

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

TUESDAY, APRIL 17, 2018

SESSION OF 2018

202D OF THE GENERAL ASSEMBLY

No. 14

### HOUSE OF REPRESENTATIVES

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

#### THE SPEAKER (MIKE TURZAI) PRESIDING

#### PRAYER

HON. KAREN BOBACK, member of the House of Representatives, offered the following prayer:

On this glorious day, dear Father, let us be mindful of the abundance of blessings You have bestowed on this great Commonwealth. We pray for Your guidance in our roles as caregivers as well as benefactors of a State that boasts agricultural bounty, natural resources beyond reproach, and the historical foundation of a nation that is second to none.

May those of us who work within these great walls never forget this heritage and the responsibility we inherited from the legacy of William Penn. May we be ever mindful of this Holy Experiment and dedicate our professional lives to maintaining the dignity of what was Penn's quest, and now ours.

And in all that we do, dear God, may we represent You first, and then those who sent us to this great House. 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 Monday, April 16, 2018, will be postponed until printed.

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

**HB 415, PN 3354** (Amended) By Rep. O'NEILL

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in inheritance tax, further providing for definitions and for inheritance tax.

FINANCE.

**HB 466, PN 3355** (Amended) By Rep. METCALFE

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in officers serving process and enforcing orders, further providing for powers and duties of the sheriff.

STATE GOVERNMENT.

**HB 1843, PN 3356** (Amended) By Rep. METCALFE

An Act amending Title 72 (Taxation and Fiscal Affairs) of the Pennsylvania Consolidated Statutes, providing for budget and for financial transparency.

STATE GOVERNMENT.

**HB 2213, PN 3231** By Rep. WATSON

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code, in children and youth, further providing for adoption opportunity payments and reimbursement.

CHILDREN AND YOUTH.

#### BILLS REPORTED AND REREFERRED TO COMMITTEE ON AGING AND OLDER ADULT SERVICES

**HB 1925, PN 2717** By Rep. O'NEILL

An Act authorizing municipalities to implement senior citizen tax reduction incentive volunteer exchange programs.

Reported from Committee on FINANCE with request that it be rereferred to Committee on AGING AND OLDER ADULT SERVICES.

**HB 2040, PN 2974** By Rep. O'NEILL

An Act authorizing public school districts to implement a senior tax reduction incentive volunteer exchange program.

Reported from Committee on FINANCE with request that it be rereferred to Committee on AGING AND OLDER ADULT SERVICES.

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

**SENATE MESSAGE**HOUSE BILL  
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 1341, PN 2065**, with information that the Senate has passed the same without amendment.

**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 16, 2018

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, April 23, 2018, 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 Senate recesses the week of April 23, 2018, it reconvene on Monday, May 21, 2018, 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, April 30, 2018, unless sooner recalled by the Speaker of the House of Representatives.; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the House of Representatives recesses the week of April 30, 2018, it reconvene on Tuesday, May 22, 2018, 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.

**BILL SIGNED BY SPEAKER**

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

**HB 1341, PN 2065**

An Act amending the act of July 7, 2008 (P.L.654, No.55), known as the Bituminous Coal Mine Safety Act, in emergency medical personnel, further providing for definitions, for emergency medical personnel, for regulations, for continuing training, for certification and for liability.

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

The SPEAKER. All members, please take your seats. We have some folks that have traveled some distance to be with us. Thank you.

**FORMER MEMBER WELCOMED**

The SPEAKER. Members, we always like to welcome back to the House a former member and great friend to so many of the members here – our good friend, Representative Art Hershey, Chairman Art Hershey, and his lovely wife, Joyce. Representative Hershey served this body from 1982 to 2008, from Chester County, and he is the predecessor of the good man, Representative John Lawrence. Art, we are so glad to have you here today. You were an outstanding member and an outstanding chair. Please stand with your lovely wife, Joyce.

Many of you may know that Art also chaired the prayer breakfast, I think for at least 2 years, Art, if I am not mistaken. And we met up again today. Art, you are always welcome back. Thanks for being with us, our good friend. Your grandson keeps up the farming, though? Your son keeps up the farming.

Just a great, great man.

**FILMING PERMISSION**

The SPEAKER. We are going to let onto the House floor some media. Ryan Brandenburg – I believe I am saying that correctly – from Temple University is going to be taking some still photos.

**GUESTS INTRODUCED**

The SPEAKER. The Sergeants at Arms will open the doors of the House. We are going to do additional guest recognitions, particularly, first, our guest pages who have work to do. They include guest page Daniel Mainieri III. Daniel attends Pennridge High School, and his dad is in the gallery, Dan. And they are the guests of Representative Marguerite Quinn and Representative Craig Staats. Thank you so much for being with us today, Daniel.

Micah Pepper and Caleb Shuffler; these good gentlemen attend West Shore Christian Academy, and they are the guests of Representative Sheryl Delozier. Thanks for being with us, guys.

To my left, a guest of Representative Donna Oberlander. She is a recent graduate of Clarion University, Samantha Bonner. Samantha, please stand. Great to have you here today, Samantha.

Representative Marcy Toepel has students participating in the Montgomery County Community College Legislator Shadowing Program. As I announce your name, please stand: Tori Armstrong, Christine Holland, Allison Kurlak, Mimi Petrova, Naomi Smith, and Fahema Sultana. Thank you so much for being with us today. Thank you.

To my left, guests of Representative Gene DiGirolamo, and they include Dr. Stephen Medvec, a professor at Holy Family University, and he is here with students Alisia Flemings, Tiana Baldwin, and Jennifer Sanchez. Thank you so much for being with us today. Thank you.

In the rear of the House – and we are going to need to bring him up to the front – are guests of Representative Topper. Mark Finlay – where is Mark? Mark, please stand. Mark, great to see

you, sir. He spoke at this morning's Commonwealth Prayer Breakfast that was chaired by Representative Harry Readshaw and Representative Jesse Topper, along with Senators DiSanto and Street. This good man is a native of Belfast, Northern Ireland, and he has with him, and if they will please stand, Karen Finley, Rob Fields, David Jackson, and Tyler Jackson. Thank you so much for joining us here today. We are very honored.

Mark has a very powerful story with respect to the quote, unquote, "troubles" that afflicted Northern Ireland, you know, the religious and cultural strife, and we are very honored that he would be with us today.

In the rear of the House, we welcome David and Estra Devore. They are participating in the American Cancer Society's Day at the Capitol, and they are guests of Representative Tina Davis. Would you please stand. Oh, they are right back there to my right. Thank you.

Representative Stephens has some guests with us. Please stand as I announce your name: Tracy Phillips and Richard Phillips, and their children, Avery and Reagan. Please stand. Thank you so much for being with us today.

Eli Warner, please stand. Eli is shadowing Representative Steve Bloom for the day, and he is a junior at Big Spring High School. Great to see you, Eli. Thank you, buddy.

In the gallery, so you will have to please stand, are the American Cancer Society Relay Team members from Daniel Boone High School. They are guests of Representative Dave Maloney, and we are so honored. Please stand, that team. Great to have you here. Representative Maloney's son I know was a track and cross-country star. I wonder if any of you ran with him.

Representative Tarah Toohil has, in the gallery, Lukeman Harvery and Dwendy Johnson. Please stand. Thank you so much for being with us today. Thank you.

### HAZIM HARDEMAN PRESENTED

The SPEAKER. Representative Murt, Representative Thomas, and Representative Vanessa Brown, please come up to the front. Representative Curtis Thomas, Representative Tom Murt, and Representative Vanessa Brown.

I ask this person to please stand: Hazim Hardeman, please stand. Hazim, can you just please come up here to the rostrum. Just step right up with us. These good individuals are going to tell you all the details. They are going to come right up here. But here is what is so impressive – they are going to give you much of the background – this good man is Temple University's first Rhodes Scholar; Temple University's first Rhodes Scholar.

None of us gets to meet many Rhodes Scholars in our lives, so we are very honored to have you here, Hazim. And I will turn it over to Representative Vanessa Brown. We have Representative Curtis Thomas and Representative Tom Murt.

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

I am really excited today. Today we welcome to the House floor Hazim Hardeman, Temple University's first recipient of the Rhodes Scholarship, the oldest and most prestigious international academic award available to students from the United States. Rhodes Scholarships provide all expenses for 2 to 3 years of study at the University of Oxford in England, where Hazim will pursue his master's degree. Hazim is a native North

Philadelphian, who group up a few blocks from Temple's main campus. He graduated from the Klein College of Media and Communication magna cum laude of 2017.

Rhodes Scholars are often chosen in a two-stage process. First, applicants must be endorsed by their college or university, and listen to this: in 2017 more than 2,500 students sought the institution's endorsement; only 866 were endorsed by 299 different colleges and universities. Committees of selection in each of the 16 U.S. scholarship districts then invite the strongest applicants to appear before them for an interview. Only 32 were selected, and Hazim, who resides in the 190th Legislative District, which I represent, is one of them. He was selected not only for his outstanding scholarly achievements, but for his character, his commitment to others and to common good, and his potential for leadership throughout his career.

Hazim truly represents Pennsylvania's promise. He proves that our students have talent and the desire to succeed. It is our duty, for the sake of our State and our country, to provide them with the resources they need to thrive in school, as citizens, and to our society as a whole.

Hazim, on behalf of the 190th Legislative District, Representative Tom Murt, and Representative Curtis Thomas, and all of the State House of Representatives of Pennsylvania, I wish you the best. We know that you will make the most out of this new endeavor. This is just the beginning.

And I could not forgive myself if I did not mention your mom. A shout-out to Hazim's mother, Gwendolyn, for overcoming obstacles and supporting him all the way. And she regrets that she cannot be here. She is in Atlanta taking care of her mother, taking care of her mom, because that is where he gets all that good character and community service.

Hazim Hardeman, we congratulate you and we will be expecting to celebrate your next achievement back here on the House of Representatives floor. Thank you so much for all that you have contributed to our society, Hazim.

Thank you, Mr. Speaker.

The SPEAKER. Thank you so much.

Representative Murt.

Mr. MURT. Thank you, Mr. Speaker.

Mr. Speaker, the Rhodes Scholarship is the oldest international fellowship in the world, established after the death of British statesman Cecil Rhodes in 1902. It brings outstanding students from countries around the world to pursue studies in all the fields and academic disciplines available at the University of Oxford, the oldest university in the English-speaking world. Only 32 students from our great nation are chosen, Mr. Speaker, and that is from a pool of more than 1500 undergraduates and recent college graduates. Rhodes Scholars hail from a wide range of academic institutions and from all walks of life, but above all, the selection committees seek applicants who offer the promise of effective service to the world. In that way, Rhodes Scholarships are investments in individuals who bring their expanded academic achievements back to their countries.

Mr. Speaker, Rhodes Scholars are judged on many standards, including literary and scholastic achievements, the energy used to attain one's talents, devotion to duty, sympathy and empathy for the weak, and the moral force of character and instincts to lead your fellow human beings. Rhodes Scholars are more than academics; they are intellectual talents who demonstrate a concern for others. Mr. Speaker, Hazim Hardeman epitomizes all these traits. He has not only made Philadelphia proud, but

the entire Commonwealth, as the first Temple University student to receive this recognition.

I am proud to stand as a Representative of the State, this legislature, of Temple University, and my caucus to say, Hazim, well done. You have made us proud. God bless you.

