

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

WEDNESDAY, APRIL 27, 2011

SESSION OF 2011

195TH OF THE GENERAL ASSEMBLY

No. 29

### HOUSE OF REPRESENTATIVES

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

**THE SPEAKER (SAMUEL H. SMITH)  
PRESIDING**

#### PRAYER

The SPEAKER. The prayer will be offered by the Reverend Lanny Kilgore, New Covenant Community Church.

REV. LANNY KILGORE, Guest Chaplain of the House of Representatives, offered the following prayer:

Let us unite our hearts together in prayer:

Almighty God in Heaven, maker of heaven and earth, we, Your creatures, humble servants here pause in prayer before this lawmaking session this morning to petition Your help and guidance. As earthly rulers, we acknowledge our inadequacies, our inabilities to adjudicate wisely without Your divine guidance and infinite wisdom. Forgive us at times when we in ignorance or presumption act independent of Your help and neglect to petition You as we are here this morning. You are the vine; we are the branches. The magnitude of our present challenges and responsibilities heighten our sensitivity to our needing Your help.

We ask that in seeking Your wisdom, that we might come to find common ground in unity, for we know that united we stand and divided we fall. Enable us to unite with common cause to serve the people of this great State of Pennsylvania, and give us grace to remain humble and dependent on Your mercies so that we might be granted the wisdom of Solomon to accept and to address our challenges. May we be faithful to our duties and not grow weary of doing good. Give us courage to do the right and to carry it out.

And finally, may Your infinite blessing abound for our individual good health, for Your continued favor and protection on this, our great country, and our beautiful land of Pennsylvania. We present these prayers in Your holy name. Amen.

#### PLEDGE OF ALLEGIANCE

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

### JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Tuesday, April 26, 2011, will be postponed until printed.

### BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND Tabled

**HB 797, PN 966**

By Rep. BARRAR

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, further defining "occupational disease"; and providing for cancer in the occupation of firefighter.

VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS.

**HB 1269, PN 1645 (Amended)**

By Rep. GEIST

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for a special license plate for recipients of the Silver Star, Bronze Star and Bronze Star for Valor.

TRANSPORTATION.

**HB 1281, PN 1417**

By Rep. GEIST

An Act designating the bridge that carries Pennsylvania Turnpike Route 43 over the Monongahela River between Denbo in the Borough of Centerville, County of Washington, and Alicia in the Township of Luzerne, County of Fayette, as the PFC Ronald C. "Smokey" Bakewell Memorial Bridge.

TRANSPORTATION.

**SB 199, PN 170**

By Rep. GEIST

An Act designating a portion of Interstate 78 in Berks County as the CMSgt. Richard L. Etchberger Memorial Highway.

TRANSPORTATION.

**SB 264, PN 241**

By Rep. BARRAR

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for burial details for veterans.

VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS.

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

**HB 424, PN 390**

By Rep. HARHART

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

Reported from Committee on PROFESSIONAL LICENSURE with request that it be rereferred to Committee on INSURANCE.

The SPEAKER. Without objection, the bill will be so rereferred.

**SENATE MESSAGE**

**RECESS RESOLUTION  
FOR CONCURRENCE**

The clerk of the Senate, being introduced, presented the following extract from the Journal of the Senate, which was read as follows:

In the Senate,  
April 26, 2011

RESOLVED, (the House of Representatives concurring), Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the Senate recesses this week, it reconvene on Monday, May 2, 2011, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the House of Representatives recesses this week, it reconvene on Monday, May 2, 2011, unless sooner recalled by the Speaker of the House of Representatives.

Ordered, That the clerk present the same to the House of Representatives for its concurrence.

On the question,  
Will the House concur in the resolution of the Senate?  
Resolution was concurred in.  
Ordered, That the clerk inform the Senate accordingly.

**LEAVES OF ABSENCE**

The SPEAKER. The Speaker turns to leaves of absence and recognizes the majority whip, who requests a leave of absence for the lady, Mrs. TOEPEL, from Montgomery County for the day. Without objection, the leave will be granted.

The Speaker recognizes the minority whip, who requests a leave of absence for: the gentleman, Mr. BURNS, from Cambria County for the day; the gentleman, Mr. BUXTON, from Dauphin County for the day; the gentleman, Mr. Dwight EVANS, from Philadelphia County for the day; the gentleman, Mr. HORNAMAN, from Erie County for the day; the gentleman, Mr. JOHNSON, from Philadelphia County for the day; the gentleman, Mr. WHEATLEY, from Allegheny County for the day; the gentleman, Mr. WHITE, from Washington

County for the day; and the gentleman, Mr. GALLOWAY, from Bucks County for the day. Without objection, the leaves will be granted.

Members will please report to the floor. We are about to take the master roll call.

**HOUSE RESOLUTION  
INTRODUCED AND REFERRED**

**No. 247** By Representatives CALTAGIRONE, BRENNAN, COHEN, D. COSTA, CUTLER, FABRIZIO, KORTZ, KOTIK, MILNE, MURT, READSHAW and REICHLEY

A Resolution directing the Joint State Government Commission to study and make recommendations to the General Assembly on the practice of administrative law before the Commonwealth's hearing boards.

Referred to Committee on JUDICIARY, April 27, 2011.

**HOUSE BILLS  
INTRODUCED AND REFERRED**

**No. 153** By Representatives S. H. SMITH, TURZAI, PERRY, MUSTIO, ADOLPH, BLOOM, BOYD, CARROLL, CHRISTIANA, CONKLIN, CREIGHTON, DALEY, DeLUCA, DUNBAR, ELLIS, EVANKOVICH, J. EVANS, EVERETT, FARRY, GILLEN, GILLESPIE, GINGRICH, GODSHALL, GRELL, GROVE, HARRIS, HORNAMAN, F. KELLER, M. K. KELLER, MAHER, MARSHALL, MARSICO, MOUL, MULLERY, MURT, PETRI, PRESTON, PYLE, QUIGLEY, READSHAW, REED, ROAE, ROCK, SACCONI, SANTARSIERO, SANTONI, SAYLOR, SCAVELLO, SCHRODER, SIMMONS, STEPHENS, SWANGER, TALLMAN, TOOHL, VULAKOVICH, WAGNER, WATSON, DELOZIER, BARBIN, CALTAGIRONE, HELM, WHITE, KILLION, M. SMITH, KORTZ, MAHONEY, TRUITT, PEIFER, RAVENSTAHL, DEASY, BEAR and HENNESSEY

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, reducing the size of the General Assembly.

Referred to Committee on STATE GOVERNMENT, April 27, 2011.

**No. 1394** By Representatives QUINN, BOYD, BRIGGS, CALTAGIRONE, D. COSTA, CREIGHTON, CRUZ, CUTLER, DONATUCCI, ELLIS, FLECK, FREEMAN, GEIST, GILLESPIE, GINGRICH, HENNESSEY, HESS, HORNAMAN, JOSEPHS, KILLION, KIRKLAND, KULA, LONGIETTI, MAJOR, MANN, MILLER, MILNE, MOUL, MUNDY, MURPHY, MURT, O'NEILL, PASHINSKI, PAYTON, ROSS, SANTARSIERO, STERN, STURLA, SWANGER, WAGNER and YOUNGBLOOD

An Act amending the act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act, further providing for definitions, for municipal implementation of recycling programs and for facilities operation and recycling.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, April 27, 2011.

**No. 1395** By Representatives CRUZ, YOUNGBLOOD, McGEEHAN, SABATINA, V. BROWN, CARROLL, COHEN, FLECK, GOODMAN, HARRIS, KORTZ, LONGIETTI, MILLARD, READSHAW, VULAKOVICH and GINGRICH

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in child custody, further providing for consideration of criminal conviction.

Referred to Committee on JUDICIARY, April 27, 2011.

**No. 1396** By Representatives MUNDY, SANTARSIERO, K. BOYLE, V. BROWN, CALTAGIRONE, COHEN, FABRIZIO, FREEMAN, GEORGE, GERGELY, GOODMAN, HARKINS, KORTZ, MILLARD, MULLERY, MURPHY, M. O'BRIEN, PASHINSKI, ROEBUCK, STABACK, STURLA, WAGNER, YOUNGBLOOD, READSHAW, JOSEPHS, HALUSKA, MIRABITO, DeLUCA, BRIGGS, SAMUELSON, BRENNAN, HORNAMAN and D. COSTA

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in corporate net income tax, further providing for definitions, for imposition, for reports and payment and for consolidated reports; and in general provisions, further providing for underpayment of estimated tax.

Referred to Committee on FINANCE, April 27, 2011.

**No. 1397** By Representatives VEREB, MURT, RAPP, MULLERY, BEAR, BOBACK, BOYD, BRIGGS, COHEN, D. COSTA, DAVIS, DONATUCCI, J. EVANS, FARRY, GILLEN, GILLESPIE, GINGRICH, HARHART, HESS, HORNAMAN, JOHNSON, KAVULICH, McGEEHAN, MILLARD, PYLE, READSHAW and YOUNGBLOOD

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the offense of sexual assault by sports official.

Referred to Committee on JUDICIARY, April 27, 2011.

**No. 1398** By Representatives STABACK, CALTAGIRONE, COHEN, J. EVANS, HARKINS, HORNAMAN, JOSEPHS, KAVULICH, W. KELLER, KIRKLAND, MURT, O'NEILL, K. SMITH, TAYLOR and CARROLL

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, in special licenses and permits, further providing for definitions and for exotic wildlife possession permits.

Referred to Committee on GAME AND FISHERIES, April 27, 2011.

**No. 1399** By Representatives PERRY, STEVENSON, AUMENT, BAKER, BARRAR, BENNINGHOFF, BLOOM, BOYD, BURNS, BUXTON, CALTAGIRONE, CARROLL, CAUSER, COHEN, CONKLIN, D. COSTA, CREIGHTON, CUTLER, DALEY, DAY, DENLINGER, DePASQUALE, DeWEESE, DiGIROLAMO, ELLIS, J. EVANS, EVERETT, FLECK, GEIST, GIBBONS, GILLEN, GINGRICH, GRELL, GROVE, HALUSKA, HANNA, HARHAI, HARKINS,

HARRIS, HENNESSEY, HUTCHINSON, M. K. KELLER, KILLION, KNOWLES, KORTZ, KOTIK, LAWRENCE, LONGIETTI, MAHER, MANN, MARKOSEK, MARSHALL, MARSICO, MASSER, METCALFE, MILLARD, MILLER, MILNE, MULLERY, MUSTIO, NEUMAN, OBERLANDER, PYLE, QUIGLEY, QUINN, RAPP, READSHAW, ROAE, ROCK, SACCONI, SAINATO, SANTONI, SCAVELLO, SIMMONS, SONNEY, STERN, TALLMAN, TAYLOR, TOEPEL, VEREB, VULAKOVICH, WATSON, WHITE, DONATUCCI, EVANKOVICH, BRIGGS, BROOKS, HICKERNELL, HEFFLEY, MOUL and MURT

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in general provisions, further defining "motorcycle."

Referred to Committee on TRANSPORTATION, April 27, 2011.

**No. 1401** By Representatives WATERS, McGEEHAN, FLECK, BISHOP, BUXTON, CARROLL, D. COSTA, CURRY, FABRIZIO, FRANKEL, GEIST, HALUSKA, HORNAMAN, JOSEPHS, KIRKLAND, MIRABITO, MURPHY, M. O'BRIEN, PAYTON, READSHAW, WAGNER and YOUNGBLOOD

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

Referred to Committee on JUDICIARY, April 27, 2011.

**No. 1403** By Representatives JOSEPHS, BENNINGHOFF, CARROLL, FREEMAN, GOODMAN, KAVULICH, MURT, ROEBUCK, SANTARSIERO, SWANGER, THOMAS and WAGNER

An Act amending Title 65 (Public Officers) of the Pennsylvania Consolidated Statutes, in ethics standards and financial disclosure, further providing for restricted activities.

Referred to Committee on STATE GOVERNMENT, April 27, 2011.

**No. 1404** By Representatives JOSEPHS, BENNINGHOFF, CARROLL, FREEMAN, GOODMAN, KAVULICH, MURT, SANTARSIERO, SWANGER and THOMAS

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, in primary and election expenses, further providing for the definition of "expenditure."

Referred to Committee on STATE GOVERNMENT, April 27, 2011.

## SENATE BILLS FOR CONCURRENCE

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

### SB 101, PN 153

Referred to Committee on STATE GOVERNMENT, April 27, 2011.

**SB 105, PN 982**

Referred to Committee on APPROPRIATIONS, April 27, 2011.

**SB 916, PN 949**

Referred to Committee on STATE GOVERNMENT, April 27, 2011.

**LEAVE OF ABSENCE**

The SPEAKER. The Speaker returns to leaves of absence and recognizes the minority whip, who also requests a leave of absence for the gentleman, Mr. GERBER, from Montgomery County for the day. Without objection, the leave will be granted.

**MASTER ROLL CALL**

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

The following roll call was recorded:

**PRESENT—193**

Adolph	Dunbar	Kotik	Rapp
Aument	Ellis	Krieger	Ravenstahl
Baker	Emrick	Kula	Readshaw
Barbin	Evankovich	Lawrence	Reed
Barrar	Evans, J.	Longietti	Reese
Bear	Everett	Maher	Reichley
Benninghoff	Fabrizio	Mahoney	Roae
Bishop	Farry	Major	Rock
Bloom	Fleck	Maloney	Roebuck
Boback	Frankel	Mann	Ross
Boyd	Freeman	Markosek	Sabatina
Boyle, B.	Gabler	Marshall	Saccone
Boyle, K.	Geist	Marsico	Sainato
Bradford	George	Masser	Samuelson
Brennan	Gergely	Matzie	Santarsiero
Briggs	Gibbons	McGeehan	Santoni
Brooks	Gillen	Metcalfe	Saylor
Brown, R.	Gillespie	Metzgar	Scavello
Brown, V.	Gingrich	Miccarelli	Schroder
Brownlee	Godshall	Micozzie	Shapiro
Caltagirone	Goodman	Millard	Simmons
Carroll	Grell	Miller	Smith, K.
Causer	Grove	Milne	Smith, M.
Christiana	Hackett	Mirabito	Sonney
Clymer	Hahn	Moul	Staback
Cohen	Haluska	Mullery	Stephens
Conklin	Hanna	Mundy	Stern
Costa, D.	Harhai	Murphy	Stevenson
Costa, P.	Harhart	Murt	Sturla
Cox	Harkins	Mustio	Swanger
Creighton	Harper	Myers	Tallman
Cruz	Harris	Neuman	Taylor
Culver	Heffley	O'Brien, D.	Thomas
Curry	Helm	O'Brien, M.	Tobash
Cutler	Hennessey	O'Neill	Toohil
Daley	Hess	Oberlander	Truitt
Davidson	Hickernell	Parker	Turzai
Davis	Hutchinson	Pashinski	Vereb
Day	Josephs	Payne	Vitali
Deasy	Kampf	Payton	Vulakovich
DeLissio	Kauffman	Peifer	Wagner

DeLozier	Kavulich	Perry	Waters
DeLuca	Keller, F.	Petrarca	Watson
Denlinger	Keller, M.K.	Petri	Williams
DePasquale	Keller, W.	Pickett	Youngblood
Dermody	Killion	Preston	
DeWeese	Kirkland	Pyle	Smith, S.,
DiGirolamo	Knowles	Quigley	Speaker
Donatucci	Kortz	Quinn	

ADDITIONS—0

NOT VOTING—0

EXCUSED—10

Burns	Galloway	Johnson	Wheatley
Buxton	Gerber	Toepel	White
Evans, D.	Hornaman		

LEAVES ADDED—12

Boyle, K.	Day	Murt	Reichley
Cohen	George	O'Brien, D.	Thomas
Davidson	Mahoney	Petri	Wagner

LEAVES CANCELED—6

Boyle, K.	Davidson	Thomas	Toepel
Cohen	Gerber		

The SPEAKER. One hundred ninety-three members having voted on the master roll call, a quorum is present.

**BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED**

**HB 578, PN 1646** (Amended) By Rep. CREIGHTON

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for the governing board of the convention center authority.

LOCAL GOVERNMENT.

**HB 755, PN 846** By Rep. CREIGHTON

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for other meeting expenses paid by counties.

LOCAL GOVERNMENT.

**HB 823, PN 856** By Rep. CREIGHTON

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, in subdivision and land development, providing for notice to school district; and, in planned residential development, further providing for application for final approval.

LOCAL GOVERNMENT.

**GUESTS INTRODUCED**

The SPEAKER. If I could have the members' attention, the Speaker would like to recognize some of the guests that are visiting with us today. Located to the left of the Speaker, we

welcome Lauren Sarnese, who is a guest of Representative Todd Stephens, and she is shadowing him today. Welcome to the House. Please stand and be recognized.

Also to the left of the Speaker's rostrum, we would like to welcome Nini Panjikidze and George Butkhuzi. They are here from the Republic of Georgia on a United States Department of State fellowship program, and they are the guests of Representative Dermody. Please welcome our guests to the hall of the House.

Located in the rear of the House, we have some guests of Representative Major. They are Bruce Lipton from Camp Ramah; Mike Wagenberg from Camp Tioga; Esther Katz from New Jersey YMCA Camps; Trip Owen from Camp Island Lake; Matt Brown from Camp Wayne for Girls; Mark Zides from Camp Towanda; and Michael Chauveau and Nathan Brandt, representing YMCA Affiliates. As I mentioned, they are guests of Representative Major. Will our guests please stand and be recognized. Welcome to the hall of the House.

Also located in the gallery, the Speaker welcomes the Pennsylvania Medical Society Alliance, an organization of physicians' spouses dedicated to the health of America. They are guests of Representative Julie Harhart. Will our guests please stand in the gallery and let us see where you are. Welcome to the hall of the House.

In the well of the House, as guests of Representative Lynda Schlegel Culver, the Speaker would like to welcome guest page Emily Greco. She is here with her mother, Paula Greco, who is sitting to the left of the Speaker. Will our guest page and mother please stand and be recognized. Welcome to the hall of the House.

### LEAVES OF ABSENCE

The SPEAKER. The Speaker returns to leaves of absence and recognizes the minority whip, who requests a leave of absence for: the lady, Mrs. DAVIDSON, from Delaware County for the day; the gentleman, Mr. COHEN, from Philadelphia County for the day; the gentleman, Kevin BOYLE, from Philadelphia for the day; and the gentleman, Mr. THOMAS, from Philadelphia for the day. Without objection, the leaves will be granted.

### GUESTS INTRODUCED

The SPEAKER. Could I have the members' attention for one other group of visitors that are in the balcony. The Speaker welcomes the AARP of Pennsylvania. They are guests of Representative Waters. Will our guests please rise. Welcome to the hall of the House.

### UNCONTESTED CALENDAR

#### RESOLUTIONS PURSUANT TO RULE 35

Mr. DEASY called up **HR 69, PN 570**, entitled:

A Resolution proclaiming the month of May 2011 as "National Drug Treatment Court Month" in Pennsylvania.

\* \* \*

Mr. HESS called up **HR 155, PN 1302**, entitled:

A Resolution designating the month of May 2011 as "Cystic Fibrosis Awareness Month" in Pennsylvania.

\* \* \*

Mr. HENNESSEY called up **HR 160, PN 1348**, entitled:

A Resolution recognizing the month of May 2011 as "Older Pennsylvanians Month" in Pennsylvania.

\* \* \*

Ms. MAJOR called up **HR 187, PN 1469**, entitled:

A Resolution recognizing April 27, 2011, as "Summer Camps Day" in Pennsylvania.

\* \* \*

Mrs. KULA called up **HR 190, PN 1471**, entitled:

A Resolution designating the month of May 2011 as "Military Families Month" in Pennsylvania.

\* \* \*

Mr. HICKERNELL called up **HR 216, PN 1547**, entitled:

A Resolution recognizing the month of May 2011 as "Foster Care Month" in Pennsylvania.

\* \* \*

Mr. REICHLEY called up **HR 218, PN 1559**, entitled:

A Resolution designating the month of May 2011 as "Mental Health Awareness Month" in Pennsylvania.

\* \* \*

Mr. REICHLEY called up **HR 219, PN 1560**, entitled:

A Resolution designating the month of May 2011 as "Crohn's Disease and Ulcerative Colitis Awareness Month" in Pennsylvania.

\* \* \*

Mr. REICHLEY called up **HR 220, PN 1561**, entitled:

A Resolution designating the month of May 2011 as "American Stroke Month" in Pennsylvania.

\* \* \*

Mr. READSHAW called up **HR 221, PN 1562**, entitled:

A Resolution designating the month of May 2011 as "Motorcycle Safety and Awareness Month" in Pennsylvania.

\* \* \*

Mr. HUTCHINSON called up **HR 226, PN 1567**, entitled:

A Resolution designating the week of May 1 through 7, 2011, as "Drinking Water Week" in Pennsylvania.

\* \* \*

Mr. CONKLIN called up **HR 230, PN 1537**, entitled:

A Resolution recognizing April 2011 as "National County Government Month" in the Commonwealth of Pennsylvania.

\* \* \*

Miss MANN called up **HR 234, PN 1591**, entitled:

A Resolution designating the month of May 2011 as "Arthritis Awareness Month" in Pennsylvania.

\* \* \*

Mr. CONKLIN called up **HR 235, PN 1592**, entitled:

A Resolution designating May 14, 2011, as "Letter Carrier Food Drive Day" in Pennsylvania and commending the National Association of Letter Carriers for its humanitarian efforts to eliminate hunger.

\* \* \*

Mr. MURT called up **HR 240, PN 1628**, entitled:

A Resolution designating May 1, 2011, as "The Battle of the Crooked Billet Day" in Pennsylvania.

\* \* \*

Mr. GILLEN called up **HR 242, PN 1630**, entitled:

A Resolution declaring the week of May 2 through 6, 2011, as "Pennsylvania Academic Competition Week" in Pennsylvania; and urging the Department of Education, local school districts and intermediate units to participate in the 20th annual Statewide Pennsylvania Academic Competition on May 6, 2011.

\* \* \*

Mr. GROVE called up **HR 243, PN 1631**, entitled:

A Resolution recognizing April 30, 2011, as "National Prescription Drug Take Back Day" in Pennsylvania.

On the question,  
Will the House adopt the resolutions?

The following roll call was recorded:

YEAS—189

Adolph	Emrick	Krieger	Rapp
Aument	Evankevich	Kula	Ravenstahl
Baker	Evans, J.	Lawrence	Readshaw
Barbin	Everett	Longiotti	Reed
Barrar	Fabrizio	Maher	Reese
Bear	Farry	Mahoney	Reichley
Benninghoff	Fleck	Major	Roae
Bishop	Frankel	Maloney	Rock
Bloom	Freeman	Mann	Roebuck
Boback	Gabler	Markosek	Ross
Boyd	Geist	Marshall	Sabatina
Boyle, B.	George	Marsico	Saccone
Bradford	Gergely	Masser	Sainato
Brennan	Gibbons	Matzie	Samuelson
Briggs	Gillen	McGeehan	Santarsiero

Brooks	Gillespie	Metcalfe	Santoni
Brown, R.	Gingrich	Metzgar	Saylor
Brown, V.	Godshall	Miccarelli	Scavello
Brownlee	Goodman	Micozzie	Schroder
Caltagirone	Grell	Millard	Shapiro
Carroll	Grove	Miller	Simmons
Causer	Hackett	Milne	Smith, K.
Christiana	Hahn	Mirabito	Smith, M.
Clymer	Haluska	Moul	Sonney
Conklin	Hanna	Mullery	Staback
Costa, D.	Harhai	Mundy	Stephens
Costa, P.	Harhart	Murphy	Stern
Cox	Harkins	Murt	Stevenson
Creighton	Harper	Mustio	Sturla
Cruz	Harris	Myers	Swanger
Culver	Heffley	Neuman	Tallman
Curry	Helm	O'Brien, D.	Taylor
Cutler	Hennessey	O'Brien, M.	Tobash
Daley	Hess	O'Neill	Toohil
Davis	Hickernell	Oberlander	Truitt
Day	Hutchinson	Parker	Turzai
Deasy	Josephs	Pashinski	Vereb
DeLissio	Kampf	Payne	Vitali
Delozier	Kauffman	Payton	Vulakovich
DeLuca	Kavulich	Peifer	Wagner
Denlinger	Keller, F.	Perry	Waters
DePasquale	Keller, M.K.	Petrarca	Watson
Dermody	Keller, W.	Petri	Williams
DeWeese	Killion	Pickett	Youngblood
DiGirolamo	Kirkland	Preston	
Donatucci	Knowles	Pyle	Smith, S.,
Dunbar	Kortz	Quigley	Speaker
Ellis	Kotik	Quinn	

NAYS—0

NOT VOTING—0

EXCUSED—14

Boyle, K.	Davidson	Hornaman	Toepel
Burns	Evans, D.	Johnson	Wheatley
Buxton	Galloway	Thomas	White
Cohen	Gerber		

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

STATEMENT BY MR. MURT

The SPEAKER. Does the gentleman from Montgomery County, Mr. Murt, seek recognition under unanimous consent?

Mr. MURT. Thank you, Mr. Speaker.

The SPEAKER. The gentleman will suspend one minute.

The House will come to order. Members will please take their seats. The gentleman may proceed.

Mr. MURT. Mr. Speaker, in any struggle, we learn as much from defeat as we do from victory. The struggle for American independence is riddled with lost battles that tested our resolve and strengthened our character, but culminated in our smashing victory at the Battle of Yorktown. One of those battles occurred on May 1, 1778.

By January 1778, the British were comfortably garrisoned in Philadelphia, Fort Mifflin and Fort Mercer, and General Washington's men were hunkered down in Valley Forge. General Washington asked a 23-year-old brigadier general

named John Lacey to patrol an area north of Philadelphia, today known as Bucks and Montgomery Counties, to cut off the British supply line into Philadelphia and alert the men at Valley Forge of a possible British attack.

On May 1, 1778, the British surrounded Lacey's men near the Crooked Billet Tavern, which is today Hatboro. The American losses were significant, with Lacey losing 20 percent of his men. Yet despite this, the American militiamen stayed strong. Lacey was quick to escape deep into Bucks County and prevent what certainly would have been a bigger loss. Despite losing this battle, General Lacey prevented the British from attacking Washington at Valley Forge. Forty-eight hours after the skirmish, Lacey was back preventing supplies from reaching British-occupied Philadelphia and redirecting them to our patriots at Valley Forge.

Mr. Speaker, it is for this reason that we honor General Lacey and the men who fell at the Battle of Crooked Billet. It is critical that we remember what these men sacrificed and what they managed to achieve despite their sacrifice. The Battle of Crooked Billet, fought 233 years ago this Sunday, must be remembered as a tribute to the resilient men and women of the American Revolution.

I urge my colleagues to support my resolution designating May 1, 2011, as "The Battle of the Crooked Billet Day" in Pennsylvania.

Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

### LEAVES OF ABSENCE CANCELED

The SPEAKER. The Speaker returns to leaves of absence and notices the presence of the gentleman, Mr. Kevin Boyle, from Philadelphia; the gentleman, Mr. Cohen, from Philadelphia County; and the lady, Mrs. Davidson, from Delaware County. They are back on the floor, and their names will be added back to the master roll.

