be added to the adultBasic lines while we speak, with no solutions from us. This proposal gives a bridge of hope to those people who are waiting in line, and these are real people who have lost their jobs and lost their health care.

So I know that you want a yes-or-no answer, Mr. Speaker, but I have to tell you, your characterization of this federalization really has to do a lot with what is happening in Washington, so I really believe that this allows us to take advantage of what Washington will do in advance of that change so we can get a better deal for the people who are waiting in that line.

As I said, there are 200,000 real people waiting for health care in the adultBasic line, and we are working today to try and help them get their health-care access.

Mr. BOYD. Again, I guess maybe I will try and say it simpler: If we run out of money, can we stop extending this offer of health insurance to people? We flat out do not have any more money; can they be removed from the program? Disenrolled?

Mr. EACHUS. We are always going to have a waiting list in this program; that is the reality, but we are going to spend as much as we can in this moment and invest in those real lives of real people to get them health-care access.

Mr. BOYD. I tried to ask it simply. Sorry. I guess I will need to work on that.

Page 20, if I can, line 10, refers to "Program changes": "The department" – referring to the Department of Insurance – "is authorized to change the benefits under section 303(h), the premium amounts payable under...303(b) and any eligibility requirements under this chapter in order for the program to meet Federal requirements." That sounds like we are federalizing this program, Mr. Speaker.

So the first question is, are we not as a General Assembly basically acquiescing the whole future of this program to the department and to the Federal government, because any changes can be made carte blanche without any future legislative oversight or approval by the department and the Federal government? Is that what we are doing with that line?

Mr. EACHUS. No, Mr. Speaker. We intentionally leave it flexible, as we do in our Children's Health Insurance contract, to get the best deal we can.

Mr. BOYD. Yes, but that is done by the Department of Insurance and the Federal government. Once this bill, if this bill becomes law, it is outside of the purview of this legislature. If this legislature would decide that they would want to change the benefit package to add something or take something away, we could not do that under this act.

Mr. EACHUS. I think you are just wrong. We can change things any time we want to in this legislature.

Mr. BOYD. Would that change potentially put us in jeopardy of losing the Federal match?

Mr. EACHUS. No, I do not believe so.

Mr. BOYD. Okay.

Another question that I would like to ask – this is a real simple one – what mechanisms are in this bill to discourage crowd-out?

Mr. EACHUS. The best part of this proposal that helps that crowd-out is you have to be uninsured for 6 months.

Mr. BOYD. Prior versions of this legislation, the Governor's original Prescription for Pennsylvania, a bill that you championed last session, an amendment, I believe, to SB 1137, if my memory serves me right, had a mechanism in there of providing incentives for employers to stay in the marketplace to provide employer-based health insurance. There is nothing like that in this now. Is there a reason that that was taken out, because that was the primary mechanism of avoiding crowd-out?

Mr. EACHUS. Mr. Speaker, I would just make the argument to you that what a difference a year makes. The economy is at a different place right now. We had a proposal last year that was different than this year. These are the choices that we made, and we believe that that 6-month uninsured component of the plan takes care of the crowd-out issue.

Mr. BOYD. I understand the answer to the question, Mr. Speaker. I would suggest that the 6 months and the difference in the economy have provided more and more incentive for employers to get out of the business of providing health care to reduce their costs. I think there is more incentive now to not provide benefits than there was before. I would suggest it is probably a hole in the bill, but that is my personal opinion.

Mr. EACHUS. Well, we just disagree.

Mr. BOYD. Mr. Speaker, I believe that is the sum of my questions at this point, but I would like to make some comments on the bill, if I may.

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

Mr. BOYD. Thank you.

Mr. Speaker, as most of the members in this chamber know, Representative Watson and I have worked tirelessly with the joint chairmen of the Insurance Committee and others trying to strike up a balance in terms of coming up with a piece of legislation that would expand coverage and provide additional coverage for the uninsured, but also fundamentally go at trying to deal with the cost drivers for those that are continuing to pay health insurance premiums for their employees, particularly in the employment sector.

The single largest reason that people are losing health insurance coverage is because of cost, and there is absolutely nothing in this piece of legislation that does anything to deal with cost issues. In prior pieces of legislation, there were numerous items to go after cost. Unfortunately, in this piece, those things have been dropped. The incentives to deal with the crowd-out issue – unfortunately, that has been dropped from this piece of legislation.

Mr. Speaker, we are clearly federalizing this plan and in both the Insurance Committee and in testimony on numerous occasions, it has been said the reason that the benefits are expanded in this is to qualify to draw down the Federal matching dollars. That is creating a Medicaid-like product. We are in essence rolling the existing— We are doing away with the existing adultBasic program and we are rolling it into a Medicaid-type product.

We are doing it knowing that we are using limited dollars. We know the physician retention account is going to be deteriorated, dwindled at some point in time. We know we are going to have to come up with additional State dollars. We are making promises to people that we know we cannot keep. I do not believe that that is sound policy. The unfortunate thing is, we are not far apart on some really valuable compromises, but it did not seem that we were able to get those accomplished.

Mr. Speaker, the conclusion of my remarks, I am going to actually, if I may, read briefly from a report that just came out from the Cato Institute, June of '09. This is about as current as you can get in terms of information, and it was a report that was done on the plan in Massachusetts, a plan that is remarkably similar to what is being proposed by the majority leader. The title of the report is "Massachusetts Miracle or Massachusetts Miserable," and I want to read to you one section, quote, entitled "Busting the Budget." It is June 29, we are facing a \$6 billion budget hole, and we are going to pass a plan that busts the budget, and this is what the Cato Institute report said:

"When the Massachusetts reforms first became law, they were projected to cost about \$1.56 billion per year...with the largest component, the Commonwealth Care subsidies, costing roughly \$725 million per year. As it turns out, those estimates were not even close.

"By mid 2008, the state was projecting that Commonwealth Care would cost \$869 million...nearly a 20 percent increase, and more than \$880 million in 2010. However, the state secretary of administration and finance says that she expects...costs to be far higher – perhaps even as much as \$100 million higher. The entire reform plan was projected to cost...\$1.9 billion..., \$300 million more than their original estimates, an increase of 42 percent. Beyond the increased participation and the program's growing cost, it is attributed and traced to "...the failure of the program to reduce health care and insurance costs."

And this is testimony from a Massachusetts Senator who was an architect of the plan, testifying before Congress on the failures of the Massachusetts plan:

"The assumption was that, as more people – and, in particular, more young and relatively healthy people – joined the system, premiums would go down across the board. There was also the assumption that as more people became insured, the number of people going to the emergency room would drop dramatically, saving the Commonwealth money. Neither of those things happened.... In fact, health reform has cost the Commonwealth much more than expected."

Mr. Speaker, I would suggest to you, as this debate continues today, you will hear exactly the same lines, that we are going to reduce costs by having people not show up at the emergency room. However, we are not going to provide additional money to clinics to provide medical homes and a safety net, something that we and the Governor and the Senate Republicans have all embraced and which we asked to have amended in this bill and lost that vote, I believe, 97 to 97. We are not going to have some of the items to deal with crowd-out that we offered as amendments and were summarily defeated to keep the private sector in.

We are going to be told that this bill is going to control costs, and yet the evidence from Massachusetts, the testimony from Massachusetts, documents that it does not control costs, that when in fact you increase the number of people in the public sector, you just simply cost shift to the private sector, costs go up, businesses get out of the market of providing health insurance, which means there are more uninsured.

This General Assembly passed the adultBasic program many years ago, and the promise was, it was going to deal with the uninsured. Well, you never did not have people on the waiting list, and now there are more on the waiting list than ever. It seems to me that it is crazy, pardon me, but it is crazy to continue to go down the same path when you expect a different result, making the same policy decisions. I think somebody—I think a rocket scientist, actually, did say that.

So, Mr. Speaker, with that said, I encourage the members to think very hard about their votes on HB 1. The politically correct vote is "yes"; the truly right vote is to vote "no," because this bill needs more work and there are solutions available if we could just get the members on the other side to work with us. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

**POINT OF ORDER**

Mr. EACHUS. Mr. Speaker, point of order, if I may. Point of order.

The SPEAKER. The gentleman is in order. State your point of order.

Mr. EACHUS. Thank you.

I intentionally did not interrupt the gentleman, but I have to say that the use of the Massachusetts example, number one, is not germane to this bill. But number two, it really has nothing to do with the proposal before us today. So I just wanted to make sure that, as a matter of the Chair, that the whole use of the Massachusetts example is far, far, far different, and it is also a mandated plan. There are no mandates in here under this proposal. We are going to spend what we have.

The SPEAKER. The Chair thanks the gentleman.

Representative Boyd, the Speaker has in his possession an amendment. Are you withdrawing that amendment? It would require— It is late filed. It would require suspension of the rules. You are withdrawing it? The Chair thanks the gentleman.

There are also four additional amendments filed by Representative Watson, Representative Fairchild, Representative Reichley, and Representative Benninghoff. All four of those amendments are late filed and would require a suspension of the rules. Is it the intent of those sponsors to withdraw the amendments or offer the amendments?

**DECISION OF CHAIR RESCINDED**

The SPEAKER. Without objection, the Chair rescinds its announcement that the bill is agreed to on third consideration.

On the question recurring,

Will the House agree to the bill on third consideration?

**MOTION TO SUSPEND RULES**

The SPEAKER. The Chair will recognize the gentleman, Representative Fairchild, the gentleman from Union County, who would like to offer a substantive amendment that would require a rules suspension. Does the gentleman from Union County wish to make that motion to suspend the rules?

Mr. FAIRCHILD. Yes, Mr. Speaker.

The SPEAKER. The gentleman from Union County, Representative Fairchild, makes a motion to suspend the rules for the immediate consideration of amendment A01764.

On the question,

Will the House agree to the motion?

The SPEAKER. The Chair recognizes the gentleman from Union County, Representative Fairchild.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

I appreciate the hard work that the sponsor of the bill has done, however, due to some lateness connected with this, we tried to suspend the rules, I believe it was 2 weeks ago. I understand the majority leader's position that he does not want to relinquish control by suspending the rules on third consideration; however, I am respectfully requesting a suspension of the rules to offer an amendment because, quite

simply, HB 1 contains provisions that can discriminate against veterans who are service-connected and compensable.

I ask for suspension because I believe it is extremely important that we take into consideration all our veterans of the United States armed services. This amendment – without discussing the details of the amendment – this amendment will simply allow a veteran to be compensated under the VA (Veterans' Administration) program, and if they are not eligible there, they will fall back to the provisions of HB 1. This will save our State and our money and our taxpayers' money, our health-care money, and get that cost for eligible VA care under the Veterans' Administration, not under the adultBasic.

Thank you, Mr. Speaker. I ask for suspension of the rules.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Luzerne County, the majority leader, Representative Eachus.

Mr. EACHUS. Thank you, Mr. Speaker.

I rise, respectfully, to oppose the gentleman from Union and Snyder Counties' amendment on suspension. Once again, I oppose the suspension vote.

The SPEAKER. Will the House suspend the rules for the immediate consideration of amendment A01764?

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded

**YEAS—98**

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

**NAYS—102**

|          |           |            |             |
|----------|-----------|------------|-------------|
| Barbin   | Donatucci | Kula       | Samuelson   |
| Belfanti | Drucker   | Levdansky  | Santarsiero |
| Bishop   | Eachus    | Longietti  | Santoni     |
| Boyle    | Evans, D. | Mahoney    | Seip        |
| Bradford | Fabrizio  | Manderino  | Shapiro     |
| Brennan  | Frankel   | Mann       | Siptroth    |
| Briggs   | Freeman   | Markosek   | Smith, K.   |
| Brown    | Galloway  | Matzie     | Smith, M.   |
| Burns    | Gerber    | McGeehan   | Solobay     |
| Buxton   | Gergely   | McI. Smith | Staback     |

|             |            |             |            |
|-------------|------------|-------------|------------|
| Caltagirone | Gibbons    | Mirabito    | Sturla     |
| Carroll     | Goodman    | Mundy       | Taylor, R. |
| Casorio     | Grell      | Murphy      | Thomas     |
| Cohen       | Grucela    | Myers       | Vitali     |
| Conklin     | Haluska    | O'Brien, M. | Wagner     |
| Costa, D.   | Hanna      | Oliver      | Walko      |
| Costa, P.   | Harhai     | Pallone     | Wansacz    |
| Cruz        | Harkins    | Parker      | Waters     |
| Curry       | Houghton   | Pashinski   | Wheatley   |
| Cutler      | Johnson    | Payton      | White      |
| Daley       | Josephs    | Petrarca    | Williams   |
| Deasy       | Keller, W. | Preston     | Youngblood |
| DeLuca      | Kessler    | Readshaw    | Yudichak   |
| DePasquale  | Kirkland   | Roebuck     |            |
| Dermody     | Kortz      | Sabatina    | McCall,    |
| DeWeese     | Kotik      | Sainato     | Speaker    |

NOT VOTING—0

EXCUSED—3

Lentz                      Miccarelli                      Perry

Less than a majority of the members required by the rules having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

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

The SPEAKER. The Chair recognizes the gentlelady from Bucks County, Representative Watson, for the purpose of making a motion.

Mrs. WATSON. Thank you, Mr. Speaker.

I have an amendment and I am willing to withdraw that amendment. I will speak on the bill and interrogate the maker, if he is willing, at a later time. Thank you.

The SPEAKER. The Chair thanks the gentlelady.

The Chair thanks the gentleman, Representative Benninghoff, for the withdrawal of his amendment.

The gentleman, Mr. Reichley, is withdrawing his amendment? The Chair thanks the gentleman.

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

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

(Bill analysis was read.)

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

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

Mr. PETRI. Thank you, Mr. Speaker.

Will the maker of the bill please stand for brief interrogation?

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

Mr. PETRI. Mr. Speaker, as I understand this bill, it requires a request for proposal or procedure whereby people who want to provide this type of coverage would submit to the department for the authority to do so. Is that correct?

Mr. EACHUS. Mr. Speaker, I am having a hard time hearing the gentleman's question.

The SPEAKER. The gentleman is correct. The gentleman has a right to be heard. The House will come to order. Members will please take their seats. Sergeants at Arms will clear the aisles of the House.