The SPEAKER. Representative Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Let me extend my thanks and appreciation to my colleagues and for my colleagues on both sides of the aisle in coming together to salute this young man, Hazim Hardeman. My colleague from the 190th Legislative District acknowledged that Hazim and his family live in her district, but I am here to tell you that Hazim started out, was educated, and became a Rhodes Scholar from the best legislative district in the Commonwealth of Pennsylvania – second to only your own – the 181st Legislative District, which is the home of Temple University and the home of Hazim Hardeman.

So, young man, I thank you. I thank you for representing Temple University, but more importantly, I thank you for representing North Philadelphia, a place where young people might have struggles but can reach and complete their dreams. And so I say to you, stay strong, hold your head up, and continue to allow excellence to become the hallmark of your education.

Thank you, Mr. Speaker.

The SPEAKER. Members, if we could give a standing ovation to this good young man, a great role model for so many of our students in Pennsylvania.

### JEANNETTE SENIOR HIGH SCHOOL FOOTBALL TEAM PRESENTED

The SPEAKER. Members, we have a team that has traveled a great distance to be with us today. These young men and coaches in front, and then those that are going to accept the citation behind us, they have traveled from Westmoreland County.

Representative Justin Walsh, the floor is yours, sir.

Mr. WALSH. Thank you, Mr. Speaker.

Today I am very pleased to be joined on the House floor by the Jeannette Jayhawks Football Team. The team captured the 2017 PIAA Class A State title on December 7 at Hersheypark Stadium. The Jayhawks defeated Homer Center by a score of 42 to 12. This is the second State title in the school's history. The first one happened exactly a decade earlier while being led by current NFL (National Football League) player Terrelle Pryor.

This year's team compiled an impressive record of 15 wins and 1 loss for the season. It also was the WPIAL Class A Champion. The football team has won the district championship nine times in the school's history, the fourth highest in the WPIAL. Many stars shine bright on the Jayhawks' sidelines this year, including Robert Kennedy. Robert was named the Pennsylvania Football Co-Player of the Year for Class A, as part of the Pennsylvania Football Writers' All-State Team. He was also named "Small School Mr. Pennsylvania Football." He played quarterback, receiver, and defensive back for Jeannette. Another Jayhawk, Jalen Jones, who played defensive lineman, was also named to the All-State Team.

I am joined on the rostrum today by captains Robert Kennedy, Tre Cunningham, and Ian Smith; head coach Roy Hall; and athletic director Bill Petko.

Coach Hall has coached with the Jeannette program for 32 years and as head coach for the past nine seasons. Other members of the team are in front of me, as well as four members of the Jeannette School District School Board and the superintendent. I could not be more proud of the Jayhawks' accomplishments.

Mr. Speaker, I ask my colleagues to join me in honoring these exemplary young athletes.

Thank you, Mr. Speaker.

The SPEAKER. Thank you very, very much, Representative Walsh.

What an outstanding team. Great to have you travel all this distance.

### GUESTS INTRODUCED

The SPEAKER. Laura Chisholm of Immaculata University Community Relations is in the gallery. Thank you so much – where is Laura? Thanks for being with us.

Coach and players and Representative Walsh, if you could just come up front and we will get a team photo for everybody. You could do a group that would just kneel. If the front row could just kneel down. Just take a knee, the front row – or no.

Thank you very much, team. All the best.

Located in the rear of the House, we welcome Michael Suter. Michael is a student at York College and is with Chairman Stephen Barrar today. Please stand. Thank you so much. It is great to have you here today, Michael.

### LEAVES OF ABSENCE

The SPEAKER. The majority whip requests a leave of absence for Representative Kurt MASSER of Northumberland County for the day. Without objection, that will be granted.

The minority whip requests leaves of absence for the following members: Representative Tony DeLUCA of Allegheny County for the day, Representative Angel CRUZ of Philadelphia County for the day, and Representative Flo FABRIZIO of Erie County for the day. Without objection, those will be granted.

### MASTER ROLL CALL

The SPEAKER. We are going to move to the master roll. Members, please proceed to vote.

The following roll call was recorded:

#### PRESENT—195

|             |            |           |          |
|-------------|------------|-----------|----------|
| Barbin      | English    | Kulik     | Readshaw |
| Barrar      | Evankovich | Lawrence  | Reed     |
| Benninghoff | Evans      | Lewis     | Reese    |
| Bernstine   | Everett    | Longietti | Roae     |
| Bizzarro    | Farry      | Mackenzie | Roe      |



|             |              |            |             |
|-------------|--------------|------------|-------------|
| Bloom       | Fee          | Madden     | Roebuck     |
| Boback      | Fitzgerald   | Maher      | Rothman     |
| Boyle       | Flynn        | Mako       | Rozzi       |
| Bradford    | Frankel      | Maloney    | Ryan        |
| Briggs      | Freeman      | Markosek   | Saccone     |
| Brown, R.   | Fritz        | Marshall   | Sainato     |
| Brown, V.   | Gainey       | Marsico    | Samuelson   |
| Bullock     | Galloway     | Matzie     | Sankey      |
| Burns       | Gillen       | McCarter   | Santora     |
| Caltagirone | Gillespie    | McClinton  | Saylor      |
| Carroll     | Godshall     | McGinnis   | Schemel     |
| Causser     | Goodman      | McNeill    | Schlossberg |
| Cephas      | Greiner      | Mehaffie   | Schweyer    |
| Charlton    | Grove        | Mentzer    | Simmons     |
| Christiana  | Haggerty     | Metcalfe   | Sims        |
| Comitta     | Hahn         | Metzgar    | Snyder      |
| Conklin     | Hanna        | Miccarelli | Solomon     |
| Cook        | Harkins      | Millard    | Sonney      |
| Corbin      | Harper       | Miller, B. | Staats      |
| Corr        | Harris, A.   | Miller, D. | Stephens    |
| Costa, D.   | Harris, J.   | Milne      | Sturla      |
| Costa, P.   | Heffley      | Moul       | Tallman     |
| Cox         | Helm         | Mullery    | Taylor      |
| Culver      | Hennessey    | Murt       | Thomas      |
| Cutler      | Hickernell   | Mustio     | Tobash      |
| Daley       | Hill         | Neilson    | Toepel      |
| Davidson    | Irvin        | Nelson     | Toohil      |
| Davis, A.   | James        | Nesbit     | Topper      |
| Davis, T.   | Jozwiak      | O'Brien    | Vazquez     |
| Dawkins     | Kampf        | O'Neill    | Vitali      |
| Day         | Kaufer       | Oberlander | Walsh       |
| Dean        | Kauffman     | Ortitay    | Ward        |
| Deasy       | Kavulich     | Pashinski  | Warner      |
| DeLissio    | Keefer       | Peifer     | Warren      |
| Delozier    | Keller, F.   | Petrarca   | Watson      |
| Dermody     | Keller, M.K. | Pickett    | Wentling    |
| Diamond     | Keller, W.   | Pyle       | Wheatley    |
| DiGirolamo  | Kim          | Quigley    | Wheeland    |
| Donatucci   | Kinsey       | Quinn, C.  | White       |
| Dowling     | Kirkland     | Quinn, M.  | Youngblood  |
| Driscoll    | Klunk        | Rabb       | Zimmerman   |
| Dunbar      | Knowles      | Rader      |             |
| Dush        | Kortz        | Rapp       | Turzai,     |
| Ellis       | Krueger      | Ravenstahl | Speaker     |
| Emrick      |              |            |             |

ADDITIONS—0

NOT VOTING—0

EXCUSED—5

|        |          |        |        |
|--------|----------|--------|--------|
| Cruz   | Fabrizio | Gabler | Masser |
| DeLuca |          |        |        |

LEAVES ADDED—6

|           |              |     |        |
|-----------|--------------|-----|--------|
| Corr      | Dean         | Kim | Thomas |
| Davis, T. | Keller, M.K. |     |        |

LEAVES CANCELED—3

|        |              |        |  |
|--------|--------------|--------|--|
| DeLuca | Keller, M.K. | Masser |  |
|--------|--------------|--------|--|

The SPEAKER. One hundred and ninety-five members having voted on the master roll, we have a quorum.

UNCONTESTED CALENDAR

RESOLUTIONS PURSUANT TO RULE 35

Mr. CHRISTIANA called up **HR 728, PN 3082**, entitled:

A Resolution recognizing April 17, 2018, as "World Hemophilia Day" in Pennsylvania.

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Mr. KINSEY called up **HR 753, PN 3133**, entitled:

A Resolution designating April 17, 2018, as "Tuskegee Airmen Day" in Pennsylvania.

\* \* \*

Mr. FREEMAN called up **HR 762, PN 3177**, entitled:

A Resolution recognizing the month of May 2018 as "Bladder Cancer Awareness Month" in Pennsylvania.

\* \* \*

Mr. MURT called up **HR 770, PN 3190**, entitled:

A Resolution recognizing the week of April 16 through 22, 2018, as "Shaken Baby Syndrome Awareness Week" in Pennsylvania.

\* \* \*

Mr. LONGIETTI called up **HR 783, PN 3221**, entitled:

A Resolution designating the week of April 15 through 21, 2018, as "Pittsburgh Life Sciences Week 2018" in Pennsylvania.

\* \* \*

Mr. HEFFLEY called up **HR 786, PN 3234**, entitled:

A Resolution commemorating the 175th anniversary of Carbon County.

\* \* \*

Mr. DIAMOND called up **HR 797, PN 3256**, entitled:

A Resolution commemorating the 250th anniversary of the Borough of Myerstown.

\* \* \*

Mr. MARSICO called up **HR 803, PN 3262**, entitled:

A Resolution recognizing April 27, 2018, as "Arbor Day," promoting public participation in the celebration and recognizing the value of trees to our environment.

\* \* \*

Ms. KRUEGER called up **HR 834, PN 3339**, entitled:

A Resolution designating the month of May 2018 as "Fibromuscular Dysplasia Awareness Month" in Pennsylvania.

\* \* \*

Mr. J. HARRIS called up **HR 835, PN 3340**, entitled:

A Resolution honoring the 40th anniversary of Cheyney University's 1977-1978 men's Division II National Championship Basketball Team.

\* \* \*

Mr. GAINNEY called up **HR 836, PN 3341**, entitled:

A Resolution recognizing the efforts and contributions that the architectural community and AIA Pennsylvania have made to celebrate and promote equity, diversity and inclusion within the profession of architecture and in workplaces throughout this Commonwealth.

On the question,  
Will the House adopt the resolutions?