### GUESTS INTRODUCED

The SPEAKER. The Speaker would also like to recognize some additional guests who are up in the balcony. It is the St. Jude School from Mountain Top. They are guests of Representative Karen Boback. Will our guests please rise and be recognized. Welcome to the hall of the House.

### BILLS REREPORTED FROM COMMITTEE

**HB 197, PN 1642**

By Rep. ADOLPH

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in area government and intergovernmental cooperation, further providing for review of agreement by Local Government Commission.

APPROPRIATIONS.

**HB 292, PN 1442**

By Rep. ADOLPH

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in parking authorities, further providing for competitive bidding of contracts.

APPROPRIATIONS.

**HB 396, PN 1525**

By Rep. ADOLPH

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for drug delivery resulting in death and for sentences for second and subsequent offenses.

APPROPRIATIONS.

**HB 639, PN 640**

By Rep. ADOLPH

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in optional affordable housing funding, further providing for affordable housing programs fee in cities of first class.

APPROPRIATIONS.

**HB 804, PN 823**

By Rep. ADOLPH

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for exemptions from jury duty.

APPROPRIATIONS.

**HB 1297, PN 1644**

By Rep. ADOLPH

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, in public assistance, providing for eligibility for persons with drug-related felonies.

APPROPRIATIONS.

**HB 1312, PN 1643**

By Rep. ADOLPH

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, in public assistance, further providing for meeting special needs, work supports and incentives, and establishing the Job Transition Loan Fund.

APPROPRIATIONS.

**SB 265, PN 242**

By Rep. ADOLPH

An Act amending the act of December 18, 1984 (P.L.1069, No.214), known as the Coal and Gas Resource Coordination Act, further providing for definitions, for permits, for permit application, for minimum distance between gas wells, for well class designation and for coordination of gas well drilling through active coal mines; providing for a pillar support study; and further providing for plugging gas wells penetrating workable coal seams, for penalties and for validity of other laws.

APPROPRIATIONS.

### REMARKS SUBMITTED FOR THE RECORD

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

Mr. STEPHENS. Mr. Speaker, I just have some written remarks I would like to submit for the record for the House Journal.

The SPEAKER. The gentleman may submit the remarks for the record. The Chair thanks the gentleman.

Mr. STEPHENS. Thank you.

Mr. STEPHENS 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 Christopher S. Yang, who has 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 Christopher S. Yang.

Whereas, Christopher S. Yang 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. Christopher is a member of Troop 152.

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 Christopher S. Yang.

\* \* \*

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 Joseph Corboy Doherty, who has 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 Joseph Corboy Doherty.

Whereas, Joseph Corboy Doherty 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. Joseph is a member of Troop 540.

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 Joseph Corboy Doherty.

\* \* \*

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 Patrick J. Shafer, who has 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 Patrick J. Shafer.

Whereas, Patrick J. Shafer 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. Patrick is a member of Troop 547.

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 Patrick J. Shafer.

\* \* \*

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 Logan Stecher, who has 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 Logan Stecher.

Whereas, Logan Stecher 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. Logan is a member of Troop 84.

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 Logan Stecher.

\* \* \*

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 Stephen Joseph Markham, who has 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 Stephen Joseph Markham.

Whereas, Stephen Joseph Markham 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. Stephen is a member of Troop 540.

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 Stephen Joseph Markham.

## REPUBLICAN AND DEMOCRATIC CAUCUSES

The SPEAKER. Could I have the members' attention for the purpose of a couple announcements.

The Speaker recognizes the lady, Ms. Major, from Susquehanna County for a caucus announcement.

Ms. MAJOR. Thank you, Mr. Speaker.

I would like to announce that Republicans will caucus immediately. I would ask our Republican members to please report to our caucus room immediately, and then we would plan to be back on the floor at 1 o'clock. Thank you.

The SPEAKER. The Speaker thanks the lady.

The Speaker recognizes the gentleman, Mr. Frankel, from Allegheny County for the purpose of a caucus announcement.

Mr. FRANKEL. Thank you, Mr. Speaker.

Likewise, Democrats will caucus immediately. Democrats will caucus immediately and return to the floor at 1 o'clock. Thank you.

## RECESS

The SPEAKER. This House stands in recess until 1 o'clock, unless sooner recalled by the Speaker.

## AFTER RECESS

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

## CALENDAR

### BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 48, PN 23**, entitled:

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

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

\* \* \*

The House proceeded to second consideration of **HB 332, PN 1444**, entitled:

An Act amending the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, further providing for definitions; and providing for regulation of genetic counselors.

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

\* \* \*

The House proceeded to second consideration of **HB 333, PN 1445**, entitled:

An Act amending the act of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act, further providing for definitions; and providing for regulation of genetic counselors.

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

\* \* \*

The House proceeded to second consideration of **HB 398, PN 1446**, entitled:

An Act providing for registration of appraisal management companies, for powers of the State Board of Certified Real Estate Appraisers with respect to appraisal management companies, for the responsibilities and duties of appraisal management companies, for prohibited activities, for discipline and for penalties.

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

\* \* \*

The House proceeded to second consideration of **HB 917, PN 980**, entitled:

An Act designating the bridge carrying State Route 2014 over the Beaverdam Branch of the Juniata River in Hollidaysburg Borough, Blair County, as the Sgt. 1st Class Daniel Lightner Memorial Bridge.

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

\* \* \*

The House proceeded to second consideration of **HB 1255, PN 1402**, entitled:

An Act designating the bridge crossing Marsh Creek, joining Freedom Township and Cumberland Township, Adams County, as the Wildlife Conservation Officer David L. Grove Memorial Bridge.

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

Mr. **MOUL** offered the following amendment No. **A01576**:

- Amend Bill, page 1, line 1, by inserting after "Creek" on Business Route 15
- Amend Bill, page 2, line 12, by inserting after "Creek" on Business Route 15

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

The **SPEAKER**. On that question, the Speaker recognizes the gentleman, Mr. Moul.

Mr. **MOUL**. Thank you, Mr. Speaker.

This amendment is strictly a clarification so that we can designate the actual route number that the bridge is located on. We found that upstream there is an old bridge that has not been in service for many years that would have also qualified. So this definitely designates which bridge it is. I would appreciate an affirmative vote. Thank you.

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

The following roll call was recorded:

YEAS—192

Adolph	Dunbar	Kotik	Quinn
Aument	Ellis	Krieger	Rapp
Baker	Emrick	Kula	Ravenstahl
Barbin	Evankovich	Lawrence	Readshaw
Barrar	Evans, J.	Longietti	Reed
Bear	Everett	Maher	Reese
Benninghoff	Fabrizio	Mahoney	Reichley
Bishop	Farry	Major	Roae
Bloom	Fleck	Maloney	Rock
Boback	Frankel	Mann	Roebuck
Boyd	Freeman	Markosek	Ross
Boyle, B.	Gabler	Marshall	Sabatina
Boyle, K.	Geist	Marsico	Saccone
Bradford	George	Masser	Sainato
Brennan	Gergely	Matzie	Samuelson
Briggs	Gibbons	McGeehan	Santarsiero
Brooks	Gillen	Metcalfe	Santoni
Brown, R.	Gillespie	Metzgar	Saylor
Brown, V.	Gingrich	Miccarelli	Scavello
Brownlee	Godshall	Micozzie	Schroder
Caltagirone	Goodman	Millard	Shapiro
Carroll	Grell	Miller	Simmons
Causar	Grove	Milne	Smith, K.
Christiana	Hackett	Mirabito	Smith, M.
Clymer	Hahn	Moul	Sonney
Cohen	Haluska	Mullery	Staback
Conklin	Hanna	Mundy	Stephens
Costa, D.	Harhai	Murphy	Stern
Costa, P.	Harhart	Murt	Stevenson
Cox	Harkins	Mustio	Sturla
Creighton	Harper	Myers	Swanger
Cruz	Harris	Neuman	Tallman
Culver	Heffley	O'Brien, D.	Taylor
Curry	Helm	O'Brien, M.	Tobash
Cutler	Hennessey	O'Neill	Toohil
Daley	Hess	Oberlander	Truitt
Davidson	Hickernell	Parker	Turzai
Davis	Hutchinson	Pashinski	Vereb
Day	Josephs	Payne	Vitali
Deasy	Kampf	Payton	Vulakovich

DeLissio	Kauffman	Peifer	Wagner
Delozier	Kavulich	Perry	Waters
DeLuca	Keller, F.	Petrarca	Watson
Denlinger	Keller, M.K.	Petri	Williams
DePasquale	Keller, W.	Pickett	Youngblood
Dermody	Killion	Preston	
DeWeese	Kirkland	Pyle	Smith, S.,
DiGirolamo	Knowles	Quigley	Speaker
Donatucci	Kortz		

NAYS-0

NOT VOTING-0

EXCUSED-11

Burns	Galloway	Johnson	Wheatley
Buxton	Gerber	Thomas	White
Evans, D.	Hornaman	Toepel	

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

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

The SPEAKER. The bill will be reprinted as amended.

\* \* \*

The House proceeded to second consideration of **HB 1055, PN 1524**, entitled:

An Act providing for the registration and regulation of professional employer organizations and for powers and duties of the Department of Labor and Industry; and imposing penalties.

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

Mr. **MUSTIO** offered the following amendment No. **A01540**:

- Amend Bill, page 30, line 25, by inserting after "issue" standard workers' compensation policies under subsection (b)(1),
- Amend Bill, page 30, line 26, by striking out "and" and inserting under subsection (b)(3) or
- Amend Bill, page 30, line 26, by inserting after "policies" under subsection (b)(5)
- Amend Bill, page 30, line 27, by striking out "pursuant to subsection (b)(3) and (5)"

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

The SPEAKER. On that question, the Speaker recognizes the gentleman from Allegheny County, Mr. Mustio.  
Mr. MUSTIO. Thank you, Mr. Speaker.  
The amendment is technical in nature and is based on the recommendation of the Pennsylvania Compensation Rating Bureau.

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

The following roll call was recorded:

YEAS-192

Adolph	Dunbar	Kotik	Quinn
Aument	Ellis	Krieger	Rapp
Baker	Emrick	Kula	Ravenstahl
Barbin	Evankovich	Lawrence	Readshaw
Barrar	Evans, J.	Longiatti	Reed
Bear	Everett	Maher	Reese
Benninghoff	Fabrizio	Mahoney	Reichley
Bishop	Farry	Major	Roae
Bloom	Fleck	Maloney	Rock
Boback	Frankel	Mann	Roebuck
Boyd	Freeman	Markosek	Ross
Boyle, B.	Gabler	Marshall	Sabatina
Boyle, K.	Geist	Marsico	Saccone
Bradford	George	Masser	Sainato
Brennan	Gergely	Matzie	Samuelson
Briggs	Gibbons	McGeehan	Santarsiero
Brooks	Gillen	Metcalfe	Santoni
Brown, R.	Gillespie	Metzgar	Saylor
Brown, V.	Gingrich	Miccarelli	Scavello
Brownlee	Godshall	Micozzie	Schroder
Caltagirone	Goodman	Millard	Shapiro
Carroll	Grell	Miller	Simmons
Causer	Grove	Milne	Smith, K.
Christiana	Hackett	Mirabito	Smith, M.
Clymer	Hahn	Moul	Sonney
Cohen	Haluska	Mullery	Staback
Conklin	Hanna	Mundy	Stephens
Costa, D.	Harhai	Murphy	Stern
Costa, P.	Harhart	Murt	Stevenson
Cox	Harkins	Mustio	Sturla
Creighton	Harper	Myers	Swanger
Cruz	Harris	Neuman	Tallman
Culver	Heffley	O'Brien, D.	Taylor
Curry	Helm	O'Brien, M.	Tobash
Cutler	Hennessey	O'Neill	Toohil
Daley	Hess	Oberlander	Truitt
Davidson	Hickernell	Parker	Turzai
Davis	Hutchinson	Pashinski	Vereb
Day	Josephs	Payne	Vitali
Deasy	Kampf	Payton	Vulakovich
DeLissio	Kauffman	Peifer	Wagner
Delozier	Kavulich	Perry	Waters
DeLuca	Keller, F.	Petrarca	Watson
Denlinger	Keller, M.K.	Petri	Williams
DePasquale	Keller, W.	Pickett	Youngblood
Dermody	Killion	Preston	
DeWeese	Kirkland	Pyle	Smith, S.,
DiGirolamo	Knowles	Quigley	Speaker
Donatucci	Kortz		

NAYS-0

NOT VOTING-0

EXCUSED-11

Burns	Galloway	Johnson	Wheatley
Buxton	Gerber	Thomas	White
Evans, D.	Hornaman	Toepel	

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

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

Bill as amended was agreed to.

The SPEAKER. The bill will be reprinted as amended.

\* \* \*

The House proceeded to second consideration of **HB 440, PN 1523**, entitled:

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, providing for insurance for different forms of business; and repealing provisions on logging.

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

Mr. **W. KELLER** offered the following amendment No. **A01506**:

Amend Bill, page 1, line 15, by inserting after "provide,"  
on a voluntary basis.

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

The SPEAKER. On that question, the Speaker recognizes the gentleman, Mr. Keller, from Philadelphia.

Mr. W. KELLER. Thank you, Mr. Speaker.

Mr. Speaker, I believe this is an agreed-to amendment, almost technical in nature. It adds the phrase "on a voluntary basis" to make clear that HB 440 allows, not requires, insurers to sell insurance comp coverage to sole proprietorships, partners of partnerships, or members of a limited liability corporation. This language was requested by the Department of Labor and Industry.

Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.  
That sounds almost technical.

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

The following roll call was recorded:

YEAS—192

Adolph	Dunbar	Kotik	Quinn
Aument	Ellis	Krieger	Rapp
Baker	Emrick	Kula	Ravenstahl
Barbin	Evankovich	Lawrence	Readshaw
Barrar	Evans, J.	Longiotti	Reed
Bear	Everett	Maher	Reese
Benninghoff	Fabrizio	Mahoney	Reichley
Bishop	Farry	Major	Roae
Bloom	Fleck	Maloney	Rock
Boback	Frankel	Mann	Roebuck
Boyd	Freeman	Markosek	Ross
Boyle, B.	Gabler	Marshall	Sabatina
Boyle, K.	Geist	Marsico	Saccone
Bradford	George	Masser	Sainato
Brennan	Gergely	Matzie	Samuelson

Briggs	Gibbons	McGeehan	Santarsiero
Brooks	Gillen	Metcalfe	Santoni
Brown, R.	Gillespie	Metzgar	Saylor
Brown, V.	Gingrich	Miccarelli	Scavello
Brownlee	Godshall	Micozzie	Schroder
Caltagirone	Goodman	Millard	Shapiro
Carroll	Grell	Miller	Simmons
Causer	Grove	Milne	Smith, K.
Christiana	Hackett	Mirabito	Smith, M.
Clymer	Hahn	Moul	Sonney
Cohen	Haluska	Mullery	Staback
Conklin	Hanna	Mundy	Stephens
Costa, D.	Harhai	Murphy	Stern
Costa, P.	Harhart	Murt	Stevenson
Cox	Harkins	Mustio	Sturla
Creighton	Harper	Myers	Swanger
Cruz	Harris	Neuman	Tallman
Culver	Heffley	O'Brien, D.	Taylor
Curry	Helm	O'Brien, M.	Tobash
Cutler	Hennessey	O'Neill	Toohil
Daley	Hess	Oberlander	Truitt
Davidson	Hickernell	Parker	Turzai
Davis	Hutchinson	Pashinski	Vereb
Day	Josephs	Payne	Vitali
Deasy	Kampf	Payton	Vulakovich
DeLissio	Kauffman	Peifer	Wagner
DeLozier	Kavulich	Perry	Waters
DeLuca	Keller, F.	Petrarca	Watson
Denlinger	Keller, M.K.	Petri	Williams
DePasquale	Keller, W.	Pickett	Youngblood
Dermody	Killion	Preston	
DeWeese	Kirkland	Pyle	Smith, S., Speaker
DiGirolamo	Knowles	Quigley	
Donatucci	Kortz		

NAYS—0

NOT VOTING—0

EXCUSED—11

Burns	Galloway	Johnson	Wheatley
Buxton	Gerber	Thomas	White
Evans, D.	Hornaman	Toepel	

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

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

Bill as amended was agreed to.

The SPEAKER. The bill will be reprinted as amended.

\* \* \*

The House proceeded to second consideration of **HB 1301, PN 1477**, entitled:

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, in public assistance, providing for the medical assistance transportation program.

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

Mr. **CUTLER** offered the following amendment No. **A01597**:

Amend Bill, page 1, line 16; page 2, lines 1 through 4, by striking out all of said lines on said pages

Amend Bill, page 2, line 5, by striking out "(c)" and inserting (b)

Amend Bill, page 2, line 9, by striking out "(d)" and inserting (c)

Amend Bill, page 2, line 11, by inserting after "off" , unless the collection of such information is not feasible for the mode of transportation

Amend Bill, page 2, line 12, by striking out "(e)" and inserting (d)

Amend Bill, page 2, line 16, by striking out "(f)" and inserting (e)

Amend Bill, page 2, line 22, by striking out "(g)" and inserting (f)

Amend Bill, page 3, line 5, by inserting after "provider" that meets the recipient's medical needs

Amend Bill, page 3, line 8, by striking out "(f)" and inserting (e)

Amend Bill, page 3, line 10, by striking out "not" and inserting only

Amend Bill, page 3, line 10, by striking out "unless" and inserting if

Amend Bill, page 3, line 12, by inserting after "trips" occurring more than fifteen days before the request for services

Amend Bill, page 3, line 14, by striking out "the lesser of the distance from the individual's residence to" and inserting the lesser of the following:

(i) the distance from the individual's residence to

Amend Bill, page 3, line 15, by striking out "or fifty miles." and inserting that meets the recipient's medical needs; or

(ii) fifty miles, unless the recipient is exempted by the department or MATP office for medically necessary services in excess of fifty miles.

Amend Bill, page 3, line 16, by striking out "(h)" and inserting (g)

Amend Bill, page 4, line 3, by striking out "in 60 days." and inserting as follows:

(1) The following provisions shall take effect immediately:

(i) This section.

(ii) The addition of section 443.11(a) of the act.

(2) The remainder of this act shall take effect in 90 days.

On the question,

Will the House agree to the amendment?

The **SPEAKER**. On that question, the Speaker recognizes the gentleman, Mr. Cutler.

Mr. **CUTLER**. Thank you, Mr. Speaker.

This is an agreed-to amendment that addresses many of the concerns that came up during the committee process that we had on this day. Specifically, it removes the regionalization provision at the beginning of the bill, clarifies what forms of information need to be collected if possible for the mode of transportation, in addition to directly stipulating a 15-day timeframe for the submission of the affidavit, as well as clarifying the 50-mile requirement to allow for travel outside the 50-mile range if deemed medically necessary and to make

sure that the department has the necessary protocols in place to address that as well. Additionally, and finally, it does also update the enactment provision, where it will enact certain sections of the bill immediately and the rest would take effect 90 days thereafter.

I would certainly appreciate the members' support. Thank you.

The **SPEAKER**. Will the House agree to the amendment?

On that question, the Speaker recognizes the lady, Ms. DeLissio, from Philadelphia County.

Ms. DeLISSIO. Mr. Speaker, I want to acknowledge that my colleague from Lancaster County's amendment, 1597, does a lot to correct some of the language that was of grave concern and would urge my colleagues to vote for that amendment.

The **SPEAKER**. The Speaker thanks the lady.

### LEAVE OF ABSENCE CANCELED

The **SPEAKER**. The Speaker returns to leaves of absence and notes the presence of the gentleman, Mr. Gerber, from Montgomery County. His name will be added back to the master roll call.

### CONSIDERATION OF HB 1301 CONTINUED

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

#### YEAS—193

Adolph	Dunbar	Kortz	Quinn
Aument	Ellis	Kotik	Rapp
Baker	Emrick	Krieger	Ravenstahl
Barbin	Evankovich	Kula	Readshaw
Barrar	Evans, J.	Lawrence	Reed
Bear	Everett	Longietti	Reese
Benninghoff	Fabrizio	Maher	Reichley
Bishop	Farry	Mahoney	Roae
Bloom	Fleck	Major	Rock
Boback	Frankel	Maloney	Roebuck
Boyd	Freeman	Mann	Ross
Boyle, B.	Gabler	Markosek	Sabatina
Boyle, K.	Geist	Marshall	Saccone
Bradford	George	Marsico	Sainato
Brennan	Gerber	Masser	Samuelson
Briggs	Gergely	Matzie	Santarsiero
Brooks	Gibbons	McGeehan	Santoni
Brown, R.	Gillen	Metcalfe	Saylor
Brown, V.	Gillespie	Metzgar	Scavello
Brownlee	Gingrich	Miccarelli	Schroder
Caltagirone	Godshall	Micozzie	Shapiro
Carroll	Goodman	Millard	Simmons
Causer	Grell	Miller	Smith, K.
Christiana	Grove	Milne	Smith, M.
Clymer	Hackett	Mirabito	Sonney
Cohen	Hahn	Moul	Staback
Conklin	Haluska	Mullery	Stephens
Costa, D.	Hanna	Mundy	Stern
Costa, P.	Harhai	Murphy	Stevenson
Cox	Harhart	Murt	Sturla
Creighton	Harkins	Mustio	Swanger
Cruz	Harper	Myers	Tallman
Culver	Harris	Neuman	Taylor
Curry	Heffley	O'Brien, D.	Tobash
Cutler	Helm	O'Brien, M.	Toohil
Daley	Hennessey	O'Neill	Truitt
Davidson	Hess	Oberlander	Turzai

Davis	Hickernell	Parker	Vereb
Day	Hutchinson	Pashinski	Vitali
Deasy	Josephs	Payne	Vulakovich
DeLissio	Kampf	Payton	Wagner
DeLozier	Kauffman	Peifer	Waters
DeLuca	Kavulich	Perry	Watson
Denlinger	Keller, F.	Petrarca	Williams
DePasquale	Keller, M.K.	Petri	Youngblood
Dermody	Keller, W.	Pickett	
DeWeese	Killion	Preston	Smith, S., Speaker
DiGirolamo	Kirkland	Pyle	
Donatucci	Knowles	Quigley	

NAYS—0

NOT VOTING—0

EXCUSED—10

Burns	Galloway	Thomas	Wheatley
Buxton	Hornaman	Toepel	White
Evans, D.	Johnson		

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

**LEAVE OF ABSENCE CANCELED**

The SPEAKER. The Speaker returns to leaves of absence and notices the presence of the gentleman from Philadelphia, Mr. Thomas, on the floor of the House. His name will be added back to the master roll call.

**GUESTS INTRODUCED**

The SPEAKER. The Speaker would like to recognize some guests that are with us in the balcony. We welcome The Young Men's Leadership School at FitzSimons. They are guests of Representative Vanessa Lowery Brown. Welcome to the hall of the House. Please stand and be recognized.

**STATEMENT BY MS. V. BROWN**

The SPEAKER. For what purpose does the lady, Ms. Brown, rise?

Ms. V. BROWN. Mr. Speaker, under unanimous consent.

The SPEAKER. The lady is recognized under unanimous consent.

Ms. V. BROWN. Thank you, Mr. Speaker.

I would just like to take a moment to thank The Young Men's Leadership School at FitzSimons High School in my district. They are in the north Philadelphia side of my district. I am just so grateful and happy to see them here. They came and they played a beautiful jazz rendition of so many different great favorites of mine, and so many of the members got to walk by and hear them play. We are hoping that we will make this an annual event where they will come and bless us with their talents. It is just great to see that young people are still involved in the arts, and we appreciate the arts and what they do and their

focus and their commitment to their goals in their lives. I am just so grateful to have them here, and I congratulate them again. Thank you, FitzSimons, for being here today.

Thank you, Mr. Speaker.

**LEAVE OF ABSENCE CANCELED**

The SPEAKER. The Speaker returns to leaves of absence and recognizes the presence of the lady from Montgomery County, Mrs. Toepel, on the floor of the House. Her name will be added back to the master roll.

**CONSIDERATION OF HB 1301 CONTINUED**

On the question,

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

Ms. DeLISSIO offered the following amendment No. A01512:

Amend Bill, page 3, by inserting between lines 15 and 16  
(h) On a case by case basis, upon a determination by the department that compliance with the provisions of this section would unreasonably endanger the life of a recipient, the department may authorize transportation services or mileage reimbursement.

Amend Bill, page 3, line 16, by striking out "(h)" and inserting  
(i)

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Speaker recognizes the lady from Philadelphia, Ms. DeLissio.

Ms. DeLISSIO. Thank you, Mr. Speaker.

That amendment provides that on a case-by-case basis, reimbursement may be provided when compliance with the section would unreasonably endanger the health of the recipient. The concern is that if there is a limitation in what providers the recipient may access, they could be ill-served by going to another provider that is not familiar with them.

The SPEAKER. Will the House agree to the amendment?

On that question, the Speaker recognizes the lady from Clarion, Ms. Oberlander.

Ms. OBERLANDER. Thank you, Mr. Speaker.

The Cutler amendment addresses these concerns, and I respectfully request the members vote "no." Thank you.

The SPEAKER. Will the House agree to the amendment?

On that question, the Speaker recognizes the lady from Philadelphia, Ms. DeLissio, for the second time.

Ms. DeLISSIO. Mr. Speaker, could the maker of the bill repeat that answer? I did not hear it.

The SPEAKER. Could the lady suspend just a minute.

The House will please come to order. The Speaker is having trouble hearing and would appreciate if the conversations would be held to a minimum. Members will please take their seats. The House will please come to order.

Would the lady repeat the comment she just made? I honestly did not hear.

Ms. DeLISSIO. Mr. Speaker, if the maker of the bill could repeat her explanation or her response. I did not hear it.

The SPEAKER. I guess I can appreciate that. Would the lady, Ms. Oberlander, please repeat the comments she made on the amendment.

Ms. OBERLANDER. Thank you, Mr. Speaker.

The Cutler amendment addresses these concerns, and I respectfully request the members vote "no."

The SPEAKER. Given that we could not hear each other very well there, I would like to recognize you for the second time, Ms. DeLissio, on the amendment, and I will get you kind of a free shot at this.

Ms. DeLISSIO. Thank you, Mr. Speaker.

A question for the maker of the bill for further clarification.

The SPEAKER. Would the lady like to interrogate?

Ms. DeLISSIO. Please. Thank you.

The SPEAKER. Is the lady, Ms. Oberlander, okay with interrogation? She will stand for interrogation. You may proceed.

Ms. DeLISSIO. The point of clarification, Mr. Speaker, is whether or not the gentleman from Lancaster's amendment fully addresses the concerns that I have expressed in amendment 1512. If that is the case, I am happy to consider withdrawing the amendment.

Ms. OBERLANDER. Thank you, Mr. Speaker.

The Cutler amendment does provide for reimbursement limit exemptions for medically necessary services in excess of 50 miles.

Ms. DeLISSIO. Mr. Speaker, does that include the recipient going to their provider of choice?

Ms. OBERLANDER. Nothing limits them from doing so.

#### AMENDMENT WITHDRAWN

Ms. DeLISSIO. Thank you, Mr. Speaker.

I will be withdrawing amendment 1512.

The SPEAKER. The Speaker thanks the lady. The amendment is withdrawn.