The gentleman, Mr. Petri, may proceed.

Mr. PETRI. Thank you, Mr. Speaker.

I will try again. Mr. Speaker, it is my understanding that the bill calls for a procedure whereby insurers who were interested in providing the coverage would submit proposals to the department for review. Is my understanding correct?

Mr. EACHUS. Yes, Mr. Speaker.

Mr. PETRI. Okay. Is there any contemplation that you know of, Mr. Speaker, that a successful insurer would be required to participate or would there be some sort of tying agreement tied in by— Strike that. Let me back up.

Mr. Speaker, do you know whether any of these providers will be requiring tying agreements with the physicians and doctors who are signatory to their agreements?

Mr. EACHUS. Mr. Speaker, can you clarify the question a little bit better? I just want to make sure I am clear.

Mr. PETRI. Sure. It is my understanding, Mr. Speaker, that sometimes insurers will require a participant to opt in for all of the services that are provided. So let us say, hypothetically, an insurance company is successful. Is there anything in this bill that would prohibit that provider from requiring a doctor or physician to participate in order to participate in other plans?

Mr. EACHUS. Not to my knowledge, but the ability for the Insurance Department to develop the RFP (request for proposal) for those insurance companies who participate would have some basic fundamental issues as it would relate to the insurance platform. The insurance would have to provide all the things that the adultBasic health-care insurance currently provides, plus prescription drugs, plus chronic disease management, plus preventive and wellness care as well as behavioral health in order for the RFP, the insurance company, to submit a bid.

Mr. PETRI. Now, Mr. Speaker, does this bill mandate particular types of coverage? You just mentioned the areas or categories, but does it mandate certain levels, or is that left to the Insurance Department to determine?

Mr. EACHUS. Mr. Speaker, it is left to the insurer.

Mr. PETRI. Okay. It is left to the insurer who submits their proposal; however, there is nothing saying whether the Insurance Department would accept that proposal or not. Is that correct?

Mr. EACHUS. That characterization would be correct.

Mr. PETRI. Do we know what the cost is going to be at this time that will be submitted by the various individuals or insurers who are interested in participating?

Mr. EACHUS. One moment, I will get that number for you.

Mr. Speaker, it would be about \$335 per month.

Mr. PETRI. Now, Mr. Speaker, it is my understanding that at this time we do not know what the reimbursement rate is going to be to providers. Is that correct?

Mr. EACHUS. That would be part of the contractual discussion between the insurer and the department.



Mr. PETRI. So all we know from the bill is that the reimbursement rate has to be at least equal to medical assistance. Is that not correct?

Mr. EACHUS. That is correct.

Mr. PETRI. So, Mr. Speaker, I am a little confused. How is it that we have an estimate on what the cost of coverage would be when we really do not know, other than categorically, what will be included, and we do not know what the reimbursement rate is? How is it that we are able to calculate the cost of these services?

Mr. EACHUS. Mr. Speaker, we have incredibly good data within the adultBasic program, so working with the modeling developed by years of experience in that program, these estimates have been created with, I believe, a strong sense of accuracy.

Mr. PETRI. Mr. Speaker, the assumptions that are being made to arrive at these estimates for costs – are they based upon a reimbursement rate of medical assistance plus 10 percent or some sort of other factor like that?

Mr. EACHUS. Mr. Speaker, that is based on an average of the model that insurers pay.

Mr. PETRI. Okay. Mr. Speaker, on the bill.

The SPEAKER. The gentleman is in order and may proceed on final passage.

Mr. PETRI. I appreciate the maker of the bill's comments, the majority leader, and his efforts to answer my questions. I am convinced, based upon extensive discussions we had last session on this bill as well as this session, that we really do not know what the cost will be. We have an estimate, and here is why you know we do not know the cost: You do not really know what services are going to be provided. You know the types of services. You know it will include certain mental health, it will include certain hospitalizations, the like, but at what level? We do not know. Why do we not know? Because the Insurance Commissioner has not decided yet, and furthermore, the insurers who are going to submit their proposals under this bill have not submitted their proposals. So there is no way anyone in this chamber can know, number one, what services are actually going to be provided. Are they good? Are they top-notch, or are they mediocre? If they are mediocre, which is what I believe, then we ought to be very careful about what we tell our constituents about this program. We ought to be careful not to mislead them that this is going to be a Cadillac plan, because it very well may not be. And I can tell you this: At those numbers, there is no way it is going to be a Cadillac plan. It cannot be. It is impossible.

There are other problems with this process. What we have done under this bill is abdicate our authority as legislators to the Insurance Department. We basically said, what is going to be in this program is not important enough for us to put parameters around it. We have decided it should be someone else, someone else who is not even elected in Pennsylvania to determine what this program will be. On a reimbursement side, last year when we looked at a similar bill, the reimbursement rates in the actuarial study were based upon medical assistance plus 10 percent. So when I went home, I asked my doctors, how many of you will sign up for a program that involves medical assistance plus 10 percent? And they indicated to me, we cannot; we lose money. At that reimbursement rate, they cannot afford to pay their nurses, let alone take a salary.

Now, there is one way to fix that, and it is called a tying agreement. What happens in the industry is, if you are a physician and you want to receive any type of plan that an insurer offers like an IBC or a Capital BlueCross or any other insurance company, they will require the physician to sign up for all of the programs. It is called a tying agreement. It is highly unfair. It is antimarket.

What the doctors have said to me in Bucks County is that if they are not required, they are not participating. If we enact a plan that costs hundreds of millions of dollars and we do not have doctors in hospitals to deliver the services, what have we done? We have done nothing, and that is what I think is going to happen. We are either going to have a tying agreement in there somehow negotiated as part of the RFP in which case doctors and physicians will have to sign up for reimbursement rates they do not want to accept because they are too low and they lose money, or we will have no one sign up at all. I do not know which is worse, but they are both bad.

Let us talk a little bit about the 2-percent tax. Is there anyone in this chamber that believes for a moment that that 2-percent tax is not going to be passed on? Because if you do, there is a bridge to be sold. Look, we know that if this 2-percent tax is instituted, it is going to be passed on. Now, the majority leader talked about reserves. Let us roll back the clock and talk about what happened just a few brief sessions ago when that negotiation came up. What happened, for the history of the members, was that the insurance commission decided that there were not too much reserves on the same day that a deal was negotiated for the community reinvestment. Now, is that coincidental? On the same day that one item is agreed to, the reserves are found by another arm of our executive branch as being adequate. If they were adequate 2 years ago, what do you think the Insurance Commissioner is going to decide today, knowing that the stock market and the value of their reserves have plummeted? I guarantee you, the Insurance Commissioner is going to decide that that reserve is adequate.

The question that I am not sure of, will that also be on the day of the new agreement? Mr. Speaker, remember in this bill, there is a provision in here which I would like to read, because I think it is very instructive. Page 23 of the bill, line 13, says, "This subsection shall not be effective..." – this is the premium tax provision in the bill, the 2 percent we have been talking about – "This subsection shall not be effective if the Agreement on Community Health Reinvestment entered into February 2, 2005, by the department and Capital BlueCross, Highmark, Inc., Hospital Service Association of Northeastern Pennsylvania and Independence Blue Cross and published in the Pennsylvania Bulletin at 35 Pa.B. 4155 (July 23, 2005) is extended or otherwise renegotiated to continue, at least, at the level of Annual Community Health Reinvestment contributed under that agreement. In that event, the sums received by the Commonwealth shall be deposited into the Pennsylvania Expanded Adult Basic Coverage Insurance Program Fund."

It is here in black and white. Here we go again. We are going to have another deal made that is not going to be for the people who pay for this. Remember who pays for this: your employer, your neighbor, your constituent. There is going to be another deal made, and we are going to have no say over it. I came to Harrisburg in order to have effective participation in a process. I knew that as one member of 203 in the House that my voice would be limited – be limited, but it would be heard. I knew that I could not single-handedly effectuate change – none of us can –

but together, we can vote this bill down and prohibit a deal from being made again in a back office that our constituents are going to have to pay for. Now, if you want to put the deal out there, you want them to pay for it, then vote for the bill. If you do not, if you want our voice in this chamber to mean anything, then vote it down. Let us rework it. Let us take the good out of the bill and bring something forward that is better. Mr. Speaker, I cannot support this bill for all the reasons I have just indicated. Abdication of the authority to the insurance commission is just unacceptable. Why have a vote in this chamber if that is what you want to do?

Lastly, Mr. Speaker, raiding the Health Care Provider Retention Fund of \$362 million to pay for this is not a wise idea. We need that money to get rid of the unfunded liability in the Mcare Fund. That is what we told everybody when we increased the tobacco tax. That is what we told the physicians we would do. That is what we told our constituents who need medical services that we would do, and we did not do it. We did not pay one cent down, but now that there is a big hunk of money there, we want to take it and spend it in a way that is different than what we voted on this floor and what we told people. That is called being a hypocrite. I am not going to be a hypocrite. I put up a vote, said what we are going to do with it; I am not going to be a hypocrite on that.

Look, there are some things in this bill that are certainly worthy. We are all trying to do the right thing for our constituents. We are all trying to help people who do not have coverage. I am just not convinced the product is there, and I would ask the members to vote against HB 1. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair will go over HB 1 temporarily.

### PRINCE OYINLOLA INTRODUCED

The SPEAKER. I have the honor today of introducing a special guest who is on the House floor this afternoon, His Excellency, Prince Olagunsoye Oyinlola. He is the Governor of the Osun State, the Federal Republic of Nigeria. He is the guest of Representative Ron Waters and the Pennsylvania Legislative Black Caucus. The Governor is visiting Pennsylvania this week as part of his efforts to expand international trade with the Commonwealth of Pennsylvania and to develop a State-to-State economic, cultural, and educational partnership with the Commonwealth of Pennsylvania. Osun, just like Pennsylvania, is primarily an agricultural community and also boasts extensive mining operations and activities in the State. A number of key members of the Osun government are accompanying the Governor today, and they are seated to my left. Will you all please join me in extending a very warm House welcome to our guests today.

### REMARKS BY MR. WATERS

The SPEAKER. The Chair would like to welcome to the rostrum Representative Ron Waters for further remarks.

Mr. WATERS. Thank you, Mr. Speaker.

I want to thank you all for joining today to pay tribute to His Excellency, Prince Oyinlola, Governor of Osun State, Federal Republic of Nigeria. He is visiting Pennsylvania to discuss the promotion of a bilateral trade in agriculture between Pennsylvania and Osun State. As you know, Nigeria exports

over \$10 billion of crude oil to the ports of Pennsylvania. This exportation of oil has prompted the Governor to exchange expertise in agricultural business with lawmakers in Pennsylvania for the mutual benefit of industry in both our States. In addition to trade, the Governor is the chairman of the Board of Governors, Centre for Black Culture and International Understanding. This initiative will allow for the exchange of educators, students, and colleges to promote education as a cultural exchange. These educational initiatives as cultural exchanges will also lead to increased tourism between Pennsylvania and Osun State.

Pennsylvania has over 100,000 African and Caribbean immigrants. My district has a significant population of Nigerians, Liberians, and other people of African ethnicities. They all make a significant economic contribution to Philadelphia as well as to the Commonwealth of Pennsylvania. It is with great pleasure that I present – well, the Speaker has already presented him to you – but I also wanted to recognize his delegation that is joining him, and from the city of Philadelphia, Stanley Straughter, who works for the Mayor Commission on African and Caribbean Affairs. He is also a part of the delegation joining us over here; Stanley Straughter.

On behalf of the Pennsylvania Legislative Black Caucus and all of you, including my dear friend, Representative Bill DeWeese, who came up here and shared some great stories about his visit to Africa, that I would like to offer a citation from the Pennsylvania Legislative Black Caucus in honor of the Prince and Governor of Osun State. So thank you, Mr. Speaker, for allowing me to come up here, and thank you for allowing His Excellency and his delegation to be a part of our House business. Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

### CONSIDERATION OF HB 1 CONTINUED

The SPEAKER. Returning to HB 1, the Chair recognizes the gentleman from Allegheny County, the minority whip, Representative Turzai.

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

We want quality health care. We want it to be affordable, and we want it to be accessible and available. Unfortunately, HB 1 will not get us there. In fact, it will hurt. It will hurt average Pennsylvanians. It will hurt small employers, and as a colleague of mine has stated, do we really want something like the Pennsylvania Turnpike Commission or some other government bureaucracy continuing to run an expanded health-care system? The answer is no.

HB 1 is a further move towards government-run, government-mandated health care. As my colleague from Lancaster County pointed out, essentially, this bill is getting rid of adultBasic, a successful program instituted by Governor Ridge and Governor Schweiker, and federalizing it. Essentially, we are just getting rid of adultBasic as it exists, and we are expanding Medicaid. We are doing that by taxing health insurance premiums, insurance that individuals with health care today, that they want to keep. We are putting a 2-percent tax on those health insurance premiums to expand Medicaid and to eliminate or to overhaul a successful adultBasic program.

Look, government bureaucrats have never made decisions about the delivery of health care better than health-care providers and their patients. In fashioning a health-care

alternative that works, that will get us to maintaining outstanding quality care, making it affordable, available, that plan needs to work with the private sector. The House Republican plan worked hand-in-hand with hospitals, health-care providers, health-care underwriters and brokers, pharmaceuticals, health-care insurers and employers, because each of these private-sector groups provides significant benefits and maintains significant roles in providing top-quality health care today. And by the way, each is a significant private-sector employer of Pennsylvania citizens that helps our economy to thrive.

HB 1 will result in less insured, not more, over time by promoting crowd-out, and crowd-out is bad. Employers that provide significant health-care benefits that do not require public tax dollars are going to think twice, particularly when there is a new tax that those voting for HB 1 will be placing on their insurance that they have for their employees, and given the fact that they think, well, they are expanding Medicaid; why should I not join the crowd and let government take care of everybody?