The following roll call was recorded:

YEAS—195

|             |              |            |             |
|-------------|--------------|------------|-------------|
| Barbin      | English      | Kulik      | Readshaw    |
| Barrar      | Evankovich   | Lawrence   | Reed        |
| Benninghoff | Evans        | Lewis      | Reese       |
| Bernstine   | Everett      | Longietti  | Roae        |
| Bizzarro    | Farry        | Mackenzie  | Roe         |
| Bloom       | Fee          | Madden     | Roebuck     |
| Boback      | Fitzgerald   | Maher      | Rothman     |
| Boyle       | Flynn        | Mako       | Rozzi       |
| Bradford    | Frankel      | Maloney    | Ryan        |
| Briggs      | Freeman      | Markosek   | Saccone     |
| Brown, R.   | Fritz        | Marshall   | Sainato     |
| Brown, V.   | Gainey       | Marsico    | Samuelson   |
| Bullock     | Galloway     | Matzie     | Sankey      |
| Burns       | Gillen       | McCarter   | Santora     |
| Caltagirone | Gillespie    | McClinton  | Saylor      |
| Carroll     | Godshall     | McGinnis   | Schemel     |
| Causser     | Goodman      | McNeill    | Schlossberg |
| Cephas      | Greiner      | Mehaffie   | Schweyer    |
| Charlton    | Grove        | Mentzer    | Simmons     |
| Christiana  | Haggerty     | Metcalfe   | Sims        |
| Comitta     | Hahn         | Metzgar    | Snyder      |
| Conklin     | Hanna        | Miccarelli | Solomon     |
| Cook        | Harkins      | Millard    | Sonney      |
| Corbin      | Harper       | Miller, B. | Staats      |
| Corr        | Harris, A.   | Miller, D. | Stephens    |
| Costa, D.   | Harris, J.   | Milne      | Sturla      |
| Costa, P.   | Heffley      | Moul       | Tallman     |
| Cox         | Helm         | Mullery    | Taylor      |
| Culver      | Hennessey    | Murt       | Thomas      |
| Cutler      | Hickernell   | Mustio     | Tobash      |
| Daley       | Hill         | Neilson    | Toepel      |
| Davidson    | Irvin        | Nelson     | Toohil      |
| Davis, A.   | James        | Nesbit     | Topper      |
| Davis, T.   | Jozwiak      | O'Brien    | Vazquez     |
| Dawkins     | Kampf        | O'Neill    | Vitali      |
| Day         | Kaufer       | Oberlander | Walsh       |
| Dean        | Kauffman     | Ortitay    | Ward        |
| Deasy       | Kavulich     | Pashinski  | Warner      |
| DeLissio    | Keefer       | Peifer     | Warren      |
| Delozier    | Keller, F.   | Petrarca   | Watson      |
| Dermody     | Keller, M.K. | Pickett    | Wentling    |
| Diamond     | Keller, W.   | Pyle       | Wheatley    |
| DiGirolamo  | Kim          | Quigley    | Wheeland    |
| Donatucci   | Kinsey       | Quinn, C.  | White       |
| Dowling     | Kirkland     | Quinn, M.  | Youngblood  |
| Driscoll    | Klunk        | Rabb       | Zimmerman   |
| Dunbar      | Knowles      | Rader      |             |
| Dush        | Kortz        | Rapp       | Turzai,     |
| Ellis       | Krueger      | Ravenstahl | Speaker     |
| Emrick      |              |            |             |

NAYS—0

NOT VOTING—0

EXCUSED—5

Cruz  
DeLuca

Fabrizio

Gabler

Masser

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

The SPEAKER. Will the Sergeants at Arms please bring up the Cheyney University Men's Basketball Team, the champions. Can you bring them up to the rostrum? Please come on up to the front. Just come right down the aisle and come right up here.

Representative Jordan Harris is recognized. Please come up here, Jordan, if you do not mind, Representative Harris.

After Representative Harris, then I would ask Representative Kinsey and Representative Lewis to please bring their guests from the Tuskegee Airmen. If you could have them ready to come up to the floor. They will come down this side. Come down to my right to come up to the rostrum over here. After we do this presentation here, they will be next.

Members, please take your seats. These guests have traveled a long distance. Please take your seats.

**CHEYNEY UNIVERSITY 1977-78  
MEN'S BASKETBALL TEAM PRESENTED**

The SPEAKER. Representative Jordan Harris, the floor is yours, sir.

Representative Harris, please proceed.

Mr. J. HARRIS. Thank you, Mr. Speaker.

Mr. Speaker, it is my pleasure to stand in this great House to recognize stellar athletes and the anniversary of a culminating moment of their athletic ability. Mr. Speaker, we have the privilege of having Cheyney University as being one of the 14 State-owned and operated universities. As you know, Cheyney University is also the nation's first historically Black college and university.

Mr. Speaker, 40 years ago the gentlemen behind me did something extraordinary, when in 1978 these gentlemen won the NCAA Division II National Championship. Mr. Speaker, I am so proud to stand here today as a person who supports the great work at Cheyney University to honor them on this momentous occasion of this 40th anniversary.

So, Mr. Speaker, behind us we have Duane Coleman, Milt Colston, Andrew "Dip" Fields, Jeffrey "White Mouse" Hutcherson, Roger "Bird" Leysath, and Arthur "Suga Bear" Stone. Brother Stone, I will ask you about the "Suga Bear" part a little later. Forty years ago the famed coach of this momentous and amazing team was the great coach that we know as John Chaney, and as you know, John Chaney left Cheyney University and went on to be an awesome coach at Temple University as well.

So, Mr. Speaker, it is my pleasure to recognize these gentlemen on this great occasion of the 40th anniversary of them winning the NCAA Division II Men's Basketball Championship.

Thank you, Mr. Speaker.

The SPEAKER. Gentlemen, you are going to have to tell us, who did you beat in the game and where did you play the game? You beat the University of Wisconsin-Green Bay, and they played the game at Southwest Missouri State. And that is really, what an accomplishment, and thank you so much for taking the time to be with us today. The 40th anniversary of the NCAA Division II Champion Basketball Team. Thank you.

Oh, yes, we also have some guests in the back. Would they please rise, and Representative Harris, will you introduce them.

Mr. J. HARRIS. Well, I am not going to name everybody, but I will say we have some – everybody in the back, come on, with Cheyney, stand up. All right. All of our friends from Cheyney University. Some of our cheerleaders from that squad are back there. I think they want to give us a cheer. No, you all do not? Okay. All right.

I do want to make mention of Attorney Michael Coard, who has to be one of the biggest supporters of Cheyney University and has been one of the strongest supporters to keep the university open. Thank you, Attorney Michael Coard.

Thank you, Mr. Speaker.

The SPEAKER. Thank you, Representative Harris.

To our Sergeants at Arms, if you could bring up the Tuskegee Airmen next.

### TUSKEGEE AIRMEN PRESENTED

The SPEAKER. Representative Kinsey, Representative Lewis, if you will join us right here.

Representative Kinsey, please, the floor is yours.

Members, if you will please take your seats. These distinguished guests are going to be introduced.

Mr. KINSEY. Thank you, Mr. Speaker.

Mr. Speaker, no history book or movie can compare with history being made here today. What started as an experiment, simply due to the color of one's skin, became history in the making. Known as the first Black military aviators in the United States Army Corps, these brave African-American military pilots fought courageously in World War II. They fought with distinction in the war abroad, as well as the war at home. These brave men continued to serve their country and their communities despite the adversity that they faced.

Mr. Speaker, history tells us only a part of this story; 992 pilots trained in Tuskegee, 335 Tuskegee Airmen deployed overseas; 66 pilots killed in action, and 43 pilots were captured as prisoners of war. Mr. Speaker, the Tuskegee Airmen flew over 1500 combat missions, 200 bomber-escort missions, 112 enemy aircrafts were destroyed by them in the air, and an additional 1500 were destroyed on the ground – by this experimental group.

The Tuskegee Airmen have received numerous awards for their feats, including the Silver Star, 96 Distinguished Flying Crosses, 14 Bronze Stars, 744 Air Medals, 8 Purple Hearts, and the Congressional Gold Medal, which was presented by President George W. Bush in 2007.

Mr. Speaker, on behalf of Representative Lewis and I, we are honored to present to this august body two of the original Tuskegee Airmen, who are here with us today: Dr. Eugene Richardson, Jr., and Mr. Nathan Thomas. And, Mr. Speaker, we are also joined by members of the Greater Philadelphia chapter of the Tuskegee Airmen, and this is an organization, folks, that helps keep the legacy of the Tuskegee Airmen alive.

So I want to thank Dr. Richardson and I want to thank Mr. Nathan Thomas for what they have done for our country, what they have done for our communities, and I want to thank the Greater Philadelphia chapter just for keeping the legacy of the Tuskegee Airmen alive.

Thank you, Mr. Speaker.

The SPEAKER. Thank you, Representative Kinsey.

Representative Freeman has some guests here with him, if he could come down to the rostrum.

### STATEMENT BY MR. FREEMAN

The SPEAKER. Representative Freeman, you may proceed, sir.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, I want to thank the members of the House for their unanimous vote in favor of HR 762, which recognizes the month of May as "Bladder Cancer Awareness Month" here in the Commonwealth of Pennsylvania. Over half a million Americans throughout the United States live with bladder cancer, and it is estimated that this year over 4200 Pennsylvanians will be diagnosed with this form of cancer. Bladder cancer affects people of all ages and all backgrounds and is among the top 10 cancers with the highest incidence rates in the United States, with Pennsylvania being ranked sixth in cancers being diagnosed. Military veterans are more likely than nonveterans to be diagnosed with bladder cancer, and even when diagnosed at the same stage as men, women have worse survival rates than men.

Bladder cancer is one of the most expensive cancers to treat and has a high recurrence rate of approximately anywhere from 50 percent to 80 percent. It is a form of cancer that requires lifelong surveillance due to this high rate of recurrence. However, bladder cancer is treatable, but if the detection and treatment are delayed, the life expectancy of the individual decreases dramatically.

A lack of awareness about bladder cancer within the medical community and among the general public has limited research advancements for this disease, as no new treatments have been developed for more than 20 years. That is why increased awareness is so critical to promote early diagnosis to ensure higher survival rates and to bolster public support for medical treatment, and hopefully, to generate greater funding for innovative research and development related to diagnostic tools and treatment options.

In the forefront of raising awareness about bladder cancer is the Bladder Cancer Advocacy Network, whose community of patients, caregivers, and specialists promote greater public awareness of this insidious disease, and through greater awareness, foster hope and support, advocate for funding and research, and perform an essential active role in the fight to end bladder cancer.

With us today are members of the Pennsylvania chapter of the Bladder Cancer Advocacy Network. Each one of them has been touched by the disease. They have either endured it themselves or have experienced seeing their loved ones, friends, or other family members affected by this form of cancer. I would like to take this opportunity to recognize those members of the Bladder Cancer Advocacy Network who are with us here today. They are in the rear of the House. As I call out your name, please stand, and I would ask the members to hold their applause until everyone has been introduced. With us is Marge Coffin, Pennsylvania chapter president; Kyle DeMartyn, chapter vice president; Valerie Walker; Marilyn Sutton; and Tom and Jenifer Donnelly. I would ask the House to please give a warm welcome to our guests.

Thank you. You may be seated.

We appreciate all the good work that you do in advocating for greater awareness of this terrible disease and on behalf of the work that needs to be done to provide better treatment and a cure. So thank you, and again, my thanks to the members for their support of HR 762.

Thank you, Mr. Speaker.

The SPEAKER. Thank you so much.

I am a little hesitant, and I hope you will not get upset with me, but who does a better job – who has ever really done a better job, in my humble opinion, at least in my tenure – in the role of Chief Clerk, bringing everybody together, making the operation more efficient and responsive to serve the citizens of the Commonwealth of Pennsylvania, other than our great friend, Dave Reddecliff? And this is a good man who has beaten bladder cancer, and we just love having him here.

Now, of course, when you have the love of his wonderful wife, Carole, and his three lovely children, Maggie, Hannah, and Andrew, I am sure that helps a lot. But, Dave, we are so glad that you are doing so well. Thank you, my great friend. Thank you.

And, Representative Freeman, thanks so much for providing us with that awareness.

#### STATEMENT BY MS. KRUEGER

The SPEAKER. Representative Krueger-Braneky is here on HR 834, and she has some guests as well.