On the question recurring,

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

Ms. **DeLISSIO** offered the following amendment No. **A01516**:

Amend Bill, page 4, line 2, by inserting after "abrogated" to the extent that they are inconsistent

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Speaker recognizes the lady from Philadelphia, Ms. DeLissio.

Ms. DeLISSIO. Thank you, Mr. Speaker.

The concern in what this amendment addresses is the language in the legislation that abrogates the regulations. We are concerned that the abrogation language could apply to a greater extent than was intended and that they can actually abrogate regulations that are inconsistent with the act and therefore create problems with other aspects of the act, of the regulations.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the lady, Ms. Oberlander.

Ms. OBERLANDER. Thank you, Mr. Speaker.

The Cutler amendment does address these concerns, and I respectfully request the members vote "no" on the amendment.

The SPEAKER. The question is, will the House agree to the amendment?

Does the lady, Ms. DeLissio, seek recognition?

Ms. DeLISSIO. Mr. Speaker, thank you.

I do not believe that the gentleman from Lancaster's amendment addresses the abrogation concern that we have, that I have, and therefore, I am not withdrawing this amendment.

The SPEAKER. The question is, will the House agree to the amendment?

The lady from Clarion County, Ms. Oberlander, is recognized for a second time.

Ms. OBERLANDER. Thank you, Mr. Speaker.

In section 2 of the bill, it states, "Any regulations inconsistent with the addition of section 443.11 of the act are abrogated." So it already says that and it would be double language.

Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

#### YEAS—80

Barbin	DeLissio	Kirkland	Preston
Bishop	DePasquale	Kortz	Ravenstahl
Boyle, B.	Dermody	Kula	Readshaw
Boyle, K.	DeWeese	Longietti	Roebuck
Bradford	Donatucci	Mahoney	Sabatina
Brennan	Fabrizio	Mann	Sainato
Briggs	Frankel	Markosek	Samuelson
Brown, V.	Freeman	Matzie	Santarsiero
Brownlee	George	McGeehan	Santoni
Caltagirone	Gerber	Mirabito	Shapiro
Carroll	Gergely	Mullery	Smith, K.
Cohen	Gibbons	Mundy	Smith, M.
Conklin	Goodman	Murphy	Staback
Costa, P.	Haluska	Myers	Sturla
Cruz	Hanna	Neuman	Thomas
Curry	Harhai	O'Brien, M.	Vitali
Daley	Harkins	Parker	Wagner
Davidson	Josephs	Pashinski	Waters
Davis	Kavulich	Payton	Williams
Deasy	Keller, W.	Petrarca	Youngblood

#### NAYS—115

Adolph	Farry	Lawrence	Reed
Aument	Fleck	Maher	Reese
Baker	Gabler	Major	Reichley
Barrar	Geist	Maloney	Roae
Bear	Gillen	Marshall	Rock
Benninghoff	Gillespie	Marsico	Ross
Bloom	Gingrich	Masser	Saccone
Boback	Godshall	Metcalf	Saylor
Boyd	Grell	Metzgar	Scavello
Brooks	Grove	Miccarelli	Schroder
Brown, R.	Hackett	Micozzie	Simmons
Causer	Hahn	Millard	Sonney
Christiana	Harhart	Miller	Stephens
Clymer	Harper	Milne	Stern

Costa, D.	Harris	Moul	Stevenson
Cox	Heffley	Murt	Swanger
Creighton	Helm	Mustio	Tallman
Culver	Hennessey	O'Brien, D.	Taylor
Cutler	Hess	O'Neill	Tobash
Day	Hickernell	Oberlander	Toepel
Delozier	Hutchinson	Payne	Toohil
DeLuca	Kampf	Peifer	Truitt
Denlinger	Kauffman	Perry	Turzai
DiGirolamo	Keller, F.	Petri	Vereb
Dunbar	Keller, M.K.	Pickett	Vulakovich
Ellis	Killion	Pyle	Watson
Emrick	Knowles	Quigley	
Evankovich	Kotik	Quinn	Smith, S.,
Evans, J.	Krieger	Rapp	Speaker
Everett			

NOT VOTING—0

EXCUSED—8

Burns	Evans, D.	Hornaman	Wheatley
Buxton	Galloway	Johnson	White

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

On the question recurring,

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

Ms. DeLISSIO offered the following amendment No. A01616:

Amend Bill, page 3, line 5, by inserting after "provider" that is appropriate for the recipient's medical condition

Amend Bill, page 4, line 2, by inserting after "abrogated" to the extent they are inconsistent

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Speaker recognizes the lady from Philadelphia County, Ms. DeLissio.

Ms. DeLISSIO. Mr. Speaker, this amendment would provide and ensure that the closest provider that is appropriate for the recipient's medical condition is a choice of the recipient.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the lady from Clarion County, Ms. Oberlander.

Ms. OBERLANDER. Thank you, Mr. Speaker.

The Cutler amendment does address this concern, and I respectfully request that the members vote "no." The term "medically necessary" in his amendment sufficiently addresses that.

Thank you.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the lady from Philadelphia, Ms. DeLissio, for a second time.

Ms. DeLISSIO. Thank you, Mr. Speaker.

Just a point of clarification. The gentleman from Lancaster County's amendment was specific to a section that is after the section that my amendment addresses. So again, I just wanted to ensure that the recipient has choice because choice is very important to their compliance with their medical care.

I would ask for support of this amendment for that point of clarification.

The SPEAKER. The Speaker thanks the lady.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—83

Barbin	DeLissio	Kirkland	Preston
Bishop	DeLuca	Kortz	Ravenstahl
Boyle, B.	DePasquale	Kotik	Readshaw
Boyle, K.	Dermody	Kula	Roebuck
Bradford	DeWeese	Longietti	Sabatina
Brennan	Donatucci	Mahoney	Sainato
Briggs	Fabrizio	Mann	Samuelson
Brown, V.	Frankel	Markosek	Santarsiero
Brownlee	Freeman	Matzie	Santoni
Caltagirone	George	McGeehan	Shapiro
Carroll	Gerber	Mirabito	Smith, K.
Cohen	Gergely	Mullery	Smith, M.
Conklin	Gibbons	Mundy	Staback
Costa, D.	Goodman	Murphy	Sturla
Costa, P.	Haluska	Myers	Thomas
Cruz	Hanna	Neuman	Vitali
Curry	Harhai	O'Brien, M.	Wagner
Daley	Harkins	Parker	Waters
Davidson	Josephs	Pashinski	Williams
Davis	Kavulich	Payton	Youngblood
Deasy	Keller, W.	Petrarca	

NAYS—112

Adolph	Fleck	Major	Reese
Aument	Gabler	Maloney	Reichley
Baker	Geist	Marshall	Roae
Barrar	Gillen	Marsico	Rock
Bear	Gillespie	Masser	Ross
Benninghoff	Gingrich	Metcalfe	Saccone
Bloom	Godshall	Metzgar	Saylor
Boback	Grell	Miccarelli	Scavello
Boyd	Grove	Micozzie	Schroder
Brooks	Hackett	Millard	Simmons
Brown, R.	Hahn	Miller	Sonney
Causer	Harhart	Milne	Stephens
Christiana	Harper	Moul	Stern
Clymer	Harris	Murt	Stevenson
Cox	Heffley	Mustio	Swanger
Creighton	Helm	O'Brien, D.	Tallman
Culver	Hennessey	O'Neill	Taylor
Cutler	Hess	Oberlander	Tobash
Day	Hickernell	Payne	Toepel
Delozier	Hutchinson	Peifer	Toohil
Denlinger	Kampf	Perry	Truitt
DiGirolamo	Kauffman	Petri	Turzai
Dunbar	Keller, F.	Pickett	Vereb
Ellis	Keller, M.K.	Pyle	Vulakovich
Emrick	Killion	Quigley	Watson
Evankovich	Knowles	Quinn	
Evans, J.	Krieger	Rapp	Smith, S.,
Everett	Lawrence	Reed	Speaker
Farry	Maher		

## NOT VOTING—0

## EXCUSED—8

Burns	Evans, D.	Hornaman	Wheatley
Buxton	Galloway	Johnson	White

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

On the question recurring,

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

Ms. **DeLISSIO** offered the following amendment No. **A01617**:

Amend Bill, page 3, line 5, by inserting after "provider"  
that is appropriate for the recipient's medical condition

Amend Bill, page 3, line 15, by striking out "or fifty miles" and inserting

that is appropriate for the recipient's medical condition

On the question,

Will the House agree to the amendment?

## AMENDMENT WITHDRAWN

The SPEAKER. On that question, the Speaker recognizes the lady from Philadelphia, Ms. DeLissio.

Ms. DeLISSIO. Thank you, Mr. Speaker.

I will be withdrawing amendment 1617.

The SPEAKER. The Speaker thanks the lady.

On the question recurring,

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

Ms. **DeLISSIO** offered the following amendment No. **A01618**:

Amend Bill, page 2, line 4, by inserting after "reduction."  
Regulations shall include procedures to govern coordination of services among MATP offices across the lines of municipalities in areas of this Commonwealth where regionalization does not exist.

Amend Bill, page 2, line 8, by inserting after "eligibility"  
, consistent with confidentiality requirements of statutes and regulations

Amend Bill, page 2, line 10, by striking out "and address"

Amend Bill, page 2, line 13, by inserting after "and"

affirmed by

Amend Bill, page 2, line 15, by inserting after "directed."

The department shall make provisions for a recipient who is unable to sign because of age, infirmity, disability or illiteracy.

Amend Bill, page 2, lines 16 through 22, by striking out "Recipients receiving mileage reimbursement shall record." in line 16, all of lines 17 through 21 and "(g)" in line 22

Amend Bill, page 3, line 5, by inserting after "provider"

that is appropriate for the recipient's medical condition

Amend Bill, page 3, lines 8 and 9, by striking out all of line 8 and "attestation form" in line 9

Amend Bill, page 3, line 12, by striking out "previous trips" and inserting

requested transportation services or mileage reimbursements

Amend Bill, page 3, line 13, by striking out "Mileage" and inserting

Except as set forth in paragraph (8), mileage

Amend Bill, page 3, line 14, by striking out "individual's" and inserting

recipient's

Amend Bill, page 3, line 15, by inserting after "provider"

that is appropriate for the recipient's medical condition

Amend Bill, page 3, by inserting between lines 15 and 16  
(8) For medically necessary services in excess of fifty miles, the department shall promulgate regulations to govern the provision of transportation services and mileage reimbursements.

Amend Bill, page 3, line 16, by striking out "(h)" and inserting

(g)

On the question,

Will the House agree to the amendment?

## PARLIAMENTARY INQUIRY

## AMENDMENT DIVIDED

The SPEAKER. For what purpose does the lady, Ms. DeLissio, rise?

Ms. DeLISSIO. Mr. Speaker, I rise to make a motion.

The SPEAKER. The member will make the motion.

Ms. DeLISSIO. Mr. Speaker, I move to divide A01618 into two parts. Part 1 would be page 1, lines 6 through 15; page 2, lines 1 through 6; and page 2, lines 9 through 12. Part 2 would be the rest of the amendment. I plan to offer part 1 and withdraw part 2.

The SPEAKER. The amendment is divisible. It is the Speaker's understanding that the portion of the amendment that you want to have considered would be lines 6 through 15 on page 1; lines 1 through 6 on page 2; and lines 9 through 12 on page 2.

Ms. DeLISSIO. That is correct, Mr. Speaker.

## PART 2 OF AMENDMENT WITHDRAWN

The SPEAKER. The remainder of the split amendment is withdrawn.

Ms. DeLISSIO. Correct, Mr. Speaker.

The SPEAKER. The question before the House is amendment A01618 as divided, including on page 1, lines 6 through 15; on page 2, lines 1 through 6; and lines 9 through 12.

On the question,

Will the House agree to part 1 of the amendment?

The SPEAKER. On that question, the Speaker recognizes the lady from Philadelphia, Ms. DeLissio, for the first time.

Ms. DeLISSIO. Thank you, Mr. Speaker.

There are two items in the part of the amendment that has not been withdrawn, and one deals with a confidentiality issue. The legislation allows for the client information system to be made available to the Medicaid transportation program, and the

legislation does not provide any limitations on that data and information contained in the CIS system. There is a concern that data and information that is in that system that goes well beyond data required for transportation would be available to inappropriate persons. So this amendment would provide for those limitations to be put in place.

The second item in the amendment expresses a concern that there are those recipients who utilize the transportation program, who through infirmities or other types of disabilities may not be able to attest personally or sign for the transportation as required by the legislation. So this amendment is allowing for a substitute signer, if you will, to make that attestation appropriately and on their behalf.

The SPEAKER. The Speaker thanks the lady.

For the information of the members, that amendment will be referred to as A01618 part 1, is what we are actually considering, and those are the lines that I enumerated earlier.

The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Somerset, Mr. Metzgar.

Mr. METZGAR. May I interrogate the maker of the amendment, please?

The SPEAKER. Will the maker of the amendment stand for interrogation?

Ms. DeLISSIO. Yes.

The SPEAKER. The lady indicates she will. The gentleman may proceed.

Mr. METZGAR. Thank you.

I notice in line 9 of your amendment, it strikes out the provision for "and address." Consistent with the other portions of this particular bill, how are we to determine the location of the person needing assistance if we do not have the address?

Ms. DeLISSIO. It is my understanding that as part of the eligibility process for a recipient, that address is already on file.

Mr. METZGAR. So how would we be able to determine— We would have to then go and pull the file to get that address, and then the location to make the determination if they are within 50 miles?

Ms. DeLISSIO. For a point of clarification, this information is already on file. They are being preapproved for this transportation, so that address is already in the system. It is already available to county assistance workers and other contractors involved in the MATP program (Medical Assistance Transportation Program).

Mr. METZGAR. Then why would you propose to strike it?

Ms. DeLISSIO. It is excess information.

Mr. METZGAR. Okay. Well, I appreciate that you are being frugal with our information. I am confused about lines 10 and 11 of your amendment. I notice that it says "affirmed by" after "and" whenever— My reading says that there is an attestation provision in there. Why the change?

Ms. DeLISSIO. Mr. Speaker, that was part of my explanation and I am happy to repeat it. There are those recipients who may have a variety of infirmities or disabilities that prevent them from personally attesting to this and/or affirming this, and therefore a substitute attestation should be provided for so they can avail themselves of this service.

Mr. METZGAR. I just inquire to the gentelady of Philadelphia, if you put "affirmed by" after the word "and," if I am reading that correctly, it would apply to the medical services provider, not the recipient.

Ms. DeLISSIO. That is correct. That is one of the acceptable— The amendment includes that as one of the acceptable folks to attest to the fact that that transportation was appropriated and authorized and executed appropriately.

Mr. METZGAR. So you are saying that the medical service provider cannot affirm, only an attestation by the medical service provider? I am just confused. I need your help with this.

Ms. DeLISSIO. Could you repeat your question?

Mr. METZGAR. If I am reading this correctly – and maybe I am not – but in line 13, your amendment says, in line 13, after the word "and," inserted will be "affirmed by." "Affirmed by the medical services provider" is how it would read. The signature of the recipient will still stand.

Ms. DeLISSIO. Thank you, Mr. Speaker.

I appreciate the patience. Yes, it does say "and." It will ask for both the medical service provider to affirm that the—

Mr. METZGAR. I am sorry. Can you repeat that? I did not hear the beginning—

The SPEAKER. The lady will suspend just for a minute. Members will please come to order and keep the conversations to a minimum or at least at a lower decibel level.

Ms. DeLISSIO. Thank you, Mr. Speaker.

The SPEAKER. The lady may proceed.

Ms. DeLISSIO. It does indeed say "and." It would allow for the medical service provider to also affirm that the recipient was there present to receive that service, so it does both.

Mr. METZGAR. Well, the medical service provider is already attesting. What you are doing is making them affirm?

Ms. DeLISSIO. Thank you, Mr. Speaker.

I think the point the gentleman may be making is that we are using belts and suspenders here, and since this is an antifraud event, I do not have a problem with the belts and suspenders.

Mr. METZGAR. Well, I think there is a very large difference between an attestation and an affirmation. Are you familiar with the difference?

Ms. DeLISSIO. Thank you, Mr. Speaker.

I believe I already answered the question.

The SPEAKER. The Speaker apologizes. Would the lady repeat the comment?

Ms. DeLISSIO. I believe I already answered the gentleman's question. Thank you, Mr. Speaker.

The SPEAKER. Does the gentleman want to continue interrogation?

Mr. METZGAR. Mr. Speaker, I actually think that the lady's response is patently incorrect. She has not answered my question at all. I asked her—

The SPEAKER. The gentleman will suspend.

Mr. METZGAR. Yes, sir.

The SPEAKER. You are allowed to ask the question. She is allowed to answer them like she wants.

Mr. METZGAR. Okay.

The SPEAKER. Would you like to continue interrogation, or would you like to be recognized on the amendment?

Mr. METZGAR. Yeah, I have another question.

I noticed in line 17 of the amendment, it says, "Recipients receiving mileage reimbursement shall record," and that provision is struck. If that provision is struck, what is the fill-in-the-blank beginning on line 16? It would simply start on line 17, which would be grammatically and materially incorrect.

The SPEAKER. The gentleman will suspend.  
 I believe you have started to ask a question about part 2 of the amendment, which has been withdrawn and is not part of the amendment under consideration, if I am following you.

Mr. METZGAR. I apologize, Mr. Speaker.

On the amendment then.

The SPEAKER. The gentleman is in order on the amendment.

Mr. METZGAR. Mr. Speaker, I think that the line of interrogation that has gone on here today, we can succinctly state that this particular amendment is neither materially nor grammatically correct, and actually, despite the gentlelady from Philadelphia declining to answer my question, the difference between an attestation and an affirmation is the degree of liability to which the person is affirming or attesting as provided. In the case of this amendment, the liability for the medical service provider is greatly increased by the change in this amendment, and I would encourage a "no" vote.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the lady from Clarion, Ms. Oberlander.

Ms. OBERLANDER. Thank you, Mr. Speaker.

In addition to the excellent points that my colleague made, I do want to point out that the department already has the authority to make these requirements through their contracts with their providers, and it is also duplicative in that we already have to follow the Federal and State requirements, the laws, the compliance with ADA (Americans with Disabilities Act), the compliance with HIPAA (Health Insurance Portability and Accountability Act), and other related laws. In addition to the piece that was bifurcated, we are covered there with the "fifty miles, unless the recipient is exempted by the department or the MATP office for medically necessary services in excess of fifty miles," and that is from lines 18 through 20 of the Cutler amendment.

I would respectfully request the members vote "no" on this amendment. Thank you.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the lady from Philadelphia, Ms. DeLissio, for the second time.

Ms. DeLISSIO. Mr. Speaker, I would ask that my colleagues vote "yes" for this amendment. Again, the abrogation language is of high concern and eliminates the confidentiality requirements that should be part of the legislation.

On the question recurring,

Will the House agree to part 1 of the amendment?

The following roll call was recorded:

YEAS-79

Bishop	DePasquale	Kortz	Ravenstahl
Boyle, B.	Dermody	Kotik	Readshaw
Boyle, K.	DeWeese	Kula	Roebuck
Bradford	Donatucci	Longiotti	Sabatina
Brennan	Fabrizio	Mahoney	Sainato
Briggs	Frankel	Mann	Samuelson
Brown, V.	Freeman	Markosek	Santarsiero
Brownlee	George	Matzie	Santoni

Caltagirone	Gerber	McGeehan	Shapiro
Carroll	Gergely	Mirabito	Smith, K.
Cohen	Gibbons	Mullery	Smith, M.
Conklin	Goodman	Mundy	Staback
Costa, P.	Haluska	Murphy	Sturla
Cruz	Hanna	Myers	Thomas
Curry	Harhai	Neuman	Vitali
Daley	Harkins	O'Brien, M.	Wagner
Davidson	Josephs	Parker	Waters
Davis	Kavulich	Pashinski	Williams
Deasy	Keller, W.	Payton	Youngblood
DeLissio	Kirkland	Preston	

NAYS-116

Adolph	Everett	Maher	Reed
Aument	Farry	Major	Reese
Baker	Fleck	Maloney	Reichley
Barbin	Gabler	Marshall	Roae
Barrar	Geist	Marsico	Rock
Bear	Gillen	Masser	Ross
Benninghoff	Gillespie	Metcalfe	Saccone
Bloom	Gingrich	Metzgar	Saylor
Boback	Godshall	Miccarelli	Scavello
Boyd	Grell	Micozzie	Schroder
Brooks	Grove	Millard	Simmons
Brown, R.	Hackett	Miller	Sonney
Causer	Hahn	Milne	Stephens
Christiana	Harhart	Moul	Stern
Clymer	Harper	Murt	Stevenson
Costa, D.	Harris	Mustio	Swanger
Cox	Heffley	O'Brien, D.	Tallman
Creighton	Helm	O'Neill	Taylor
Culver	Hennessey	Oberlander	Tobash
Cutler	Hess	Payne	Toepel
Day	Hickernell	Peifer	Toohil
Delozier	Hutchinson	Perry	Truitt
DeLuca	Kampf	Petrarca	Turzai
Denlinger	Kauffman	Petri	Vereb
DiGirolo	Keller, F.	Pickett	Vulakovich
Dunbar	Keller, M.K.	Pyle	Watson
Ellis	Killion	Quigley	
Emrick	Knowles	Quinn	Smith, S., Speaker
Evankovich	Krieger	Rapp	
Evans, J.	Lawrence		

NOT VOTING-0

EXCUSED-8

Burns	Evans, D.	Hornaman	Wheatley
Buxton	Galloway	Johnson	White

Less than the majority having voted in the affirmative, the question was determined in the negative and part 1 of the amendment was not agreed to.

LEAVES OF ABSENCE

The SPEAKER. The Speaker returns to leaves of absence and recognizes the minority whip, who requests a leave for the gentleman from Clearfield County, Mr. GEORGE, for the remainder of the day. Without objection, the leave will be granted.

Returning again to leaves of absence, the Speaker recognizes the majority whip, who requests a leave of absence for the gentleman, Mr. Dennis O'BRIEN, from Philadelphia County for the remainder of the day. Without objection, the leave will be granted.

**CONSIDERATION OF HB 1301 CONTINUED**

On the question recurring,

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

Mr. **STURLA** offered the following amendment No. **A01599**:

Amend Bill, page 3, by inserting between lines 15 and 16

(h) The department shall issue annual reports to the General Assembly detailing costs and cost savings related to implementing the medical assistance transportation program.

Amend Bill, page 3, line 16, by striking out "(h)" and inserting

(i)

On the question,

Will the House agree to the amendment?

The **SPEAKER**. On that question, the Speaker recognizes the gentleman from Lancaster, Mr. Sturla.

Mr. **STURLA**. Thank you, Mr. Speaker.

Mr. Speaker, as stated in the intent of HB 1301, in lines 14 and 15, it says that this is "...an efficient and cost-effective manner" that this program should be conducted in. Amendment 01599 simply says that "the department shall issue annual reports to the General Assembly detailing costs and cost savings related to..." the implementation of this program. I would encourage the members to vote "yes" so that we can get open and transparent ideas of the kinds of savings this is providing for the taxpayers of Pennsylvania.

The **SPEAKER**. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Lancaster County, Mr. Cutler.

Mr. **CUTLER**. Thank you, Mr. Speaker.

If the maker of the amendment might stand for brief interrogation.

The **SPEAKER**. The gentleman indicates he will stand for interrogation. You may proceed.

Mr. **CUTLER**. Thank you.

Mr. Speaker, in the new subsection (h), it says, "...detailing costs and cost savings related to implementing the medical assistance transportation program." Mr. Speaker, would that be based solely off the changes contained in this bill as amended or the entire program as it currently stands?

Mr. **STURLA**. Mr. Speaker, my hope would be that not only would it contain the costs of the program in general but also the savings that would be as a result of this bill.

Mr. **CUTLER**. Thank you, Mr. Speaker.

Additionally, what— If the Speaker has any insight on this, it would be helpful to me. How would you propose we quantify the cost savings in a report like this back to the General Assembly? What standards would be used compared to – for example, transportation to the closest place, would we compare it or contrast it to the next closest place? What matrix would be used to evaluate what in fact the savings were?

Mr. **STURLA**. Well, Mr. Speaker, I think that in several cases, one, it could be from year to year you would see differences, but also, as is enumerated in some of these things, the question would be, there is obviously some more paperwork going to be required; I would assume that would cost a little

more. If there are some savings from the actual transportation services being paid out, I would assume that would cost a little less. We leave this up to the department to promulgate regulation. So I would assume that they could, as they promulgate those regulations, determine what it is that could be determined and what could not be determined as we give them flexibility and latitude in how they develop the program to begin with.

Mr. **CUTLER**. Thank you, Mr. Speaker.

One final question. In regards to detailing the costs specific to your proposal where we are altering the location of treatments and perhaps the distance traveled, in addition to the additional paperwork that would perhaps be required – and it is my opinion that some of the paperwork would simply be exchanged for like documents that may be perhaps more expansive or less expansive – would all of that be allowed to be taken into account to look at the potential cost savings as well as the extra costs incurred?

Mr. **STURLA**. I would assume so, Mr. Speaker. The fiscal note on the amendment says that there is no cost to do this additional sort of looking at how we spend this and the assumption in the bill itself is that there are cost savings. So all we are trying to do is quantify what those cost savings are.

Mr. **CUTLER**. Thank you, Mr. Speaker.

That concludes my interrogation.

The **SPEAKER**. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the lady from Clarion County, Ms. Oberlander.

The House will suspend for a moment.

**ANNOUNCEMENT BY SPEAKER**

The **SPEAKER**. The Speaker would like to make an announcement that the gentleman from Delaware County, Mr. Micozzie, wants it to be known that he became a great-grandfather for the seventh time to a baby boy named David. So to the gentleman I affectionately refer to as "Uncle Nick," congratulations, great-grandfather.

**CONSIDERATION OF HB 1301 CONTINUED**

The **SPEAKER**. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the lady from Clarion County, Ms. Oberlander.

Ms. **OBERLANDER**. Thank you, Mr. Speaker.

While I respectfully appreciate the points that the gentleman from Lancaster County has made, I have concerns about the drafting of the amendment – what it compares, how it compares. For those reasons I would respectfully request the members vote "no" on this amendment and would encourage the maker of the amendment to work with the Senate. Thank you.

The **SPEAKER**. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Lancaster, Mr. Sturla, for the second time.

Mr. **STURLA**. Mr. Speaker, if I could, the amendment does not specify what gets compared. It leaves it up to the department to determine that just like we leave it up to the department to determine the regulations that are being promulgated. The

assertion by the maker of the bill is that this is going to save money. So given the fact that the administration is of the same party as the maker of the bill, the bill is going to save money for the taxpayers, can we just find out how much it is going to save? Will anybody bother to tell anyone? Or are we just going to go on the blind assumption that it is going to save money because we said so? If it costs more money, well, so what, the taxpayers be darned; we said it was going to save money; let us not even bother to try and quantify it.

All I am asking is that we let the department issue a report that says how much they are saving. They can make things up. As long as we trust the department to give us quasi-accurate information, I would think we would be willing to let the department say, as we promulgate regulations as to here is how we are going to run the program and we are going to be doing this with the idea that it is saving money, can you actually quantify that ever? That is all we are asking for in this amendment.