The Republican plan focuses on finding ways to reduce the cost of health care, to provide more affordable health care. The Republican plan focuses on the cost drivers in a pragmatic manner, not one that has government bureaucrats manning and mandating aspects of health-care delivery and insurance. The Republican plan emphasizes the need for significant medical malpractice reform and believes it must be a component part of any plan to lower the cost of health care. There is no doubt, nobody doubts that overutilization of health-care services is spurred on by the need to practice defensive medicine. The Republican plan emphasizes the need for innovative vehicles, vehicles which provide lower cost, alternative health-care insurance coverage. The plan makes sure that employers still provide coverage and that these are vehicles that interest employers who want a good health-care insurance product for their employees at a reasonable, attainable cost, and these policies essentially provide patients the opportunity to make informed decisions about their health care with real consumer choice and personal responsibility.

The Republican plan creates tax rewards, not tax penalties like the 2-percent tax on health insurance premiums for employers and employees, to get or keep health insurance coverage. This plan, this HB 1, is excessively expensive and will require significant tax increases. Finally, the Republicans want to make sure that patients receive top-quality health care, period. We want the best medical specialists, the best doctors, the best nurses, and the best hospitals. We want medical care that is delivered in a prompt manner. Time is of the essence for health-care treatment to be top quality. HB 1 ultimately pushes us one more step to socialized medicine with long waiting lines, denied services, and less-skilled care.

In the end, are we going to vote for a tax on those who already have health-care insurance coverage and want to keep it, to expand Medicaid and to ultimately push more people from having health-care insurance than getting it? Quality health care – affordable, accessible, available – it requires a plan like our colleagues have put together on this side of the aisle, that works with the private sector, not against it, that relies on individuals and employers and not on expanded government.

I would urge everybody to please vote against HB 1. Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. MUSTIO. Thank you, Mr. Speaker. If I may interrogate the maker of the bill?

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

Mr. MUSTIO. Mr. Speaker, early on in the discussion and debate, there was a comment that you made about the \$5 billion in reserves, and I did not catch all of it because of some of the other issues and what not that were going on. Could you please repeat that, and what is your intent or reason for bringing that up?

Mr. EACHUS. Mr. Speaker, just a correction to what you said: Insurance reserves and the surplus in the Blues are two completely different things. There is \$5 billion in surplus in the Blues companies in Pennsylvania today.

Mr. MUSTIO. Right, and you realize what the insurance companies use surplus for?

Mr. EACHUS. Well, I know what they have used it for before in the past. As you know, they invested in the adultBasic program to the tune of \$150 million to help us assist Pennsylvanians who needed access to affordable health care. I think that policy has proven that their investment from surplus dollars guarantees that we have allowed adults to have some health care in Pennsylvania. All that this proposal does is asks for a similar investment – not all the surplus dollars; they have \$5 billion. All we ask for is about the same amount to be reinvested in exactly the same way to help cover Pennsylvanians who currently do not have access to insurance.

Mr. MUSTIO. I am sorry; my question was, the surplus that insurance companies have, what is the purpose for surplus? What do they use that for? Not to invest necessarily in government-run health insurance programs. Let us say adultBasic did not exist. What would that surplus be used for?

Mr. EACHUS. Mr. Speaker, the Blues would traditionally use those surpluses for unanticipated changes in economic circumstances, but with \$5 billion – with a "b," Mr. Speaker – they have got plenty there even for the rainiest day. Remember, the \$5 billion there exists after the great dip in this economic circumstance that we are in.

Mr. MUSTIO. I appreciate your comment, but what gives you the qualifications to make a statement like that, that that is plenty of money? We have all seen what has happened with the AIGs (American International Group, Inc.) of the world. What makes you think that that is plenty of money?

Mr. EACHUS. Mr. Speaker, they have made this investment in the past – \$150 million without any damage done to either ratepayers or their surplus dollars. As a matter of fact, \$5 billion is a significant amount of money, and all that we ask for in this bill is they make the same commitment to those dollars for people who need access to affordable health care. As you may know, Mr. Speaker, the Blues companies have had a social mission in Pennsylvania. All we are asking them to do is to maintain the same level of investment in this area that they have done in the past.

Mr. MUSTIO. Thank you, Mr. Speaker.

We will put that argument aside for a minute. I will bring that up at a later date as it relates to the financial stability, particularly of Highmark in western Pennsylvania.

I believe earlier, Mr. Speaker, you had also made a comment to the effect that the Blues were not returning the surplus to the companies or individuals that were paying the premiums. Is that correct?

Mr. EACHUS. Mr. Speaker, they have been— To my knowledge, the only area that they have made an investment in from the surplus is in the Community Reinvestment Fund so that they can help defray the cost of insurance to people who have needed it. They made that investment to the tune of \$150 million, and to my knowledge, that is the only investment that they have made.

Mr. MUSTIO. The facts are that the reserves are, as you said, set aside to pay anticipated future claims, but the surplus is no different than a capital investment that a corporation or a bank might make. So the more surplus that a company has, the more assets that they have available to go out and insure more risk, and that creates more competition in Pennsylvania. That sort of alludes to what Representative Turzai was speaking about earlier, where what we are doing is taking, forcibly, moneys from surplus and saying the private sector cannot manage the risk that they have been involved in for well over 100 years, the business that they have been in, to generate this surplus, right? So we are saying, we are not going to let you or permit you to take those dollars, invest them, and compete with other insurance companies to lower premiums. We are going to take that money so there is not as much there to invest, and worse, we are not going to return those premiums to the policyholders.

Mr. EACHUS. Mr. Speaker, let me—

Mr. MUSTIO. The 2-percent tax that is mentioned in this legislation, does that tax apply to self-insured companies?

Mr. EACHUS. Mr. Speaker, self-insured companies are not Blues plans.

Mr. MUSTIO. That is not correct.

There are insurance trusts in Allegheny County that are managed by Highmark, for example. All of the school districts but two in Allegheny County are managed by Highmark, okay? All of the claims are paid and there is a service fee charged on those. Now, would that be subject to the 2-percent tax or fee or whatever name you want to give to it?

Mr. EACHUS. No, Mr. Speaker.

The Highmark company, in that situation, is acting as a third-party manager.

Mr. MUSTIO. Right.

Mr. EACHUS. You asked me a direct question about whether this would affect the Blues; it will not.

Mr. MUSTIO. Well, the Blues are certainly receiving income on that. They are not doing it out of the goodness of their hearts. So the same thing would apply then to a U.S. Steel or any other large company that might be self-insured and have a third-party administrator. Is that right?

Mr. EACHUS. Let me say, I think that most of the public believes that the Blues companies can support a small investment toward covering health insurance for adults who need it. As a matter of fact, the adultBasic program was created under the Ridge administration. The investment at that point was pulled together of parties of Blues so they could participate in that plan, which they wanted to and they have continued to do. I also say that they have continued to make a commitment to that investment, and all this bill asks them to do is to do the

exact same thing: Make the commitment in the reinvestment fund to guarantee that adults can have access to affordable health care. Under this plan, I do not think that is unreasonable.

Mr. MUSTIO. I think I would answer that statement just like you had answered one earlier: I guess it depends on how you ask the question. The truth is, the people that are going to be paying this 2 percent are the small – not just small business owners, but the employees of those small businesses that are contributing to their own health care, okay? So what, in essence, we are doing, those same individuals who have had their wages frozen or have had their wages rolled back, we are going to be again passing on another wage reduction to those individuals that are working. So I think that the 2-percent tax that you are going to be encouraging members to vote for, taking and lowering their paychecks on a monthly basis is not a good thing for Pennsylvanians when there is a private-sector way to—

The SPEAKER. Will the gentleman yield.

Mr. MUSTIO. Yes.

The SPEAKER. Are you interrogating, or are you on final passage? Are you interrogating the member?

Mr. MUSTIO. I think it is a combination, Mr. Speaker.

If I would move to final passage, I will do that in a second. In fact, why do we not just roll into that right now, Mr. Speaker, and thanks for that comment.

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

Mr. MUSTIO. Thank you.

I think that the surplus needs to be used to encourage the private-sector insurance companies, and I think that the legislation could be drafted in such a way. Earlier I had made a comment in concern about the financial well-being of insurance companies, and I do not know if the maker of the bill is aware, but 2 weeks ago, on June 15, "A.M. Best revises outlook to negative for Highmark Inc. and its Blue Cross and Blue Shield subsidiaries." Mr. Speaker?

The SPEAKER. Does the gentleman have a question for the Chair?

Mr. MUSTIO. I am just having a little bit of trouble gathering my thoughts here with the noise, Mr. Speaker.

The SPEAKER. Will the House will come to order.

Mr. MUSTIO. In that same A.M. Best release about the concern for Highmark's financial stability just 2 weeks ago, the last line says, because of "...the company's geographic concentration of risk, which leaves it susceptible to changes in the regulatory and legislative environment."

So I think as we make this vote to restrict the capacity, the private-sector, free-market capacity of one of the largest health insurers in our State, that we take a second look and maybe step back and realize why this is not a wise vote, why we are voting – or why you are voting; I am not voting for this – why you are voting to reduce the wages of hardworking Pennsylvanians when there are other alternatives that I have mentioned that can address this same issue.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from Allegheny County, Representative Maher. Does the gentleman from Allegheny, Representative Maher, wish to be— The gentleman is in order and may proceed.

Mr. MAHER. It has been very interesting for me to listen to the majority leader's explanations, and I want to briefly go over

a few of these points in very simple terms. The message is that when it comes to the Blue insurers, that this bill has a very simple proposition. The majority leader wishes to make it the law of Pennsylvania that if some private charities will not give their money to the State, that the State will come and take it. What has happened in our State that that proposition can even be seriously considered?

This bill is essentially trying to create a statute to enable Commonwealth officials to legally extort money from charities. Now, we can argue about how charitable these organizations are, and we can argue about whether they should be charities or not, but they are charities in Pennsylvania, and they will be facing this proposition: You give us what we ask for, or we will come and take it.

The next thing this bill does is it breaks a promise. It breaks a promise to physicians and other providers of health care in Pennsylvania that was offered at the time that a tax was increased. The premise was, the increase in this tax was for the greater good because it would help make health care more affordable in Pennsylvania; it would help make health care more available in Pennsylvania. Now, some of the very people who voted to create that promise are now asking you to break that promise, that these tax dollars are not for that purpose of making health care available or affordable by having people who can provide health care in Pennsylvania – like the heck with them. Somehow or another, they believe we can have good health care in Pennsylvania without doctors. I do not understand how that system works, but having more available health care absent having physicians and other providers seems like a fool's errand.

This bill had the opportunity to actually allow Pennsylvanians to go out and purchase affordable health care for catastrophic purposes so that any family could go out and buy a policy that might be \$100 or \$200 a month so that they knew if a catastrophe happened, they would not risk losing their homes; they would not risk losing their pensions; they would not risk losing their life's savings. But the majority leader was against allowing individuals to buy affordable health care from health-care insurance companies. Instead, what we have here is saying to these families, your only ticket is to go on welfare. We will not allow the private sector to do this. We will not allow affordable health care to be available to families who choose to step up and buy it. We will decide that you cannot have catastrophic coverage. The majority leader, apparently, is smarter than all the families in Pennsylvania who might choose to do that. He is protecting them from themselves. How foolish would they be to step up and open their own checkbooks and buy health insurance that is affordable by allowing health insurance companies to offer it? He says, no, the health insurance companies should not be able to offer this. Families should not be able to buy it. Instead, he wants to connect these families to the welfare system. That is not the American way, should not be the Pennsylvanian way.

And something else that was very interesting to me is that the majority leader says that 4 years out, even though we do not know what health care exactly will be offered, he knows what it is going to cost, which is also a neat trick – another typical political promise that has no meat on the bone. He cannot tell you what the coverage is going to be, but apparently, he can tell you how much it is going to cost. But he is certain that at the end of 4 years – or some period of time; I think it was 4 years – he is going to have \$150 million left over after having extortion

against the charities, after having stolen from the physicians and other providers. So he has got \$150 million in cash.

This at a time that our State is facing a \$3 billion deficit, the gentleman wishes to go out and spend billions more that he is just going to go out and take away, break promises, extort, and still he has got money left over. Well, if you have got money left over, Mr. Speaker, let us use it to pass the deficit. And may I remind you, today is June 29 and there is not yet a budget bill offered by your party.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Tioga County, Representative Baker.

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

I rise to, regrettably, oppose this legislation. I believe the interrogation proved very fruitful in not receiving certain definitive information that I believe the members need to have. I am very, very concerned about the ambiguity, the uncertainty, and the contingency of so many statements and clauses in this legislation. It really concerns me that we are using money currently allocated for other uses, very good uses; \$362 million is taken from the Health Care Provider Retention Fund, Mcare.

There are issues unanswered concerning the Blues paying the 2-percent new tax on gross premiums when they currently include, as a part of their mission statement, that they will assist with various health projects, and they are. They are helping with various projects involving obesity and many other concerns. Also, as has been stipulated earlier, they currently have entered into an agreement on the Community Health Reinvestment to help fund the adultBasic program.

So an overreaching, overwhelming policy issue is, should we be expanding adultBasic benefits, which means additional funding, considering the state of our economy? And that is not being able to afford what we already have in terms of current obligations. If funding assistance is not available through the Federal waivers being sought, what will happen to the expanded program? Will it simply stop, putting eligible adults in a position that they once again have no health benefits? The waiting list needs to be tightened up to have a more efficient procedure to move eligible adults off the waiting list and into the adultBasic program. The issue of providing health benefits for the uninsured needs more extensive review and discussion. While we may want to speed this issue to conclusion, we will need to make certain that what we have is the most efficient, quality program that can be provided and sustained so that eligible adults will be able to continue to receive health benefits in the future.

Mr. Speaker, many questions are unanswered. This legislation, although I believe is well-intentioned, lacks certitude with respect to long-term sustainability – how to fund it and to keep refunding it. The wording in this legislation is unclear and ambiguous with respect to the Blues paying potentially a 2-percent tax and/or continuing their agreement on the Community Health Reinvestment to help fund adultBasic. There is a lack of certainty as to whether there may even be litigation over this issue. It is very questionable and uncertain about whether the adultBasic Federal waiver will be approved. Early discussions with CMS and a 20-year veteran suggested that the 2-percent premium tax and CHR (Community Health Reinvestment) revenues are ineligible sources of State dollars; a lot of ambiguity and uncertainty there.