Representative, you may proceed.

Ms. KRUEGER. Thank you, Mr. Speaker.

And thank you, colleagues, for your unanimous support of HR 834, recognizing May as "Fibromuscular Dysplasia Awareness Month" in Pennsylvania and for offering support to patients diagnosed with it. Fibromuscular dysplasia is a disease that causes arteries in the body to develop abnormal cells that cause narrowing, aneurysms, and tears, which can cause more serious and deadly situations throughout the body. FMD affects women far more commonly than men, although men and children can be affected with the disease. The cause of FMD is not yet known, and it is difficult to ascertain the number of people who could have the disease because the disease presents itself without symptoms for so long. In fact, many people with FMD are diagnosed by accident through a radiology scan for another problem, which is why it is so important that we do everything we can to bring attention to this disease.

FMD is most commonly found in the arteries that supply the kidneys and brain with blood. People with FMD have a higher risk for aneurysms. A person with severe FMD may have neurological symptoms involving the facial nerves or suffer a stroke. Recent studies have shown that a high percentage of women who were healthy and who have a sudden tearing of a coronary artery probably have undiagnosed FMD. Once diagnosed, however, there is no cure. Doctors must closely manage the conditions that present due to FMD, but more needs to be done to research this disease, and that is why your support for this resolution is so important.

Mr. Speaker, I have two special guests here in the back: Trisha Lewis, who is an FMD patient, and her mother, DeeAnne Fickenschier. Can you please greet them? These women from Delaware County brought this disease to my attention, and I have to admit that I had not heard of it before they came to meet with me. These two have made it their job to spread as much awareness as possible about FMD so that more can be done to fight it. Thank you so much for being here. We are all in this fight with you.

I would also like to mention that the FMD Society of America is one of those great groups working for increased awareness and recordkeeping. It sponsors a registry for FMD to gather information regarding the epidemiology, symptoms, disease extent, treatments, and outcomes of patients who have FMD. Their work is very important and I am proud to honor it with this resolution. Through such work and a growing awareness among all of us, hopefully doctors can find the breakthroughs they need to better diagnose and manage FMD, and better yet, find a cure.

Thank you again for your unanimous support of this resolution. Thank you, Mr. Speaker.

The SPEAKER. Thank you, Representative.

#### STATEMENT BY MS. TOOHL

The SPEAKER. Members, we are going to be doing remarks on resolutions without guests at the end of the day here for the session day. Representative Toohil, I do believe you have guests, though, with you today, correct?

Representative Toohil is going to speak on HR 821, which was passed yesterday.

Ms. TOOHL. Thank you, Mr. Speaker.

I rise to thank my colleagues for their unanimous support of HR 821, which designates April 2018 as "Donate Life Month" in Pennsylvania. Our guests today are Dwendy Johnson from the Gift of Life Donor Program – they are up in the gallery – and she brings with her Lukeman Harvery.

Lukeman Harvery has an incredible story. Just 6 months ago today, in October 2017, Lukeman received a lifesaving kidney transplant that transformed his life. That same month, his wife, Carolina, donated her kidney to a young woman she had never met, as part of a paired kidney exchange program to save her husband's life. Now just a few months later, Lukeman is feeling vibrant and healthy after his 3 1/2 year ordeal, and his young family is very happy that he is back and well. Lukeman and Carolina just recently celebrated their 18th wedding anniversary.

This month we acknowledge the generosity of donors and their families and the continuing need for organ and tissue donation by joining the rest of the nation in celebrating this



month. According to the United Network for Organ Sharing, a record total of 34,768 transplants brought life to patients in 2017, but more than 115,000 men, women, and children still need organ transplants. There is another person being added to the national organ transplant waiting list every 10 minutes. Here in Pennsylvania alone, there are about 8,000 people on the organ list, and on average, every 18 hours one of them will die waiting for a call that never comes.

The encouraging news is that more people are making the decision to donate life. About 4.7 million Pennsylvanians have said yes to organ and tissue donation by adding the donor designation on their driver's license. More than 138 million Americans are registered donors currently. In addition, Pennsylvania's driver's license and ID cardholders can support organ donation programs with a \$1 donation at the time of application or renewal. To date, nearly \$14 million has been generously donated to the fund.

I want to thank my colleagues, because through this resolution, we are hoping to continue raising awareness about the great need for donated organs here in Pennsylvania and across the country, and also, we would encourage more members of the public to make this lifesaving decision.

I would like to thank all of you for your unanimous support of HR 821. Thank you, Mr. Speaker.

The SPEAKER. Thank you, Representative Toohil, and to your guests, thank you very much for being with us.

### STATE GOVERNMENT COMMITTEE MEETING

The SPEAKER. Chairman Metcalfe has, I believe, a committee announcement.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, the House State Government Committee will have a voting meeting in room 205 of the Ryan Office Building to consider HB 1642, as well as any other business that may be brought before the committee, Mr. Speaker, and we will have that meeting at 1:30. So 1:30 for the House State Government Committee, in room 205 of the Ryan Office Building, for a voting meeting.

Thank you, Mr. Speaker.

The SPEAKER. Thank you, sir.

The House State Government Committee will meet in room 205 of the Ryan Office Building at 1:30.

### ANNOUNCEMENTS BY MR. PASHINSKI

The SPEAKER. Representative Pashinski, on unanimous consent.

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

Just a reminder to all my colleagues, we have the Alliance of Pennsylvania, the fraternal are offering a wonderful lunch on the balcony where the Lieutenant Governor's Office is. The lunch is for all of you. We have over 700,000 Pennsylvanians involved in the good work of the alliances, and 3 major groups – 1 from Philly, 1 from Pittsburgh, and 1 from the northeast. So please, you are all welcome to join in, lunch on the balcony, at adjournment today.

One last announcement: tomorrow morning the Sportsmen's Caucus will meet in 8E of the East Wing at 7:30.

Thank you very much, Mr. Speaker.

### APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. Representative Stan Saylor, for an Appropriations Committee announcement, the chair of the Appropriations Committee.

Mr. SAYLOR. Thank you, Mr. Speaker.

The Appropriations Committee will meet at 12:45 in the majority caucus room; again, at 12:45 in the majority caucus room.

The SPEAKER. The Appropriations Committee will meet at 12:45 in the majority caucus room.

### REPUBLICAN CAUCUS

The SPEAKER. Representative Marcy Toepel, the majority caucus chair, for a caucus announcement.

Mrs. TOEPEL. Thank you, Mr. Speaker.

Republicans will caucus at 1 o'clock. We would be prepared to return to the floor at 2 o'clock.

### DEMOCRATIC CAUCUS

The SPEAKER. Representative Dan Frankel, the minority caucus chair, for a caucus announcement.

Mr. FRANKEL. Thank you, Mr. Speaker.

Democrats will caucus at 1 o'clock. Democrats will caucus at 1 o'clock.

### RECESS

The SPEAKER. Members, we will return to the House floor at 2 p.m., unless sooner recalled by the Speaker. At this time the House will stand in recess.

### RECESS EXTENDED

The time of recess was extended until 2:15 p.m.; further extended until 2:30 p.m.; further extended until 2:45 p.m.

### AFTER RECESS

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

### BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

**HB 1642, PN 3357** (Amended) By Rep. METCALFE

An Act providing for an inventory of State-owned assets for the development of mobile broadband services in unserved areas and underserved areas of this Commonwealth.

STATE GOVERNMENT.

**BILLS REREPORTED FROM COMMITTEE****HB 504, PN 3297**

By Rep. SAYLOR

An Act amending the act of May 17, 1921 (P.L.789, No.285), known as The Insurance Department Act of 1921, in insurance producers, further providing for definitions and providing for self-service storage insurance.

## APPROPRIATIONS.

**HB 1539, PN 3353**

By Rep. SAYLOR

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in standby guardianship, further providing for definitions and for scope and providing for temporary guardianship; in child protective services, further providing for release of information in confidential reports; and making editorial changes.

## APPROPRIATIONS.

**HB 2133, PN 3107**

By Rep. SAYLOR

An Act establishing the Kinship Caregiver Navigator Program in the Department of Human Services; and providing for kinship caregiver navigator website and for kinship caregiver navigators.

## APPROPRIATIONS.

**BILL SIGNED BY SPEAKER**

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

**SB 936, PN 1281**

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, in liability and compensation, further providing for prescription drugs and the treatment of work-related injuries; and, in procedure, further providing for peer review.

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

**LEAVES OF ABSENCE**

The SPEAKER. Representative Mark KELLER and Representative Michael CORR have both requested to be placed on leave. Without objection, those will be granted.

**CALENDAR****BILLS ON SECOND CONSIDERATION**

The House proceeded to second consideration of **HB 2080, PN 3143**, entitled:

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

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

The SPEAKER. I do not see any amendments on that.

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

\* \* \*

The House proceeded to second consideration of **HB 2081, PN 3144**, entitled:

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

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

The SPEAKER. I do not see any amendments on this bill.

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

\* \* \*

The House proceeded to second consideration of **HB 2082, PN 3325**, entitled:

An Act making appropriations from the Public School Employees' Retirement Fund and from the PSERS Defined Contribution Fund to provide for expenses of the Public School Employees' Retirement Board for the fiscal year July 1, 2018, to June 30, 2019, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2018.

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 2083, PN 3146**, entitled:

An Act making appropriations from the State Employees' Retirement Fund and from the SERS Defined Contribution Fund to provide for expenses of the State Employees' Retirement Board for the fiscal year July 1, 2018, to June 30, 2019, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2018.

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

The SPEAKER. I see no amendments on this bill.

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

\* \* \*

The House proceeded to second consideration of **HB 2084**, **PN 3147**, entitled:

An Act making appropriations from the Philadelphia Taxicab and Limousine Regulatory Fund and the Philadelphia Taxicab Medallion Fund to the Philadelphia Parking Authority for fiscal year July 1, 2018, to June 30, 2019.

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 2085**, **PN 3148**, entitled:

An Act making appropriations from a restricted revenue account within the General Fund and from Federal augmentation funds to the Pennsylvania Public Utility Commission for the fiscal year July 1, 2018, to June 30, 2019.

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 2086**, **PN 3326**, entitled:

An Act making appropriations from the restricted revenue accounts within the State Gaming Fund and from the restricted revenue accounts within the Fantasy Contest Fund and Video Gaming Fund to the Attorney General, the Department of Revenue, the Pennsylvania State Police and the Pennsylvania Gaming Control Board for the fiscal year beginning July 1, 2018, to June 30, 2019, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2018.

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 2242**, **PN 3291**, entitled:

A Supplement to the act of April 1, 1863 (P.L.213, No.227), entitled "An act to accept the grant of Public Lands, by the United States, to the several states, for the endowment of Agricultural Colleges," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations, for a method of accounting for the funds appropriated and for certain fiscal information disclosure; and making an appropriation from a restricted account within the Agricultural College Land Scrip Fund.

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

Ms. **TOOHIL** offered the following amendment  
No. **A06465**:

Amend Bill, page 1, line 12, by inserting after "1. "  
(a)  
Amend Bill, page 2, by inserting between lines 3 and 4

(b) The appropriation provided in subsection (a) shall be contingent on the university complying with the provisions of this subsection. The university shall waive tuition and fees, including lab fees, for an individual who is 18 years of age, but less than 21 years of age, and meets one of the following requirements:

(1) Has been placed in substitute care as a dependent child at any time while 16 years of age or older.