So I would encourage members to vote "yes," unless you just want to turn a blind eye to the taxpayers and say, it does not matter; we are just going to beat our chests and claim that we are saving money, and we do not really care if it costs more, it looks good. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—82

Table with 4 columns of names: Barbin, Bishop, Boyle, B., Boyle, K., Bradford, Brennan, Briggs, Brown, V., Brownlee, Caltagirone, Carroll, Cohen, Conklin, Costa, D., Costa, P., Cruz, Curry, Daley, Davidson, Davis, Deasy, DeLissio, DeLuca, DePasquale, Dermody, DeWeese, Donatucci, Fabrizio, Frankel, Freeman, Gerber, Gergely, Gibbons, Goodman, Haluska, Hanna, Harhai, Harkins, Josephs, Kavulich, Keller, W., Kirkland, Kortz, Kotik, Kula, Longiotti, Mahoney, Mann, Markosek, Matzie, McGeehan, Mirabito, Mullery, Mundy, Murphy, Myers, Neuman, O'Brien, M., Parker, Pashinski, Payton, Petrarca, Preston, Ravenstahl, Readshaw, Roebuck, Sabatina, Sainato, Samuelson, Santarsiero, Santoni, Shapiro, Smith, K., Smith, M., Staback, Sturla, Thomas, Vitali, Wagner, Waters, Williams, Youngblood

NAYS—111

Table with 4 columns of names: Adolph, Aument, Baker, Barrar, Bear, Benninghoff, Bloom, Boback, Boyd, Brooks, Brown, R., Causer, Christiana, Clymer, Fleck, Gabler, Geist, Gillen, Gillespie, Gingrich, Godshall, Grell, Grove, Hackett, Hahn, Harhart, Harper, Harris, Maher, Major, Maloney, Marshall, Marsico, Masser, Metcalfe, Metzgar, Miccarelli, Micozzie, Millard, Miller, Milne, Moul, Reese, Reichley, Roae, Rock, Ross, Saccone, Saylor, Scavello, Schroder, Simmons, Sonney, Stephens, Stern, Stevenson

Table with 4 columns of names: Cox, Creighton, Culver, Cutler, Day, Delozier, Denlinger, DiGirolamo, Dunbar, Ellis, Emrick, Evankovich, Evans, J., Everett, Farry, Heffley, Helm, Hennessey, Hess, Hickernell, Hutchinson, Kampf, Kauffman, Keller, F., Keller, M.K., Killion, Knowles, Krieger, Lawrence, Murt, Mustio, O'Neill, Oberlander, Payne, Peifer, Perry, Petri, Pickett, Pyle, Quigley, Quinn, Rapp, Reed, Swanger, Tallman, Taylor, Tobash, Toepel, Toohil, Truitt, Turzai, Vereb, Vulakovich, Watson, Smith, S., Speaker

NOT VOTING—0

EXCUSED—10

Table with 4 columns of names: Burns, Buxton, Evans, D., Galloway, George, Hornaman, Johnson, O'Brien, D., Wheatley, White

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

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

The SPEAKER. On that question, the Speaker recognizes the gentleman, Mr. Sturla, who offers amendment— The gentleman indicates he is withdrawing that amendment.

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

The SPEAKER. The bill will be reprinted as amended.

LEAVE OF ABSENCE

The SPEAKER. The Speaker returns to leaves of absence and recognizes the minority whip, who requests a leave of absence for the lady, Ms. WAGNER, from Allegheny County for the remainder of the day. Without objection, the leave will be granted.

SUPPLEMENTAL CALENDAR A

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 265, PN 242**, entitled:

An Act amending the act of December 18, 1984 (P.L.1069, No.214), known as the Coal and Gas Resource Coordination Act, further providing for definitions, for permits, for permit application, for minimum distance between gas wells, for well class designation and for coordination of gas well drilling through active coal mines; providing for a pillar support study; and further providing for plugging gas wells penetrating workable coal seams, for penalties and for validity of other laws.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—191

Adolph	Ellis	Kotik	Rapp
Aument	Emrick	Krieger	Ravenstahl
Baker	Evankovich	Kula	Readshaw
Barbin	Evans, J.	Lawrence	Reed
Barrar	Everett	Longietti	Reese
Bear	Fabrizio	Maher	Reichley
Benninghoff	Farry	Mahoney	Roae
Bishop	Fleck	Major	Rock
Bloom	Frankel	Maloney	Roebuck
Boback	Freeman	Mann	Ross
Boyd	Gabler	Markosek	Sabatina
Boyle, B.	Geist	Marshall	Saccone
Boyle, K.	Gerber	Marsico	Sainato
Bradford	Gergely	Masser	Samuelson
Brennan	Gibbons	Matzie	Santarsiero
Briggs	Gillen	McGeehan	Santoni
Brooks	Gillespie	Metcalfe	Saylor
Brown, R.	Gingrich	Metzgar	Scavello
Brown, V.	Godshall	Miccarelli	Schroder
Brownlee	Goodman	Micozzie	Shapiro
Caltagirone	Grell	Millard	Simmons
Carroll	Grove	Miller	Smith, K.
Causar	Hackett	Milne	Smith, M.
Christiana	Hahn	Mirabito	Sonney
Clymer	Haluska	Moul	Staback
Cohen	Hanna	Mullery	Stephens
Conklin	Harhai	Mundy	Stern
Costa, D.	Harhart	Murphy	Stevenson
Costa, P.	Harkins	Murt	Sturla
Cox	Harper	Mustio	Swanger
Creighton	Harris	Myers	Tallman
Cruz	Heffley	Neuman	Taylor
Culver	Helm	O'Brien, M.	Thomas
Cutler	Hennessey	O'Neill	Tobash
Daley	Hess	Oberlander	Toepel
Davidson	Hickernell	Parker	Toohil
Davis	Hutchinson	Pashinski	Truitt
Day	Josephs	Payne	Turzai
Deasy	Kampf	Payton	Vereb
DeLissio	Kauffman	Peifer	Vitali
Delozier	Kavulich	Perry	Vulakovich
DeLuca	Keller, F.	Petrarca	Waters
Denlinger	Keller, M.K.	Petri	Watson
DePasquale	Keller, W.	Pickett	Williams
Dermody	Killion	Preston	Youngblood
DeWeese	Kirkland	Pyle	
DiGirolamo	Knowles	Quigley	Smith, S., Speaker
Donatucci	Kortz	Quinn	
Dunbar			

NAYS—1

Curry

NOT VOTING—0

EXCUSED—11

Burns	Galloway	Johnson	Wheatley
Buxton	George	O'Brien, D.	White
Evans, D.	Hornaman	Wagner	

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 **HB 396, PN 1525**, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for drug delivery resulting in death and for sentences for second and subsequent offenses.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

On that question, the Speaker recognizes the gentleman from Bucks, Mr. O'Neill.

Mr. O'NEILL. Thank you, Mr. Speaker.

Mr. Speaker, just for the members' etiquette, I am sure you all caucused on this bill. This idea came up first from our majority chairman of the Judiciary Committee, Mr. Marsico, who basically lent me the bill, an idea he had many years ago based on something that happened to a close friend of mine. A dear friend of mine's son who was addicted to prescription drugs due to a horrible accident that he was involved in was trying to get help and trying to get treatment, and because he did not qualify for treatment, he was buying methadone on the street. The methadone was coming from clinics where people who were getting treatment were taking their methadone and selling it on the streets, and of course, everybody knows what methadone can do to you if it does not match the chemistry in your body as prescribed. It ended up killing him.

What really amazed the family was, unfortunately, what the district attorneys could only go after the young man who was intentionally selling the methadone on the streets for. Certainly, his sentence did not match his crime. The D.A.s Association and the D.A.s across the Commonwealth have been asking for a long time for the legislature to change this law so that they could be more forceful on the street in going after these dealers that are selling methadone and other drugs similar to this.

So we are asking for, in honor of this young man and all the other young people across Pennsylvania that have passed away or been severely injured due to this type of crime, that we constitute and pass this legislation over to the Senate.

The bill does increase the time, it removes malice, and it is an agreed-to bill by everyone in concern. Thank you.

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

On that question, the Speaker recognizes the gentleman from Armstrong County, Mr. Pyle.

Mr. PYLE. Thank you, Mr. Speaker.

May I speak on the bill?

The SPEAKER. The gentleman is in order on the bill.

Mr. PYLE. Thank you, Mr. Speaker.

Mr. Speaker, HB 396 is something very similar to something we have seen in the previous three sessions. Word is it addresses drug delivery resulting in death. This actually, with respect to the gentleman from Bucks, is something that first came up in Washington County 6 years ago, in which a little girl made the fatal mistake of buying ecstasy from a guy selling it on the street corner. He sold her a bunch of tablets. She ate them. She went into a coma and died.

Other than that, you can go into other illegal powerful drugs that are moving through our streets and neighborhoods: heroin, crystal meth, vitamin k. You name it, you can buy it on just about any street corner.

What HB 396 does is a very subtle nuance. It removes from the law the need for an attorney to prove malice, which is a subjective term, not one that is readily measurable. What it does is it substitutes for malice the phrase "willingly." Can we prove a drug dealer had malice in his heart? No, we cannot, because we cannot see inside their hearts. What we can prove is that they willingly made a sale of a federally recognized schedule II narcotic or other.

Mr. Speaker, I would dearly, dearly appreciate it if you would vote for HB 396. If you have ever been to a funeral of a young lady or young man who has made the mistake of taking illegal drugs and giving up their life for it, that is not the hard part. The hard part is looking the parents in the eye and telling them you are trying to do something positive out of this. You vote for HB 396 and in good conscience you can look that mother in the eye and say we are trying to fix the problem. Please vote for HB 396. My compliments to the gentleman from Bucks who picked up a real hot topic and is running with it quite well.

Thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the gentleman from Montgomery County, Mr. Stephens.

Mr. STEPHENS. Thank you, Mr. Speaker.

This bill is essential for our law enforcement officers to be able to carry out and deliver justice for victims of crimes, and it is vital that we move this bill so that they can begin to hold these people accountable for the deaths that they are causing. I will just note for the record, Mr. Speaker, it troubles me that we are removing a 5-year mandatory minimum prison sentence. I certainly appreciate the gentleman from Bucks's leadership on this and I understand his reluctance to do so, but in order to ensure that this bill moves not only through this chamber but through the chamber across the way here over in the Senate and

gets enacted as quickly as possible, this was the most, I guess, efficient and really the only way to ensure that we could get justice for victims in a timely manner.

So I would urge an affirmative vote on this bill, Mr. Speaker.

On the question recurring,  
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—192

Adolph	Dunbar	Kotik	Rapp
Aument	Ellis	Krieger	Ravenstahl
Baker	Emrick	Kula	Readshaw
Barbin	Evankovich	Lawrence	Reed
Barrar	Evans, J.	Longiatti	Reese
Bear	Everett	Maher	Reichley
Benninghoff	Fabrizio	Mahoney	Roae
Bishop	Farry	Major	Rock
Bloom	Fleck	Maloney	Roebuck
Boback	Frankel	Mann	Ross
Boyd	Freeman	Markosek	Sabatina
Boyle, B.	Gabler	Marshall	Saccone
Boyle, K.	Geist	Marsico	Sainato
Bradford	Gerber	Masser	Samuelson
Brennan	Gergely	Matzie	Santarsiero
Briggs	Gibbons	McGeehan	Santoni
Brooks	Gillen	Metcalfe	Saylor
Brown, R.	Gillespie	Metzgar	Scavello
Brown, V.	Gingrich	Miccarelli	Schroder
Brownlee	Godshall	Micozzie	Shapiro
Caltagirone	Goodman	Millard	Simmons
Carroll	Grell	Miller	Smith, K.
Causer	Grove	Milne	Smith, M.
Christiana	Hackett	Mirabito	Sonney
Clymer	Hahn	Moul	Staback
Cohen	Haluska	Mullery	Stephens
Conklin	Hanna	Mundy	Stern
Costa, D.	Harhai	Murphy	Stevenson
Costa, P.	Harhart	Murt	Sturla
Cox	Harkins	Mustio	Swanger
Creighton	Harper	Myers	Tallman
Cruz	Harris	Neuman	Taylor
Culver	Heffley	O'Brien, M.	Thomas
Curry	Helm	O'Neill	Tobash
Cutler	Hennessey	Oberlander	Toepel
Daley	Hess	Parker	Toohil
Davidson	Hickernell	Pashinski	Truitt
Davis	Hutchinson	Payne	Turzai
Day	Josephs	Payton	Vereb
Deasy	Kampf	Peifer	Vitali
DeLissio	Kauffman	Perry	Vulakovich
DeLozier	Kavulich	Petrarca	Waters
DeLuca	Keller, F.	Petri	Watson
Denlinger	Keller, M.K.	Pickett	Williams
DePasquale	Keller, W.	Preston	Youngblood
Dermody	Killion	Pyle	
DeWeese	Kirkland	Quigley	Smith, S., Speaker
DiGirolamo	Knowles	Quinn	
Donatucci	Kortz		

NAYS—0

NOT VOTING—0

EXCUSED—11

Burns	Galloway	Johnson	Wheatley
Buxton	George	O'Brien, D.	White
Evans, D.	Hornaman	Wagner	

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 804, PN 823**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for exemptions from jury duty.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—187

Adolph	Dunbar	Kortz	Quinn
Aument	Ellis	Kotik	Rapp
Baker	Emrick	Krieger	Ravenstahl
Barbin	Evankovich	Kula	Readshaw
Barrar	Evans, J.	Lawrence	Reed
Bear	Everett	Longietti	Reese
Benninghoff	Fabrizio	Maher	Reichley
Bishop	Farry	Mahoney	Roae
Bloom	Fleck	Major	Rock
Boback	Frankel	Maloney	Roebuck
Boyd	Freeman	Mann	Ross
Boyle, B.	Gabler	Markosek	Saccone
Boyle, K.	Geist	Marshall	Sainato
Bradford	Gerber	Marsico	Santarsiero
Brennan	Gergely	Masser	Santoni
Briggs	Gibbons	Matzie	Saylor
Brooks	Gillen	McGeehan	Scavello
Brown, R.	Gillespie	Metcalfe	Schroder
Brown, V.	Gingrich	Metzgar	Shapiro
Brownlee	Godshall	Miccarelli	Simmons
Caltagirone	Goodman	Micozzie	Smith, K.
Carroll	Grell	Millard	Smith, M.
Causer	Grove	Miller	Sonney
Christiana	Hackett	Milne	Staback
Clymer	Hahn	Moul	Stephens
Cohen	Haluska	Mullery	Stern
Conklin	Harhai	Mundy	Stevenson
Costa, D.	Harhart	Murphy	Sturla
Costa, P.	Harkins	Murt	Swanger
Cox	Harper	Mustio	Tallman
Creighton	Harris	Myers	Taylor
Cruz	Heffley	Neuman	Thomas
Culver	Helm	O'Brien, M.	Tobash
Curry	Hennessey	O'Neill	Toepel
Cutler	Hess	Oberlander	Toohil
Daley	Hickernell	Parker	Truitt
Davidson	Hutchinson	Pashinski	Turzai
Davis	Josephs	Payne	Verbe
Day	Kampf	Payton	Vitali

Deasy	Kauffman	Peifer	Vulakovich
DeLissio	Kavulich	Perry	Waters
Delozier	Keller, F.	Petrarca	Watson
DeLuca	Keller, M.K.	Petri	Williams
Denlinger	Keller, W.	Pickett	Youngblood
Dermody	Killion	Preston	
DeWeese	Kirkland	Pyle	Smith, S.,
DiGirolamo	Knowles	Quigley	Speaker
Donatucci			

NAYS—5

DePasquale	Mirabito	Sabatina	Samuelson
Hanna			

NOT VOTING—0

EXCUSED—11

Burns	Galloway	Johnson	Wheatley
Buxton	George	O'Brien, D.	White
Evans, D.	Hornaman	Wagner	

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 292, PN 1442**, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in parking authorities, further providing for competitive bidding of contracts.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—126

Adolph	Evans, J.	Kotik	Reed
Aument	Everett	Krieger	Reese
Baker	Farry	Lawrence	Reichley
Barrar	Fleck	Longietti	Roae
Bear	Freeman	Maher	Rock
Benninghoff	Gabler	Major	Ross
Bloom	Geist	Maloney	Saccone
Boback	Gillen	Marshall	Sainato
Boyd	Gillespie	Marsico	Saylor
Brooks	Gingrich	Masser	Scavello
Brown, R.	Godshall	Metcalfe	Schroder
Caltagirone	Grell	Metzgar	Simmons
Causer	Grove	Micozzie	Sonney

Christiana	Hackett	Millard	Staback
Clymer	Hahn	Miller	Stephens
Cohen	Haluska	Milne	Stern
Cox	Harhai	Mirabito	Stevenson
Creighton	Harhart	Moul	Swanger
Culver	Harper	Murt	Tallman
Cutler	Harris	Mustio	Taylor
Daley	Heffley	O'Neill	Tobash
Davidson	Helm	Oberlander	Toepel
Day	Hennessey	Payne	Toohil
DeLissio	Hess	Peifer	Truitt
Delozier	Hickernell	Perry	Turzai
Denlinger	Hutchinson	Petrarca	Vereb
DeWeese	Kampf	Petri	Vitali
DiGirolamo	Kauffman	Pickett	Vulakovich
Dunbar	Keller, F.	Pyle	Watson
Ellis	Keller, M.K.	Quigley	
Emrick	Killion	Quinn	Smith, S.,
Evankovich	Knowles	Rapp	Speaker

NAYS-66

Barbin	DeLuca	Kula	Preston
Bishop	DePasquale	Mahoney	Ravenstahl
Boyle, B.	Dermody	Mann	Readshaw
Boyle, K.	Donatucci	Markosek	Roebuck
Bradford	Fabrizio	Matzie	Sabatina
Brennan	Frankel	McGeehan	Samuelson
Briggs	Gerber	Miccarelli	Santarsiero
Brown, V.	Gergely	Mullery	Santoni
Brownlee	Gibbons	Mundy	Shapiro
Carroll	Goodman	Murphy	Smith, K.
Conklin	Hanna	Myers	Smith, M.
Costa, D.	Harkins	Neuman	Sturla
Costa, P.	Josephs	O'Brien, M.	Thomas
Cruz	Kavulich	Parker	Waters
Curry	Keller, W.	Pashinski	Williams
Davis	Kirkland	Payton	Youngblood
Deasy	Kortz		

NOT VOTING-0

EXCUSED-11

Burns	Galloway	Johnson	Wheatley
Buxton	George	O'Brien, D.	White
Evans, D.	Hornaman	Wagner	

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 639, PN 640**, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in optional affordable housing funding, further providing for affordable housing programs fee in cities of first class.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS-187

Adolph	Ellis	Kortz	Quinn
Aument	Emrick	Kotik	Rapp
Baker	Evankovich	Krieger	Ravenstahl
Barbin	Evans, J.	Kula	Readshaw
Barrar	Everett	Lawrence	Reed
Bear	Fabrizio	Longietti	Reese
Benninghoff	Farry	Maher	Reichley
Bishop	Fleck	Mahoney	Roae
Bloom	Frankel	Major	Rock
Boback	Freeman	Maloney	Roebuck
Boyd	Gabler	Mann	Ross
Bradford	Geist	Markosek	Saccone
Brennan	Gerber	Marshall	Sainato
Briggs	Gergely	Marsico	Samuelson
Brooks	Gibbons	Masser	Santarsiero
Brown, R.	Gillen	Matzie	Santoni
Brown, V.	Gillespie	Metcalf	Saylor
Brownlee	Gingrich	Metzgar	Scavello
Caltagirone	Godshall	Miccarelli	Schroder
Carroll	Goodman	Micozzie	Simmons
Causer	Grell	Millard	Smith, K.
Christiana	Grove	Miller	Smith, M.
Clymer	Hackett	Milne	Sonney
Cohen	Hahn	Mirabito	Staback
Conklin	Haluska	Moul	Stephens
Costa, D.	Hanna	Mullery	Stern
Costa, P.	Harhai	Mundy	Stevenson
Cox	Harhart	Murphy	Sturla
Creighton	Harkins	Murt	Swanger
Cruz	Harper	Mustio	Tallman
Culver	Harris	Myers	Taylor
Curry	Heffley	Neuman	Thomas
Cutler	Helm	O'Brien, M.	Tobash
Daley	Hennessey	O'Neill	Toepel
Davidson	Hess	Oberlander	Toohil
Davis	Hickernell	Parker	Truitt
Day	Hutchinson	Pashinski	Turzai
Deasy	Josephs	Payne	Vereb
DeLissio	Kampf	Payton	Vitali
Delozier	Kauffman	Peifer	Vulakovich
DeLuca	Kavulich	Perry	Waters
Denlinger	Keller, F.	Petrarca	Watson
DePasquale	Keller, M.K.	Petri	Williams
Dermody	Keller, W.	Pickett	Youngblood
DeWeese	Killion	Preston	
DiGirolamo	Kirkland	Pyle	Smith, S.,
Donatucci	Knowles	Quigley	Speaker
Dunbar			

NAYS-5

Boyle, B.	McGeehan	Sabatina	Shapiro
Boyle, K.			

NOT VOTING-0

EXCUSED-11

Burns	Galloway	Johnson	Wheatley
Buxton	George	O'Brien, D.	White
Evans, D.	Hornaman	Wagner	

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.

**VOTE CORRECTION**

The SPEAKER. For what purpose does the lady, Mrs. Davidson, rise?

Mrs. DAVIDSON. My button malfunctioned on the last two votes. It would not come out of the "yea" position. I wanted to be a "nay" on both.

The SPEAKER. Just for the clarity, the lady would like to be recorded in the negative on HB 292 and HB 639?

Mrs. DAVIDSON. That is correct, sir.

The SPEAKER. The lady's remarks will be spread upon the record.

Mrs. DAVIDSON. Thank you.

**BILL ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 197, PN 1642**, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in area government and intergovernmental cooperation, further providing for review of agreement by Local Government Commission.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

**YEAS—192**

Adolph	Dunbar	Kotik	Rapp
Aument	Ellis	Krieger	Ravenstahl
Baker	Emrick	Kula	Readshaw
Barbin	Evankovich	Lawrence	Reed
Barrar	Evans, J.	Longietti	Reese
Bear	Everett	Maher	Reichley
Benninghoff	Fabrizio	Mahoney	Roae
Bishop	Farry	Major	Rock
Bloom	Fleck	Maloney	Roebuck
Boback	Frankel	Mann	Ross
Boyd	Freeman	Markosek	Sabatina
Boyle, B.	Gabler	Marshall	Saccone
Boyle, K.	Geist	Marsico	Sainato
Bradford	Gerber	Masser	Samuelson
Brennan	Gergely	Matzie	Santarsiero
Briggs	Gibbons	McGeehan	Santoni
Brooks	Gillen	Metcalfe	Saylor

Brown, R.	Gillespie	Metzgar	Scavello
Brown, V.	Gingrich	Miccarelli	Schroder
Brownlee	Godshall	Micozzie	Shapiro
Caltagirone	Goodman	Millard	Simmons
Carroll	Grell	Miller	Smith, K.
Causer	Grove	Milne	Smith, M.
Christiana	Hackett	Mirabito	Sonney
Clymer	Hahn	Murt	Staback
Cohen	Haluska	Mullery	Stephens
Conklin	Hanna	Mundy	Stern
Costa, D.	Harhai	Murphy	Stevenson
Costa, P.	Harhart	Murt	Sturla
Cox	Harkins	Mustio	Swanger
Creighton	Harper	Myers	Tallman
Cruz	Harris	Neuman	Taylor
Culver	Heffley	O'Brien, M.	Thomas
Curry	Helm	O'Neill	Tobash
Cutler	Hennessey	Oberlander	Toepel
Daley	Hess	Parker	Toohil
Davidson	Hickernell	Pashinski	Truitt
Davis	Hutchinson	Payne	Turzai
Day	Josephs	Payton	Vereb
Deasy	Kampf	Peifer	Vitali
DeLissio	Kauffman	Perry	Vulakovich
Delozier	Kavulich	Petrarca	Waters
DeLuca	Keller, F.	Petri	Watson
Denlinger	Keller, M.K.	Pickett	Williams
DePasquale	Keller, W.	Preston	Youngblood
Dermody	Killion	Pyle	
DeWeese	Kirkland	Quigley	Smith, S.,
DiGirolamo	Knowles	Quinn	Speaker
Donatucci	Kortz		

**NAYS—0**

**NOT VOTING—0**

**EXCUSED—11**

Burns	Galloway	Johnson	Wheatley
Buxton	George	O'Brien, D.	White
Evans, D.	Hornaman	Wagner	

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

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

**LEAVE OF ABSENCE**

The SPEAKER. The Speaker returns to leaves of absence and recognizes the majority leader, who requests a leave for the gentleman, Mr. MURT, from Montgomery County for the remainder of the day. Without objection, the leave will be granted.

**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 1312, PN 1643**, entitled:

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, in public assistance, further providing for meeting special needs, work supports and incentives, and establishing the Job Transition Loan Fund.

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

(Bill analysis was read.)

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.  
The question is, shall the bill pass finally?

On that question, the Speaker recognizes the gentleman from Montgomery County, Mr. Stephens.

Mr. STEPHENS. Thank you, Mr. Speaker.

This bill provides some much-needed reforms in the special allowance program in the Department of Public Welfare. Many of you may know that this program was found to have a 45-percent deficiency rate in terms of documentation for some of the expenditures within this program. The program is designed to move people off welfare and onto the payrolls, and it is designed to get people over that last hump, to provide funding for supplies or for books or other materials that they may need just to get them to their first day of work. This is an important program, but unfortunately, the abuses and the fraud that have run rampant in this program necessitate these measures to provide accountability for the taxpayers. Certainly, we want to help those that want to help themselves and provide an incentive for those to move off the welfare rolls and onto the payrolls, but we have to do so keeping the taxpayers in mind and providing accountability for them, and this bill does just that.

I would respectfully urge my members to vote affirmatively for this bill and support its passage.

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

On that question, the Speaker recognizes the lady from Philadelphia County, Ms. DeLissio.

Ms. DeLISSIO. Thank you, Mr. Speaker.

Will the maker of the legislation stand for brief interrogation?

The SPEAKER. The gentleman indicates he will stand for interrogation. The lady may proceed.

Ms. DeLISSIO. Thank you, Mr. Speaker.

Mr. Speaker, my question has to do with how this promissory note that will be executed lines up with the Federal truth in lending law, and that particular law allows for a 3-day – a consumer has the opportunity to rescind a contract within a 3-day window.

Mr. STEPHENS. Mr. Speaker, the department would promulgate the regulations concerning the execution of the promissory note. Certainly, all the same protections that are afforded other consumers would be afforded the consumers in this regard, and the department would ensure that those protections remain in place.

Ms. DeLISSIO. Thank you, Mr. Speaker.

I have an additional question, Mr. Speaker.

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

Ms. DeLISSIO. Mr. Speaker, it does say that the department will be reporting on each loan to the major credit reporting bureaus, and I do support the entire concept of getting folks off the welfare rolls, onto the payrolls. I know credit scores are very, very important right now and the credit markets are

extremely tight. I am wondering how this being reported to the credit reporting bureaus either may help to enhance somebody's credit score or possibly jeopardize them or what impact that may have.