Mr. Speaker, I do think this a well-intentioned effort to advance increased health insurance available to those that have none. It is my understanding, allegedly, that this bill would increase enrollment from 46,000 adults to 130,000 adults. Funding for the program expansion would come from matching Federal funds, the Health Care Provider Retention Account, existing adult Basic health insurance funding, a premium tax on nonprofit health plans – the Blues – and a change in the escheat law from 5 to 4 years. I believe the bill relies on one-time spending sources, and there remain questions as to whether there is adequate and sustainable funding to provide for this program in the future. How can the Commonwealth expand a new health program while at the same time having to reduce Medicaid payments to hospitals by as much as \$280 million as a result of the economy? The bill assumes that the Mcare Fund remains and uses all of the funds from the Health Care Provider Retention Account that the Governor proposed to be used to retire the Mcare Fund. I am not even sure the Governor will support this. Mr. Speaker, there are so many holes in this legislation, it is beginning to smell like Swiss cheese.

I do believe that expanding health insurance coverage to the uninsured is laudable; however, this bill has serious funding issues, especially in the light of the Commonwealth's fiscal crisis. With health-care reform becoming more of a reality at the Federal level, this is not the best time for the Commonwealth to embark on a new program. And, Mr. Speaker, it is just not some of the people that are speaking on this side of the aisle that have concerns about this; our hospitals all across Pennsylvania oppose this legislation. The Medical Society, our doctors all across Pennsylvania oppose this legislation. The Blues, of course, oppose this legislation. The underwriters oppose this legislation, and our business community – the Pennsylvania Chamber of Commerce and the NFIB (National Federation of Independent Business) – oppose this legislation.

Mr. Speaker, we have done some good things in this session. We have already, in a bipartisan way, passed and the Governor has signed, and I believe he is reenacting the signature on, four health-care related bills. We have already passed that in bipartisan support. We have proven we can work together and accomplish a common good, and I have got to believe that we could do the same with this kind of legislation if we rework it and retool it and bring it back for bipartisan support.

I regrettably rise in opposition to HB 1 for the aforementioned reasons. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentlelady from Philadelphia, Representative Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I rise, of course, to support this bill. I did some research for which I would like to thank my student intern, Jessica Lu, and the research that I did was on what is now called H1N1 flu, swine flu sometimes it is called. I want to talk about it. I want to talk about it carefully because I do not intend to make anybody panic about this pandemic around the world, but neither do I want people to feel it is a joke or get complacent about it because—

The SPEAKER. The House will come to order.

Ms. JOSEPHS. —because, Mr. Speaker, it is not a joke. It is a serious public health emergency, a serious public health emergency that has global dimensions. And why do I bring this up? Because we are all asked to contribute to meeting, addressing this health emergency.

Now, the research that I did is about 2 weeks old, but the basic thrust has not changed. I looked at June 16 and I looked at June 19, and during those times, 3 days, the Pennsylvania number of confirmed and suspected cases went from 924 to 1530; 3 deaths went to 4 deaths; and across the globe, 75 countries who have reported that they have some H1N1 confirmed cases went from 75 to 105. Now, why should I bring this up in this context? It is because it is so important if we are going to address this pandemic and others that will come, others that will come. We cannot in this country, in this State, address this pandemic unless our people have access to health care.

Around the middle of June, by the way, Dr. Margaret Chan, who is the director-general of the World Health Organization, did declare that H1N1 was a global pandemic, and she did that for two reasons: One was, the industrial countries now can commit resources to tracking and treating this global pandemic, and the other is that the richer countries, the more industrialized countries, should be sharing their resources with those countries that are not so industrialized.

In like manner, Mr. Speaker, I believe that it is up to us in this State to make sure that as many people that we can find will be covered so that they can seek health care so that we do not have within our State the analogy to a poorer country, that we have no poor countries in Pennsylvania, so that everyone who experiences a symptom which may be flu-like can get treatment, can get diagnosed. Two things standing in the way of addressing this pandemic are lack of medical coverage, lack of health care, and the corollary to that is mistreatment and misdiagnosis.

I want to point out to you that we have before this faced a number of pandemics. The one I want to draw your attention to is the HIV (human immunodeficiency virus)/AIDS (acquired immune deficiency syndrome), which is completely different in so many ways from this flu that we are now experiencing, but it is different in some other ways and that is to say – pardon me – it is the same in that it proceeded because there was a group that was not treated. We do not want that to happen with swine flu. We want every group to be treated. And I am regretful, although I did not bring this up at the time, that we are not extending this program to individuals in our midst who may not be documented, because this H1N1 virus does not know if people are documented. If we want to address this pandemic and other serious health problems, it appears to me—

The SPEAKER. The gentlelady will yield.

Ms. JOSEPHS. Certainly, sir.

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

Mr. METCALFE. For an extended time, I have been standing here raising both hands. To the bill, Mr. Speaker. We can listen to her lecture on her own time. Back to HB 1, please.

The SPEAKER. The gentlelady will keep her remarks on HB 1.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I am pretty much finished. It is just very important for us, in the face of pandemics that may come, serious health emergencies that we may have to deal with, that we will have to deal with in the future, that everybody who is within this State can get health care so we do not have the misdiagnosis and the mistreatments we have had in the past that endanger the health and the lives of all of us. Please vote for this bill.

Thank you, Mr. Speaker.

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

Ms. PICKETT. Thank you, Mr. Speaker.

Mr. Speaker, I rise to express my concern over this bill, a concern that those Pennsylvanians who are uninsured or those who believe that they can cut a major expense in their business or individually for themselves may be being misled by this proposal. This is too serious a subject to be embarking on these proposals without guaranteed long-range funding to keep the promises that are being made here.

Mr. Speaker, Federal funding is unlikely. One-time transfer from Health Care Provider Retention Fund is just that – one time. And most assuredly, as taxes on tobacco are increased nationally and health risks continue to be known, sales will fall, and therefore, revenue counted on for this bill will fall. And, Mr. Speaker, a new tax on all policyholders insured by the Blues, that is 80 percent of Pennsylvanians. Mr. Speaker, I fear that we are speeding down the road of government-controlled health care, disregarding the likely consequences – dollars unavailable and health care denied. I urge a "no" vote, Mr. Speaker. Thank you.

The SPEAKER. The Chair thanks the lady and recognizes the gentlelady from Bucks County, Representative Watson.

Mrs. WATSON. Thank you, Mr. Speaker.

Mr. Speaker, I would first, if I may, like to interrogate the maker of the bill. With his kind indulgence, I have several questions, and then to speak on the bill, sir.

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

Mrs. WATSON. Thank you, Mr. Speaker.

I have several questions. I will try to be brief, recognizing that the English teacher in me will demand that I will have to expand on my question, but let us first talk about— I want to refer to amendments that did not get into the bill and really, Mr. Speaker, then to ask you some questions relative to them because at least two of them I found to be amendments that would have enhanced and improved your bill and gone to the heart of what you wanted to do.

### POINT OF ORDER

Mr. EACHUS. Mr. Speaker, if I might, Mr. Speaker, question, point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. EACHUS. The gentlelady has asked a question, I just want a clarification. She would like clarification on amendments that failed on second consideration. I just want to get a ruling from the Chair whether that is appropriate or not.

The SPEAKER. They are not part of the bill on final passage, so the questions would not be appropriate.

Mrs. WATSON. Okay. That is fine, Mr. Speaker, because I have another way I can ask and get to that. So I am okay. Thank you.

Let us talk about what is in your bill here on third and final passage, and explain to me, let us see, if you would go to page 11, about line 16.

The SPEAKER. Will the gentlelady yield.

For what purpose does the gentleman, Representative Pyle, stand?

Mr. PYLE. Mr. Speaker, I ask your indulgence that I understood what you just said correctly, that amendments that were not voted into the bill are not germane. Is that correct?

The SPEAKER. Not germane to the debate.

Mr. PYLE. Well, I am wondering, because for a week I have been hearing people yell and scream about how draconian SB 850 would have been when in fact it was killed in committee 10 days ago. I was wondering, is this an apples and apples thing or an apples and oranges—

The SPEAKER. The question before the House is final passage of HB 1. It would be the amendments and the language included in HB 1 that would be appropriate to the debate.

Mr. PYLE. Okay. Mr. Speaker, again, I apologize for my ignorance. I am asking for your ruling: Are bills and amendments such as the lady brings up, are they not to be discussed if they have been defeated by committee vote? Again, I reference SB 850 that has been bandied about loosely for about a week and a half.

The SPEAKER. If we get to 850, you can debate and talk as much about 850 as you like. Right now the question before the House is HB 1, and that is the only thing that is appropriate for debate on the floor of the House is the question before the House.

Mr. PYLE. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentlelady, Mrs. Watson, is in order and may proceed.

Mrs. WATSON. Thank you.

Mr. Speaker, perhaps we need to go back, if I might, but just say that if we are talking, I am looking in your bill, because it is a lengthy one, around page 11. And I wondered if you could explain to me then the process by which someone gets on adultBasic under this bill, since we are expanding it and whatever. Explain to me then the process how they will do that.

Mr. EACHUS. Mr. Speaker, under this bill, the claimant, the person who would go into the program, goes under the exact same considerations that we have today in the adultBasic program.

Mrs. WATSON. The same consideration that we do? Do I understand? I am sorry.

Mr. EACHUS. Exactly.

Mrs. WATSON. It is hard to hear, but I thought I understood you.

Mr. EACHUS. Exactly, yes; sorry.

Mr. Speaker, can we have some order, please?

The SPEAKER. The gentleman is correct. The House will come to order. Members have a right to be heard. Members please take their seats.

Mr. EACHUS. Let me repeat my question.

The SPEAKER. The gentleman will yield.

Mr. EACHUS. Thank you. Pardon me.

The SPEAKER. We are under interrogation. The gentlelady may proceed.

Mrs. WATSON. If I heard you correctly, sir, then you said, under the same procedure that is used now for getting onto adultBasic.

Mr. EACHUS. The exact same process; yes.

Mrs. WATSON. Okay. It is my understanding that under the process, though, we actually have in the past, under the procedure for adultBasic we have now, and that gets to what

I have concerns about, we wait – not you and I, sir, but indeed the Insurance Department – but they wait, and there are open slots for money, because this whole discussion has been about money. There are open slots for people, but they wait until they have a group that they call an offering, and I guess that gets to my question because it would seem then, under your bill, we would still be doing something of that. I understand your goal is to get to at least 130,000 people, but again, are we going— If you are following, you just said to me, the same procedure, that is what they do with an offering as opposed to what I call the rolling enrollment, which as soon as someone goes off, we put someone on, recognizing we have a finite amount of money. So can you explain to me why you are not using then, since you are following, by your words, the procedure now, why we would not move to something that I think would be more expeditious, more beneficial to individuals, get them on the rolls sooner, at least as long as the money holds out?

Mr. EACHUS. Mr. Speaker, the rolling example that you use is more costly administratively, and for that reason and that reason alone, the model that I have within this bill is more financially prudent.

Mrs. WATSON. Mr. Speaker, I will respect that you believe what you are telling me. I really would suggest then, as an administrator in one of my former lives, as deputy administrator for the county, somebody ought to be working with the Insurance Department, because it should not cost more, and if it is to the benefit of the individual, they ought to find a way to do it cheaply and get people on it. I have a real problem and see that as a flaw in this bill, which we have said about before, but we will not talk about past amendments; we will just move on. But according to following the same procedure that is now used for adultBasic, I would suggest to you that in terms of enrollment, and therefore, in terms of this bill, it is indeed flawed, and if indeed it is a matter of money and our Insurance Department does not do it in a way that is cost-effective, somebody needs to sit over there and find a way for them to do it because it is to the benefit of the people of Pennsylvania who are without health insurance and that just should not be.

Second area, Mr. Speaker, you have mentioned and talked about, and I understand and agree with you that the overall goal that I think transcends whatever aisle differences or things there are is to see to it that access to quality health care is provided for everyone in Pennsylvania and that opportunity is there. At the same time, I understand you to say that your bill would use, I believe the figure that everyone bandies about is \$362 million that comes from the Health Care Provider Retention Account, taken out one time to get this thing started.

I question in your bill, and using a waiver, how is it that we are not doing anything with a subset of health care that we already have in Pennsylvania and at this point could utilize if we could expand it, and that would be our community health centers? How is it that in your bill, Mr. Speaker, we do not make use of any of the provider money, cigarette tax money which is already coming in, for community health centers? How is it that we are not using a system that is already there which could get people health care more immediately for money without waiting on a Washington waiver?

Mr. EACHUS. I think I understand the lady's question. Let me try.

This bill is clear. It focuses on access to health care under the adultBasic program. It allows for an expansion of the platform of insurance so that we can qualify for Federal dollars from

Washington. I think I answered the question about how that waiver gets achieved – by lowering the amount of people who do not have insurance when they come into our hospitals and that way Washington will give us more money as that equation lowers.

So to that fact, I understand that the lady disagrees that there are certain policies, whether they are rolling—

Mrs. WATSON. Enrollment.

Mr. EACHUS. —enrollment, thank you; I just groped for the word – rolling enrollment or some other methodology that failed in amendments on second consideration, but the bill is straightforward. We need to find a way to achieve access to health care for the 1.2 million people out there. This tries to reach 130,000 people to put them on the adultBasic program. It is a very straightforward concept. It is very straightforward, and I am happy to answer questions on HB 1.

Mrs. WATSON. Thank you, Mr. Speaker.

I will conclude my interrogation and speak on the bill.

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

Mrs. WATSON. Mr. Speaker, I understand the concept of HB 1, and I would suggest that in a conceptual way, I would agree with it. I would make the analogy that this is very much like what goes on in each of us, which is when you have a decision to make, what rules – your head, your brain, or your heart? And here we have a question about— We have heard a lot about what I call the brain part of HB 1, and that is, do the numbers work? When will the numbers work? Are these numbers that will get us to providing care and opportunities and access to care for more people? Will they be short-lived? Will they work?

I have said all along, Mr. Speaker, I would be for anything that I could stand here and knowingly say and put up a "yes" vote for something, making a promise that I know I could keep, because I think that as human beings and certainly when talking about issues like health care, we need to be in the business of, if we make the promise, a legislative promise, we know we can keep it barring some cataclysmic event. You have heard from others and I suspect you will hear from others after me, Mr. Speaker, who really question the nature of the promise, and is it a promise we could keep?