(2) Has been placed in substitute care and had shared case management through the dependency and delinquency systems.

(3) Has been adopted from the substitute care system as a dependent child.

(4) Has been placed with a permanent legal custodian from substitute care as a dependent child.

(5) Is participating in the tuition and fee waiver program on the individual's 21st birthday, until the individual reaches 23 years of age.

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

The SPEAKER. Representative Toohil, on the amendment.

### LEAVES OF ABSENCE CANCELED

The SPEAKER. Representative Tony DeLuca is on the House floor and should be placed back on the master roll.

Representative Kurt Masser is on the House floor and should be placed back on the master roll.

### CONSIDERATION OF HB 2242 CONTINUED

#### AMENDMENT WITHDRAWN

The SPEAKER. Representative Toohil, you are recognized.  
Ms. TOOHIL. Thank you, Mr. Speaker.

The amendment is withdrawn.

The SPEAKER. Thank you, Representative Toohil.

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

The SPEAKER. I do not see any other amendments on HB 2242.

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

\* \* \*

The House proceeded to second consideration of **HB 2243**, **PN 3292**, entitled:

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

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

The SPEAKER. Representative Toohil has amendment 6466.  
It has been withdrawn.

I do not see any further amendments on HB 2243.

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

\* \* \*

The House proceeded to second consideration of **HB 2244**, **PN 3293**, entitled:

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

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

Ms. **TOOHIL** offered the following amendment  
No. **A06467**:

Amend Bill, page 1, line 23, by inserting after "1. "

(a)

Amend Bill, page 1, by inserting after line 27

(b) The appropriation provided in subsection (a) shall be contingent on the university complying with the provisions of this subsection. The university shall waive tuition and fees, including lab fees, for an individual who is 18 years of age, but less than 21 years of age, and meets one of the following requirements:

(1) Has been placed in substitute care as a dependent child at any time while 16 years of age or older.

(2) Has been placed in substitute care and had shared case management through the dependency and delinquency systems.

(3) Has been adopted from the substitute care system as a dependent child.

(4) Has been placed with a permanent legal custodian from substitute care as a dependent child.

(5) Is participating in the tuition and fee waiver program on the individual's 21st birthday, until the individual reaches 23 years of age.

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

#### AMENDMENT WITHDRAWN

The SPEAKER. Representative Toohil, on the amendment.  
Ms. TOOHIL. Thank you, Mr. Speaker.

All of these amendments are identical and they have been filed annually to these bills.

There are other States, such as Texas, where children that have fallen into the dependency system, into child welfare, are considered wards of the State. So many of them stay as wards of the State, in foster care, ages 16, 17, 18, all the way until they age out at the age of 21.

This is a group of students that is very small. Very few of them – the percentages are low – in foster care get to graduate high school, get to even apply to college, get to get funding to go to college. And it is very rare, there is about 3 percent of the population that ends up with that dream of the cap and gown with that diploma in their hand crossing that threshold.

So I would just implore the members of this House, if we could please take this amendment, have a conversation about it, and look at tuition waiver programs for foster children in Pennsylvania. Texas does it and it is very successful, and I would hope that this is something that we can work on a little bit more. We are giving half a billion dollars to these universities, and if there are only 3 percent of these students that are going to be able to attend and graduate, I think it is an investment that is worth talking about and worth making.

Thank you, Mr. Speaker.

The SPEAKER. Thank you. The amendment is withdrawn.

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

\* \* \*

The House proceeded to second consideration of **HB 2245**, **PN 3294**, entitled:

A Supplement to the act of July 7, 1972 (P.L.743, No.176), known as the Lincoln University-Commonwealth Act, making an appropriation for carrying the same into effect; providing for a basis for payments of the appropriation; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

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

The SPEAKER. Representative Toohil has withdrawn her amendment, 6468.

There are no other amendments.

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

\* \* \*

The House proceeded to second consideration of **HB 2246**, **PN 3295**, entitled:

An Act making appropriations to the Trustees of the University of Pennsylvania.

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

The SPEAKER. There is an amendment, amendment 6469. It has been withdrawn by Representative Toohil.

I do not see any other amendments.

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

\* \* \*



The House proceeded to second consideration of **HB 2078, PN 3141**, entitled:

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

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

### BILLS ON FINAL PASSAGE

The House proceeded to consideration on final passage of **HB 2030, PN 3009**, entitled:

An Act amending Title 8 (Boroughs and Incorporated Towns) of the Pennsylvania Consolidated Statutes, in manufacture and supply of electricity, further providing for specific powers and providing for security deposits, for payment agreements and for restrictions on termination; and making an editorial change.

On the question recurring,  
Shall the bill pass finally?

The SPEAKER. We are going to return to HB 2030, PN 3009.

Yesterday Representative Harper spoke on the bill, and Representative Freeman was to speak next.

So Representative Freeman will be recognized on HB 2030, PN 3009, page 16 of today's House calendar.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to HB 2030 for many of the same reasons that were voiced by Representative Harper yesterday.

To my mind, this bill is a disservice to the one borough that is affected by this bill, and that borough is Ellwood City. It sets them apart from all the other boroughs that are permitted to use the proceeds from selling electricity to underwrite the costs of their municipal services. That is something that is done in, I believe it is around 30-some boroughs across Pennsylvania and is permitted under the Borough Code. But with this legislation, they are carved out of that possibility of using that. This bill would not allow them to use any of the revenue that is generated through the selling of electricity for general operating. It would be tightly restricted.

Depriving them of the use of revenue from the selling of electricity to support their general operating expenses means that Ellwood City will see a dramatic increase in their property taxes or a dramatic laying off of essential personnel such as police within that community. It has been estimated that without the revenue that is applied to the general operating fund from the selling of electricity that there would be a cut of roughly \$1.4 million in Ellwood City's budget. That is a 25-percent cut in their operating revenues. That is a tremendous blow to any municipality to try and provide essential services and to operate and function properly.

If the issue is one of Ellwood City not handling their selling of electricity properly, then what is needed is legislation that would deal with best practices and deal with a proper way of managing how they deal with their electrical selling operation. There are some provisions of that in this bill. But this bill goes a

step further in depriving them of using the revenue from the selling of electricity for the general operating, which is so essential to that municipality. This is why the Boroughs Association has come out against this bill. It is why the Pennsylvania State Association – or I am sorry, the Pennsylvania Municipal Electric Association has also come out against this bill.

I know oftentimes we have a tendency in this place to think, well, it is not my municipality. It is not in my district, therefore, why should I care about this issue? But I think we have an obligation as elected officials setting policy on the State to make sure that we are fair and we are reasonable in the application of that policy, whether it occurs in our district or in anyone else's district. And I really do believe that this is a disservice to Ellwood City. The issue should not be one of taking that revenue stream away for their essential municipal services; it should be reforming how they handle the operation of their selling of electricity in that community, if that is really to get at the crux of the problem.

So for those reasons I urge the members of this House to vote "no" on HB 2030.

The SPEAKER. Representative Mark Mustio, on the bill, 2030.

Mr. MUSTIO. Thank you, Mr. Speaker.

I would like to interrogate the maker of the bill, please?

The SPEAKER. The good gentleman has indicated he will so stand.

Mr. MUSTIO. Thank you.

I would like to follow up on a comment that was made yesterday. I may have heard it wrong, but there seemed to be an indication that the passage of this legislation and having it signed into law would force all boroughs to increase their property taxes, and I just wanted to get your sense of whether that is in this legislation.

Mr. BERNSTINE. Thank you, Mr. Speaker.

This legislation, the way it is currently constructed, would only impact one municipality. It would only impact one municipality that sells municipal electric. Additionally, there is absolutely nothing in the legislation that forces the increase of property taxes.

Mr. MUSTIO. Thank you, Mr. Speaker.

I would encourage members to vote in the affirmative.

The SPEAKER. Representative Jim Christiana, on HB 2030.

Mr. CHRISTIANA. Thank you, Mr. Speaker.

Mr. Speaker, I thank the gentleman from Allegheny County for highlighting a very important point this afternoon, and that is that this bill is narrowly focused. It is narrowly focused to one borough; one borough-run and -operated power company. This bill focuses on one borough-operated electricity supplier. This bill is narrowly focused to address the issue in Beaver and Lawrence Counties.

The prime sponsor, the prime sponsor should be commended for his decision to shift away from a universal approach, and while that universal approach or a statewide approach may have some merit, a universal approach would have been problematic. It likely would have derailed this bill and it likely would have delayed its passage. And I think the gentleman should be commended for his decision because the people in Beaver and in Lawrence Counties cannot wait any longer.

The gentleman from Beaver County should also be commended for his approach on this piece of legislation. He has brought labor and industry together – two groups that

traditionally do not see eye to eye on a whole lot of public policy. But the gentleman from Beaver County has gotten labor and industry together to solve this problem. The gentleman has reached across the aisle. He made an offer to the gentelady from Greene County, who should be also commended for putting partisanship aside to work together to solve this issue. That is a refreshing approach in this chamber, and the gentleman and the gentelady should be rewarded for that approach in having HB 2030 pass this afternoon.

The victims, the victims in Beaver and Lawrence Counties, they have looked to their legislator and this legislature for some help. They have suffered from wild electric rates. They have suffered from a lack of regulation, and they look to us for help. They did not look to us without skepticism and cynicism, because I met with these folks. These folks are cynical that we will actually respond and help them. But I think today we have a tremendous opportunity to erase that cynicism away and deliver something that these people desperately need.

This particular municipal electric company has shown that they cannot regulate themselves. These ratepayers need us to put reasonable parameters in place. The devastating impact they have suffered is the reason that we need to pass HB 2030, and while some people today have focused on the hypothetical consequences of this bill, I ask you to look at the actual consequences of inaction. It will continue the devastation that has been done to these families. These families need predictability and they need reasonable regulations. The gentleman has provided a narrowly focused solution that I think is worthy of our support, and I encourage an affirmative vote for HB 2030.