Mr. STEPHENS. Well, I guess the short answer, Mr. Speaker, is the impact depends upon the person whose credit score we are dealing with. I mean, if they are making their payments, if required, on time, then, obviously, it would help their credit score. We actually viewed this as an opportunity for those people that are currently receiving benefits to improve their credit rating, keeping in mind that we do not expect the vast majority of people to have to actually make cash payments out of their pocket and that it would come through the ultimate reduction in their benefits moving forward because they are receiving a paycheck and things like that. In the end we view this as a great opportunity for those folks that are receiving benefits to improve their credit score and receive the benefits of making timely payments and therefore moving forward, again, as we all hope, off the welfare rolls and onto the payrolls, to have a promising future where they may be creditworthy and in the future be entitled to other benefits in the private sector.

Ms. DeLISSIO. And one last question, Mr. Speaker. I am concerned that perhaps somebody who is a welfare recipient, may not be very familiar with legal contracts and documents, they are going to be asked to review and to execute a promissory note, and my concern is, what is the process that is anticipated to happen whereby we can have an appropriate comfort level that the person signing this note will have had that explained to them and they will not feel that they are obligated to sign it but somehow we are forcing them to execute this note in order to access the funds? And that is a very different situation than the current grant system that is in place currently.

Mr. STEPHENS. Mr. Speaker, again, the department would promulgate the regulations as it relates to the execution of the promissory note, but I would just make note, already the recipients enter into an agreement of mutual responsibility, which is laid out for them in layman's language. So there is no reason that the department cannot take on that same type of protocol and procedure to ensure that those that are signing the promissory note are fully aware of the obligations that come with it.

Ms. DeLISSIO. And, Mr. Speaker, one last question. Will the recipient be given an executed copy of this note?

Mr. STEPHENS. Again, the regulations would be subject to the department, but I cannot see any reason why they would not be, and quite frankly, I would like the record to show I think they ought to be provided with a copy of the promissory note.

Ms. DeLISSIO. Thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the gentleman from Philadelphia County, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, will the prime sponsor of this bill continue to stand for interrogation?

The SPEAKER. The gentleman indicates he will stand for interrogation. You may proceed.

Mr. COHEN. Thank you.

In December of 2009, Auditor General Wagner testified before the Senate as follows: "There are some who would use the results of our audit as an excuse to kill or shrink the

program. That would be wrong and wrongheaded, for the victims here would be the people whom government should be trying to help – Pennsylvanians down on their luck, trying to improve their lot by moving from welfare to work, and who need a helping hand. We in state government need to offer that hand," General Wagner said. How does this bill fit in with that testimony?

Mr. STEPHENS. I think it squares with it very well. We do continue the program. We certainly provide the opportunity for those that want to help themselves. We afford them the opportunity to do so. We do, however, demand accountability for the taxpayer as well. We implement such reforms as requiring preapproval. We implement reforms requiring that payments no longer go directly to the recipient but instead go to the vendor who is providing the services or the supplies. There are a number of different reforms that we make, but we do not, in any way, eliminate the program.

Mr. COHEN. Do you shrink the program?

Mr. STEPHENS. No, sir. Well, let me qualify that. We shrink it to the extent that people who truly are not interested in moving off the welfare rolls and onto the payrolls would no longer find this program advantageous for them. So to that extent, we would be reducing the number of people that may be seeking entry into the program, and quite frankly, that is the intended purpose, to exclude those who would just seek to defraud the system.

Mr. COHEN. And how much do you believe you are going to be shrinking this program?

Mr. STEPHENS. Unfortunately, that is difficult to determine because of the fact, as I am sure the gentleman is well aware from his thorough review of the Auditor General's reports, the complete lack of documentation surrounding this program over the years makes it very difficult to understand exactly what the level is of fraud and abuse. We know that 45 percent of the cases reviewed did not provide sufficient documentation. That in itself is a part of the problem. So we do have specific examples that are rather egregious. We certainly do not want to discontinue the program, and we are continuing the program but providing accountability for the taxpayers.

Mr. COHEN. Well, one of the problems in this program is its small size. We are talking about maximum grants of \$2,000 a person. We are talking about total State funds of \$7.4 million, \$7.5 million rather, and a total cost, counting Federal funds, of \$18 million. This is pretty small stuff. In the general scheme of things, we are talking in the totality of the program of one-twentieth of 1 percent of the entire State budget.

Let us say in terms of accountability, in a very small scale program a recipient needs a bus token to get to an interview. Now, how will the bus company provide an invoice for the bus token?

Mr. STEPHENS. Well, I certainly cannot speak to every bus company across Pennsylvania, but I have to imagine that they have a mechanism in place to provide a receipt or an invoice for a particular transportation mechanism.

Mr. COHEN. Now, suppose someone knows how to drive and does not have a car and borrows a car from a friend and she agrees that she will pay the gas cost to and from the interview. Could she still receive reimbursement either for mileage or for the gas?

Mr. STEPHENS. Yes. The bill specifically provides for that. As a matter of fact, the gentleman from Lancaster County's amendment, which was adopted yesterday, further clarifies and ensures that that service can continue to be delivered and that mileage reimbursement can be accepted.

Mr. COHEN. Even if the person does not own the car, he can still get the mileage? Does the gentleman have an answer to the question?

Mr. STEPHENS. Mr. Speaker, I did not see the time clock. I am sorry; I apologize.

The SPEAKER. The gentleman will suspend.

The gentleman is preparing his answer.

Mr. COHEN. Okay. Thank you.

Mr. STEPHENS. Thank you, Mr. Speaker.

Yes. It provides for private transportation.

Mr. COHEN. Okay. Thank you.

Now, in terms of the wording of this legislation, on page 4, there is section 408(d)(2)(i)(A), and it refers to "food stamp recipients." Now, my understanding is that the Federal government has changed the old food stamp program to the Supplemental Nutrition Assistance Program. I am not sure why we are still referring to the program under its old name. Why do we not use the current acronym of SNAP or write it out special, Supplemental Nutrition Assistance Program, instead of food stamps?

Mr. STEPHENS. Well, certainly had you offered that as an amendment at the appropriate time, we could have considered it, but obviously, the gentleman knew exactly the program that we were discussing, and therefore I think it is clear enough.

Mr. COHEN. Well, what I know is not necessarily what the courts would know or what the Secretary would know.

Now, a person enters a program in order to get a job. Either she takes a community college course or she buys tools to participate in some kind of job. When is the determination made about the income and whether or not she owes money back to the State of Pennsylvania?

Mr. STEPHENS. Well, at the outset when she signs the promissory note, she would be obligated to return the funds to the Commonwealth of Pennsylvania. Moving forward then, an assessment would be made as it relates to her continued receiving of cash assistance. I think that is what the gentleman is getting to. I am not 100 percent sure on the question, but I think that is the question you are asking.

Mr. COHEN. Yes; yes, it is.

Mr. STEPHENS. So the obligation would be triggered immediately, and then there would be an assessment ongoing as to whether or not a payment was due or whether it would just be from a credit that would be transitioned off the cash assistance.

Mr. COHEN. And when is she expected to start repaying?

Mr. STEPHENS. It would be as determined by the promissory note. The terms are flexible. As you can see in the bill, it does afford the department the opportunity to structure the payments over no more than a 2-year period of time and things along those lines. So it would be structured along those lines, and she would be obligated to begin paying within the next month or whatever the promissory note detailed.

Mr. COHEN. Okay. Now, as we know, the amount of money that people are receiving here is not very great. The recipient, a family of three, would receive between \$365 and \$420 a month,

depending upon the county. That is between 24 and 27 percent of the Federal poverty line. It was last increased for inflation in 1990. Do you believe that the families can afford to start repaying these loans at up to \$83 a month out of such a meager cash assistance grant?

Mr. STEPHENS. The idea, Mr. Speaker, is that they would no longer require cash assistance, that they would then be on the payrolls and providing for themselves, and that is the whole point of the legislation, to ensure that those that are seeking funds under this very narrow and special program are truly doing so because this will transition them off welfare and onto the payrolls. That is the intent of the legislation, and that is exactly what we are seeking to do.

Mr. COHEN. But, Mr. Speaker, if you get the job, you do not have to repay under this legislation. It is only if you do not get the job that you have to repay.

Mr. STEPHENS. That is exactly right, and that provides the inherent incentive for those to ensure that when they ask the taxpayers for these funds, they truly are necessary to get them over that last hurdle and into the workforce.

Mr. COHEN. So suppose somebody fails to get into the workforce. You know, everybody who applies for a job does not get the job. Are you aware of that fact?

Mr. STEPHENS. I am.

Mr. COHEN. Okay. So are you aware that not only it is not just one or two people in the country who apply—

The SPEAKER. The gentleman will suspend.

Mr. COHEN. —for a job—

The SPEAKER. The gentleman will suspend.

I think your line of questioning has deviated from the factual pros and cons of the amendment that we are considering.

Mr. COHEN. Okay. Mr. Speaker, I accept that criticism. It is on the bill, but I would concede it is somewhat argumentative.

Mr. STEPHENS. Mr. Speaker, if there was a question, I did not hear it.

The SPEAKER. The gentleman will suspend.

The gentleman, Mr. Cohen, still has the floor, and you are still agreeable to interrogation, I believe?

Mr. STEPHENS. Yes, sir.

The SPEAKER. Then we will give him time to form his next question, as he will give you time to form your answer.

Mr. STEPHENS. Thank you, sir.

Mr. COHEN. Okay. Thank you.

Mr. Speaker, the point was that the \$83 or so that the person will have to pay back each month is going to come from the cash assistance grant, not from the earnings. That is because if the person has earnings, as I understand the bill, then the person does not have to pay the money back.

Mr. STEPHENS. Well, that would depend whether or not their income threshold rose above the level to make them eligible for cash assistance. In other words, I do not know under your scenario whether they are still eligible for cash assistance or not. The idea is that they would get a credit; for every month that they are not receiving cash assistance, they have successfully transitioned off welfare and onto the payrolls, that they would be credited the amount owed on the debt for this particular program.

Mr. COHEN. Okay. Mr. Speaker, is the gentleman aware that the Department of Public Welfare claims to have already corrected the problems identified in General Wagner's 2009 report?

Mr. STEPHENS. I am sorry; I could not understand the center part of your question. I apologize.

Mr. COHEN. Is the gentleman aware that the Department of Public Welfare has already corrected the problems identified in Auditor General Wagner's report, according to its own claims?

Mr. STEPHENS. I am aware of some regulatory changes. I am not aware of any legislation to force the continuance of those regulatory changes either through this administration or subsequent administrations.

Mr. COHEN. And you believe the legislation is needed to go beyond the existing regulations that were designed to respond to General Wagner's 2009 report?

Mr. STEPHENS. I believe the legislation is essential to continue some of the regulations and ensure that they are not discontinued either by this administration or subsequent administrations and to further ensure the integrity of the program.

Mr. COHEN. Okay. Mr. Speaker, I have no further questions. I would like to speak on the bill.

The SPEAKER. The gentleman is in order on the bill.

Mr. COHEN. I thank the gentleman for his thorough answers to my questions.

Mr. Speaker, HB 1312 would make it harder, not easier, for families to leave welfare for work. It forces them, for a grant of \$2,000 maximum, to engage in the kind of cost-benefit analysis that people engage in when they decide whether or not to start a new business or engage in a major expansion of business.

Basically, I learned in graduate school and management that you decide whether a risk is worth taking by weighing the cost of the risk along with the projected benefits of the risk, and there are various mathematical formulas of various degrees of complexity in order to help you do that.

But here we are talking about – and that makes an awful lot of sense. If you are talking about spending \$50,000, \$100,000, \$1 million, \$5 million, it really makes sense to carefully weigh the costs and benefits. When we are talking about \$2,000 out of this whole State program of \$7.5 million in State money and we are deciding, an individual is deciding whether she should keep getting the money that she is getting from the State of about \$350 to \$400 a month, depending on what county she lives in, depending on her circumstances, when she is deciding whether to keep the status quo of having that money come in on a regular monthly basis or venturing into the broader world and seeking a job that would pay her considerably more than that money, we are now imposing a disincentive on her making the decision to switch into a path leading to getting a job, because before this program was changed the way you want to change it, now she has every incentive in the world to want to get a decent-paying job. Her benefits that she is getting from the State have not been adjusted for inflation for over 20 years. They are 25 percent, 27 percent, 29 percent of the Federal poverty line, and she has a choice of getting a job that at least pays the minimum wage, which is almost at the poverty line, thanks to the actions of this legislature, and hopefully, she will do better than getting a job at the minimum wage.

Now, she has every incentive in the world as things now stand to want to get a job, and what we are now doing is providing a disincentive. The disincentive is, she is going to be stuck in having her very meager monthly allotment reduced, and why we would want to impose a disincentive in the name of accountability is rather odd.

I admit I was argumentative and somewhat sarcastic in asking the gentleman, does he understand that everybody who applies for a job does not get one. The fact is, Mr. Speaker, that many, many people apply for jobs and do not get them.

Recently, I am proud to say, that a supermarket opened in my district. They had 75 new jobs that were created at this supermarket. The supermarket was paying starting salaries of a little over the minimum wage; \$8, \$9 an hour, generally, for these jobs. They had many thousands of applications for these 75 jobs. Even on the opening day, where I was conspicuous by wearing a suit and tie and some people thought I was in charge because I was wearing a suit and tie at the opening, I got people coming to me and saying, can I get a job here? And I would point them out to the person there who was in charge of the supermarket.

There are many, many people who want jobs and cannot get them, and they are punished by not having jobs. They are punished by living at subpoverty wages. They are punished by not being able to feed their children. They are punished by the stigmatization of poverty. They are punished by the hunger of poverty. They are punished by the marginalization of poverty. It sure seems to me that they do not need to be punished by an act of the General Assembly of Pennsylvania.

Our society, in many ways, has winners and losers, and there is no way under our current economic system, or probably any imaginable economic system, that everybody can win. Everybody is not going to be employed. No matter how strong their motivations are, no matter how widely the economy expands, no matter how kindhearted or compassionate business owners and governments are, there is going to be unemployment, there is going to be difficulty in finding a job for at least some people all the time, and this existing program of training people so that they can meet the skills of the marketplace is a good program. It is awfully small scale; \$7.4 million is less than we spend to run many high schools in the Commonwealth of Pennsylvania. It really is not a lot of money. There are high schools in the Harrisburg area where the government expenditure is larger than the cost of this program. There are high schools in Philadelphia and Pittsburgh where the governmental expenditures are larger than the cost of this program.

This program makes it more difficult for the individuals, overwhelmingly women with children, to leave welfare for work. It sets up mental barriers that do not now exist. This program works to transition people off the welfare rolls and get them onto the payrolls. That is a worthwhile goal. There is no way this program or any program can possibly achieve 100 percent success, but the idea, Mr. Speaker, that because the program is not 100 percent successful, that the people who fail to find jobs have to be punished regardless of fault is rather strange to me. There is nothing in this bill that says fault. If a person signs up to go to community college and she never attends class and she flunks out, then I guess she is at fault, but this bill sets up no test of fault. The woman could get straight A's in community college and still not be able to find a job, and she still is in debt for \$2,000 out of a monthly grant of roughly \$350 to \$400. There is no measurement of fault here. There is no measurement of cost-benefit analysis as to whether this program really will save money or whether it will not.

This legislation is counterproductive to our goals of reforming the welfare system. It is really not reform at all if what we mean by reform is a constructive effort to get people to work. Much more than being reform, this legislation is political theater, and once again, the most vulnerable citizens in Pennsylvania are victims of this charade. This bill places roadblocks in the way of Pennsylvanians, urban and rural, who need help with transportation to get to a job or training program. It makes transportation more difficult. It sets up all sorts of administrative barriers. It discourages low-wage workers from accepting federally funded supplemental nutrition assistance programs.

The fact is that every \$5 in SNAP benefits spent in Pennsylvania's supermarkets generates \$9 in economic activity. Capping these benefits beyond what they are already capped only serves to discourage people from applying for new jobs. It only creates one more barrier for people who, due to poverty, lack of education, the burdens of raising children, fears of the unknown, stresses of life, or any one of any innumerable list of reasons, already have many barriers of their own. To these people we add new barriers.

I believe the department should have the flexibility to treat families on a case-by-case basis, if necessary. I believe we cannot be indifferent to the millions of dollars that this bill may cost us in Federal penalties. If parents cannot get work, the Department of Public Welfare cannot count the family towards the Federal TANF (Temporary Assistance for Needy Families) work participation rate, and failure to meet the work participation rate can result in a State penalty of \$28 million the first year, \$39 million the second year, and \$50 million the third year. So this bill could cost the Commonwealth tens of millions of dollars a year in penalties for failing to meet the Federal TANF requirements.

I would like to repeat again General Wagner's words before the Senate Public Health and Welfare Committee in December of 2009. He said, "There are some who would use the results of our audit as an excuse to kill or shrink the program. That would be wrong and wrongheaded, for the victims here would be the people whom government should be trying to help – Pennsylvanians down on their luck, trying to improve their lot by moving from welfare to work, and who need a helping hand. We in state government need to offer that hand."

Let us take the Auditor General's words to heart. Let us keep our commitment to help Pennsylvanians who are trying to improve themselves by moving from welfare to work. Let us offer that helping hand up and not push them back down through this wrongheaded, shortsighted, and mean-spirited legislation.

### LEAVE OF ABSENCE

The SPEAKER. The Speaker returns to leaves of absence and recognizes the minority whip, who requests a leave for the gentleman, Mr. MAHONEY, from Fayette County, for the remainder of the day. Without objection, the leave will be granted.

**CONSIDERATION OF HB 1312 CONTINUED**

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

On that question, the Speaker recognizes the gentleman from Lancaster County, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, will the maker of the bill rise for brief interrogation?

The SPEAKER. The gentleman indicates he will stand for interrogation. You may proceed.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, when you held hearings on this bill, what did the people who administer the program currently have to say about how the program gets administered and what these changes might do to the program?

Mr. STEPHENS. I did not hold any hearings on this bill, Mr. Speaker.

Mr. STURLA. So there was no public hearing about how this program might work or how it does work or any of that. How did you gather information about how the program works or how it would work? Did you talk to any of the people that administer this program currently?

Mr. STEPHENS. Yes, there were hearings, and yes, we did review that material. I just did not hold the hearings. You asked if I held the hearing, and I did not hold a hearing.

Mr. STURLA. Who held the hearings?

Mr. STEPHENS. Well, there were several hearings, but the Policy Committee on this side of the aisle held hearings a few years ago.

Mr. STURLA. Mr. Speaker, this session?

Mr. STEPHENS. No, sir.

Mr. STURLA. Okay. So you were not here when those hearings were held?

Mr. STEPHENS. No; that is correct. I just came into the legislature this session.

Mr. STURLA. Okay. Thank you, Mr. Speaker.

Mr. Speaker, on page 3, line 26, you talk about terms of the loan and a repayment schedule. Now, as I read further in the bill, it says that there are about a half a dozen different ways that the loan can get repaid dependent upon whether I am still receiving cash assistance or whether I am still receiving food stamps or whether I did not complete the program. How do you set up a loan payment schedule without knowing what those conditions are going to be 6 months from now if factors change what the repayment schedule would be?

Mr. STEPHENS. Well, without conceding that there are half a dozen different repayment options, these would all be laid out within the promissory note, and it would just be laid out as you just indicated: Under these circumstances, this would occur; under these circumstances, this would occur. In other words, if you are no longer receiving cash assistance, then a credit would be applied to your account; things along those lines. It would just be delineated in the promissory note so that everyone was clear and upfront.

Mr. STURLA. Mr. Speaker, who would be counseling the recipients of these loans about the various payment options that would be – because I am having a hard time understanding it – that would probably be pretty extensive in terms of what could occur? Like if you held a job for 6 months, your repayment schedule would be different than if you held a job for a year, it would be different than if you held your job for 13 months, it

would be different than if you got a raise and went off food stamps, it would be different than if you got cash assistance, it would be different than if— Quite literally, there would have to be a matrix put out there that says, here is the X graph that says if you held a job, here is the X graph that says if it paid this much, here is the Y graph that said if it did this, here is the Z graph that said— How do you set out a payment schedule for something that has as many variables as this does, that could change as that 2 months proceeds?

Mr. STEPHENS. Mr. Speaker, I guess the best way to answer your question is to say we fundamentally disagree on the number of variables. The only number of variables really are, do you continue receiving cash assistance or not? And in the end the payments are spread out over 24 months. The only difference is, is it a credit that you are earning by no longer receiving cash assistance or is it being deducted from your cash assistance? The other, I guess, third variable that I could think of is, if you are receiving the food stamp benefit provision, then there would be a third option, but I cannot envision more than that that would require this matrix that you are suggesting. So we fundamentally disagree on the complexity of the program, I think.

Mr. STURLA. So, Mr. Speaker, you are assuming that if I get a job on the first day of my loan, that I will keep that job for the full 2 years and that my pay will be the same and that my assistance benefits will be the same for those full 2 years. Is that correct?

Mr. STEPHENS. No, sir. As a matter of fact, the bill provides that the Secretary, with the agreement of the person who signed the promissory note, may modify the note in the event that there is a drastic change in circumstances like you are suggesting. So we do provide for an alteration, obviously, with the assent of the individual that originally signed the promissory note and the department to avoid any issues like the one you just mentioned.

Mr. STURLA. Well, Mr. Speaker, you just said that there would be an agreement with the person who was making the promissory note and the Secretary, but as I read page 5 of your bill, on line 14 it says, "Only the secretary may authorize modification, rescission or waiver of the promissory note." It does not say anything about the person making the promissory note having to agree to anything or agreeing to any changes anywhere.

Mr. STEPHENS. Well, that is a part of the law in general. Obviously, once two individuals enter into a contract, they can agree to modify the contract. One party certainly cannot agree to modify that contract. The point of that line in the legislation was to show who within the Department of Public Welfare could authorize the alteration on that side of the agreement. So it is a generally understood provision of contract law that the parties who are involved in the contract may only be the ones who modify it, and the point of that particular line specifies who in the department handles that on the Commonwealth side.

Mr. STURLA. So, Mr. Speaker, you are just assuming that even though the bill says that only the Secretary may do it, that you really mean only the Secretary and the person that the Secretary made the agreement with, if that person they made the agreement with agrees to the modification regardless of whether the Secretary agrees to it or not?

Mr. STEPHENS. No. Both parties in any contract would have to agree to a modification.

Mr. STURLA. Okay. But that is not what your bill says.

Mr. STEPHENS. Well, my bill does not talk about a lot of other principles under the law, but it still applies nonetheless. I mean, contract law still applies to the engagement of two people into a promissory note agreement.

Mr. STURLA. Except that this law would be prior to the engagement of that contract. I would understand it if there was already a contract between two people and then you passed this law. It would not apply – the standard contract law would apply, but this here says that it is only the Secretary, not the person that they are making the contract with. So this supersedes prior contract law because this is the agreement with which you are making that contract. This is the law that you are passing. This is your piece of legislation.

Mr. STEPHENS. I am well aware of that, and we respectfully disagree on that particular issue, whether or not in a binding contract between two individuals only one party may alter the contract.

Mr. STURLA. Under current law, but you changed that in your bill, Mr. Speaker.

Mr. Speaker, if I could further. On page 4 of your bill you say, "The term of the loan..." may "...not exceed twenty-four months," and then down on page 4 you say, "LOAN FORGIVENESS FOR THE CASH ASSISTANCE RECIPIENT WHO DOES NOT REQUIRE CASH ASSISTANCE FOR EIGHTEEN MONTHS SUBSEQUENT TO THE DISBURSEMENT OF THE LOAN OR FOR THE FOOD STAMP...."

So I am still trying to figure out how this works. So if I do not require cash assistance or food stamps for 18 months, my loan is forgiven, but if the day after that 18 months is up, I still have a contract for a loan or do I not? Is my loan forgiven even though it says it is a 24-month contract loan?

Mr. STEPHENS. Sure. The bill provides that if you are off cash assistance for 18 months, then your loan is forgiven and therefore you have satisfied the obligations under the original promissory note. You have no more obligations at that point.

Mr. STURLA. Okay. Mr. Speaker, currently if I do not have a job and I am a homeless person and I go through a job training program, would I qualify for a loan to get me the things that I need to do my job?

Mr. STEPHENS. Can you repeat that so I can hear the specifics?

Mr. STURLA. If I am in a homeless shelter and they say, look, we are going to put you through a job training program here, would I qualify for one of these transitional loans in order to get the things, the tools, that I need in order to take a job?

Mr. STEPHENS. In order to take a job? I believe so.

Mr. STURLA. Okay. As I understand it, currently in Pennsylvania if I am a male and I am able-bodied, I do not qualify for cash assistance or food stamps. So now I qualify for this loan, and you signed a promissory note with me and 2 months later I default on it. What recourse does the State have, because I do not qualify for cash assistance or food stamps?

Mr. STEPHENS. My understanding is that as a male you would still qualify for food stamps, just not the cash assistance portion. So your question is, if you are not eligible for cash assistance but you are eligible for food stamps and you are availing yourself of this program, how would the repayment occur?

Mr. STURLA. Correct.

Mr. STEPHENS. Then you would have to repay that monetarily month to month, and obviously, the Commonwealth would have the same rights to collect that debt should you default as any other creditor would.

Mr. STURLA. Mr. Speaker, if I am homeless again, what is the State going to collect and from whom?

Mr. STEPHENS. Right. It would be very difficult to actually collect the debt in that instance.

Mr. STURLA. Thank you.

Mr. Speaker, on page 4, line 4, you say, "The total outstanding loan amount made to an assistance unit...." What is an assistance unit?

Mr. STEPHENS. Could you repeat the page and line?

Mr. STURLA. Page 4, lines 4 and 5, it says, "The total outstanding loan amount made to an assistance unit...."

Mr. STEPHENS. That comes from the Department of Public Welfare, and that term is the term that they use to mean a family.

Mr. STURLA. Well, what does it mean, though? Because I do not know.

Mr. STEPHENS. Well, I think I just answered. According to the Department of Public Welfare, who this is a part of their overseeing regulations and legislation, it means family. I do not know how else I can say it – family.

Mr. STURLA. Okay. Mr. Speaker, on page 5 you say that the department – lines 2 through 5 – you say, "The department shall maintain a security interest in the loan. In the event of loan default, the department may liquidate its security interest." I am envisioning a family that is on cash assistance having some clothes that they picked up at Goodwill, some used furniture; they rent a place. Would that need to be posted as a security interest on the loan?

Mr. STEPHENS. No, sir.

Mr. STURLA. What would? What would qualify as a security interest that you believe the State would—

Mr. STEPHENS. What was envisioned there was if you were to purchase tools, for instance, with this special allowance, the State would maintain a security interest in those tools.

Mr. STURLA. And how would you go about making that, establishing that you have a security interest on a bag of tools?

Mr. STEPHENS. Well, that would be up to the department on how they wanted to handle that. This issue arose earlier. In the end they would make the decision how they wanted to perfect their security interests. One of the things that was contemplated, however, Mr. Speaker, was the fact that there probably would not be any priority questions as to who else may have a security interest, because we could not envision a scenario where multiple parties would have a security interest in the same tools.