I will talk first to some of the money issues. I have heard a lot going on, but what I could not mention and ask for was that there was an opportunity, and I think the people of Pennsylvania, particularly those in urban settings, some of our suburban, and particularly our rural settings, need to know that for a very small amount of money that already exists, that is cigarette money coming in, that we know the cigarette tax is declining but still making use of it.

One thing we knew, we could set up a program that would expand, as I said, that subset that already exists throughout Pennsylvania, has a wonderful track record of taking care of Pennsylvanians, providing them good quality care even when they are uninsured now. And also, Mr. Speaker, with a little bit of money to expand, expand their hours and expand the folks who work there, the number of employees, we know that they could indeed provide what you call the platform that you want to see through that Washington waiver, and that would be to offer even behavioral health and prescription. All of that could be there.

What are they? There are community-based health centers that exist. There are federally qualified health centers. There are what is called Federal look-alikes. They are your hospital-based



clinics, which are particularly in the southeast. There are rural-based clinics, which are out there in Pennsylvania; I think Representative Baker was sharing with me where they are in his district. Nurse practitioner clinics; this system is there, Mr. Speaker, and for a small amount of money – small by Harrisburg standards, not by Kathy Watson's standards – but small by Harrisburg standards, for \$25 million of taking cigarette tax revenue that already comes in, even though it is declining, and using just that \$25 million, we would expand that, and within the year, without waiting for Washington or anybody to tell us, yes, it is okay; it is fine, we would have expanded care and provided additional access to uninsured Pennsylvanians.

Along with that, I would also say that there was indeed an amendment and there is a bill that would take an additional \$2 million and create a program that addresses an issue many of you in this House have talked about in other years, and that is the lack of good prenatal care, the outreach of going to those who are perhaps low income and pregnant and going into their communities to provide them prenatal care, postnatal care, care for that baby, and how to take care of a baby. And so I had proposed – yes, it is mine – but that \$2 million grant proposal that would take what we call a Mom Mobile, work it out of one of these health centers in urban areas, suburban areas, and rural areas to get to the very issue, which is an increase in infant mortality, an increase in babies being born with many, many defects that could have been dealt with if indeed the mother had had good prenatal care.

And it also gets to a hospital issue which is uncompensated care, and particularly in our urban areas where we have young women who show up at the hospital, no prenatal care, and when they go to deliver, the hospital has to treat them as a high-risk pregnancy. That could be addressed for just the \$2 million investment, Mr. Speaker, from cigarette tax money that already exists. That would have made HB 1 I think even better. That would have provided, really, an answer to what some critics have said is the waiting, the promise that you are not sure will be kept, the promise that is also based on CMS, that Washington institution looking at us and saying, yes, you can do this or, no, you cannot. We could have done this, Mr. Speaker, all by ourselves and we would have a lot more people who would have an immediate access to care. We would have addressed the issue of overuse of emergency rooms. We also would have addressed the issues of infant mortality and addressed the issues of women without good prenatal care.

Mr. Speaker, I appreciate your intent. I will suggest that indeed it is your heart and mine have the same idea in mind, but I would suggest that our brains are working differently because some of our numbers just do not jive, and without the things I have stressed and many of the others that people have said, I do not see this bill being a promise I want to make to Pennsylvanians, that I know when I stand here I can keep the promise and give them health care.

For this reason, unfortunately, Mr. Speaker, and really with a sadness, I am going to have to vote against it. I would hope that we will get another opportunity to improve things here and really get at providing health care to the people who desperately need it and doing it in a way that we know for sure we can guarantee it being there.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentlelady.

## APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Speaker is going to grant permission for an immediate meeting of the House Appropriations Committee while we are debating HB 1. There will be an immediate meeting of the House Appropriations Committee in the majority caucus room while we debate HB 1.

## BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader, who moves that SB 33 be removed from the tabled calendar.

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

## BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader, who moves that SB 33 be recommitted to the Committee on Appropriations.

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

The SPEAKER. There will be an immediate meeting of the House Appropriations Committee in the majority caucus room.

## CONSIDERATION OF HB 1 CONTINUED

The SPEAKER. The Chair recognizes the gentleman from Lehigh County, Representative Reichley, on final passage of HB 1.

Mr. REICHLEY. Mr. Speaker, I am on the Appropriations Committee, so I would like to have you come back to me, if that is at all possible. Thank you, Mr. Speaker. I still want to address the Chair and the majority leader on that. Thank you.

The SPEAKER. The Chair understands.

The Chair recognizes the gentleman from Lancaster County, Representative Cutler.

Mr. CUTLER. Thank you, Mr. Speaker.

I am wondering if the maker of the bill might stand for interrogation?

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

Mr. CUTLER. Thank you, Mr. Speaker.

The SPEAKER. Will the gentleman yield.

Mr. CUTLER. Certainly.

## POINT OF ORDER

The SPEAKER. For what purpose does the gentleman, Representative Hutchinson, rise?

Mr. HUTCHINSON. A point of order, Mr. Speaker.

The SPEAKER. The gentleman will state his point of order.

Mr. HUTCHINSON. Mr. Speaker, is it appropriate, number one, and number two, within the rules of the House for a

committee to be meeting while debate is going on? Folks who are represented by members of the Appropriations Committee statewide, their Representatives are not going to be available to be on the floor to hear the debate to make their decision on the vote for this bill. So I want to know, A, is it appropriate; and B, is it within House rules?

The SPEAKER. It is appropriate and it is within the House rules for the Speaker to grant permission to standing committees to meet while the House is in session as long as no votes are taken. If there are any votes that would be taken, we would suspend until the Appropriations Committee comes back to the floor of the House. It is within the Speaker's prerogative and it is within the rules of the House of Representatives, and the precedent has been set on a number of occasions for that to occur.

Mr. HUTCHINSON. Mr. Speaker, would a motion be appropriate at this moment?

The SPEAKER. It would not be. The gentleman, Mr. Cutler, has the floor.

Mr. HUTCHINSON. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Lancaster County, Representative Cutler.

Mr. CUTLER. Thank you, Mr. Speaker.

Mr. Speaker, just so I am clear on the underlying issues surrounding HB 1. It is my understanding that we have to pursue a waiver, if you will, from CMS. Is that correct, Mr. Speaker?

Mr. EACHUS. Yes.

Mr. CUTLER. Thank you.

And do we yet have that waiver in our possession or has that been granted?

Mr. EACHUS. Mr. Speaker, just to let you know, the bill has not passed yet, number one. So it has to pass and be passed by the Senate before that reality is possible.

Mr. CUTLER. Thank you, Mr. Speaker.

Has a waiver like this been requested from our Commonwealth previously with the Federal administration for a program similar to this or another one, to the best of your knowledge, Mr. Speaker?

Mr. EACHUS. Mr. Speaker, there have been many waivers from many different Federal programs across many departments from the Federal government in the past. In this case, this would probably be the first for this program.

Mr. CUTLER. Okay. To the best of your knowledge then, it is a fair statement then that this is a fairly new waiver that has not yet been applied for?

Mr. EACHUS. For Pennsylvania. As I said earlier, there are 11 other States that have qualified for this waiver.

Mr. CUTLER. Correct, Mr. Speaker, and I would just like to very briefly go on record that I would like to see those lists of States, if you could, at your convenience, sir.

In regards to the waiver that we have to apply for, it is my understanding from some of the folks that we have spoken to at CMS that one of the main holdups is the funding. I know you spoke to some of the other members to that effect previously, and I must confess, I probably do not have the best understanding of it in regards to whether or not a provider tax can be utilized to draw down Federal funds. I know previously you had explained that that money would be utilized in a different mechanism, if you will, and I was hoping for a further explanation on that, if you could, please.

Mr. EACHUS. Sure; I am happy to clarify my earlier statement. The way we achieve a Federal waiver in the design of HB 1 is by decreasing the amount of disproportionate share payments to hospitals, which currently cover uncompensated care within our hospital systems in Pennsylvania. As that disproportionate share decreases, more Federal waiver money comes in to fill the gap because we are being more efficient by covering more people with health insurance. As we insure more people, we have less uncompensated care, and it drives the cost of health care down for taxpayers.

Mr. CUTLER. Mr. Speaker, if I may ask, will that money be directly paid to the hospitals, the provider tax or the community reinvestment money, or will that be utilized to purchase the insurance which drives down the cost, just so I am clear?

Mr. EACHUS. Mr. Speaker, you keep calling it a provider tax; there is no provider tax within this. There is a hope that we reach an agreement on the community reinvestment by the Blues companies. As I told the previous speaker, there is \$5 billion in surplus money in the Blues. What we are asking them to do is maintain the integrity of the agreement that they reached with the Rendell administration to commit \$150 million or so which will continue the Blues commitment to charity care, which they have maintained in past agreements with the Office of Health Care Reform in the Governor's Office. That is all we ask for. If they do not do that, then we will allow for a premium tax of 2 percent to be applied. My belief is, though, that they have always acted in good faith as it relates to this, and I believe that they will.

Mr. CUTLER. Thank you, Mr. Speaker.

In regards to the 11 other States that you referenced, are there insurance plans that are offered to help drive down the cost? Are they comparable to the plans, and by comparable I mean the same level of benefits that you are wishing to provide? Are they comparable to what you are proposing to provide under your plan?

Mr. EACHUS. Mr. Speaker, I can only speak to HB 1 today.

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

In regards to HB 1 then and regards to the waiver that you would have to apply for, have you or your staff spoken to anyone at CMS about the waiver that you would have to apply for?

Mr. EACHUS. Mr. Speaker, the waiver is already at the Department of Public Welfare. They could implement this as soon as the law is passed, within days.

Mr. CUTLER. Mr. Speaker, you imply that the Department of Welfare could— Well, one, they already have a waiver in their possession. So it is already drafted then?

Mr. EACHUS. Sure. The request for the waiver has already been drafted, and all they would have to do is implement it, because the conversation has been very clear between the Office of Health Care Reform, the folks in the Department of Public Welfare, and CMS.

Mr. CUTLER. That is interesting, because in our conversations with the Department of Welfare, they have certainly taken the position that the provider tax – I know that you did not like that term and I forget the term that you used, so I apologize – but they did not believe that that was a permissible method by which to reroute and draw down Federal funds. So I am a little confused as to how that could be, sir.

Mr. EACHUS. Mr. Speaker, I cannot speak clearly enough to the issue of where the waiver applies to. You are misapplying an explanation that I continue to give over and over again. The Community Reinvestment Fund has absolutely nothing to do—We are not waiving any money within that program, within that fund. It comes out of a decreasing of disproportionate share payments to hospitals and the increasing insurance that HB 1 will create for Pennsylvanians. The more people that get insurance, from my opinion, the better, but it also drives down the cost to hospitals, and that is how we get a Federal waiver.

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

And I would actually agree with the last part of that statement in regards to the fact that the more folks who have insurance would drive down the cost of the uncompensated care and the burden that we all have to share on that.

On to the actual guts of the bill, if you will, Mr. Speaker. Am I correct in understanding that this bill actually repeals the current adultBasic program as it currently stands?

Mr. EACHUS. Yes.

Mr. CUTLER. Okay. And in addition to repealing the current adultBasic program, it also defunds it. Is that correct, sir? Mr. Speaker; I apologize.

Mr. EACHUS. Yes.

Mr. CUTLER. Okay. Mr. Speaker, in addition to that, would the repeal and the defunding be immediate upon passage of the bill or take effect at the 90-day effective date?

Mr. EACHUS. 90 days; you are correct.

Mr. CUTLER. Thank you, Mr. Speaker.

Mr. Speaker, is it reasonable to believe that a waiver from the Federal government could come within 90 days if a waiver of this nature has never been applied for by the Commonwealth previously?

Mr. EACHUS. Mr. Speaker, we fully expect that a waiver will be issued by the Centers for Medicare Services within 90 days of the passage of the effective date of this act. I think it really is a chicken-and-egg issue; CMS will not approve a waiver unless the adultBasic program has been repealed. That is the way this process works. It is CMS's understanding that as soon as the waiver is issued, enrollees for the adultBasic program would immediately be moved over to the new program that I explained to you, and the department has a draft request, the Federal approval, ready to go, as I have explained, and just the enactment of this legislation would allow for that waiver to proceed with CMS.

Mr. CUTLER. Thank you, Mr. Speaker.

Can you give me an example of another Federal waiver that occurred within 90 days?

Mr. EACHUS. Mr. Speaker, as I told you before, I am speaking to HB 1 today.

Mr. CUTLER. Okay. Thank you, Mr. Speaker.

In regards to the 90-day window, what happens if we do not hit the 90-day window and the waiver does not come through from the Federal government within 90 days?

Mr. EACHUS. Mr. Speaker, I am very confident that 4 years of conversations between the Rendell administration and CMS will conclude in a waiver within 90 days and that all the people that we are trying to protect in HB 1 and expand additional health care to will be covered.

Mr. CUTLER. Mr. Speaker, I certainly appreciate your confidence, but I would like to have a backup plan, if possible.

And I guess my point is, is there a contingency plan drafted into the bill in the event that the 90-day window closes without the passage of the waiver?

Mr. EACHUS. I repeat again that the 4 years of conversations between the Rendell administration and CMS will put people into a program within 90 days after this act is passed.

Mr. CUTLER. But if there is not, Mr. Speaker, there is not a contingency plan. Is that correct?

Mr. EACHUS. Mr. Speaker, once again, I am confident that this will take place. I know that you are looking for me to make some argument. I just want to tell you that the internal conversations that this administration and CMS has had will not leave the people of Pennsylvania in the adultBasic program uninsured.

Mr. CUTLER. Mr. Speaker, it is our understanding from some recent hearings and some input from others at the Department of Public Welfare that perhaps the Rendell administration and the discussions with CMS have fallen apart. If that is the case, Mr. Speaker, I do not understand where the level of confidence comes in and would certainly appreciate a further explanation, if you would.

Mr. EACHUS. Mr. Speaker, I believe the information you have is incorrect.

Mr. CUTLER. I appreciate that, but obviously, I believe in verifying the information that I have and certainly will not just take it on your word. No offense intended, Mr. Speaker.