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—106

|             |            |            |          |
|-------------|------------|------------|----------|
| Barrar      | Farry      | Maher      | Roae     |
| Benninghoff | Fee        | Mako       | Roe      |
| Bernstine   | Flynn      | Maloney    | Rothman  |
| Bizzarro    | Fritz      | Marshall   | Ryan     |
| Bloom       | Gillen     | Marsico    | Saccone  |
| Boback      | Gillespie  | Masser     | Sainato  |
| Brown, R.   | Greiner    | McGinnis   | Sankey   |
| Causar      | Grove      | Mentzer    | Santora  |
| Charlton    | Hahn       | Metcalfe   | Saylor   |
| Christiana  | Harkins    | Miccarelli | Simmons  |
| Conklin     | Harris, A. | Millard    | Snyder   |
| Cook        | Heffley    | Milne      | Sonney   |
| Corbin      | Helm       | Moul       | Stephens |
| Cox         | Hennessey  | Mustio     | Tallman  |
| Culver      | Hickernell | Nelson     | Taylor   |
| Cutler      | Hill       | O'Neill    | Toepel   |
| Delozier    | Irvin      | Oberlander | Toohil   |
| Diamond     | James      | Ortitay    | Topper   |
| DiGirolamo  | Jozwiak    | Peifer     | Walsh    |
| Dowling     | Kampf      | Pickett    | Ward     |
| Dunbar      | Kaufar     | Pyle       | Warner   |
| Dush        | Keefer     | Quigley    | Watson   |
| Ellis       | Klunk      | Quinn, C.  | Wheeland |
| Emrick      | Knowles    | Rader      | White    |

|            |           |       |         |
|------------|-----------|-------|---------|
| English    | Lawrence  | Rapp  |         |
| Evankovich | Lewis     | Reed  | Turzai, |
| Everett    | Mackenzie | Reese | Speaker |

NAYS—89

|             |            |            |             |
|-------------|------------|------------|-------------|
| Barbin      | Dermody    | Kortz      | Rabb        |
| Boyle       | Donatucci  | Krueger    | Ravenstahl  |
| Bradford    | Driscoll   | Kulik      | Readshaw    |
| Briggs      | Evans      | Longietti  | Roebuck     |
| Brown, V.   | Fitzgerald | Madden     | Rozzi       |
| Bullock     | Frankel    | Markosek   | Samuelson   |
| Burns       | Freeman    | Matzie     | Schemel     |
| Caltagirone | Gainey     | McCarter   | Schlossberg |
| Carroll     | Galloway   | McClinton  | Schweyer    |
| Cephas      | Godshall   | McNeill    | Sims        |
| Comitta     | Goodman    | Mehaffie   | Solomon     |
| Costa, D.   | Haggerty   | Metzgar    | Staats      |
| Costa, P.   | Hanna      | Miller, B. | Sturla      |
| Daley       | Harper     | Miller, D. | Thomas      |
| Davidson    | Harris, J. | Mullery    | Tobash      |
| Davis, A.   | Kauffman   | Murt       | Vazquez     |
| Davis, T.   | Kavulich   | Neilson    | Vitali      |
| Dawkins     | Keller, F. | Nesbit     | Warren      |
| Day         | Keller, W. | O'Brien    | Wentling    |
| Dean        | Kim        | Pashinski  | Wheatley    |
| Deasy       | Kinsey     | Petrarca   | Youngblood  |
| DeLissio    | Kirkland   | Quinn, M.  | Zimmerman   |
| DeLuca      |            |            |             |

NOT VOTING—0

EXCUSED—5

|      |          |        |              |
|------|----------|--------|--------------|
| Corr | Fabrizio | Gabler | Keller, M.K. |
| Cruz |          |        |              |

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 consideration on final passage of **HB 2138, PN 3328**, entitled:

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code, in public assistance, providing for work requirements.

On the question recurring,  
Shall the bill pass finally?

The SPEAKER. We are going to return to Representative Dowling's bill, HB 2138, PN 3328.

We did have substantial debate on this yesterday. I think I only had two members left to speak. No, one. I only had Representative DeLissio, and then Representative Dowling. Representative DeLissio and Representative Dowling.

Representative Murt. Representative Murt, you are recognized. Representative Krueger-Braneky is recognized.

Right now, though, Representative DeLissio.

Ms. DeLISSIO. Thank you, Mr. Speaker.

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

The SPEAKER. The good gentleman has indicated he will so stand, and you may proceed, Representative DeLissio.

Ms. DeLISSIO. Thank you, Mr. Speaker.

Mr. Speaker, I see the language in the bill includes a demonstration program. What is the nature of that demonstration program? Is it time limited? Is the scope limited to only certain individuals?

Mr. DOWLING. That time discretion, Mr. Speaker, will be left to the department itself and it will be the time limit that we need to apply with the Federal government.

Ms. DeLISSIO. Could you just say that one more time and maybe just a—

Mr. DOWLING. The time limit will be left up to the department to determine. Generally, it would be a year timeframe.

Ms. DeLISSIO. A year.

Mr. DOWLING. But they would be able to decide that timeframe.

Ms. DeLISSIO. Okay. Thank you.

Another question. I see that the compliance on the citizen consumer is biannual, so that is twice a year. So is that twice a year that an individual citizen would have to file paperwork? Are they just checking in? Do we know the nature of what that biannual check-in is?

Mr. DOWLING. We do not at this point in time. That would be left to the department through regulation, but you are correct that that would be biannually, twice a year.

Ms. DeLISSIO. Twice a year. And so if that biannual check-in, if an enrollee had lost hours during a particular week, came below the 20 hours of work or the substitute hours of training, would that disenroll them and make them eligible for the penalty period?

Mr. DOWLING. Again that would go back to how the regulation is crafted by the Department of Human Services.

Ms. DeLISSIO. Okay. Do we know, Mr. Speaker, if I understood correctly from yesterday, my notes here say there is about a universe of 400,000 people who this bill might impact, so are we confident that either the work training and/or jobs that are available approximate that same 400,000?

Mr. DOWLING. If I do understand your question correctly, you are asking, are there enough jobs or training programs available for the 490,000 plus thousand people that this would affect, correct?

Ms. DeLISSIO. Correct. Correct.

Mr. DOWLING. That is a hard thing to determine offhand but we do believe that either job training programs or the jobs would exist.

Ms. DeLISSIO. Okay. Do we know, Mr. Speaker, if these jobs are generally anticipated to be minimum-wage jobs versus sustainable-wage jobs?

Mr. DOWLING. I believe that would depend on the skill level of the applicant that would be applying for the job. The bill itself does not speak to what type of a job, only the minimum number of hours that would need to be required.

Ms. DeLISSIO. And, Mr. Speaker, does the bill— I can only imagine, particularly for part-time jobs, the nature of those positions, the hours sometimes fluctuate from week to week or perhaps pay period to pay period, if the pay period is a 2-week period. So would an enrollee be penalized if they were anticipating 20 hours but for any number of weeks in their 6-month window before they check in, would they be penalized?

Mr. DOWLING. Again I think that would go back to the regulations crafted by the Department of Human Services.

Ms. DeLISSIO. Okay. The age of 6 is in the legislation, saying that there is an exception in place for a caregiver who has a dependent – I forget if it is up to or through the age of 6. Either way, how was that age of 6 arrived at?

Mr. DOWLING. This would mirror other current work requirements, such as the SNAP (Supplemental Nutrition Assistance Program) work requirements that exist in the Commonwealth. Also, we would presume that a child of that age would be enrolled in a formal educational program such as school – kindergarten or first grade – by that age, allowing additional time for the parent to work.

Ms. DeLISSIO. Appreciate that.

Mr. Speaker, on the bill?

The SPEAKER. You may proceed on the bill.

Ms. DeLISSIO. Thank you.

Mr. Speaker, I think we had established yesterday that there were no hearings on this, and I am a firm believer in a fairly holistic approach on particularly complex and complicated pieces of legislation that are deemed to be impactful, and this would be one of those pieces of legislation. And I would envision those hearings would have included citizens themselves, as we did when we were holding hearings for Medicaid expansion. Many of those hearings actually included those who earned too much money for straight Medicaid, but did not earn enough money to purchase health insurance in the marketplace. And interestingly enough, Mr. Speaker, many of these 490,000 people are on Medicaid expansion, which means that they earned – earned – too much money for straight Medicaid but they did not earn enough to purchase insurance in the marketplace. So that tells me that they are already employed in varying capacities. So I think hearings that would have included citizens, including my constituents, stakeholders, and the administration, to really understand the nature of the problem and the goal of the legislation probably could have made this piece of legislation a lot more refined than it currently is, as we have heard from some of the answers that were or were not offered a little bit earlier this afternoon here.

I am also concerned that currently I know my district office and I think many of our district offices are like satellite county assistance offices. Those county offices of the Department of Human Services are beyond overwhelmed. There is a lot of bureaucracy already. I cannot envision where this does not add to that bureaucracy and that I am concerned that somebody could be disenrolled from their health insurance – because this is what these citizens are getting from us, their health insurance – they could be disenrolled from their health insurance because of a lack of paper compliance. Maybe they met and were able to check off every single box and they are in actuality compliant, but on paper, they are not. And I know when somebody is even accidentally disenrolled, the heartache and the headache that that provides to that individual citizen and to a lot of our staff to help unwind that and get that back on track is very difficult to do.

I am also concerned, Mr. Speaker, that the number of types of jobs and employment that would be available to folks who are receiving their health insurance through Medicaid would have to knit together multiple jobs to make this work. And I tend to be a very realistic person and find it very difficult— Mr. Speaker, I am not sure I can hear myself. I am willing to soldier on here, but I am having trouble hearing myself.

The SPEAKER. Members, please take your seats.

Representative DeLissio—

Ms. DeLISSIO. Keep going.

The SPEAKER. Yeah.

Ms. DeLISSIO. Will do.

The SPEAKER. Stay right, you know, oftentimes you can get everybody's attention if you, you know, just hit the points.

Ms. DeLISSIO. Okay.

The SPEAKER. Could everybody please take your seats.

Ms. DeLISSIO. Well, here is the—

The SPEAKER. Wait. Hold on. Hold on.

Members, please take your seats. Members, please take your seats. Members, please take your seats. Staff members, please take your seats. Any conversations, off the floor.

You may proceed.

Ms. DeLISSIO. Thank you, Mr. Speaker.

Mr. Speaker, I just want to say that I am not against, theoretically, the idea and the concept of work requirements. I am against the process that brought this bill to the floor here today for final passage. My concerns include things like the amount of bureaucracy that we are going to ask a citizen to go through in order to maintain that health insurance. If that hiccups anywhere along the way and they trip the penalty even inadvertently – I can use myself as an example. I did not know that on May 5, 2016, I was going to get a diagnosis of breast cancer. That can happen to any of us at any time, and if that occurred during this penalty window when a citizen is uninsured, I cannot even imagine the devastation that that would create and cause in that individual's life.

So for all of the reasons and the answers to the questions that I heard, I will be a "no" vote, and I urge my colleagues to perhaps rerefer this bill back to a committee so that we can hold hearings and make this a better bill. Thank you.

The SPEAKER. Representative Tom Murt.

Mr. MURT. Thank you, Mr. Speaker.

Mr. Speaker, I commend my colleague from Fayette and Somerset Counties for offering HB 2138, and I agree that many of the beneficiaries of medical assistance benefit from employment or community engagement; however, it is my considerate opinion that HB 2138 is misguided.

Mr. Speaker, we all want people to take jobs that will pull their families out of poverty and expand their future employment options. But the work requirements articulated in this bill will morph into counterproductive, highly complex bean-counting exercises that block, rather than enhance, the pursuit of self-sufficiency.

Mr. Speaker, I think it is important that we face a few realities and facts. First of all, the majority of those receiving assistance already work. Mr. Speaker, they are what we call the working poor. That means that both parents work, many times more than one job, to pay bills, to pay for child care, and to support their families. Mr. Speaker, nearly 8 in 10 nondisabled, nonelderly adults live in families where at least one member works, and 60 percent work themselves. Of those who are not working, more than one-third reported illness or disability as the primary reason for not working, and another 30 percent cited caretaking obligations as an impediment to work and employment – underscoring the need for the child-care subsidy, by the way.

The truth is that medical assistance helps the poor to get and keep good jobs. They are already looking for work and medical assistance makes it easier for them to do so.

Mr. Speaker, in the past, the vast majority of people subject to a work retirement remained poor and some became even poorer as they grabbed whatever job they could, and not necessarily one with room for growth or improvement. And let me remind you of another reality. The poor want to work at least as much as anyone else because, Mr. Speaker, you simply cannot survive and raise children on SNAP, housing, or health subsidies.

I certainly support the concept of effective employment to help our poor rise out of poverty, but, Mr. Speaker, it is my opinion that HB 2138 will not accomplish this objective. Thank you.