Mr. STURLA. Mr. Speaker, I guess my question is, how do you perfect a loan or a security on some tools? Do you have to have somebody go out and say, hey, those are the tools that we identified that you purchased with this? If there are other tools that the person already has in their possession, do you count those in? I mean, I understand if it is a car. You go and say, hey, we put a lien on the title. But I do not understand how you do it with all these other things. I am assuming you are going to send someone from DPW out to assess what the worth is and that we now have a security interest on that, and that means you cannot

sell it at the pawnshop. And when you do default, if you default on your loan, we are going to come and collect tools, and then are we going to dispose of them through a State auction? What do you perceive happening here other than a bureaucratic nightmare?

Mr. STEPHENS. Truthfully, I do not envision a bureaucratic nightmare. What I do envision is – that language is standard debtor-creditor language – in the end, because we also built into this bill the accountability provisions of preapproval and invoicing, we are going to have a detailed record of exactly what these funds were used to purchase. So there is not going to need to be this guesswork anymore.

I agree; under the system as it stands currently, as it was when the Auditor General completed his audit, your point would be very well taken, but because we demand that increased accountability here, that is how we will know exactly what tools we are talking about. In truth, it is a protection for the Commonwealth. Do I envision a Commonwealth agent ever knocking down somebody's door to go and re-collect the tools that we are talking about? Probably not. But, Mr. Speaker, I envision this program working successfully and I envision most of the people who avail themselves of this program transitioning off the welfare rolls and onto the payrolls, in which case no payment would ever need to be made, because they would receive a credit every month for the amount of their payment and therefore this provision would, in my eyes, almost never be needed.

Mr. STURLA. Mr. Speaker, I wish I shared your what I believe is a rather rose-colored vision. I view it more as a nightmare. But you say in your bill that "the department shall maintain a security interest in the loan." Are you saying that that security interest can only include the things that were purchased with the loan?

Mr. STEPHENS. Yes.

Mr. STURLA. Okay. So if the person goes out and buys a couple dresses that they want to go get a job but they own a car, we are not going to go after their car but we will go after their dresses?

Mr. STEPHENS. Yes.

Mr. STURLA. Okay.

Mr. STEPHENS. However, I just want to add— Yes.

Mr. STURLA. Mr. Speaker, on page 5, line 6, you say, "The application process and guidelines for determining the creditworthiness of a recipient." What do you mean by "the creditworthiness of a recipient"?

Mr. STEPHENS. That would be up to the department to determine per the legislation.

Mr. STURLA. Who? I mean, are you saying that the department is going to promulgate rules and regulations about what a creditworthy welfare recipient is?

Mr. STEPHENS. Yes.

Mr. STURLA. Okay. Mr. Speaker, on page 5, you say, "The department may enter into agreements or contracts with other executive departments, nonprofit organizations or private entities as needed to implement or manage the job transition loan program." What do you envision the— What kind of arrangements do you envision the department contracting with private entities for, and what kind of cost would you perceive there?

Mr. STEPHENS. That actually is just flexibility built into the legislation and provided to the department. I do not have a specific initiative in mind, but we thought it was important to build in that flexibility for the department to be able to administer the program as efficiently as possible.

Mr. STURLA. And, I guess, what do you envision there? If you do not know that they would ever do it, why would you put it in the bill? What purpose would it serve?

Mr. STEPHENS. Again, it provides the department with the flexibility to consider those options if it increases efficiency in the department. I do not have anything specific in my mind, Mr. Speaker.

Mr. STURLA. Okay. Mr. Speaker, also on page 5, line 19, you say, "The payment is not made directly to a recipient...." If I am going to go get on a bus, how do I go about this? Do I take money out of my pocket, get a receipt, come back? But they cannot give me money directly. So how do they reimburse the bus company?

Mr. STEPHENS. Mr. Speaker, am I correct that your question is, when availing yourself of public transportation, how do you do that? Is that the question?

Mr. STURLA. Well, yes; that is one example, and maybe I am misreading something here, but line 19 says, "The payment is not made directly to a recipient...."

Mr. STEPHENS. Sure.

Mr. STURLA. So I am assuming you mean the loan recipient does not get the money, the welfare recipient. Is that correct, or is it some other recipient that does not get the money directly?

Mr. STEPHENS. No; that is correct. So it is like any other provision. It would require preapproval, and obviously, the department would have to approve the expenditure, and then the expenditure would be made and it would go directly to the transportation entity. And my understanding, actually, is that the gentleman's home county has that available and inherent within its system already.

Mr. STURLA. So let me just get this straight. I am a welfare recipient. I have got a loan. I have got a job interview. Somebody calls me and says, "Hey, come on in tomorrow and we will interview you for a job." I have got to call the Department of Public Welfare and get preapproval for a bus token and they are going to somehow let me know so that when I get on the bus and the driver says, "Where is your fare?" I go, "Hey, the department is going to take care of it; I swear," and then I go to my job interview and then I get back and— Explain to me how this works, because I am trying to be with you here. It just seems to me like if I am a welfare recipient, if I cannot figure out how to do it on the floor of the House here, I do not know how a welfare recipient is going to figure out how to do it when they have got three kids tagging along behind them.

Mr. STEPHENS. Well, I can give you probably a quick and easy example. Maybe the Department of Public Welfare buys a handful of bus tokens and keeps them there, and after they approve someone to go to this job interview, then DPW has made the payment directly to the bus company. The person gets the token, they get on the bus, or a card, for instance, or any other mechanism which would avail them of public transportation. So yes, they do need to get preapproval in order to take that trip at taxpayer expense.

Mr. STURLA. Okay. Now, tomorrow another company calls me and says, "Hey, we will interview you today." Do I have to go back and get approval again?"

Mr. STEPHENS. Yes.

Mr. STURLA. The next day?

Mr. STEPHENS. Yes. Anytime you want the taxpayers to foot the bill for your trip, you need to get preapproval.

Mr. STURLA. Okay. Do we have any idea how much this will cost DPW in terms of having somebody that is a social worker preapproving a 75-cent bus fare and then having the welfare recipient have to go into DPW to pick up the token to take the bus that day?

Mr. STEPHENS. The fiscal note says zero, Mr. Speaker.

Mr. STURLA. Okay. I am hoping that there are DPW workers in public assistance offices everywhere that hear that.

Mr. Speaker, on page 5 at the bottom, line 30, it says, "...for a period beyond the recipient's first pay." What is "first pay"?

Mr. STEPHENS. The first time they get paid for the job that they have obtained.

Mr. STURLA. Okay. So if they get paid once every 2 weeks, it is when they receive their check, not when they started their job?

Mr. STEPHENS. Yes, sir.

Mr. STURLA. Okay. Mr. Speaker, you have a 2-year loan repayment here. Now, I know that a lot of welfare recipients are not very creditworthy, but some actually have low-limit credit cards that they obtained because they had a modest job at some point in time in their life, and they can go borrow \$2,000 on that credit card and that credit card gives them 10 years to pay it off. They recommend that they pay it off in 3 years so that they do not have a whole lot of interest charges on it, but nonetheless, it gives the people flexibility. They can make minimum payments. On a 2-year schedule, if I roll the dice with the hopes that I am going to get a job on this and I do not and the job does not work out, would I be better off having put it on my credit card instead of getting a loan from the State? I mean, is somebody going to come out and bust my knees? Is the loan shark from DPW going to come get me?

Mr. STEPHENS. I would suspect not. Whether it is in your best interest to put it on a credit card, if you have the ability to do so, that is absolutely a review that each individual would have to undertake. I mean, the bottom line is, these are interest-free loans for 2 years. So each individual would have to decide. If they want to, again as you said, roll the dice on the credit card, pay interest on it, things along those lines, that would not be my choice, but certainly individuals have the flexibility to choose the option they would prefer.

Mr. STURLA. Thank you.

Mr. Speaker, you say these are interest-free loans. I am a little bit familiar with the microfinance industry where they make small loans to people and pretty much their minimum rate that they can charge – and these are not-for-profit organizations that do this often – the minimum rate that they can charge is about a 20-percent interest rate, because it just takes that much to administer the loan. So I am assuming that these loans are going to cost DPW a minimum of \$400 or \$500 to administer. Is that what you would believe is correct, or do you think that somehow DPW can administer loans cheaper than private banking institutions and not-for-profit institutions can throughout the world?

Mr. STEPHENS. The fiscal note says zero.

Mr. STURLA. Okay. Thank you, Mr. Speaker.

Mr. Speaker, if I could.

The SPEAKER. The Speaker is happy that the gentleman only was under brief interrogation, but he is in order on the bill.

Mr. STURLA. Well, Mr. Speaker, I kept hunting for some reason that this might make sense at all, and despite what the fiscal note says, the real world tells me that if it does not cost anything to administer a loan, then the banks are raping and pillaging out there on a daily basis, because they tell me that they are really covering their costs and making a small profit but DPW can apparently do this for nothing.

It also tells me that we are willing to make people jump through massive bureaucratic hoops in order to get something as simple as a bus token.

It also tells me that there are a whole lot of parts of this legislation that are not defined, do not comport with the way things actually operate in the world, but we believe that they might work okay if we just make believe and have a nice vision of what could happen here.

Quite frankly, I think that this bill is unnecessary, will actually cost the taxpayers of Pennsylvania more money, and will make it harder for people to transition from welfare to work. And I would encourage members to vote "no," because I think it is more a labor of a punitive nature than it is a matter of trying to improve people's lives in Pennsylvania and save dollars for the taxpayers.

Thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the gentleman from Allegheny County, Mr. Preston.

Mr. PRESTON. Thank you, Mr. Speaker.

Will the maker of the bill stand for interrogation?

The SPEAKER. The gentleman indicates he will stand for interrogation. You may proceed.

Mr. PRESTON. Thank you.

As compared to the previous questionnaires, I would like to be able to reverse it. Let us say that your program is successful. Let us say that 80 or 90 percent of the people that get this – and my understanding is, it is not a grant; it is actually a loan – let us say 80 or 90 percent of these people are successful at this, and we are going to give them loan forgiveness. The part of the issue that we have heard were conversations concerning about credit rating. How will forgiving this loan be able to— How does this affect or how does it appear on his credit?

Mr. STEPHENS. The credit report would indicate that a payment was made because they are receiving a credit for that payment. So they are satisfying their obligations of the promissory note by simply having a job.

Mr. PRESTON. So if that is the case and the loan is forgiven, then therefore what he has received, would that be included as being income then?

Mr. STEPHENS. I am sorry; would the credit be viewed as income?

Mr. PRESTON. Being that he has not paid anything and the loan has been forgiven and the State then has been forgiven as far as the loan, then therefore would it be considered to be that

this person received \$2,000? Could that be considered in the State or in the Federal level as income?

Mr. STEPHENS. No.

Mr. PRESTON. Can you explain to me why?

Mr. STEPHENS. If I understand your question correctly, the issue is, you have taken \$2,000 in a loan; you have successfully completed the promissory note requirements inasmuch as you have stayed off cash assistance and you are working. So you therefore have received a credit each month for the amount that you owed on your loan. Am I right so far?

Mr. PRESTON. No. My understanding is that this loan is forgiven, a promissory note is forgiven.

Mr. STEPHENS. Right.

Mr. PRESTON. So if you are forgiving something, there is no difference than if I loaned you money and I forgive it. Would that not be considered income under the Federal and State income guidelines?

Mr. STEPHENS. I do not know how the IRS (Internal Revenue Service) would view that particular transaction.

Mr. PRESTON. Wait a minute. Are we saying that we are going to give, the State of Pennsylvania under the Department of Welfare is going to give a grant to someone – or not a grant – is going to give a loan to someone with a promissory note that if they complete something, that therefore they may be forgiven? And it is my understanding, whether it is an individual or an institution or any form of entity that gives somebody a promissory note and then forgives it, that under the income tax code, that that would be considered income. Now, I am trying to figure out, how can you say or check with the Department of Welfare, is that or is that not income, if that is the case?

Mr. STEPHENS. Well, my understanding is, it would be deemed to be public assistance and exempt from taxation. However, right now we are giving the money to people anyway. So your question, it really would not change, because right now we are giving people the money as a grant. So whether we give it to them as a grant or we forgive the loan, which then would be the same as giving it to them as a grant, it would be no different.

Mr. PRESTON. Let me get this right then. Are you saying that the grant and a loan is the same thing?

Mr. STEPHENS. I am saying that a grant and a loan that is 100 percent forgiven is the same thing. Actually, I think you said that, now that I think about it.

Mr. PRESTON. Well, let me help you then. Let us say, like I said, 80 or 90 percent are successful and let us say these people are working and a loan is forgiven, not a grant, but a loan is forgiven, no matter whether it is promissory or whatever – Okay? – they are not paying anything, but the loan is forgiven on the books – now, I am working and I am also making an income – whether or not under the State, to my knowledge, and I am only going by my knowledge just as well, if I file an income tax return as well as you would or anybody else, if someone loans you money and you have an agreement and they forgive that loan, my understanding under the IRS and under our State income – and that is what I am trying to figure out from the Welfare Department and you are not giving me an answer – since this is a welfare program, on whether or not it would be considered, that \$2,000 at that particular time, whether or not it is considered to be income. Now, is the Welfare Department willing to say that that is not going to be income?

Mr. STEPHENS. Oh, I have no idea. That is up to the Welfare Department.

Mr. PRESTON. No, sir. It is your bill.

Mr. STEPHENS. Oh, certainly I understand it is my bill, and I can give you my understanding. In the end I do not view it as any different. Forgiving a loan of \$2,000 or handing someone \$2,000 sounds to me like the same thing. In either event, the person is walking away with \$2,000, not having had to repay anything. I think it is a distinction without a difference, I guess is the best way to put it.

Mr. PRESTON. Let me rephrase this again then. Are you saying whether the State or an individual gives someone a promissory note and a promissory loan and they forgive that loan, are you saying, in your opinion then, that that is not going to be considered income under our income tax laws?

Mr. STEPHENS. What I am saying is, I do not see it being treated any differently than handing out the \$2,000 as we do currently.

Mr. PRESTON. So if it is considered income, would you say that that might affect their CHIP program (Children's Health Insurance Program) if they have three children? Would that affect their income where they may wind up paying more for health care if it is considered by the Department of Welfare eventually as income? Will it affect their CHIP program?

Mr. STEPHENS. I think that there are several other variables that you have to consider that we do not know. I mean, we do not know what type of a job they have. We do not know what their income level is. We do not know what their other taxable income may come from. In the end there are a lot of factors that may affect their CHIP eligibility going forward. Certainly it is something that they should consider and certainly it is something that the Department of Welfare should consider when it promulgates the regulations.

Mr. PRESTON. I am asking a very simple definitive question. Would this be considered income or is it not considered income?

Mr. STEPHENS. I do not know how else I can say it.

Mr. PRESTON. Yes or no.

The SPEAKER. The gentleman will suspend. The gentleman will suspend.

Mr. PRESTON. I am sorry, Mr. Speaker.

The SPEAKER. The gentleman will suspend.

Mr. PRESTON. I am sorry.

The SPEAKER. In all fairness, I believe the gentleman from Montgomery County has answered the question several times. I have been listening very closely to the debate. I believe he has answered the question. You have asked it in a few different ways and he has answered it somewhat the same each time and would encourage the member to move on with the interrogation.

Mr. PRESTON. Mr. Speaker, I am really sincerely trying to find out a very simple question on this bill that will affect the Department of Welfare, the taxpayers for the Commonwealth of Pennsylvania. I am really trying to get this answer, because it has a large rippling effect. I am not dealing with all the variables of previous individuals. All I am trying to figure out is, if we have a bill in front of us – and this is my inquiry away from the gentleman – I am just really trying to figure this out.

The SPEAKER. The gentleman will suspend one minute.

I understand the line of questioning, and I am not saying that you cannot continue to interrogate. I am saying that I believe the

gentleman has answered the question and you are free to continue to interrogate the gentleman from Montgomery.

Mr. PRESTON. Is it possible that some time, if it is determined, individuals would get a statement from the IRS because they are going to have to record this because it is going to be on their credit report for this \$2,000? How would this affect the persons of the gifts for transportation and health care? I am not even dealing with the wages. Let us just say that your program has been very successful. Is it possible that this person could wind up paying more than \$2,000, off the \$2,000?

Mr. STEPHENS. I do not believe that this program – that the funds received under this program would be viewed as income. I believe they would be viewed as public assistance.

### MOTION TO RECOMMIT

Mr. PRESTON. Mr. Speaker, may I make a motion?

The SPEAKER. The gentleman will state his motion.

Mr. PRESTON. I asked a simple question about money and taxes and did not get an answer. I would like to make a motion that this bill be recommitted to the Appropriations Committee to determine from the Department of Welfare on whether or not it would be considered to be income or not, and however that comes out, then we could address the bill.

The SPEAKER. The gentleman, Mr. Preston, has moved that the bill be recommitted to the Appropriations Committee.

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

The SPEAKER. On that question, the Speaker recognizes the gentleman from York, Mr. Saylor.

Mr. SAYLOR. Mr. Speaker, we would oppose the motion for recommittal.

The SPEAKER. The Speaker thanks the gentleman.

On the question of recommittal, the Speaker recognizes the gentleman from Allegheny County, Mr. Maher.

Mr. MAHER. Thank you, Mr. Speaker.

It is a very important series of inquiries, I think we would all agree, and the answer is known and it is very simple that public assistance would not be deemed to be taxable income any more so than it is today. For any of these measures, any of these hypotheticals, the public assistance that would result if someone successfully accomplished the goals set forth for them here would be treated just the same as public assistance is for any measure today. We have heard the maker of the bill already clarify if there was any doubt whatsoever that that is the way the bill is intended. We need not ask anyone else to answer the question that has been answered I think quite thoroughly on this floor today.

So I would oppose this motion to recommit the bill. Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

On the question, the Speaker recognizes the gentleman from Allegheny County, Mr. Dermody.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, I think the gentleman has made a good motion here. As we have heard earlier, there has never been a hearing, at least in this session, on this legislation. There is a real issue as to whether this is income or not. I believe it is. I think we ought to resolve all the questions and the issues in a setting where all

of us can participate, the members of the House who are new here can take a good hard look at this bill, because clearly there is some controversy. Clearly, it does a lot more than what we have heard here today. It will have a tremendous impact on the ability of the Commonwealth to serve its poorest people, its poorest citizens, to help them get a leg up and get a job. We ought to make sure we know what we are doing before we move forward on all these important issues.

Therefore, it makes sense to recommit this bill so all the members, all those who have not been here before, have an opportunity to discuss it and evaluate it in a meaningful way.

The SPEAKER. The question is, shall the bill be recommitted?

On that question, the gentleman from Washington, Mr. Neuman.

That mike is not working, I do not think. It has been kind of on the fritz.

Mr. NEUMAN. Thank you, Mr. Speaker.

The question of the assistance going to the person, that is clearly not income. When it becomes income is the debt forgiveness. The IRS (Internal Revenue Service) treats forgiveness of debt as income and it will be taxed. I do not think it is the issue of how the IRS is going to treat it, and they are going to treat forgiveness of debt as taxable income. So if there is \$600 left on the loan and that \$600 is forgiven, that becomes \$600 of taxable income. So the IRS will treat that as taxable income; it will go on the person who is receiving assistance, their income taxes, and they will be taxed for that \$600. I think that is fairly clear.

Thank you, Mr. Speaker.

The SPEAKER. The question is, shall the bill be recommitted?

On that question, the Speaker recognizes the gentleman from Allegheny County, Mr. Preston.

Mr. PRESTON. Thank you, Mr. Speaker.

And I want to let the gentleman know, I believe his intentions are sincere and I am not trying to hold up this bill. I am raising a question because if this issue, in my opinion, was a grant, that is different, but this is a loan. It is a promissory loan, and my question that I have very sincerely is that there is a rippling effect from a financial standpoint that maybe we within the State and this current Governor may not be prepared to be able to handle to add to our debt. And that is one of the reasons why I made the motion, to get a clear, concise answer, not just from the administration but from the Department of Revenue. I just wanted to make that perfectly clear.

The SPEAKER. The Speaker thanks the gentleman.

The question is, shall the bill be recommitted?

On that question, the Speaker recognizes the gentleman from Lancaster, Mr. Cutler.

Mr. CUTLER. Thank you, Mr. Speaker.

I rise in opposition to the motion to recommit back to Appropriations.

Mr. Speaker, the motion is making a couple of fundamental assumptions. First, it is making the assumption that the individual who got this assistance would even be required to pay taxes in the first place. That may or may not be the case.

Mr. Speaker, in addition to that, I would agree with the gentleman from Washington County that traditional debt that is forgiven, such as school loans or other forms of debt that we enter into as consumers, is treated as income, Mr. Speaker. That

is true. However, to the gentleman from Allegheny County's point that he made earlier, this debt or this current program would be classified as "public assistance." That overarching classification would trump the classification as "consumer debt," and I believe, Mr. Speaker, that under the current regulations, the Department of Public Welfare can promulgate the rules – I believe we have given them sufficient flexibility in the bill to do so – and that they will be able to classify it in accordance with the Tax Code and make sure that it is appropriately accounted for.

And, Mr. Speaker, I would disagree with the assertion that this would be viewed as debt for income purposes, because the underlying cause is that of a public assistance program, and I would urge the members to vote "no" on recommitment. Thank you.

### LEAVE OF ABSENCE

The SPEAKER. The Speaker returns to leaves of absence and recognizes the majority whip, who requests a leave of absence for the gentleman, Mr. REICHLEY, from Lehigh County for the remainder of the day. Without objection, the leave will be granted.

### CONSIDERATION OF HB 1312 CONTINUED

The SPEAKER. The question is, shall the bill be recommitted?

On that question, the Speaker recognizes the majority leader, Mr. Turzai.

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

I would ask everybody to please oppose the motion to recommit. This is an important reform with respect to special allowances.

As everyone knows, the Auditor General's report found that during the audit period of July 1 of 2006 to December 31 of 2007, 45 percent of the payments under the special allowance program had insufficient or no documentation to verify that the payments were used for their intended purposes. The audit focused on \$206 million in special allowance payments from welfare offices in Allegheny, Dauphin, Delaware, Philadelphia, and York over the period of the audit. Statewide, DPW disbursed over \$320 million in special allowance payments during that audit period.

The fact of the matter is that the issue of tax consequences, as dealt with by my colleagues from Allegheny and Lancaster Counties, it is a side issue. Let us get to the underlying issue of reforming the special allowance program in the innovative way that has been set forth by my good colleague from Montgomery County.

Please defeat the motion to recommit.

The SPEAKER. The question is, shall the bill be recommitted?

On that question, those in favor of recommitting the bill will vote "aye"; those opposed to recommitting the bill will vote "no."

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

#### YEAS—78

Bishop	DeLissio	Kirkland	Preston
Boyle, B.	DeLuca	Kortz	Ravenstahl
Boyle, K.	DePasquale	Kotik	Readshaw
Bradford	Dermody	Kula	Roebuck
Brennan	DeWeese	Longietti	Sabatina
Briggs	Donatucci	Mann	Sainato
Brown, V.	Fabrizio	Markosek	Samuelson
Brownlee	Frankel	Matzie	Santarsiero
Caltagirone	Freeman	McGeehan	Santoni
Carroll	Gerber	Mirabito	Shapiro
Cohen	Gergely	Mullery	Smith, K.
Conklin	Gibbons	Mundy	Smith, M.
Costa, D.	Goodman	Murphy	Staback
Costa, P.	Haluska	Myers	Sturla
Cruz	Hanna	Neuman	Thomas
Curry	Harhai	O'Brien, M.	Vitali
Daley	Harkins	Parker	Waters
Davidson	Josephs	Pashinski	Williams
Davis	Kavulich	Payton	Youngblood
Deasy	Keller, W.		

#### NAYS—111

Adolph	Farry	Lawrence	Reed
Aument	Fleck	Maher	Reese
Baker	Gabler	Major	Roae
Barbin	Geist	Maloney	Rock
Barrar	Gillen	Marshall	Ross
Bear	Gillespie	Marsico	Saccone
Benninghoff	Gingrich	Masser	Saylor
Bloom	Godshall	Metcalf	Scavello
Boback	Grell	Metzgar	Schroder
Boyd	Grove	Miccarelli	Simmons
Brooks	Hackett	Micozzie	Sonney
Brown, R.	Hahn	Millard	Stephens
Causar	Harhart	Miller	Stern
Christiana	Harper	Milne	Stevenson
Clymer	Harris	Moul	Swanger
Cox	Heffley	Mustio	Tallman
Creighton	Helm	O'Neill	Taylor
Culver	Hennessey	Oberlander	Tobash
Cutler	Hess	Payne	Toepel
Day	Hickernell	Peifer	Toohil
Delozier	Hutchinson	Perry	Truitt
Denlinger	Kampf	Petrarca	Turzai
DiGirolamo	Kauffman	Petri	Vereb
Dunbar	Keller, F.	Pickett	Vulakovich
Ellis	Keller, M.K.	Pyle	Watson
Emrick	Killion	Quigley	
Evankovich	Knowles	Quinn	Smith, S., Speaker
Evans, J.	Krieger	Rapp	
Everett			

#### NOT VOTING—0

#### EXCUSED—14

Burns	George	Murt	Wagner
Buxton	Hornaman	O'Brien, D.	Wheatley
Evans, D.	Johnson	Reichley	White
Galloway	Mahoney		

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. The gentleman, Mr. Preston, is in order on the bill.

Mr. PRESTON. Thank you very much, Mr. Speaker. On the bill.

I have very strong concerns, because I am a gentleman who deals with a margin of error. I do not like to make mistakes, and all I am trying to do is get further clarification. Doing what we are doing now leaves a vague, serious situation, because no one could give me a clear answer, a simple yes or no.

First, in this bill, we are going to punish people, we are going to punish people who make an effort, and then they are going to have to pay this loan. It is a loan, a promissory loan – not a cash grant, not a grant. It could even be included per se as far as workforce development. It depends on even whether the Department of Welfare maybe can get its money from the Federal level. And we are going to punish those people who make an effort, who unfortunately who knows what.

Then I gave the example, let us say that this program is successful, and I like to see anything that we do in the Commonwealth of Pennsylvania to be able to be successful. But let us say it is successful and let us say that it is evaluated, that this promissory loan – not cash grant, not a grant – it is potentially considered to be income. And I heard someone make a statement about, well, we do not know if they have an income high enough. Well, if they are working, they are making more than the minimum wage, which means they are going to be paying taxes.

And then if we add an additional \$2,000 on that, it can hurt them with energy assistance where they wind up paying more, so we are punishing them more for \$2,000. If it is considered income, then perhaps we are going to hurt them even more if it comes to our CHIP program for our State to be able to help working people to be able to offset their health-care costs. And all I wanted, all I wanted was a simple yes or no – is this income? – and I could not get it. I could not get a definitive thing, and we are passing a bill. We are passing a bill here that someone has intentions for Governor Corbett to be able to sign a bill and we still do not know if this could cost the State more or not.

All I heard was for a fiscal note, with all the paperwork, with all the evaluations, there was no fiscal cost. How can you do something and pay somebody to do something and employees and paperwork and buy supplies and mailing and tracking systems and use a computer in the digital age and there is no cost?

I would like to think that I have a basic sense of intelligence and have a comprehensive ability as far as the cognitive ability to be able to understand good, basic common sense. This one, unfortunately, leaves strong questions. I am not saying this bill is right or wrong; I am saying it has very serious consequences for the Commonwealth and taxpayers of this State.