On to the data that you have before you, I know you referenced that we have very good data by which your program is based on in regards to the adultBasic program. Can you share with the chamber and with me, Mr. Speaker, what is the average cost currently under the old adultBasic program? I know that you referenced the new costs for the new program will be approximately \$335, I believe, in discussions with the honorable gentleman from Bucks County previously, and I was hoping to get a point-by-point comparison, if I could, Mr. Speaker.

Mr. EACHUS. The new program will cost \$335. The old program currently costs \$335.

Mr. CUTLER. Mr. Speaker, so your proposal would add coverage as far as behavioral medicine and prescription drug coverage, increase the rolls by – and I am going to defer to you, because I do not remember the number, Mr. Speaker.

Mr. EACHUS. Well, the reason why we are able to maintain the cost is because wellness and preventative care help control health-care costs. Disease management, which the medical assistance system is already using in most large hospital systems like Geisinger and UPMC (University of Pittsburgh Medical Center), they are already using disease management systems to lower the cost of health care. So by being more efficient within our system and also getting preventative care, which is not currently in the wellness and prevention programs in the adultBasic program, we achieve cost of efficiency at lower the cost of health care within the adultBasic program, thereby keeping the same cost levels.

Mr. CUTLER. Thank you, Mr. Speaker.

So your proposal would increase the rolls by 130,000. Is that correct?

Mr. EACHUS. No, Mr. Speaker. It would bring the total to 130,000.

Mr. CUTLER. The total; okay. Thank you, Mr. Speaker. I certainly did not want to misquote you; I apologize.

So the total to 130,000 but maintain the level cost, just so I am clear?

Mr. EACHUS. Exactly as I said, we maintain efficiencies by the new model that would get created and we create a better efficiency by saving money within and getting people preventative care. That is where much of the cost is saved.

Mr. CUTLER. Thank you, Mr. Speaker.

On to the funding, if I may, Mr. Speaker. I had a question regarding the funding in regards to the Community Health Reinvestment dollars. Page 22, line 2, is actually the specific, but I am going to have to back up to page 21 to kind of get the flow of thought here. It says, "This subsection shall not be effective if the Agreement on Community Health Reinvestment entered into..." and it lists the companies. It says, "...is extended or otherwise renegotiated to continue, at least, at the level of Annual Community Health Reinvestment contributed under that agreement."

Mr. Speaker, my question is, the language that says "...at least, at the level of..." is that a dollar amount, Mr. Speaker, or a percentage, or what threshold is being utilized there?

Mr. EACHUS. Mr. Speaker, it represents real dollars. Let me repeat, though, the Blues companies have a \$5 billion surplus. All we are asking is for them to take a very small percentage of dollars from that surplus and help us guarantee health insurance, to provide access to health care for Pennsylvanians, and help us, as I said, lower the cost to hospital systems by insuring more people. We believe it is the right policy.

Mr. CUTLER. I understand your policy concerns, Mr. Speaker, but I just wanted to be clear, the underlying issue is it is a dollar-to-dollar comparison as a percentage of profits or anything like that. Is that correct, Mr. Speaker? If they submitted \$1 billion last year, they would have to submit \$1 billion next year?

Mr. EACHUS. Well, here is the way it works: If the Blue Cross companies can keep their rates from increasing, the dollars will not increase. So I am asking them to keep their costs under control so that it will basically articulate a lower number. Keep the rates low for consumers in Pennsylvania and we end up asking for less.

Mr. CUTLER. Mr. Speaker, could you point me to the language that verifies that it is the dollars as long as the rates are concurrent, because I must have missed that in the bill, sir.

Mr. EACHUS. Mr. Speaker, I would refer your staff to the CHR agreement, which would maintain the integrity of that. As you know, we refer to that in here.

Mr. CUTLER. Understood, Mr. Speaker, but as you pointed out previously, we are discussing HB 1, and HB 1 clearly says that unless "...otherwise renegotiated to continue, at least, at the level of Annual Community Health Reinvestment contributed under that agreement."

I guess my question is, if it is not the same dollar, Mr. Speaker, is – or are, rather, since we are talking more than one company – are they at risk of having to— Let us say, for example, they approve a lower rate for whatever reason; they renegotiate a rate. The economy is bad. They enter into a lower rate agreement, and then on top of that, under this proposal, they could have to pay the tax on top of it because they are not meeting the dollar-for-dollar requirement that you just enunciated previously, Mr. Speaker.

Mr. EACHUS. I think it is interesting logic to think that the Blue Cross companies would actually decrease rates. That would be a historic opportunity for them to lower rates for

Pennsylvanians. I doubt that would happen, but in your example, as maybe not as real world as it is, I would say to you that I refer back to the CHR agreement and the language within. This bill does not change that. The terms of that agreement do not change. All that we ask for is the same commitment to the uninsured be maintained by the Blue Cross companies in HB 1.

Mr. CUTLER. Mr. Speaker, maybe I should be more clear because I was not referring to the insurance rates. I was actually referring to the rates of the Community Health Reinvestment dollars on a dollar-for-dollar comparison, and that was really the crux of the question.

Under your proposal in HB 1, if they negotiate with the administration for a lower whole dollar Community Health Reinvestment conglomerate – the whole dollar investment into the Commonwealth for the Community Health Reinvestment is overall lower than what they currently are putting in now because of the status of the economy – is it not possible that you would trigger the premium tax that you reference in subsection (c) that precedes this entire paragraph discussing the Community Health Reinvestment dollars?

Mr. EACHUS. The answer is yes. They would not negotiate a lower rate.

Mr. CUTLER. So it is possible, then, Mr. Speaker? All right, thank you.

Mr. EACHUS. In your example, yes.

Mr. CUTLER. Thank you, Mr. Speaker.

On to the bill, if I may, Mr. Speaker.

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

Mr. CUTLER. I certainly appreciate the majority leader's time and indulgence of my questions.

I wanted to share my questions and my thoughts on the bill tonight. I, for one, believe that it is poor policy to wait on a waiver that may or may not ever come. We have heard assurances of confidence regarding the discussions of the administration and the confidence that they have and the discussions that they have had with CMS. Well, we also had this same confidence over a year ago when we were discussing tolling I-80, and we all know how that transportation plan fell apart. Mr. Speaker, I think that bridges and potholes certainly were important. We based an entire transportation funding system on that, and we watched it crumble. We watched it crumble to the wayside, and now, Mr. Speaker, we are planning on basing our entire health-care proposal on the same flawed premise. We are going to wait on a waiver from the Federal government on the hopes that someone else will bail us out from policy decisions that we have the ability to make here in Pennsylvania.

Mr. Speaker, I respect the majority leader. I respect his goal of trying to provide health care to everyone, and specifically, the uninsured, but as he pointed out, this bill would only direct resources to 130,000 individuals. Mr. Speaker, I believe that this entire process through the consideration of HB 1 is wrought with missed opportunities. We had the opportunity to expand coverage and decrease costs for everyone, everyone all across the Commonwealth, not just the uninsured but individuals who had insurance that are currently footing the bill for everyone who does not have insurance.

Mr. Speaker, we heard from the majority leader this evening, Mr. Speaker, about how those costs are shifted and we are unable to draw down Federal dollars because of it. Mr. Speaker, everyone who has insurance or self-pays currently pays that bill. We understand that.

Mr. Speaker, we had the opportunity to effect real change to every single person who purchases health care in the Commonwealth, and this bill, Mr. Speaker, only can get change out to 130,000 people. Mr. Speaker, in a Commonwealth of 12 million citizens, I do not believe that is enough of an effort. Mr. Speaker, instead, we are going to increase the costs for those who already have insurance and we are going to make sure that they are taxed to provide for this new plan. In the meantime, we are going to make sure that we destroy adultBasic as it currently exists. We are going to repeal it, we are going to defund it, and we are going to make sure that there is absolutely no viable alternative in place if the waiver does not come through.

Finally, Mr. Speaker, under this plan, it would allow a renegotiated community reinvestment deal at a lower rate and a tax to be levied against insurance companies here in the Commonwealth despite all of the economic hardships that are currently on all of the individuals and the companies in the Commonwealth. Mr. Speaker, I believe that that is flawed economic policy. For me, the issues surrounding this bill are very simple. It is about extending insurance to some or lowering the costs for everyone. Mr. Speaker, I am going to opt for the latter and believe that we should lower health-care costs for everyone, because ultimately, that will get insurance to everyone.

Since this bill will limit the coverage to a very few, raise costs to everyone who is left, I urge my colleagues to vote "no" on the bill and the proposal that is before us. This bill is well-intentioned and fatally flawed, and for that reason I will be voting "no" this evening.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from Lehigh County, Representative Reichley.

Mr. REICHLEY. Thank you, Mr. Speaker, for coming back to me in turn.

Would the majority leader stand for brief interrogation?

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

Mr. REICHLEY. Thank you, Mr. Speaker.

I apologize for being out of the chamber when you may have answered one or two of these questions, but I just wanted to ensure that I understood it. I think, in part, based upon the gentleman's answers to questions from the gentleman from Allegheny, Mr. Mustio, is there any language in HB 1 which would prevent any of the four Blues insurers from passing along the 2-percent premium tax to the subscribers?

Mr. EACHUS. No.

Mr. REICHLEY. So in all likelihood, even though I think some of your comments earlier this afternoon said that the Blues should make an investment in this, there is nothing to prevent them from passing along that 2 percent to the people who are paying the premiums. Is that correct?

Mr. EACHUS. Correct.

Mr. REICHLEY. Okay. Now, the second thing I wanted to ask you about was in terms of the definition of a "wait-list enrollee." Mr. Speaker, currently an individual who is on the waiting list for the adultBasic program, can you tell us if they are required to pay any premium?

Mr. EACHUS. Mr. Speaker, not if they are wait-listed.

Mr. REICHLEY. Would it be correct, Mr. Speaker, that that is a choice on their part? We have provided the option under State law that if an individual who is on the wait list wants to purchase the insurance while they are waiting to actually receive adultBasic, they can pay a monthly premium. Would that be correct?

Mr. EACHUS. Sure. But most people, Mr. Speaker, if they are trying to get on the adultBasic program, cannot afford even a Special Care premium.

Mr. REICHLEY. Do you have any idea, Mr. Speaker, about what that monthly premium amount is that is charged if an individual is on the waiting list for adultBasic?

Mr. EACHUS. Mr. Speaker, let me also be clear – and I want to make sure I am clear about what you are asking – a person on the adultBasic waiting list is not given the availability of coverage, so they would not pay a premium. They are waiting to be eligible because there are only a certain amount of slots in the adultBasic program. So they would not pay a premium, Mr. Speaker. Why would they?

Mr. REICHLEY. But, Mr. Speaker, is it not true that individuals who elect to purchase adultBasic coverage at cost while they are awaiting to become enrolled can, at their discretion, pay a premium?

Mr. EACHUS. But the wait-list period, Mr. Speaker, at this point is over 2 years. I would have to look with the Insurance Department at the statistics. Why would somebody who has got to wait in line with a program that takes 2 years to get a slot start paying whatever the dollar amount was, the premium? I do not understand the question.

Mr. REICHLEY. With all due respect, Mr. Speaker, I do not think he answered my question. Are you able to inform the members as to how much a waiting list enrollee can choose to pay—

Mr. EACHUS. Here, let me clarify, because—

Mr. REICHLEY. —for the purchase of adultBasic coverage at cost while awaiting their eligibility to receive adultBasic?

Mr. EACHUS. Let me repeat the cost again. I did that earlier. It is \$335 a month now, \$335 a month when the new program impacts. But let me be clear: Why would anybody in a real world, who is lacking health insurance and cannot afford it, pay any dollar amount while they are waiting for 2 years in line for a slot that they may or may not get? Most of these people who are waiting in line, Mr. Speaker, are people trying to get employment. Many people never get to the adultBasic slot because they get a new job, and that job may provide employer-based coverage. So I do not understand in the real world why anyone would pay in advance of waiting for a slot that costs them anything.

Mr. REICHLEY. Mr. Speaker, would you agree that the term "wait-list enrollee" is defined on page 9, starting at line 4 of your legislation, as "An eligible adult who meets all the requirements of this chapter who is not enrolled in the program," that being the adultBasic program, "due to insufficient appropriations, but who individually purchases the benefit package"?

Mr. EACHUS. Mr. Speaker, this law, the way it differs from the current program, is that that enrollee, if they have got the money and they want to pay full price, can opt in to the program.

Mr. REICHLEY. That is the way the program is now. Is that correct, Mr. Speaker?

Mr. EACHUS. That is correct. If they want, they can pay the full price and come into the program. That opportunity would not be prohibited.

Mr. REICHLEY. Even though you said that you cannot imagine anyone who would possibly want to pay that \$335 per month while they are waiting to be enrolled into adultBasic, would possibly want to pay that amount, but you just conceded that that in fact can be done. Is that correct, Mr. Speaker?

Mr. EACHUS. My point in that, Mr. Speaker, is that the great majority of the people who are in that line cannot afford health insurance. That is the point of this discussion to begin with. I mean, there may be a very small percentage of potential enrollees who can afford it. This will not prohibit it, but the great majority of people waiting in that adultBasic line have no capacity to pay, so they have got to wait for their slot.

Mr. REICHLEY. But getting back to my question two questions ago, Mr. Speaker, does not your bill on page 9, starting at line 4, define a "wait-list enrollee" as "An eligible adult who meets all the requirements of this chapter who is not enrolled in the program due to insufficient appropriations," the program being adultBasic, "but who individually purchases the benefit package"?

Mr. EACHUS. Once again, the answer is yes twice.

Mr. REICHLEY. Okay. So you do concede that that is the definition for a "wait-list enrollee"?

Mr. EACHUS. Mr. Speaker, I do not consider "yes" a concession, but the answer is yes.

Mr. REICHLEY. Mr. Speaker, by defining a wait-list enrollee in that manner, you have taken away the discretion of the wait-list enrollee, because now you have compelled them to be defined as a wait-list enrollee to purchase the insurance at the \$335 amount you identified before. You have no longer given them the discretion to remain on the waiting list paying zero until they have met eligibility.

Mr. EACHUS. Mr. Speaker, I just disagree with your interpretation.

Mr. REICHLEY. Well, I appreciate that, Mr. Speaker, but can you identify anywhere in the bill which disputes the fact that your legislation now, essentially, imposes a waiting-list tax, that for every one of those people that you are so concerned about providing health-care coverage to, your legislation now imposes, according to the deputy commissioner for Mcare, approximately a \$327 per month payment on each of those individuals?