The SPEAKER. Representative Krueger-Braneky.

Ms. KRUEGER. Thank you, Mr. Speaker.

I rise today in opposition to HB 2138 because this bill will cause Pennsylvanians to lose their health care.

Let us talk about exactly who the adults are who are nondisabled and currently receiving Medicaid benefits. They include survivors of domestic violence; individuals caring for someone with a substance abuse disorder or a mental health crisis or intellectual disability; they include pregnant women and those caring for infants and young children; they include individuals experiencing homelessness; individuals in school; individuals awaiting a Federal determination of disability, which can take up to 2 years; they include people who have finally been able to get the opioid treatment they need; young children; and most of our seniors in nursing homes.

Now, yes, potentially under this bill some of those people could be exempted from the work requirements, but they would have to prove that they are exempt and so many of these people are in crisis and have so many issues to worry about. And there is the very real chance that they could actually lose their health care if they make a mistake on a form or get buried in paperwork or did not fully understand the process.

Now, Mr. Speaker, I know that all of us have helped constituents navigate through hellish government bureaucracy. We have had constituents who did everything right but somehow got tied up in red tape with a State department entity. Having this legislation pass will tie up people, and some of them will lose their health care.

Furthermore, this bill sets up big government bureaucracy that is expensive. The cost to set it up alone is nearly \$800 million and the Federal government is not going to pay for those costs. Now, I do not know about you, but I want less government bureaucracy, not more, and I am certainly not in favor of creating more red tape that will hurt our seniors, will hurt people who are in addiction treatment, and hurt people with special needs. I strongly oppose this bill.

Thank you, Mr. Speaker.

The SPEAKER. Thank you.

Representative Tim Hennessey. Waives off. Tim Hennessey waives off.

Representative Dowling. Unless there is another speaker, it is Representative Dowling, and then we will proceed to a vote. The maker of the bill.

Mr. DOWLING. Thank you, Mr. Speaker.

As we know, many Medicaid recipients are working, but as our data shows us, nearly half of—

The SPEAKER. Please suspend.

Members, please take your seats. Members, please take your seats.

You may proceed, sir.



Mr. DOWLING. Thank you, Mr. Speaker.

As we know, many Medicaid recipients are working, but half of healthy adults are not. That is a problem, because we know that the best pathway out of poverty is work. The 40th President of our United States, Ronald Reagan, said in 1968, "We should measure welfare's success by how many people leave welfare, not by how many" people "are added." Welfare's purpose should be to eliminate, as far as possible, the need for its very own existence. It would be wrong to allow people to languish in a broken system simply because we do not have the political will to fix it. We must recognize that promoting work is key to raising incomes and persevering through our resources that people need the most.

This bill is ensuring that government funds – which are taxpayer dollars paid by hardworking Pennsylvania families and are not limited – are available to those who truly need them. It is important to remember that under this bill, only able-bodied adults would be subject to these work or educational requirements. It has already been stated that we have built exceptions into this piece of legislation which will protect those who need Medicaid the most. Here are the specific exemptions so that the intentional misinformation by some groups can stop. The exemptions are: those attending high school full-time; someone receiving temporary or long-term disability benefits; anyone under 20 years of age or those who are 65 and older; pregnant women; those who receive SSI (supplemental security income); individuals residing in a mental health or correctional institute; residents experiencing a crisis, serious medical condition, or temporary condition which prohibits employment, such as domestic violence or a substance abuse disorder; those persons acting as a primary caregiver to a dependent under 6 years of age or is permanently disabled; and primary caregivers of terminally ill hospice patients.

I, like every other member of this chamber – even those who are not listening – want to see Pennsylvanians living prosperous and fulfilling lives, but this will not happen when they are dependent on the government. A part-time work requirement is critical to helping individuals obtain a higher quality of work. We know that prioritizing work will create better lives for thousands throughout our Commonwealth. The goal of this bill is one that we all share: to help individuals rise up out of poverty and achieve independence from government aid.

I would ask very sincerely that my colleagues give a "yes" vote to this critical piece of legislation. 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—115

|             |            |            |         |
|-------------|------------|------------|---------|
| Barrar      | Greiner    | McGinnis   | Rothman |
| Benninghoff | Grove      | Mehaffie   | Ryan    |
| Bernstine   | Hahn       | Mentzer    | Saccone |
| Bloom       | Harper     | Metcalfe   | Sankey  |
| Boback      | Harris, A. | Metzgar    | Santora |
| Brown, R.   | Heffley    | Miccarelli | Saylor  |
| Burns       | Helm       | Millard    | Schemel |
| Causser     | Hennessey  | Miller, B. | Simmons |
| Charlton    | Hickernell | Milne      | Snyder  |
| Christiana  | Hill       | Moul       | Sonney  |

|            |            |            |           |
|------------|------------|------------|-----------|
| Cook       | Irvin      | Mullery    | Staats    |
| Corbin     | James      | Mustio     | Stephens  |
| Cox        | Jozwiak    | Nelson     | Tallman   |
| Culver     | Kampf      | Nesbit     | Taylor    |
| Cutler     | Kaufer     | O'Neill    | Tobash    |
| Day        | Kauffman   | Oberlander | Toepel    |
| DeLozier   | Keefer     | Ortitay    | Toohil    |
| Diamond    | Keller, F. | Peifer     | Topper    |
| Dowling    | Klunk      | Petrarca   | Walsh     |
| Dunbar     | Knowles    | Pickett    | Ward      |
| Dush       | Lawrence   | Pyle       | Warner    |
| Ellis      | Lewis      | Quigley    | Watson    |
| Emrick     | Mackenzie  | Quinn, C.  | Wentling  |
| English    | Maher      | Rader      | Wheeland  |
| Evankovich | Mako       | Rapp       | White     |
| Everett    | Maloney    | Reed       | Zimmerman |
| Fee        | Marshall   | Reese      |           |
| Fritz      | Marsico    | Roae       | Turzai,   |
| Gillen     | Masser     | Roe        | Speaker   |
| Gillespie  |            |            |           |

NAYS—80

|             |            |            |             |
|-------------|------------|------------|-------------|
| Barbin      | Deasy      | Harris, J. | Pashinski   |
| Bizzarro    | DeLissio   | Kavulich   | Quinn, M.   |
| Boyle       | DeLuca     | Keller, W. | Rabb        |
| Bradford    | Dermody    | Kim        | Ravenstahl  |
| Briggs      | DiGirolamo | Kinsey     | Readshaw    |
| Brown, V.   | Donatucci  | Kirkland   | Roebuck     |
| Bullock     | Driscoll   | Kortz      | Rozzi       |
| Caltagirone | Evans      | Krueger    | Sainato     |
| Carroll     | Farry      | Kulik      | Samuelson   |
| Cephas      | Fitzgerald | Longietti  | Schlossberg |
| Comitta     | Flynn      | Madden     | Schweyer    |
| Conklin     | Frankel    | Markosek   | Sims        |
| Costa, D.   | Freeman    | Matzie     | Solomon     |
| Costa, P.   | Gainey     | McCarter   | Sturla      |
| Daley       | Galloway   | McClinton  | Thomas      |
| Davidson    | Godshall   | McNeill    | Vazquez     |
| Davis, A.   | Goodman    | Miller, D. | Vitali      |
| Davis, T.   | Haggerty   | Murt       | Warren      |
| Dawkins     | Hanna      | Neilson    | Wheatley    |
| Dean        | Harkins    | O'Brien    | Youngblood  |

NOT VOTING—0

EXCUSED—5

|      |          |        |              |
|------|----------|--------|--------------|
| Corr | Fabrizio | Gabler | Keller, M.K. |
| Cruz |          |        |              |

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

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

**BILLS ON SECOND CONSIDERATION**

The House proceeded to second consideration of **SB 180, PN 1532**, entitled:

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, in ownership of property and legal title and equitable estate, further providing for right to dispose of a decedent's remains; in health care, further providing for example; and, in anatomical gifts, further providing for definitions, providing for scope, further providing for persons who may execute anatomical gift, for persons who may become donees and purposes for which anatomical gifts may be made, for manner of executing anatomical gifts, for rights and duties at death, for requests for anatomical gifts, for use of driver's license or identification card to indicate organ or tissue

donation, for The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund contributions, for The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund, for confidentiality requirement and for prohibited activities, providing for promotion of organ and tissue donation, establishing the Donate Life PA Registry, providing for facilitation of anatomical gift from decedent whose death is under investigation, for collaboration among departments and organ procurement organizations, for requirements for physician and nurse training relative to organ and tissue donation and recovery, for Department of Transportation, for Department of Corrections, for study of organ procurement organizations and for relation to Electronic Signatures in Global and National Commerce Act, repealing provisions relating to corneal transplants and providing for vascularized composite allografts.

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

The SPEAKER. The first amendments that I see are Representative Toohil's amendments. I believe they are 6108 and 6109. Have they been withdrawn? They have been withdrawn.

Representative Petrarca has quite a few amendments. I am going to see if he has withdrawn any. Representative Petrarca, are you withdrawing any of your amendments? Representative Petrarca?

And then, I believe, the first amendment we are going to do is Representative Cutler's, 6502.

And, Representative Petrarca, if you could let us know if any of the amendments are being withdrawn.

### LEAVES OF ABSENCE

The SPEAKER. Representative Curtis THOMAS has requested to be placed on leave, and Representative Tina DAVIS has requested to be placed on leave. Without objection, those will be granted.

### CONSIDERATION OF SB 180 CONTINUED

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

Mr. CUTLER offered the following amendment No. **A06502**:

Amend Bill, page 1, line 30, by inserting after "EXAMPLE;" and,  
Amend Bill, page 2, line 15, by inserting after "INVESTIGATION,"  
for notification by coroners and medical examiners to district attorneys, for discretionary notification by coroner or medical examiner,  
Amend Bill, page 2, line 16, by inserting after "ORGANIZATIONS,"  
for information relative to organ and tissue donation,  
Amend Bill, page 50, line 20, by striking out "305(D)(2)" and inserting  
305(a), (a.1) and (d)(2)

Amend Bill, page 50, by inserting between lines 22 and 23  
(a) General rule.—Except as specified in subsection (a.1), the determination of the final disposition of a decedent's remains shall be as set forth in this section unless otherwise specifically provided by waiver and agreement of the person entitled to make such determination under this section, subject to the provisions of a valid

will executed by the decedent and [section] sections 8611(a) (relating to persons who may execute anatomical gift) and 8654(1) (relating to requirement of explicit, specific and separate authorization).

(a.1) Exception for members of the armed forces.—The determination of the final disposition of a decedent's remains shall be as set forth in this section unless otherwise specifically provided by a DD Form 93 executed later in time than a valid will executed by the decedent or a waiver and agreement of the person entitled to make such determination under this section, subject to the provisions of [section] sections 8611(a) and 8654(1).

Amend Bill, page 75, lines 22 and 23, by striking out "DISTRICT ATTORNEY OR A LAW ENFORCEMENT OFFICER NOTIFIES THE ORGAN PROCUREMENT ORGANIZATION THAT THE"

Amend Bill, page 96, lines 10 through 30; page 97, lines 1 through 23; by striking out all of said lines on said pages and inserting  
(a.1) Informational insert.—The following apply:

(1) Within 180 days of the effective date of this subsection, the Department of Transportation shall furnish an informational insert about organ donation, tissue donation and donation of vascularized composite allografts to each applicant for a renewal driver's license or identification card at the time of renewal.