This has nothing to do with welfare fraud. The question that I am raising is there are costs that are going to grow successfully and penalize the person who is even successful in completing this program because we give them a loan of \$2,000. If this was a grant, my question concerning this would

probably be moot. But I have very strong concerns, in a sense because I did not get a clarifying answer, that this bill, unfortunately, is flawed.

I tried to get an answer by having someone else, another committee here, responsible for it, and it might have satisfied my question about it. But all I know is, we all have a responsibility to our constituents, not from a public relations standpoint but of truth, honesty, integrity, and facts, and the figures on this consistent question have not come up to me. Qualitatively or quantitatively, we did not get an answer.

Unfortunately, Mr. Speaker, I am going to vote "no" on this bill. Thank you.

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

On that question, the Speaker recognizes the gentleman from Lancaster County, Mr. Cutler.

Mr. CUTLER. Thank you, Mr. Speaker.

I wanted to address some of the concerns that I believe were brought up previously regarding some of the details of the implementation of the bill.

I would open by saying that I believe that the bill is drafted sufficiently broad enough to give the department the ability to operate under any other Federal or State laws regarding the administration of this program. Specifically, Mr. Speaker, previously the gentleman from Lancaster County spent some time discussing page 5, lines 14 through 15, the subsection dealing with "Only the secretary may authorize modification, rescission or waiver of the promissory note." Mr. Speaker, I think it is an important distinction to note that the individual who has the ability to authorize is not necessarily the individual who is going to be executing the note at a later date. Mr. Speaker, it is important to build this kind of flexibility in there, because as he so eloquently pointed out, there are life circumstances, job changes, and things that occur that would potentially require the renegotiation of this, but it would still be with input from both parties.

Additionally, Mr. Speaker, there was some time spent on the discussion of bus passes. It seemed that the assumption was that they would only be issued one at a time. Mr. Speaker, I believe, again, that the department will have sufficient flexibility to issue a monthly bus pass if they deem it appropriate. If there is a 4-week period of classes that must be attended or there are a series of interviews that are all scheduled, it does not mean that each individual trip will need to be approved. Mr. Speaker, in fact, our own county has a process in place currently where the amount for a monthly bus pass can be allotted. So I think that the department will have the necessary flexibility to do this.

Mr. Speaker, in regard to the cost of the administration of this loan as compared to the private sector, Mr. Speaker, the private sector loans money simply to make money. So yes, they do have some overhead; they do have some costs. But, Mr. Speaker, the most important part about this program, and I recognize there has been some debate over what the actual amount was – it is \$7 million versus some of the older numbers that were significantly higher – regardless of the size of the program, the money that is currently being granted is just that, it is being granted with no expectation of payback, Mr. Speaker. Any money that we can recoup through this process will be an addition to the State so that it can be reloaned out to other individuals. Mr. Speaker, to have the flexibility to secure the

loans and to put a process in place to recoup some, if not most of this money that is currently going one way, Mr. Speaker, will ensure the viability of this program going forward.

Mr. Speaker, I do not view this program as being that kind of revolving credit card that was alluded to previously. This is not the opportunity where you can come and you can decide you want to pursue something for a little bit and then change your mind down the road. Mr. Speaker, in the audit, there were actually examples of this. For example, one recipient received \$1400 in December of 2006 for equipment/training for a medical assistance training program. It sounds like a wonderful job. I came from the medical field and certainly appreciate that. However, 8 months later, she received yet another \$2100 for equipment and training for a dental assistance program, which she dropped out of 8 days later.

Mr. Speaker, if there is not even a marginal responsibility to follow up and pursue a job after this, we will have activity like this that has been documented previously. Mr. Speaker, as individuals who maybe went to college or tech school, as I did when I started out, I consciously made the decision of, I am entering this field; is it something that I can see myself in; and do I have a reasonable expectation of being able to pay off my school loans on the other side? Mr. Speaker, these are the kinds of decisions, I think, that will build stronger communities and good life skills for individuals going forward.

And back to the previous point, any money that we recoup can help sustain this program. Mr. Speaker, quite frankly, I believe this program is innovative. The fact that we are taking a look at changing it into more of a loan or a loan forgiveness piece I think is wonderful. This is supposed to be a program that removes the very last obstacle, the very last obstacle to becoming gainfully employed and joining the taxpaying ranks here in the Commonwealth.

Mr. Speaker, I recognize that it may not always work out, that there may be other things. As the gentleman from Lancaster County pointed out, there may be changes in life situations, employment, whatever that may be, but I believe the bill as drafted has the necessary flexibility in it to allow for those changes.

Mr. Speaker, the cost of administration was brought up previously. I believe that the expression of a "zero cost" means that the existing infrastructure, existing personnel that perhaps can be reallocated through further efficiencies, is what can keep the costs down for this bill.

And finally, Mr. Speaker, I think it is worth pointing out some of the problems that exist in the current program that were uncovered and whether or not they have been appropriately corrected through the regulatory process. I think it is important that we correct it through the legislative process so that these changes, these innovative changes, Mr. Speaker, can live a legacy far beyond any one administration.

Mr. Speaker, previously there were two recipients in York who received special allowances for beauty school supplies. Each of them totaled approximately \$630. The caseworker verified that they were taking a nail course but did not check the actual list with the school, and it was later discovered that the school had no record that supplies were ever purchased and then subsequently brought into the classroom.

Mr. Speaker, one recipient received \$782 for three semesters for books, all based on handwritten lists. In fact, upon further

review, she had received \$108 for the same books twice for the same class that she was retaking. From July 2006 to March 2009, she received \$6,848 for books and supplies all put on her EBT (electronic benefits transfer) card.

Mr. Speaker, these are the kinds of situations that occur in a program that lacks oversight. It is important that we put this kind of oversight into this program. I believe it is drafted broadly enough that we are going to give the department the flexibility to address any of the concerns that were brought up today, Mr. Speaker. And I would certainly urge my colleagues to vote in the affirmative on the final passage, because I think it is wonderful that Pennsylvania and the gentleman from Montgomery County is being a leader in looking at ways to make this program self-sustaining going forward.

For all those reasons, I would urge a "yes" vote. Thank you.

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

On that question, the Speaker recognizes the gentleman from Philadelphia, Mr. Myers.

Mr. MYERS. Thank you, Mr. Speaker.

Would the originator submit to a small interrogation?

The SPEAKER. The gentleman indicates he will stand for a small interrogation.

Mr. MYERS. Okay.

The SPEAKER. You may proceed.

Mr. MYERS. I have a couple of questions here that I am not sure of what the answers are, but I know that one of the questions that I was concerned about was forbearance, forbearance of repayment, if there is some unforeseen reason. What is your position on forbearance in this bill?

Mr. STEPHENS. Sure. And I think I answered this earlier from one of the other gentleman's questions, but I am happy to repeat it.

The bill provides the flexibility for the Secretary to modify the promissory note. Obviously, it would involve the agreement of the individual who signed the promissory note should there be any change in circumstances that would warrant it.

Mr. MYERS. Actually, that brings a smile to my face. I was thinking about when I was in college and the student loan, and I had to go through the same process.

On the transportation side, as I understand it, only a person's vehicle can receive an allowance for gas. I mean, you have to actually have the ownership title. You cannot, like, ask me to take you somewhere and then put gas in my car.

Mr. STEPHENS. No, Mr. Speaker.

Mr. Speaker, the bill actually provides for private transportation for privately owned vehicles, ride-sharing or car or van pools. So that would allow you to take somebody else's car; it does not have to be your own. It just means there is a provision for public transportation, and this was the provision for private transportation. You would be reimbursed mileage in the event it was private transportation.

Mr. MYERS. Okay. Thank you, Mr. Speaker.

Mr. Speaker, I really just wanted to ask you a couple of questions to give you a chance to get back up here again. You have answered my questions.

Mr. Speaker, on the bill?

The SPEAKER. The gentleman is in order, on the bill.

Mr. MYERS. Mr. Speaker, again today, just like yesterday, I rise like, you know, bewildered, and for the same reason, that I am being asked to vote for a bill that does not make any sense

– poorly drafted; violates some Federal regulations; does not have answers to questions; cannot tell us who is on first, who is on second; cannot tell us what happens – you are not on second – cannot tell us what happens in the first 2 months or the 24 months.

As a matter of fact, dig this: In 24 months, your loan could be forgiven. But really, in 18 months your loan could be forgiven. Now, that makes no sense. And then on top of that, you know, a part of the comfort that I have is that it is good to understand, and sometimes when you read, you understand better, and here what I am seeing today is a clear delineation of chipping away at the welfare system by offering 1500 bills and 10,000 amendments, so at the end of the month, the Welfare Department is almost nonexistent except for those mandated programs.

You know, it was interesting that I was reading a book on government bureaucracy management, and one of the things they talked about was, you know what you do? If you really want people not to be a part of your program is that you take a 10,000-person program and assign two caseworkers to it, essentially what we are talking about doing. So that means you have got to stand outside all day in a line. Everybody in the neighborhood is talking about you, talking about the line, the line that you are standing in, and it is done on purpose so people will not want to stand in a line. Well, I see a similar drift with this here. Let us drive this program as far against the wall as we can so nobody wants to apply for it. So we reduce spending, ideologically we have gotten people off welfare, and the State did not have to spend any money to get it done, because what we did was we found 10,000 other ways to disenfranchise people through little bites, through little bites, instead of trying to dismantle it all at one time.

So therefore, Mr. Speaker, I would ask with all urgency that we do not play into this wagonism of go after the Welfare Department little bites at a time, let us embarrass all the recipients, little groups at a time, so we can justify in 2012 that we did the right thing, we got them all out of here, we shut down all their programs, and therefore, Pennsylvania is a better place to live.

I would ask for a "no" vote, Mr. Speaker, and hope that my colleagues would agree. Thank you.

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

On that question, the Speaker recognizes the majority leader, Mr. Turzai.

Mr. TURZAI. Thank you, Mr. Speaker.

With all due respect, changes to the special allowance program are absolutely necessary. In fact, some I think could validly argue for its elimination, and it is based on hard evidence, audit-based evidence, and existing anecdotal evidence.

Real briefly, in 1996 special allowances were put into play by virtue of regulations. Under 55 Pa. Code § 165.46, it was done through a regulatory process, and the primary regulatory provision is "Types of special allowances for supportive services." Many of these items are already duplicatively funded through other areas of public welfare – transportation and related expenses; public transportation and private transportation, both covered; motor vehicle purchase or repair; motor vehicle-related expenses, so this includes the purchase of automobiles and automobile insurance and automobile repairs;

and other expenses related to approved work and work-related activities, including clothing, tools and other equipment, books and supplies, fees, and union dues and professional fees, and these are all handed out in discretionary fashion by individuals that work in the Department of Public Welfare. It is a program, unfortunately, that is, by definition, unaccountable and in many ways subject to abuse.

Now, let us be honest, and I had stated these facts earlier but I think they are important to note, the Auditor General's report found during an audit period for a year and a half that almost 50 percent of those allowances that were examined had insufficient or no documentation to verify that the payments were used for their intended purposes.

Please understand that this accounts to about \$200 million a year that is spent on this particular program. And many of these items, including child care, including transportation, are covered in other areas, and some of them are questionable even whether they are not subject to fraud, including the purchase of a motor vehicle or insurance or repairs or tools and equipment or clothing allowance or union dues and professional fees.

The other problem with the special allowance program is that there is no singular line item in our budget for it. It has in fact come from six specific line items under the Department of Public Welfare so that it has been easy to hide and not easy to track from an audit perspective. It is found in general government operations, county administration statewide, county assistance offices, New Directions, cash grants, child-care assistance, and they are subsets of those lines. You have to be able to dig deeper to find out where the discretionary money is being spent under those particular line items.

When the Auditor General criticized the expenditures, he cited lax oversight and lack of proper management, lack of accountability for payments, double payments, recurring payments, and consistent refusal to cooperate with the audit.

There were some examples. When we did Policy Committee hearings back in '07-'08, one of the examples was, someone for whom special allowance money was used to purchase tools, that person was caught selling those tools for cash.

And in the Auditor General's report, these are some of the examples that I think are interesting: An invoice for tools from a beauty school in Delaware County was altered by changing the amount from \$321 to \$821. And while the payment was made directly to the beauty school, the school credited the excess to the student's account balance and the balance was paid out to the student.

One of the day-care providers that was paid for under special allowance, that was being paid to watch a mother's children, turned out to be the father of those five children. He had changed his name and Social Security number on the child-care forms, improperly collecting at least \$7300.

One recipient received \$782 over three semesters for books, all based on handwritten lists, and in fact, she had received \$108 for the same books for the same class she was retaking. From July 2006 to March 2009, she received \$6,848 for books and supplies, all put on her electronic benefits transfer card.

Mr. Speaker, this is a program that is crying out for reform or elimination. The good gentleman from Montgomery County has taken an approach of innovation. Nobody is being punished by making a reform to this program. In fact, some accountability to root out fraud, waste, and abuse is being put into the program. It

is also an attempt to get at, an incentive to get people back to work and to actually move to productive lives.

Star Parker, a commentator, who I think has many important statements with respect to this issue, I think she had an outstanding quote that summarizes one of the reasons why we want to change this program and move it towards an incent program. Here is her quote: "I had finally realized that living on the county had come at the expense of my autonomy and my self-esteem. A welfare check is no substitute for the pride and self-satisfaction that comes from reaping the rewards of your labor...."

The innovative approach that is being put forth by the gentleman from Montgomery County is one that is designed to get people into a productive family-sustaining job where you are able to take care of yourself and you are able to take care of your family. It recognizes that sometimes you fall on hard times but that you do not stay there, that you get back on your feet and do better. What is being questioned here is not individuals; it is a culture of dependency or a system that ties you up. It just ties you up. "When you look..." the quote goes, "the rules don't work,..." you do not save, you are incented not to marry, and you just get wrapped up in this government dependency.

As I said, there are many people, given the evidence that has been put forth in Policy Committee hearings, anecdotally and from the audits done by Democratic Auditor General Jack Wagner, that I think would argue for eliminating this program and saving taxpayers \$200 million annually. The good gentleman has taken an approach, a lone approach that is designed to provide incentives to get people back to work when they fall on hard times. It is an intermediate approach, and I think we should all support this bill. It is an outstanding, innovative approach to tackling a real issue, not a phony one. Thank you.

### LEAVE OF ABSENCE

The SPEAKER. The Speaker returns to leaves of absence and recognizes the majority whip, who requests a leave of absence for the gentleman, Mr. DAY, from Lehigh County. Without objection, leave will be granted.

### CONSIDERATION OF HB 1312 CONTINUED

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

On that question, the Speaker recognizes the lady, Ms. Brown, from Philadelphia.

Ms. V. BROWN. Thank you, Mr. Speaker.

Mr. Speaker, may I request that the author of the bill stand for humble interrogation?

The SPEAKER. The gentleman indicates he will stand for interrogation. The lady may proceed.

Ms. V. BROWN. Thank you, Mr. Speaker.

My question is – and I am grateful for our majority leader who gave us some good statistics – this \$200 million a year is what we are currently spending on the grant program. Out of that \$200 million, can you tell me how much is fraud and abuse?

Mr. STEPHENS. Unfortunately, because of the inadequacy in the documentation over the last 8 years, which is corrected and addressed by this bill, it is very difficult to discern. What I can tell you is 45 percent of the cases that the Auditor General looked at had insufficient documentation.

Ms. V. BROWN. Is that an indication of fraud?

Mr. STEPHENS. It is an indication that we need greater accountability, in my opinion.

Ms. V. BROWN. Okay. Thank you.

On the bill, Mr. Speaker.

The SPEAKER. The lady is in order, on the bill.

Ms. V. BROWN. This is more an enforcement than it is a legislative issue. As the majority leader and the author of the bill have said, there is a lot of oversight, a lot of laxness in how we have been initiating this program. There are instances that were just cited where people were receiving double payments. Some people were receiving payments without proper documentation.

I do not understand, how do we legislate a situation to become better when the same people who are administering the program right now today will be the same people we are looking at implementing this legislation? There will still be problems and errors if we do not correct the system as it is currently standing, Mr. Speaker.

And, Mr. Speaker, may I continue with another question?

The SPEAKER. The lady is in order. Generally speaking, we try to keep the interrogation as one segment, but the lady is in order, and the gentleman will stand for interrogation.

Ms. V. BROWN. Thank you. I appreciate that, Mr. Speaker.

In some of the interrogation, in your answers you talked about creditworthiness. Is creditworthiness a criteria in order to receive the loan?

Mr. STEPHENS. It is up to the department to determine what level of creditworthiness and how to assess it in terms of receiving these loans.

Ms. V. BROWN. So everyone will not be eligible under this legislation to receive that loan?

Mr. STEPHENS. It is up to the department to establish that criteria. It gives the department the flexibility to include creditworthiness as one of the considerations.

Ms. V. BROWN. And do you know what that guideline for creditworthiness would be? Is there a certain credit rating score that we are looking for?

Mr. STEPHENS. No. That is up to the department.

Ms. V. BROWN. So there are a lot of unknowns at this point. We do not really know.

Mr. STEPHENS. Well, it is up to the department to establish the rules that would work best for the program.

Ms. V. BROWN. When that loan is administered, how would this affect income eligibility for other welfare benefits? And just to help you understand this a little bit better, when you are on the system and you are receiving welfare benefits and you transition into a job, Mr. Speaker, when you transition into that job, you normally make around \$8 to \$10 an hour. So that is \$320 to \$400 a month that you would be making – I am sorry; a week that you would be making – and it still leaves you eligible for other benefits such as food stamps and possibly

some medical, depending on how many dependents you have. If you receive the loan, and for a clothing allowance it is \$750, you receive that \$750, do you have to report that as income for that month that you received that to the Welfare Department in order to keep your benefits?

Mr. STEPHENS. Again, my understanding is that would be the same as other public assistance and not treated as taxable income.

Ms. V. BROWN. So that loan would still be considered the same way it is as a grant currently.

Mr. STEPHENS. Yes.

Ms. V. BROWN. Okay. All right.

Could you explain to me what the collection process would be once you received the loan? If a person is not able to or has not made a firm commitment to pay that, what would that collection process look like?

Mr. STEPHENS. As I articulated earlier, the goal of the program is that there really would not be a need for a collection process, because by moving off welfare and onto the payrolls, you are automatically receiving a credit. So you would not actually be paying anything, and therefore, there would not be any real collection process.

In the small number of instances where you were subject to a cash payout to repay your monthly fee, then obviously the department could take whatever action they thought was appropriate in order to recover those costs. We talked earlier about the security interest in tools. We talked earlier about just the regular civil procedure that could be utilized in order to recover those costs, if the department thought that that was necessary.

Ms. V. BROWN. So if the person no longer is employed and no longer eligible for the credit and they are out of compliance, what would be the procedure then to collect the money?

Mr. STEPHENS. No, because it would be deducted from their cash assistance.

Ms. V. BROWN. So they would still be eligible for assistance, and they would just receive \$50 less a month as they move forward.

Mr. STEPHENS. It actually would not be \$50. It would be whatever the amount was that they were obligated to pay.

Ms. V. BROWN. Okay.

Mr. STEPHENS. That was through the amendment from the gentleman from Lancaster County that altered that \$50 and made it whatever amount you were obligated to pay. That is the credit that you would receive or the deduction that would be made from your cash assistance.

Ms. V. BROWN. Okay.

And as our majority, and I do not know if this is your line of thinking and if he is expressing your wishes, but as our majority leader just previously stated that he is grateful to you for introducing this legislation, but he also sees this as a step towards possibly eliminating some of these services. Would you say that that is your intent overall of this bill?

Mr. STEPHENS. No. I think this bill provides the same opportunities to help people who want to help themselves move off welfare and onto the payrolls.

Ms. V. BROWN. Okay. Thank you.

Mr. Speaker? I may be out of line—

The SPEAKER. The lady is in order on the bill.

Ms. V. BROWN. Thank you.

Mr. Speaker, and I do graciously thank the author of the bill for the interrogation, but on the bill, there are several scenarios that are going on here today, and when we look at the punitiveness of a lot of the bills that have been introduced on the Welfare Code recently, I am not understanding where we are going to be in the end. It seems like when there is a plan and there are a series of bills that could be compacted, they are all together, that there has to be an ultimate goal in the end. And if we look at how we deal with people who do infractions, we look at Wall Street, and we are talking about \$200 million in this one particular program. Wall Street has several infractions, that this was a tip to the amount of infractions that Wall Street had, and we do not throw Wall Street out.

Here we are looking at poor people who have no idea that we are standing here today discussing their lives. We have had no committee hearings to let them know that we are discussing accountability and we are saying that there is fraud and we cannot articulate how much fraud. We have a few instances that are there, but we have no platform for all of the people who are doing the right thing to be able to implement or to be able to participate and articulate how what we are doing today will affect their lives. Just because we are going after a few does not mean that everyone should be affected.

And again, Mr. Speaker, when we look at our job as being a legislator, I believe that right now we are going too far. This is truly an enforcement issue. This is an administrative function that needs to be looked at and corrected. If there are so many errors that are causing us money, just think of the other way that this goes. There are errors that affect the recipients of welfare every day. Every day as we speak right now, someone is being cut off assistance because of an error, and these are errors that are not due to themselves. These are errors because they have transitioned into a job and they are reporting their income and they are still eligible for benefits, and someone did not record that correctly and they were cut off. They were cut off from their food stamp benefits; they were cut off from their medical, and we are not finding ways to legislate that that is done correctly.

So if we are serious about a commitment to clean up the welfare system, to clean up fraud and integrity, then we must look at the people who are doing the right thing every day – the grandmom who has taken custody of her grandchild, who has three of the four siblings that she now has in her custody, and there is a clerical error that has cut her off from the food stamps to help her sustain the life of those children.

We must bring up that there is another side to error, and it is not fair for you to just look at one, the punitive side; we must also look at the corrective side of how we provide safety nets to save people's homes and their lives.

So, Mr. Speaker, I rest on that. Thank you so much for that interrogation and letting me speak on the bill.

The SPEAKER. The Speaker thanks the lady.

The question is, shall the bill pass finally?

On that question, the Speaker recognizes the lady from Philadelphia, Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I do promise I will be brief. I am a short politician; I give a short speech. But I would like to ask at least two or three questions of the gentleman who made the bill, if I might do that.

The SPEAKER. The gentleman indicates he will stand for interrogation.

Ms. JOSEPHS. Thank you very much. I appreciate that, Mr. Speaker.

There was some talk here, I believe the gentleman from Philadelphia talked about, and perhaps others, loss of Federal money if we do this. I would like to know, Mr. Speaker, do you have any idea how much Federal money we would lose, and that is it.

Mr. STEPHENS. We would not lose any Federal money, Mr. Speaker.

Ms. JOSEPHS. Okay. I am not necessarily accepting that, but I appreciate the answer.

I know that from previous— I appreciate it.

Mr. STEPHENS. I am just wondering if I should continue to stand for interrogation.

Ms. JOSEPHS. No; I mean—

Mr. STEPHENS. If my answers are worthless— I apologize, Mr. Speaker.

Ms. JOSEPHS. Well, I just wanted to know what your interpretation was, and now I do. Thank you.

Mr. Speaker, we know from previous conversation that you were not here for the Policy hearings that the Republican Party held in 2007 or '08, I believe, and that you held no hearings more recently for yourself, and when that happens to me, what I do is go to people in my community who know something about an issue and ask them, how do you feel about this? So I am wondering what the C.P.A.s (certified public accountants) in your community had to say about this bill when you asked them.

Mr. STEPHENS. Actually, a very close friend of mine happens to be a C.P.A., and he was thrilled at the prospect of the accountability that is inherent within this bill.

Ms. JOSEPHS. Okay. So you spoke to one C.P.A.

Community leaders: How many community leaders have you talked to, and what was their response? Define "community leaders" any way you like.

Mr. STEPHENS. My constituents have, actually throughout last year and now as an elected official, have repeatedly demanded more accountability in the welfare system, and that is what this bill does.

Ms. JOSEPHS. Religious leaders, what did they have to say?

Mr. STEPHENS. Again, my constituents are looking for greater accountability in the public welfare system, and that is who I am here to serve.

Ms. JOSEPHS. Last question: People in your district, of which there are many who are welfare or were welfare recipients or who are on the borderline there, what did they have to say? Or advocates for groups of welfare recipients or working poor people?

Mr. STEPHENS. Those that are not defrauding the system favor this accountability because it provides more benefits for those who truly want to move off welfare and onto work.

Ms. JOSEPHS. Thank you.

Thank you, Mr. Speaker. If I may speak on the bill.

The SPEAKER. The lady is in order on the bill.

Ms. JOSEPHS. I would just like to incorporate in everything that I have said the very eloquent remarks of the gentleman from, several gentlemen from Philadelphia, the gentleman from Allegheny County, the lady from Philadelphia. They are absolutely right. I agree that this bill is an attack on poor people. I think it is a whole series of bills. I will not speak about them;

I know you are not supposed to, but when you think about this altogether, this is an attack on people who are poor and it puts impediments in the way of them getting into the middle class. And if you are teetering on the edge of the middle class, it really helps you become poor again. This is not really what I have in mind when I think about extending a helping hand to people who are down on their luck.

By the way, one concept to think about, all of us on the side of folks who understand what it is to be poor in this society, for women and women with children, welfare is unemployment compensation. This is for people who just cannot get a job because they do not have enough support and because we are in a recession. It is unemployment compensation that gives some buying power. It powers our economy. It keeps our rural areas in better shape, actually, than our cities, and the city people do not need as much transportation. The poor people in rural areas are going to really suffer from this.

The typical welfare recipient, by the way, Mr. Speaker, is a White woman, not in a city, not in a city, not my constituent, but I care about them. I care about them. There is one good part of this bill, however. It is not good enough, but I would like to make a comment.

The gentleman who created this bill, who answered a question about how do you define "unit of assistance," "family unit," seemed to make it fairly clear that this would include people who were in a domestic partnership, and I think that is a good idea, a very good idea, but it is not good enough. And I am going to vote against this bill, but noting again that the people on the other side of the aisle have again helped folks who do not want to get married, I do not know, domestic partnerships.

Thank you very much, Mr. Speaker. I am for domestic partnerships, but I cannot vote for this bill.

The SPEAKER. The Speaker thanks the lady and notes she may be just a little taller than she thinks.