Mr. EACHUS. I believe your assessment is wrong. I have said it so.

Mr. REICHLEY. Okay. Mr. Speaker, on the bill, please.

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

Mr. REICHLEY. Quite frankly, to just respond by saying you disagree with what is in the black and white of the bill is insufficient. I think all of us in the chamber recognize what is going to happen on this vote, and that is all well and good, and I think all the members should know absolutely with clear conviction what they are about to vote for or against.

We have had information related to us today that a 2-percent premium is going to be imposed upon the four nonprofit health insurers within the State, and the gentleman has just confirmed that there is nothing in this bill which will prevent that 2-percent premium from being passed on to the subscribers. So that is the health insurance tax the gentleman is having within this legislation.

And interestingly, I look back at his cosponsor memorandum from May 12 of 2009, and the last paragraph said that "This legislation becomes effective upon federal approval for matching funds," which, in his responses to the gentleman from Lancaster, he admitted you do not have approval yet for the matching funds. The next sentence went on to say, "State funding for the program will come from existing adultBasic funding, surplus monies in the Health Care Provider Retention Account, and a change in the Commonwealth's ESCHEAT law from five to four years." No mention of the 2-percent health-care tax which will now be passed along to every subscriber who currently receives insurance coverage through one of the four major Blues that we have here in Pennsylvania.

But the real capper, Mr. Speaker, is the new waiting-list tax that the gentleman is imposing. Those individuals who have been on the waiting list for up to 2 years, as the gentleman identified, who have the discretion right now to wait and wait and wait, but because they do not have the wherewithal to pay for the coverage, they are not paying anything. Because of the language on page 9, starting at line 4, the gentleman's bill will now require – not give them the discretion, but require – each one of those waiting-list enrollees to pay up to \$327 per month while they are waiting to be able to obtain the adultBasic coverage, which can be as low as a \$30 to a \$50 payment by each of those individuals. This is confirmed because of information we received from the deputy commissioner for Mcare. "People on the adultBasic waiting list do not pay anything for adultBasic until they become eligible for adultBasic benefits, with the exception of people on the adultBasic waiting list who elect to purchase adultBasic coverage 'at cost' while they are waiting to become enrolled in the subsidized adultBasic program." This is by way of an e-mail on June 22 from the deputy commissioner for Mcare. "The people paying 'at cost' pay the total cost to the Commonwealth of their adultBasic coverage (...an average of \$332..." per month "...in June 2009)."

So the gentleman has quite artfully now had two new tax increases within this legislation, which are identifying as somehow providing more health care at a cheaper price. And interestingly, our colleagues in Washington going through this very same debate have decried this very approach. From the Washington Post on June 15 of 2009, it quotes, "Labor leaders, who have for years chosen better health benefits over higher wages in contract negotiations, call the tax," more or less what has been described here, as "a deal-killer. 'It has the capacity to really undermine trust in a basic kind of way,' said Gerald Shea, assistant to the president of the AFL-CIO. 'If you say you really, really want to help out the middle class, what are you doing charging more for the health care that's already costing us an arm and a leg?' " Exactly what the gentleman's plan does – forcing the average consumer who gets insurance through one of the four Blues to pay more, an arm and a leg.

And the Obama administration, in fact, has said that they are opposed to the idea, which has the potential to ensnare middle-class workers Obama vowed to protect from tax hikes – the very kind of tax hike the gentleman's legislation has.

So as long as you all want to vote for it, that is great, but just recognize, you are voting not one, not two, but three new taxes in this legislation – a waiting-list tax, a new adultBasic tax, not to mention the MCO tax which is being provided in yet other legislation to come before us.

Vote "no" on this horrendous piece of legislation. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Monroe County, the gentleman, Mr. Siptroth, who waives off. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Bucks County, Representative Galloway.

The gentleman waives off. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Bucks County, Representative Clymer.

Mr. CLYMER. Thank you, Mr. Speaker, and my remarks will be brief.

I want to follow up on the gentleman from Lancaster, Mr. Cutler, as he was talking about the Federal waiver. And indeed, HB 1, if it becomes law and that all-important Federal waiver has not been granted, the possibilities of 45,000 subscribers, these are subscribers to the adultBasic insurance, will lose their insurance coverage creating, for sure, a severe health-care crisis here in Pennsylvania. And so, Mr. Speaker, I am very concerned about that number – 45,000 subscribers to the adultBasic insurance losing their coverage – and for those reasons, I will be a "no" vote. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentelady from Luzerne County, Representative Mundy, who waives off. The Chair thanks the gentelady.

The Chair recognizes the gentleman from Lehigh County, Representative Day.

Mr. DAY. Thank you, Mr. Speaker.

Mr. Speaker, I rise today to talk about HB 1. There has been much debate here today about HB 1. I am on the Insurance Committee. This bill came before our committee. We had the opportunity to probably have about five, six, or seven from our side support this bill. That opportunity was not taken, and we proceeded to vote it out of committee on partisan lines and not do any work in committee.

I could stand before everyone today and interrogate the maker of the bill or I could ask rhetorical questions about all the questions that I have about the costs, the coverage, but that has been done pretty well today.

It leaves me in a position now where I would like to just say, we had an opportunity to make a good, bipartisan piece of legislation, and we walked away from that opportunity. I want to know how much we plan to tax insurers and providers.

I want to summarize my thoughts and just remind everyone that this proposal is a 2-percent tax on all insurers to make up the hole in the MA (medical assistance) budget. I would like to remind everyone here today when you cast your vote that HB 1 calls to tax only certain insurers, not everyone. It calls to tax certain insurers to pay for an expansion of adultBasic, something you probably could have gotten our support for, but you chose to walk away from that.

This proposal proposes to cut payments to certain urban hospitals, something that I cannot support. I worked for the city of Allentown, and while I was there – when hospitals close, services are less for the people in those urban cores. My district now, the 187th, does not compose an urban core, but I ask you, those of you that do have it, to consider that this is what this legislation will do.

So to keep my comments as short as possible because we have gone long today, I would like to recap: We are going to tax insurers to the point where they may consider whether they should even operate in our Commonwealth. We are going to sit in the back and laugh and giggle and tax those insurers that only write in the State to the point of insolvency and tax providers by withholding reimbursements, the same providers that treat our poor in the Commonwealth, and we are going to do all this under the guise of expanding health care.

I call on every member of this chamber today that we can do better. It is a noble cause, it is a noble goal, and I would ask you to please reconsider this, do not pass this legislation, and let us make it into the piece of legislation many of us can be proud of.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

We are down to our last speaker, Representative Beyer from Northampton County, on the question.

Mrs. BEYER. Thank you, Mr. Speaker.

We have had a lot of debate today, a lot of discussion. A lot of really good points have been made.

I just want to digress and say that when I first came to this chamber almost 4 years ago, one of my very first friends was the majority leader, and I have followed him on many votes, respected and admired his work, particularly in this area. And I remember last session when we had SB 1137 that the majority leader, the gentleman then from Luzerne County, amended to expand the adultBasic program.

But, Mr. Speaker, we are missing another opportunity to work together in a bipartisan way. We should not intentionally send another bill to the Senate that we know is going to kill it. This is an admirable goal. It is the right thing to do, but we are getting ready to have a purely partisan vote on the matter. We should send a bill to the Senate that has consensus. We should send a message to the Senate that we are working together in this chamber to get something done.

### MOTION TO TABLE

Mrs. BEYER. As minority subcommittee chairman of the Subcommittee on Health for the Committee on Health and Human Services, I rise to make a motion to table the bill. My motion is to give the Health and Human Services Committee an opportunity to hold hearings on the bill, with the intention that we hold these hearings and remove the bill from the table on a date certain, which would be the first day of legislative session in October.

Now, I support the fundamental principles of this bill, and I know my friend, the majority leader, knows that. There is nothing more that I want to do than vote for the concepts in this bill, but I cannot, because the crux of the matter is this—I would like to have order, Mr. Speaker. I mean, I have been listening to everybody all day very politely.

The SPEAKER. The gentelady is in order. She has a right to be heard.

The gentelady made her motion. We will put the question before the House, the gentelady, Representative Beyer.

The House will come to order.

Has the gentelady made a motion to table the bill?

Mrs. BEYER. Yes, Mr. Speaker. I am making a motion to table the bill.

The SPEAKER. The gentlelady from Northampton County, Representative Beyer, has made a motion to table HB 1.

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

The SPEAKER. On the question as to whether or not to table HB 1, the Chair recognizes the gentlelady from Northampton County, Representative Beyer.

The motion to table is debatable by the floor leaders, the maker of the motion, and the prime sponsor of the bill.

On the question, the Chair recognizes the gentlelady, Representative Beyer.

Mrs. BEYER. Thank you, Mr. Speaker.

You know, Mr. Speaker, I am an old military girl. I think I have earned my stripes here in this chamber. I have tried to make the past 4 years – on August 2 it will be 4 years that I was sworn into this chamber – to work across the aisle to try to get things done together.

This is, on the merits, a terrific bill, but it has its problems, and the fundamental problem and the crux of the matter today is the possibility that Pennsylvania would receive approval of a waiver of the medical assistance rules from CMS. And as a member of the Health and Human Services Committee, I do not see any reason at all why we cannot have CMS come before the committee to answer the questions about this Federal waiver. It is a problem with funding this very important program, and I do not know why we cannot send a message to our Senate brothers and sisters that we have come together on a significant piece of legislation that affects thousands of Pennsylvanians. What is the rush? We do not have enough money to fund the budget.

So, Mr. Speaker, I am asking that we table this to a date certain, the first legislative session day in October, to allow the Health and Human Services Committee to offer input on this bill.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentlelady.

On the question to table, the Chair recognizes the majority leader, Representative Eachus, on the question.

Mr. EACHUS. Mr. Speaker, as has been expressed by the gentlelady from Northampton and Lehigh, we have a great deal of personal respect for one other, but I have to say this on the policy, that in Northampton and Lehigh Counties, there are 14,000 people waiting on the waiting list today. Many of those people have been waiting for more than a year to 2 years now for access to health care.

We have had literally two consecutive sessions where we have debated all the issues around health care up and down, in and out, and from all the speakers that I have heard from on the Republican side, all of the members on your side of the aisle have obviously talked to CMS in their conversations. There is really no reason to wait for this.

And the intimation, Mr. Speaker, from many on your side to say that I was unwilling to negotiate with members of your caucus on key components that could have been added, something that a number of the key speakers on health care, there was an inability to negotiate, Mr. Speaker. I am happy to bring you up to speed on that after that on a personal level.

But let me say this: A vote to table this bill is a vote against health-care access for Pennsylvanians. Let us take the vote

today. Let us advance the bar for the people who are waiting in your county and in mine, to guarantee that people get ready as the Federal program comes in.

This is a key moment. This is the key time. Let us stop talking about it. Let us stop studying it. Let us get on with it. I vote "no" to table this, HB 1.

The SPEAKER. On the question, the Chair recognizes the minority leader, Representative Smith.

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

I think that the gentlelady from Northampton and Lehigh actually stated her case quite appropriately in terms of why it would be a reasonable move on the part of this legislature to table this legislation to a date certain, the first part of October, and solely for the purposes of allowing the Health and Human Services Committee to at least have some additional time to look at it a little more closely and to see if some of the claims that have been made here on this floor are accurate or have merit. Certainly, having CMS come in and speak to the legislation directly would alleviate some of the questions that have been raised here and maybe put an end to some of the he-said, she-said, they-told-us-this, they-told-someone-else-that element.

But, Mr. Speaker, without belaboring it, I would just suggest that this legislation— To do something just because it is time to do it is not the right reason. You need to still do it right, and this legislation, in my opinion, comes up short on a number of items. I will just enumerate them quickly.

Number one, this legislation does not deal with how the adultBasic program would be phased out in lieu of the timing for achieving a Federal waiver. This legislation does not provide for the proper legislative oversight in terms of how the program would work once it became law. This legislation does not provide for an adequate solution to how an open slot is filled when a vacancy occurs using the attrition. This legislation does not provide eligible adults access to a basic health-care policy in the interim if they are on the waiting list. This legislation does not provide for a basic minimum insurance product, a simple product that people could afford; it does not provide for that. It does not provide for the health-care clinics, Mr. Speaker. It does not clarify that people on the waiting list will not be required to purchase adultBasic benefits while on the waiting list. And finally, Mr. Speaker, it does not do anything about dealing with the negative factor this has on small employers who currently provide employees' insurance. There is no incentive for employers to remain carrying their employees with coverage under this bill. So, Mr. Speaker, those are some of the key reasons that I think are weak in this legislation, and while it might be the right time to deal with the issue, dealing with it in an inadequate and less than fulfilling way is just foisting a false hope on the people of Pennsylvania.

I would support the motion to table until the first of October. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the motion to table HB 1 to the first session day in October, those in favor of the motion—

Would the gentlelady like to be recognized again?

Mrs. BEYER. I would, Mr. Speaker.

The SPEAKER. On the question, the Chair recognizes the gentlelady from Northampton, Representative Beyer.



Mrs. BEYER. Thank you.

It is extraordinarily important, I think, at this time to send the Senate a message. I think we send the Senate a message that this chamber, both Democrats and Republicans, can come together and put a terrific piece of legislation together and hand it to them where they have absolutely no choice but to vote for it. But right now we are going to send them a partisan piece of legislation that is going to go in, for what people who served in the military know, file 13. It is not going to go anywhere. The Senate is going to kill this measure.

And what I say to the 14,000 people that are uninsured in Lehigh and Northampton Counties, that we are about to pass a bill that they have no hope of passing in that Senate, because Republicans and Democrats failed to come together and decide that they needed to put their parties aside and put their health care first. This is wrong, Mr. Speaker.

I am not asking to table this bill to kill it. I am asking to table this bill to fix the problems with it, to have a strong consensus in the chamber, and then send the Senate a strong message, something we have not done in vote after vote after vote in this chamber. That is what I am asking for.

I want to vote for this bill, make no mistake about it, but it is fatally flawed, Mr. Speaker, and it will go nowhere in the Senate. This is nothing but wasting our time and efforts when we could be doing something else and working on this piece of legislation together so we have something to be proud of and something that actually gets signed by the Governor.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentlelady.