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—159

Adolph	Evans, J.	Krieger	Ravenstahl
Aument	Everett	Kula	Readshaw
Baker	Fabrizio	Lawrence	Reed
Barbin	Farry	Longietti	Reese
Barrar	Fleck	Maher	Roae
Bear	Freeman	Major	Rock
Benninghoff	Gabler	Maloney	Rockback
Bishop	Geist	Mann	Ross
Bloom	Gibbons	Markosek	Saccone
Boback	Gillen	Marshall	Sainato
Boyd	Gillespie	Marsico	Samuelson
Boyle, B.	Gingrich	Masser	Santarsiero
Bradford	Godshall	Matzie	Santoni
Brennan	Goodman	Metcalfe	Saylor
Brooks	Grell	Metzgar	Scavello
Brown, R.	Grove	Miccarelli	Schroder
Caltagirone	Hackett	Micozzie	Shapiro
Carroll	Hahn	Millard	Simmons
Causer	Haluska	Miller	Smith, K.
Christiana	Hanna	Milne	Smith, M.
Clymer	Harhai	Mirabito	Sonney
Conklin	Harhart	Moul	Staback

Costa, D.	Harkins	Mullery	Stephens
Costa, P.	Harper	Mundy	Stern
Cox	Harris	Murphy	Stevenson
Creighton	Heffley	Mustio	Swanger
Culver	Helm	Neuman	Tallman
Cutler	Hennessey	O'Neill	Taylor
Daley	Hess	Oberlander	Thomas
Davis	Hickernell	Pashinski	Tobash
Deasy	Hutchinson	Payne	Toepel
Delozier	Kampf	Peifer	Toohil
DeLuca	Kauffman	Perry	Truitt
Denlinger	Kavulich	Petrarca	Turzai
DePasquale	Keller, F.	Petri	Vereb
DeWeese	Keller, M.K.	Pickett	Vulakovich
DiGirolamo	Killion	Pyle	Watson
Dunbar	Knowles	Quigley	
Ellis	Kortz	Quinn	Smith, S.,
Emrick	Kotik	Rapp	Speaker
Evankovich			

NAYS—29

Boyle, K.	DeLissio	Keller, W.	Preston
Briggs	Dermody	Kirkland	Sabatina
Brown, V.	Donatucci	McGeehan	Sturla
Brownlee	Frankel	Myers	Vitali
Cohen	Gerber	O'Brien, M.	Waters
Cruz	Gergely	Parker	Williams
Curry	Josephs	Payton	Youngblood
Davidson			

NOT VOTING—0

EXCUSED—15

Burns	Galloway	Mahoney	Wagner
Buxton	George	Murt	Wheatley
Day	Hornaman	O'Brien, D.	White
Evans, D.	Johnson	Reichley	

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 1297, PN 1644**, entitled:

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, in public assistance, providing for eligibility for persons with drug-related felonies.

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

(Bill analysis was read.)

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.  
The question is, shall the bill pass finally?

Does the lady seek recognition on the bill?  
The question is, shall the bill pass finally?  
On that question, the Speaker recognizes the lady,  
Ms. Mundy.

Ms. MUNDY. Thank you, Mr. Speaker.

You know, I think the premise of the bill is something that we can all agree on. No one here wants our hard-earned taxpayer dollars used to buy drugs. But we had a lot of discussion in our caucus about this bill and about what it actually means and what it actually costs, and in reading the bill and having this discussion, there were a lot of questions that I am just not clear on, so I would like to interrogate the gentleman, if I might.

The SPEAKER. Pardon me?

Ms. MUNDY. May I interrogate the maker of the bill?

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

Ms. MUNDY. Thank you, Mr. Speaker.

I guess my first question would be, there are already many safeguards in Pennsylvania law, welfare law, regarding criminal behavior and drug addiction, and for example, there is a work requirement for welfare. And it is my understanding that if DPW determines that a person has an ongoing substance abuse problem that presents a barrier to employment, the individual must participate in, maintain compliance with, and satisfactorily complete drug and alcohol treatment or periodically test drug-free as requested by the department. So we already have this safeguard in Pennsylvania law, and I guess my question for you would be, how does your bill improve on that?

Mr. EVERETT. Mr. Speaker, I think that the bill just simply adds to that by randomly testing individuals who had drug-related felonies in the past 5 years. You know, the folks from DPW may not be able to see the folks very often, may not know that they are having problems, and I think the purpose of this bill is just to further assure the taxpayers of Pennsylvania that our welfare system has the integrity and accountability and that we are not subsidizing those who are in a cycle of continuing to use drugs.

Ms. MUNDY. Okay.

With regard to the testing itself, who is supposed to do this testing?

Mr. EVERETT. The department, but the hope is that the department will be able to work with the probation and parole departments, and if the folks, because of the terms of their probation and parole, are already subject to testing, that they can work with probation and parole and use the testing that is already in place for the individuals.

Ms. MUNDY. Well, if the testing is already in place and it is already a requirement, I am really not sure why you would want to duplicate that effort. But let me move on.

Who will bear the cost for those who are undergoing this testing? Will it be the counties or will it be the Commonwealth?

Mr. EVERETT. It is my understanding that most of the individuals that will be tested already qualify for medical assistance, and so they will already be covered. It will not be the individuals or the counties; it will be already part of the medical assistance.

Ms. MUNDY. So medical assistance will pay for the drug testing?

Mr. EVERETT. That is my understanding.

Ms. MUNDY. I understand that in drug testing there are occasionally false positives. For example, if you eat a poppy seed bagel, you might test positive for drugs. What appeals process is in place should a false positive occur?

Mr. EVERETT. Mr. Speaker, it is my understanding that DPW already has an appeals process in place, and if there is a positive test, that the individual has a 7-day right of appeal, and that is already existing in DPW regulations.

Ms. MUNDY. Okay.

Now, let me give you this scenario: A family of three, a family of three who is receiving between \$365 a month and \$421 a month, depending on the county, in TANF dollars, a mother and two children. One of the children is a 16-year-old, and I am assuming under your bill that this person could be tested for drugs if that person is a welfare recipient and there is a drug felony on the part of anyone in the family.

Mr. EVERETT. Mr. Speaker, no, only the individual who has a felony conviction on their record in the past 5 years could be tested, not just anybody in the family.

Ms. MUNDY. Okay. So assuming that a teenager, I am not sure how old you have to be to receive welfare benefits under TANF, but I guess what I am trying to get at is if one person in the family tests positive for drugs, does that mean that the entire family loses the \$365 to the \$421, depending on what county they live in?

Mr. EVERETT. Mr. Speaker, it is my understanding that under the bill, the benefits for minor children would not be affected because of a parent's loss of benefits because of failing a test. The children would still get their benefits.

Ms. MUNDY. Can you point to where in the bill I might find that clarification?

Mr. EVERETT. It is my understanding that that is already in existing DPW regulations. It is not in the bill.

Mr. Speaker, I can provide the CFR (Code of Federal Regulations) section to you rather than just reading it, if you would like.

Ms. MUNDY. Well, I guess my further question would be, my understanding is that the bill would override any current regulation, and your bill is either very unclear or basically says that you do not get benefits. I mean, it is a family benefit, right? It is a family of three, and one person in the family tests positive. Your bill does not say that the whole family does not lose the benefit.

Mr. EVERETT. Mr. Speaker, it does not say that the whole family does not, and that is a CFR; that is a Federal regulation. The bill does not say that the whole family loses their benefits, and Federal regulations say that a family does not lose its benefits, that the minor children still will receive their benefits. So the bill will not change that.

Ms. MUNDY. Okay.

And I guess my final question has to do with the cost, because I am very much into a cost-benefit analysis on these bills.

Last week we decided that we were going to spend \$70,000-plus to incarcerate somebody who owes \$1,000, who got more than \$1,000 than they should have in welfare benefits, and that did not make a lot of sense to me. But this bill, to me, is

a little different, and as I said, I certainly do not want anyone using taxpayer dollars to support a drug habit, but I am interested in the cost of this testing program to the Commonwealth.

Now, you are saying that it is going to be the Commonwealth, medical assistance, who foots the bill, not the counties. I certainly hope that is true. What do you anticipate the cost of this will be?

Mr. EVERETT. Mr. Speaker, and I do need to correct one thing I said, the cost will not fall on the counties; it will fall on the department for the actual drug testing and administration of the program. Any treatment program that the individual would enter into will be paid by medical assistance. The actual drug testing will be paid for by the department.

A fiscal note was issued, and it was very difficult to come up with a fiscal note because we are having a hard time estimating exactly how many people will test positive, how many people will be in the program, since it is something that has not been done before. So the estimated, because of having to hire personnel to administer the program in the department and the estimated tests, and then balanced off with the estimated savings, I believe in the outyears we are looking at a cost of about — and these are just estimates — a cost of about \$190,000 annually to operate the testing program.

Ms. MUNDY. And how much do you expect to save?

Mr. EVERETT. No; it will cost— Well, and again, the savings are very difficult to estimate. We do not know how many people that maybe do know they have a drug problem will not apply, and so those benefits that would be paid will not be paid. We do not know how many people will enter into a program and receive treatment and break that cycle of drug dependence and come off welfare. So the estimates are very difficult. The best we can estimate is that in the first few years of the program, it is going to cost, balanced off with the cost and the savings, it will actually cost \$190,000 a year to operate this program.

Ms. MUNDY. So it is really not a cost-saving measure. You do not intend it to be a cost-saving measure.

Mr. EVERETT. Excuse me. If you could ask your question again?

Ms. MUNDY. I am asking, do you intend for this at any point to be a cost-saving measure? You are talking about, my understanding of what you said was that it is going to cost and not save money, that the cost is going to be 190-some thousand dollars a year, and I want to know if you are anticipating any savings in addition that will overcome this cost of the program.

Again, because a lot of what you are talking about here is already being done by the probation and parole department. Obviously, you are in violation of your parole and probation if you are using drugs. The welfare office is trying to get you back to work, so if they suspect that you are using drugs, they are supposed to refer you for testing. And again, I am trying to figure out, Mr.— Excuse me. I am trying to figure out what it is that you are trying to accomplish.

Mr. EVERETT. Lycoming County.

Ms. MUNDY. Thank you. I am trying to understand what it is you are trying to actually accomplish, because based on what you are telling me, it sounds like there is a significant cost, and I do not understand the benefit in addition to what we are already doing.

Mr. EVERETT. Mr. Speaker, the overall goal of this legislation is to put integrity and accountability back in our welfare system and to assure the taxpayers of Pennsylvania that we are spending their tax dollars wisely in our welfare program.

It is not to be punitive in nature. It is not to punish folks. And to the extent that people are identified with problems with drugs still, even after they have been through probation, parole, if they are still having drug problems, the idea is to get them evaluated and to get them in a program. And the long-term savings, as I said, are very difficult to estimate. If we can break that cycle and if we can stop people from using drugs who are on welfare and rehabilitate them, it is very difficult to anticipate or estimate or calculate what those savings are. But if we break the cycle and these folks become productive citizens, we have obviously saved the Commonwealth hundreds of thousands of dollars in welfare benefits down the line.

And again, that is what I said, it is very difficult, and I cannot give you a hard number. But I think when you balance out putting the faith of Pennsylvanians back in the system, that we are doing good things with the welfare system, that we are not subsidizing folks who have continual drug problems, and we are helping those people resolve those problems, I think the money is well spent.

Ms. MUNDY. Thank you, Mr. Speaker.

### LEAVE OF ABSENCE

The SPEAKER. The Speaker returns to leaves of absence and recognizes the majority whip, who requests a leave of absence for the gentleman, Mr. PETRI, from Bucks County for the remainder of the day. Without objection, that leave will be granted.

### CONSIDERATION OF HB 1297 CONTINUED

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

On that question, the Speaker recognizes the gentleman from York County, Mr. DePasquale.

Mr. DePASQUALE. Thank you, Mr. Speaker.

Will the gentleman stand for brief interrogation?

The SPEAKER. The gentleman indicates he will stand for interrogation. You are in order.

Mr. DePASQUALE. Mr. Speaker, as I understand how, at least from the legislation, how the drug test would work, the responsibility for the testing would be done at the county level. Is that correct?

Mr. EVERETT. The legislation does not specify that. DPW will decide how the tests will be done. There is no specificity in the legislation about the county having to do it or who is going to do it, just that the department will promulgate regulations to ensure that the testing is done.

Mr. DePASQUALE. But, Mr. Speaker, considering that it would probably be unrealistic to think we are going to have everything come out of Harrisburg, at some level there would be local testing, so the counties would probably be the most likely destination?

Mr. EVERETT. Again, the idea is that there are already testing mechanisms in place in every county for probation, parole, and for DPW-required testing already. So we are not duplicating testing. This kind of testing is already done. We will

probably just be adding a number of people who need to be tested. And again, it is a pretty small community of welfare recipients that have felony drug convictions within the past 5 years.

Mr. DePASQUALE. Well, Mr. Speaker, if I could continue, considering that the test would likely happen at the county level, and since 2007 we have been cutting assistance to the county level, do you anticipate counties having to hire additional people to perform this function?

Mr. EVERETT. I think that I cannot give you a hard answer for that because it is going to depend upon how the department chooses to implement this program.

I think the fiscal note anticipates that across the DPW system, they may have to add, but these would be split across all of the Commonwealth of Pennsylvania, that it would take approximately 10 equivalent workers spread across the whole department to take on the extra workload.

And I think in some areas it will just get absorbed into what they are already doing, maybe have to add somebody part-time or something. But again, that is going to be up to the department to determine how to best implement this program.

Mr. DePASQUALE. Yeah; I am not sure I would buy the 10, but we will move on since that will obviously— But that is something that at this stage, there is no clear answer as a precise number on. Is that correct?

Mr. EVERETT. That is correct.

Mr. DePASQUALE. Mr. Speaker, just one final area.

We are clearly talking about, the testing would test for illegal drugs. Is that correct?

Mr. EVERETT. Mr. Speaker, that is correct.

Mr. DePASQUALE. Is there an appeal process that is part of this legislation?

Mr. EVERETT. There is not— Again, it is not covered in this legislation. There is already an appeal process in the DPW existing drug-testing process that provides for an appeal of a positive test.

Mr. DePASQUALE. Well, if we already have that drug-testing process, two questions: Why would the legislation not address to make sure that there is an appeal process; and two, if there is already a drug-testing process in place, why the need for this legislation?

Mr. EVERETT. Mr. Speaker, on the first question— What was the first question?

Mr. DePASQUALE. I threw two at you pretty quickly, so let me go and I will ask them one at a time, because I do apologize; I threw them both at you there.

The first question is, if there is already a drug-testing policy in place, why the need for this legislation?

Mr. EVERETT. My understanding is, the existing testing program only applies if somebody identifies that somebody has a problem by visually seeing it. And again, DPW does not get a chance to see these folks regularly.

And again, this is a random testing program for 20 percent of the population that has felony drug convictions within the last 5 years. It is no different than the testing programs that a growing number of folks in private industry are subjected to. So it is, I would say, to make the existing testing program more robust.

The added information that I just learned is that the existing testing program is not in regulation right now. It is sort of policy. It can be done, but there is no regulation, no real program statewide for that testing right now.

Mr. DePASQUALE. And, Mr. Speaker, if I may continue.

Why not put the appeal process specifically in the legislation, considering that, and I will raise in my remarks why I think that is a concern. But that is my question, why specifically not put the appeal process in this legislation?

Mr. EVERETT. Mr. Speaker, we just felt that that would be redundant. There is already an appeal process in DPW regulations for any decision or action taken by the department, so there was no necessity to add that in again. Anytime there is a determination made, there is an appeals process.

Mr. DePASQUALE. I will move on from this point if the speaker would agree that when something is in regulation, that is not in statute; meaning, it does not have the force of law behind that.

Mr. EVERETT. You know, I would agree, but again, everything in this program is going to be promulgated by regulation also. We are just setting up a framework of a program that is going to have to be regulatory also.

Mr. DePASQUALE. There seems to be a lot of faith in unelected bureaucrats. But I will move on that.

Is there a list of specific illegal drugs that will be provided in this legislation?

The SPEAKER. Will the gentleman repeat his question? I think he was distracted.

Mr. DePASQUALE. I am sorry. I apologize, Mr. Speaker. Yes.

Does the legislation provide for specific drugs that would qualify as illegal that would come up in the test?

Mr. EVERETT. No; it just provides for drugs that are currently illegal in Pennsylvania, and then anything that would be added to that, rather than specifying drugs, it is just illegal controlled substances.

Mr. DePASQUALE. There is something that can be an illegal substance but something that may also be illegal for one to take. Has the speaker factored in that you may take prescription drugs illegally even if that drug is legal? Is that addressed in this legislation?

Mr. EVERETT. My understanding is that would be— If one was found to be positive for a prescription drug as part of the appeals process, that would be your grounds that you had not tested positive because you had a prescription for the drug that was identified.

Mr. DePASQUALE. Mr. Speaker, you just spoke of an appeals process, but that is not in the legislation, so how do we know that is addressed in the appeals process?

Mr. EVERETT. The appeals process exists in the Pennsylvania Code now. Any determination made by the Department of Welfare can be appealed. That is already in the code.

Mr. DePASQUALE. Can the speaker describe how that appeal process works? Because the reason why I am focusing on this is I think that is a critical part, because we want to make sure that the people that should not be bumped off for an improper test result are.

Mr. EVERETT. I am not personally familiar with the appeals process. It is Pa. Code Title 55, chapter 275, is the existing appeals process in the Department of Welfare.

Mr. DePASQUALE. But that is entirely administered within the Department of Public Welfare? Does any of that happen at the county level, is my question.

Mr. EVERETT. Mr. Speaker, I do not have the personal knowledge to answer the question.

Mr. DePASQUALE. One final question and I am going to move on to remarks, Mr. Speaker. So if this does move to the county level, the hope would be from the maker of this legislation that that same type of rule that we are not really sure how it works, but we are assuming it works, would then be done at the county level as well? Because if the counties are doing the tests, the appeals would also have to happen at the county level as well.

Mr. EVERETT. Mr. Speaker, it is my understanding that at the county level they still have to follow the department's regulations when they are administering a department program. So those procedures would apply.

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

The SPEAKER. The gentleman is in order on the bill.

Mr. DePASQUALE. Mr. Speaker, we all obviously want to reduce welfare fraud. Some of the concerns I have have actually been addressed here. I recognize the gentleman's sincerity in what he is trying to do. The concern I have is, specifically, is this going to actually lead to increased property taxes? Because if the counties are asked to hire more people to perform these tests, which I believe is going to eventually happen, while the State has been cutting assistance to the counties, it may lead to higher property taxes. That is number one. Number two, without specified drugs on the list, we may end up having people that come up as a bad test result. Without a specified appeal process, again, you may have people that come up as a positive "yes" that should not have been and you may have people that come up as a negative that should have tested as a positive.

I think we would all be better off having this stuff more clearly spelled out in the legislation and having a better idea of what this bill would actually cost the county taxpayers of Pennsylvania and also making sure that if we are going to do this, we do it right and not rely so much on unelected bureaucrats in the Department of Public Welfare, but spell out specifically what we intend for them to do. So I ask that those issues be considered by the legislature as we move to a final vote on this. I thank the Speaker for his time.

The SPEAKER. The Speaker thanks the gentleman.

The question is, shall the bill pass finally?

On that question, the Speaker recognizes the gentleman from Allegheny County, Mr. Dermody.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, over the last several days we have gone over several welfare bills that really have been solutions in search of a problem. With this bill, we just create more problems. The Welfare Code and our laws of Pennsylvania already deal with issues with regard to violation of criminal laws and the ability to abuse welfare benefits by folks on welfare and their ability to purchase drugs. Individuals are not eligible for benefits if they are incarcerated or have been sentenced to a felony or a misdemeanor offense and have not otherwise satisfied the penalties imposed on them already. Individuals are not eligible for benefits if they are in violation of their terms of probation or parole.

Most terms and conditions of probation and parole include provisions that prohibit alcohol use, drug use. If you are in violation of those rules, that would be communicated to the department and you are no longer eligible for benefits. You are ineligible for benefits if you owe fines or restitution from a

criminal case unless compliance of the terms of a payment plan for those costs has been proven. Individuals who fail to appear for a criminal court proceeding when issued a summons are disqualified from receiving benefits today until they have satisfied the summons. They are required to cooperate with other departments concerning this requirement. The DPW has access to the records of the Pennsylvania State Police and the Pennsylvania Board of Probation and Parole to make sure they are in compliance with the terms of their probation, their parole, and their criminal records are checked. If they are in violation, they are not eligible for benefits.

If the DPW determines that a person has an ongoing substance abuse problem that presents a barrier to employment, the individual must participate and maintain and be in compliance with a complete drug and alcohol program as specifically planned for that person. Individuals who receive welfare benefits may not refuse to accept the available drug and alcohol treatment. Treatment providers report to DPW if an individual who receives welfare benefits leaves treatment and the Welfare Department regularly checks the treatment providers to make sure that the recipients remain in treatment, receiving the proper treatment and a proper discharge. If they do otherwise, they are ineligible for benefits.

Individuals with felony drug convictions are to be referred by DPW for evaluation and drug and alcohol treatment. If they do not follow that rule, they are ineligible for benefits already. What are we doing here? We are going to cost the taxpayers money for treatment, for testing that is already done. All these issues that I just discussed are already in law. This is a solution in search of a problem. There is no need for us to follow this. There is no reason for us to pass this bill. It complicates matters, causes more problems for people who are already doing what they are supposed to do to receive their benefits.

Thank you, Mr. Speaker.

On the question recurring,  
Shall the bill pass finally?

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

The following roll call was recorded:

**YEAS—164**

Adolph	Evankovich	Kortz	Rapp
Aument	Evans, J.	Kotik	Ravenstahl
Baker	Everett	Krieger	Readshaw
Barbin	Fabrizio	Kula	Reed
Barrar	Farry	Lawrence	Reese
Bear	Fleck	Longiotti	Roae
Benninghoff	Frankel	Maher	Rock
Bloom	Freeman	Major	Ross
Boback	Gabler	Maloney	Sabatina
Boyd	Geist	Mann	Saccone
Boyle, B.	Gerber	Markosek	Sainato
Boyle, K.	Gibbons	Marshall	Samuelson
Bradford	Gillen	Marsico	Santarsiero
Brennan	Gillespie	Masser	Santoni
Briggs	Gingrich	Matzie	Saylor
Brooks	Godshall	McGeehan	Scavello
Brown, R.	Goodman	Metcalfe	Schroder
Caltagirone	Grell	Metzgar	Shapiro
Carroll	Grove	Miccarelli	Simmons
Causser	Hackett	Micozzie	Smith, K.
Christiana	Hahn	Millard	Smith, M.
Clymer	Haluska	Miller	Sonney

Conklin	Hanna	Milne	Staback
Costa, D.	Harhai	Mirabito	Stephens
Costa, P.	Harhart	Moul	Stern
Cox	Harkins	Mullery	Stevenson
Creighton	Harper	Mundy	Swanger
Culver	Harris	Murphy	Tallman
Cutler	Heffley	Mustio	Taylor
Daley	Helm	Neuman	Tobash
Davidson	Hennessey	O'Neill	Toepel
Davis	Hess	Oberlander	Toohil
Deasy	Hickernell	Pashinski	Truitt
Delozier	Hutchinson	Payne	Turzai
DeLuca	Kampf	Peifer	Vereb
Denlinger	Kauffman	Perry	Vitali
DePasquale	Kavulich	Petrarca	Vulakovich
DeWeese	Keller, F.	Pickett	Watson
DiGirolamo	Keller, M.K.	Pyle	
Dunbar	Keller, W.	Quigley	Smith, S.,
Ellis	Killion	Quinn	Speaker
Emrick	Knowles		

**NAYS—23**

Bishop	DeLissio	Myers	Sturla
Brown, V.	Dermody	O'Brien, M.	Thomas
Brownlee	Donatucci	Parker	Waters
Cohen	Gergely	Payton	Williams
Cruz	Josephs	Preston	Youngblood
Curry	Kirkland	Roebuck	

**NOT VOTING—0**

**EXCUSED—16**

Burns	Galloway	Mahoney	Reichley
Buxton	George	Murt	Wagner
Day	Hornaman	O'Brien, D.	Wheatley
Evans, D.	Johnson	Petri	White

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.

**ANNOUNCEMENT BY SPEAKER**

The SPEAKER. There will be no more votes this afternoon, but you can stick around for friendly debate if you would like, short debate.

**BILLS RECOMMITTED**

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

- HB 48;
- HB 332;
- HB 333;
- HB 398;
- HB 440;
- HB 917;
- HB 1055;
- HB 1301; and
- HB 1255.

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

### PARLIAMENTARY INQUIRY

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

Mr. DeWEESE. A point of parliamentary inquiry.

The SPEAKER. The gentleman will state his inquiry.

Mr. DeWEESE. Next week, Mr. Speaker, would it be possible for me at the end of our voting session to make a couple observations on the management of our process? It is all complimentary to you, I might add, but I want to do it after debate. It has been a long afternoon. I am told by Representative Sainato that there are potential storm warnings in the west, so I do not want to do it. But I might have a 2- or 3-minute observation. From time to time, I think it would be helpful for our exercise here, if after debate is concluded, would it be possible and would it be appropriate to make a couple observations about the management of our institutional prerogatives?

The SPEAKER. The gentleman would certainly be in order under unanimous consent. If he is asking the Speaker if he can try to identify a time that it is not too problematic, we will certainly do that, but he would be under unanimous consent.

Mr. DeWEESE. I realize that.

The SPEAKER. That would only be assuring that you would temper the remarks.

Mr. DeWEESE. Mr. Speaker, I realize that, and I would never do it unless it were very convenient for the membership.

### STATEMENT BY MR. ELLIS

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

Mr. ELLIS. Under unanimous consent, Mr. Speaker.

The SPEAKER. The gentleman is recognized under unanimous consent.

Mr. ELLIS. Mr. Speaker, I would just like to take this opportunity to wish your chief of staff, Anthony Aliano, a happy birthday as he will now be entering his last year in the thirties.

The SPEAKER. The gentleman's unanimous consent is withdrawn.

Mr. ELLIS. Okay. Thank you very much, Mr. Speaker.

The SPEAKER. The Speaker was doing that to protect the gentleman.

### REMARKS SUBMITTED FOR THE RECORD

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

Mr. MASSER. I would like to submit remarks for the record, please.

The SPEAKER. The gentleman will deliver the remarks to the clerk.

Mr. MASSER 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 Aaron Krum, 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 Aaron Krum.

Whereas, Aaron Krum 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. Aaron is a member of Troop 39.

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 Aaron Krum.

### VOTE CORRECTION

The SPEAKER. For what purpose does the gentlelady, Ms. Donatucci, rise?

Ms. DONATUCCI. Mr. Speaker, my button malfunctioned on this last vote. I was recorded as a "no." I would like to be recorded as a "yes."

The SPEAKER. The lady's remarks will be spread upon the record. Thank you.

Ms. DONATUCCI. Thank you, Mr. Speaker.

### BILLS REMOVED FROM TABLE

The SPEAKER. The Speaker recognizes the majority leader, who moves that the following bills be removed from the tabled calendar and placed on the active calendar:

HB 3;  
HB 257;  
HB 285;  
HB 584;  
HB 585;  
HB 586;  
HB 860;  
HB 869;  
HB 1022;  
HB 1330;  
HB 1345; and  
SB 199.

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

### BILL REMOVED FROM TABLE

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 563 be removed from the tabled calendar and placed on the active calendar.

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

**BILL TABLED**

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 563 be removed from the active calendar and placed on the tabled calendar.

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

**RESOLUTION REMOVED FROM  
UNCONTESTED CALENDAR**

The SPEAKER. The Speaker states for the record that HR 168 should be removed from the uncontested calendar and placed on the active calendar.

**BILLS AND RESOLUTIONS PASSED OVER**

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

**ADJOURNMENT**

The SPEAKER. The Speaker recognizes the lady, Ms. Toohil, from Luzerne County, who moves that this House do adjourn until Monday, May 2, 2011, at 1 p.m., e.d.t., unless sooner recalled by the Speaker.

On the question,  
Will the House agree to the motion?  
Motion was agreed to, and at 5 p.m., e.d.t., the House adjourned.