On the question recurring,

Will the House agree to the motion?

#### YEAS—97

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

#### NAYS—103

|          |           |           |             |
|----------|-----------|-----------|-------------|
| Barbin   | Eachus    | Levdansky | Samuelson   |
| Belfanti | Evans, D. | Longietti | Santarsiero |
| Bishop   | Fabrizio  | Mahoney   | Santoni     |
| Boyle    | Frankel   | Manderino | Seip        |
| Bradford | Freeman   | Mann      | Shapiro     |

|             |            |             |            |
|-------------|------------|-------------|------------|
| Brennan     | Galloway   | Markosek    | Siptroth   |
| Briggs      | George     | Matzie      | Smith, K.  |
| Brown       | Gerber     | McGeehan    | Smith, M.  |
| Burns       | Gergely    | McI. Smith  | Solobay    |
| Buxton      | Gibbons    | Melio       | Staback    |
| Caltagirone | Goodman    | Mirabito    | Sturla     |
| Carroll     | Grucela    | Mundy       | Taylor, R. |
| Casorio     | Haluska    | Murphy      | Thomas     |
| Cohen       | Hanna      | Myers       | Vitali     |
| Conklin     | Harhai     | O'Brien, M. | Wagner     |
| Costa, D.   | Harkins    | Oliver      | Walko      |
| Costa, P.   | Hornaman   | Pallone     | Wansacz    |
| Cruz        | Houghton   | Parker      | Waters     |
| Curry       | Johnson    | Pashinski   | Wheatley   |
| Daley       | Josephs    | Payton      | White      |
| Deasy       | Keller, W. | Petrarca    | Williams   |
| DeLuca      | Kessler    | Preston     | Youngblood |
| DePasquale  | Kirkland   | Readshaw    | Yudichak   |
| Dermody     | Kortz      | Roebuck     |            |
| DeWeese     | Kotik      | Sabatina    | McCall,    |
| Donatucci   | Kula       | Sainato     | Speaker    |
| Drucker     |            |             |            |

#### NOT VOTING—0

#### EXCUSED—3

|       |            |       |
|-------|------------|-------|
| Lentz | Miccarelli | Perry |
|-------|------------|-------|

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,  
Shall the bill pass finally?

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

The following roll call was recorded:

#### YEAS—104

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

## 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       |
| Causar      | Grell        | Miller     | Saylor     |
| Christiana  | Grove        | Milne      | Scavello   |
| Civera      | Harhart      | Moul       | Schroder   |
| Clymer      | Harper       | Murt       | Smith, S.  |
| Cox         | Harris       | Mustio     | Sonney     |
| Creighton   | Helm         | O'Neill    | Stern      |
| Cutler      | Hennessey    | Oberlander | Stevenson  |
| Dally       | Hess         | Payne      | Swanger    |
| Day         | Hickernell   | Peifer     | Tallman    |
| Delozier    | Hutchinson   | Perzel     | 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—3

|       |            |       |
|-------|------------|-------|
| Lentz | Miccarelli | Perry |
|-------|------------|-------|

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

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

**BILLS REREPORTED FROM COMMITTEE****SB 54, PN 39**

By Rep. D. EVANS

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey to Susquehanna Township a pedestrian easement through certain lands situate in Susquehanna Township, Dauphin County.

## APPROPRIATIONS.

**SB 241, PN 246**

By Rep. D. EVANS

An Act amending the act of February 19, 1980 (P.L.15, No.9), known as the Real Estate Licensing and Registration Act, defining "qualified association"; further providing for prohibited acts and for duties of licensee generally; and providing for handling of deposits and other escrows.

## APPROPRIATIONS.

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

**BILLS REREPORTED FROM COMMITTEE****HB 291, PN 2326 (Amended)**

By Rep. D. EVANS

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for definitions, for malt and brewed beverages manufacturers', distributors' and importing distributors' licenses, for malt and brewed beverages alternating brewers' licenses, for distributors' and importing distributors' restrictions on sales, storage, etc., and for breweries.

## APPROPRIATIONS.

**SB 33, PN 1230 (Amended)**

By Rep. D. EVANS

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for powers and duties of the Secretary of the Commonwealth, for Voting Standards Development Board and for restrictions on alteration of boundaries of election districts.

## APPROPRIATIONS.

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

**HB 746 RECONSIDERED**

The SPEAKER. The Chair has in its possession a reconsideration motion to reconsider the vote by which HB 746, PN 2210, was defeated on the 22d day of June 2009 be reconsidered. That motion is filed by Representative DeLuca and Representative Grucela. It is dated June 22, 2009.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

## YEAS—103

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

## NAYS—97

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

## NOT VOTING—0

## EXCUSED—3

|       |            |       |
|-------|------------|-------|
| Lentz | Miccarelli | Perry |
|-------|------------|-------|

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

The SPEAKER. The bill will be placed on the supplemental calendar.

## SUPPLEMENTAL CALENDAR C

## BILL ON FINAL PASSAGE

The House proceeded to consideration on final passage of **HB 746, PN 2210**, 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 recurring,  
Shall the bill pass finally?

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

The following roll call was recorded:

## YEAS—106

|          |           |           |             |
|----------|-----------|-----------|-------------|
| Barbin   | Eachus    | Levdansky | Sainato     |
| Belfanti | Evans, D. | Longietti | Samuelson   |
| Bishop   | Fabrizio  | Mahoney   | Santarsiero |
| Boyle    | Frankel   | Manderino | Santoni     |

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

## NAYS—94

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

## NOT VOTING—0

## EXCUSED—3

|       |            |       |
|-------|------------|-------|
| Lentz | Miccarelli | Perry |
|-------|------------|-------|

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

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

## CALENDAR CONTINUED

## BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1648, PN 2294**, entitled:

An Act establishing a joint legislative, executive and judicial commission on juvenile justice.

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

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

(Bill analysis was read.)

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

The Chair recognizes the gentlelady from Luzerne County, Representative Boback.

Ms. BOBACK. Thank you, Mr. Speaker.

The establishment of a commission to conduct an investigation into events that occurred in Luzerne County is necessary to improve the juvenile justice system and to make appropriate changes to State statutes and State and local practices, rules, policies, and procedures.

I ask for your support on this bill. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

### REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. On the question before the House, the Chair recognizes the gentleman from Luzerne County, the majority leader, Representative Eachus.

Mr. EACHUS. Mr. Speaker, I would like to provide written comments for the record.

The SPEAKER. The gentleman is in order.

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

Mr. Speaker, I want to thank the members of this House and the House Judiciary Committee for their work on this legislation.

This legislation reflects a bipartisan effort to deal with serious juvenile justice issues that have come to light and need to be addressed by the Commonwealth.

As many of you know, thousands of juveniles in Luzerne County were adversely affected by the misconduct of several judges in regard to juvenile court proceedings. From 2003 to 2008, close to 60 percent of the youth in delinquency hearings appeared in juvenile court without the benefit of legal counsel. It also appears that justice was not served when judges took kickbacks from certain facilities for placing juveniles in their care.

The corruption in the juvenile justice system has greatly undermined the public's confidence in our courts and the law.

To restore the public's faith in our courts and law and to ensure that similar events do not occur elsewhere in the Commonwealth, this legislation creates an Interbranch Commission on Juvenile Justice.

HB 1648 is the product of a joint effort by leaders from all three branches of Pennsylvania government. I have worked with Senator Lisa Baker of Luzerne County; Pennsylvania Supreme Court Justice Ronald D. Castille; and Governor Edward G. Rendell to develop a bipartisan approach to examine flaws in our juvenile justice system.

We owe it to the people of Pennsylvania to do whatever it takes to ensure that the corruption and abuse of power that occurred in Luzerne County never happens again anywhere in Pennsylvania.

In regard to the commission, the PA Supreme Court, Governor, and General Assembly will appoint individuals knowledgeable in juvenile law to this special commission on juvenile justice. The 11 members will be appointed within 25 days after the bill is enacted into law, and within 45 days of enactment, the commission will have its first meeting. The commission will hold hearings in several parts of the State, will take testimony, develop thoughtful recommendations, and issue a final report no later than May 31 of next year.

I am confident that the work of the commission will lead to meaningful reforms.

Thank you for your support for this important measure.

On the question recurring,  
Shall the bill pass finally?

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

The following roll call was recorded:

### YEAS—200

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

NAYS—0

NOT VOTING—0

EXCUSED—3

Lentz

Miccarelli

Perry

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

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

### REMARKS SUBMITTED FOR THE RECORD

Ms. MUNDY submitted the following remarks for the Legislative Journal:

Mr. Speaker, I want to express my strong support for HB 1648, which establishes an Interbranch Commission on Juvenile Justice.

It is inconceivable to me that thousands of juveniles were denied their due process rights in juvenile court proceedings in Luzerne County over the last five years.

However, recent criminal cases and convictions of several judges in my county and lawsuits brought by the Juvenile Law Center in Philadelphia indicate that juveniles and their families were mistreated and serious violations of law were committed by individuals entrusted with safeguarding the rights of children and youth.

It is my hope that the work of the Juvenile Justice Commission will not only generate public discussion and heighten awareness of serious issues, but that it will also lead to reforms that will ensure checks and balances throughout the juvenile justice system.

My community's trust in our courts and the law must be restored. The Commission provides the leadership and expertise needed to bring about change.

I am also hopeful that we will improve access to information regarding trends and analysis of data and best practices in the juvenile justice system. With better access to information, our citizens can help detect problems and solutions. I have introduced a proposal (HB 1384) to do that in an effort to improve oversight of the juvenile justice system.

I urge my colleagues to join me in supporting HB 1648, and I look forward to its enactment in the very near future.

\* \* \*

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

Mr. Speaker, I rise in support of HB 1648, which establishes an Interbranch Commission on Juvenile Justice.

It is critical that the Commonwealth have an independent, objective analysis of the failures in the juvenile justice system in Luzerne County and outline the steps that should be taken to ensure that a similar breakdown in the juvenile justice system never occurs again anywhere in Pennsylvania.

Central to our democracy is our faith in our laws and courts to make sure our rights are protected. It is clear from all accounts that the fundamental, due process rights of thousands of juveniles were violated because of the greed and self-interest of public officials, including judges and other court officials.

The 11 members who serve on this commission will have an opportunity to help restore the public's faith in our Commonwealth's system of justice and will determine if changes are needed in law, court rules, or regulations.

The fact that so many juveniles were denied legal counsel is shocking to me. We need to work together with expediency to make sure this travesty is not repeated. In recognizing the importance of fulfilling this mandate, I have introduced legislation, HB 1391, to make sure the state is a financial partner with the counties in this regard.

I am sure the commission will shed much light on the juvenile justice system, and I urge my fellow members to support this legislation.

### SUPPLEMENTAL CALENDAR B

#### BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **SB 241, PN 246**, entitled:

An Act amending the act of February 19, 1980 (P.L.15, No.9), known as the Real Estate Licensing and Registration Act, defining "qualified association"; further providing for prohibited acts and for duties of licensee generally; and providing for handling of deposits and other escrows.

On the question,

Will the House agree to the bill on second consideration?

Bill was agreed to.

### CALENDAR CONTINUED

#### BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 446, PN 759**, entitled:

An Act amending the act of June 29, 1953 (P.L.304, No.66), known as the Vital Statistics Law of 1953, further providing for registration districts and local registrars' duties, for death and fetal death registrations and for reports.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

(Bill analysis was read.)

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

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

The following roll call was recorded:

### YEAS—200

Adolph  
Baker  
Barbin  
Barrar

Evans, J.  
Everett  
Fabrizio  
Fairchild

Longietti  
Maher  
Mahoney  
Major

Reese  
Reichley  
Roae  
Rock

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

## NAYS—0

## NOT VOTING—0

## EXCUSED—3

|       |            |       |
|-------|------------|-------|
| Lentz | Miccarelli | Perry |
|-------|------------|-------|

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same without amendment.

\* \* \*

The House proceeded to third consideration of **SB 195, PN 1144**, entitled:

An Act amending the act of May 11, 1972 (P.L.286, No.70), known as the Industrialized Housing Act, further providing for definitions and for regulations, insignia of certification required.

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

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

(Bill analysis was read.)

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

The following roll call was recorded:

## YEAS—200

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

## NAYS—0

## NOT VOTING—0

## EXCUSED—3

Lentz

Miccarelli

Perry

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

**STATEMENT BY MR. CIVERA**

The SPEAKER. The Chair recognizes the gentleman from Delaware County, Representative Civera, under unanimous consent.

Mr. CIVERA. Thank you, Mr. Speaker.

Mr. Speaker, I rise to announce that the House Discharge Resolution to HB 1416, House Discharge Resolution to SB 850, it would be my intent to call on Wednesday and thereafter every legislative day.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

**RESOLUTION PURSUANT TO RULE 35**

Mr. THOMAS called up **HR 151, PN 1070**, entitled:

A Resolution recognizing February 1 and October 29 each year as "Pennsylvania World Championship Days" in Pennsylvania.

On the question,

Will the House adopt the resolution?

**RESOLUTION RECOMMITTED**

The SPEAKER. The Chair recognizes the majority leader, who moves that HR 151 be removed from the active calendar and recommitted to the Committee on Rules.

On the question,

Will the House agree to the motion?

Motion was agreed to.

The SPEAKER. There will be no further votes.

Are there any announcements?

**DEMOCRATIC CAUCUS**

The SPEAKER. The Chair recognizes the majority leader, Representative Eachus, for the purpose of an announcement.

Mr. EACHUS. Thank you, Mr. Speaker.

For the information of the Democratic members, 10 a.m. Democratic caucus. We will be on the floor at 11.

The SPEAKER. The Chair thanks the gentleman.

**REPUBLICAN CAUCUS**

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

Miss MAJOR. Thank you, Mr. Speaker.

I would like to announce a Republican caucus Tuesday morning at 10. If Republicans would please report to caucus Tuesday morning at 10. Thank you.

The SPEAKER. The Chair thanks the lady.

**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 filed by the gentleman from Lycoming County, Representative Mirabito, who moves that this House do now adjourn until Tuesday, June 30, 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 5:13 p.m., e.d.t., the House adjourned.