(2) The informational insert shall explain:

(i) that under Pennsylvania law, donation of organs, tissues and vascularized composite allografts is a voluntary act;

(ii) the difference between organs, tissues and vascularized composite allografts;

(iii) that under Pennsylvania law, explicit and specific consent is needed to donate a vascularized composite allograft;

(iv) that under Pennsylvania law, the request for a vascularized composite allograft must be made separately from a request for organs and tissues;

(v) that the organ donor designation on the driver's license authorizes the individual to donate organs and tissue and does not authorize the individual to donate a vascularized composite allograft;

(vi) that more information about organ donation, tissue donation and donation of vascularized composite allografts, including information about the procedure for recovering organs and other parts of the body and information about being declared dead through brain death and dead by lack of cardiac function, can be found on the Department of Transportation's publicly accessible Internet website; and

(vii) that, before deciding whether to have an organ donor designation placed on the driver's license, the individual may consult with the individual's physician, attorney or clergy.

(3) The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund shall reimburse the Department of Transportation for the costs incurred in the development and implementation of the informational insert program.

Amend Bill, page 116, lines 5 through 9, by striking out the comma in line 5 and all of lines 6 through 9 and inserting  
and the applicable designated organ procurement organization at the hospital, during a reasonable time consistent with organ donation and preservation of forensic evidence. In addition, the forensic pathologist may participate as part of the medical advisory group by appearing in person at the hospital, by telephone or through electronic means.

Amend Bill, page 116, line 19, by inserting after "DENIAL."

The statement shall be provided to the designated organ procurement organization upon request.

Amend Bill, page 116, by inserting between lines 29 and 30

§ 8626.1. Notification by coroners and medical examiners to district attorneys.

(a) Applicability.—This section shall apply in all cases when the coroner or medical examiner:

(1) must determine the cause of death and whether the death may have resulted from criminal acts or criminal neglect; and

(2) is not the coroner or medical examiner of the county in which the cause precipitating the death of the individual is believed to have occurred.

(b) Procedure.—The coroner or medical examiner specified in subsection (a)(2) shall notify the coroner or medical examiner of the county in which the cause precipitating the death of the individual is believed to have occurred. After receiving the notification, the coroner or medical examiner shall notify or cause to be notified the district attorney of the county in which the cause precipitating the death of the individual is believed to have occurred.

§ 8626.2. Discretionary notification by coroner or medical examiner.

(a) Notification.—Except as set forth in subsection (b), a coroner or medical examiner or designee may notify the applicable designated organ procurement organization of a person's death outside the hospital for the purpose of facilitating recovery of tissues for transplant.

(b) Exception.—Notification shall not apply if:

(1) the person was admitted to the hospital at or around the time of death; or

(2) the notification to the coroner or medical examiner occurred more than 18 hours following the estimated time of the person's death.

Amend Bill, page 117, by inserting between lines 16 and 17

§ 8627.1. Information relative to organ and tissue donation.

(a) Model curriculum.—Within nine months of the effective date of this section, the Department of Education, in consultation with the designated organ procurement organizations, shall develop and post on the Department of Education's publicly accessible Internet website a model curriculum regarding organ donation for students in grades 9 through 12 which public and nonpublic schools may use to provide instruction. The form and content of the model curriculum regarding organ donation shall be determined by the Department of Education. The model curriculum shall do all of the following, at a minimum:

(1) Provide a comprehensive, scientific overview of anatomical donation, its history and scientific advancement.

(2) Fully address the risks and benefits of and the myths and misunderstandings regarding organ and tissue donation.

(3) Explain the options available to minors and adults, including the option of designating oneself as an organ and tissue donor and the option of not designating oneself as an organ donor.

(b) Materials.—Within nine months of the effective date of this section, the Department of Education shall make related instructional materials available on the Department of Education's publicly accessible Internet website to public and nonpublic schools educating students in grades 9 through 12. The General Assembly shall encourage public and nonpublic schools to use the instructional materials. Nothing in this subsection shall be construed to require public or nonpublic schools to use the instructional materials.

(c) Parental option.—A minor enrolled in a public or nonpublic school shall be permitted to opt out of receiving instruction or materials relating to anatomical donation as provided under this section if the minor's parent or guardian has provided written notice to the school.

(d) Institutions of higher education.—

(1) Beginning with the 2018-2019 school year, each public institution of higher education in this Commonwealth may provide, in collaboration with the designated organ procurement organizations, information to its students, either through student health services or as part of the curriculum, which:

(i) provides a comprehensive, scientific overview of anatomical donation, its history and scientific advancement; and

(ii) addresses the risks and benefits of and the myths and misunderstandings about anatomical donation.

(2) Beginning with the 2019-2020 school year, each private institution of higher education in this Commonwealth may provide, in collaboration with the designated organ procurement organizations, information to its students, either through student health services or as part of the curriculum, which:

(i) provides a comprehensive, scientific overview of anatomical donation, its history and scientific advancement; and

(ii) addresses the risks and benefits of and the myths and misunderstandings about anatomical donation.

Amend Bill, page 121, by inserting between lines 19 and 20  
§ 8657.1. Notification by coroners and medical examiners to district attorneys.

Amend Bill, page 126, lines 14 through 16, by striking out "DISTRICT ATTORNEY OR A LAW ENFORCEMENT" in line 14, all of line 15 and "THE" in line 16

Amend Bill, page 129, lines 16 through 19, by striking out "THE FORENSIC PATHOLOGIST, IF AVAILABLE," in line 16 and all of lines 17 through 19 and inserting

and the applicable designated organ procurement organization at the hospital, during a reasonable time consistent with donation and preservation of forensic evidence. In addition, the forensic pathologist may participate as part of the medical advisory group by appearing in person at the hospital, by telephone or through electronic means.

Amend Bill, page 129, line 29, by inserting after "DENIAL,"

The statement shall be provided to the designated organ procurement organization upon request.

Amend Bill, page 130, by inserting between lines 9 and 10

§ 8657.1. Notification by coroners and medical examiners to district attorneys.

(a) Applicability.—This section shall apply in all cases when the coroner or medical examiner:

(1) must determine the cause of death and whether the death may have resulted from criminal acts or criminal neglect; and

(2) the coroner or medical examiner is not the coroner or medical examiner of the county in which the cause precipitating the death of the individual is believed to have occurred.

(b) Procedure.—The coroner or medical examiner specified in subsection (a)(2) shall notify the coroner or medical examiner of the county in which the cause precipitating the death of the individual is believed to have occurred. After receiving the notification, the coroner or medical examiner shall notify or cause to be notified the district attorney of the county in which the cause precipitating the death of the individual is believed to have occurred.

Amend Bill, page 138, by inserting between lines 19 and 20

(ii) The addition of 20 Pa.C.S. § 8613(i).

Amend Bill, page 138, line 20, by striking out "(II)" and inserting

(iii)

Amend Bill, page 138, line 21, by striking out "(III)" and inserting

(iv)

Amend Bill, page 138, line 22, by striking out "(IV)" and inserting

(v)

Amend Bill, page 138, by inserting between lines 22 and 23

(vi) The addition of 20 Pa.C.S. § 8626.1.

(vii) The addition of 20 Pa.C.S. § 8627.1.

Amend Bill, page 138, line 23, by striking out "(V)" and inserting

(viii)

Amend Bill, page 138, line 24, by striking out "(VI)" and inserting

(ix)

Amend Bill, page 138, line 25, by striking out "(VII)" and

inserting

(x)

Amend Bill, page 138, line 26, by striking out "(VIII)" and inserting

(xi)

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

### LEAVE OF ABSENCE CANCELED

The SPEAKER. Representative Mark Keller is on the House floor and should be placed back on the master roll.

### CONSIDERATION OF SB 180 CONTINUED

The SPEAKER. Representative Cutler, on the amendment, sir.

Mr. CUTLER. Thank you, Mr. Speaker.

Mr. Speaker, this amendment is a result of discussions with PennDOT, the Department of Health, the District Attorneys Association, as well as some previous agreed-to language that was left out of the amendment that was offered in committee. Specifically it would strike "DISTRICT ATTORNEY OR A LAW ENFORCEMENT OFFICER" so that a rape crisis counselor or sheriff can also notify the OPO (organ procurement organization) that the surrogate decisionmaker is the subject of the PFA (protection from abuse) order. It also renames the pamphlets as requested by PennDOT into an "informational insert."

And three, it provides that the forensic pathologist, when serving as part of the medical advisory group, may be available in person, on the phone, or through other electronic means.

The fourth change is, it provides in a case of a suspicious death, which was an instance that came up during a hearing on this particular bill in one of its prior iterations where an individual was injured in one county but perhaps expires in another, it clarifies who has jurisdiction in that scenario as well as provides a procedure for coroners to use regarding deaths that occur outside of the hospital with respect to notifying the organ procurement organizations at the discretion of the coroner so that they can obtain tissue.

And finally, it provides the Department of Education to provide a model curriculum on its Web site, which was the subject of two of the previously withdrawn amendments by our gentlelady colleague.

The SPEAKER. Thank you, Representative Cutler.

Representative McCarter, on the amendment, sir.

Mr. PETRARCA. Thank you, Mr. Speaker.

I appreciate the gentleman's work on this. However, as he—

The SPEAKER. Representative Petrarca, please suspend just for a moment.

### PARLIAMENTARY INQUIRY

The SPEAKER. Representative McCarter, on the amendment.

Mr. McCARTER. Mr. Speaker, I am trying to understand, we have SB 180 up on the board but I believe we are talking about SB 108. Is that correct?

The SPEAKER. No, SB 180; 180.

Mr. McCARTER. But the Cutler amendment was on SB 108, or did he take another number?

The SPEAKER. It must be. We are not doing SB 108 right now. He does have an amendment on that.

Mr. McCARTER. All right. Thank you.

The SPEAKER. You are correct. But we are not on that bill.

Mr. McCARTER. Thank you very much.

The SPEAKER. Yeah. SB 180, PN 1532, amendment 6502.

### LEAVES OF ABSENCE

The SPEAKER. Representative Madeleine DEAN has requested to be placed on leave. Without objection, that will be granted.

Representative Patty KIM has requested to be placed on leave. Without objection, that will be granted.

### CONSIDERATION OF SB 180 CONTINUED

The SPEAKER. Representative Petrarca, I apologize for interrupting. You may proceed on amendment 6502.

Mr. PETRARCA. Thank you, Mr. Speaker.

As I was saying, I appreciate the work that the gentleman who proposed the current amendment has done on organ donation, and as he started his remarks, he said that this amendment came as a result of discussions with Pennsylvania's two organ procurement organizations, the Department of Transportation and also the Department of Health. What he did not say was that our two organ procurement organizations, Gift of Life in Philadelphia and CORE (Center for Organ Recovery and Education) in Pittsburgh, oppose this amendment. The Department of Transportation opposes this amendment. The Department of Health opposes this amendment.

As we have been negotiating this bill and trying to pass an update to our organ donation law for 4 or 5 years in Pennsylvania, we have gone through a number of changes, and as the bill, SB 180, came out of Judiciary a few weeks ago, it was substantially amended. And that amendment to SB 180 in committee has caused a number of problems that again led to a number of groups not supporting the legislation. In committee when it was changed, the amendments in committee added language to reflect that where conflict exists between an advance directive or similar document and a donor designation on a driver's license, that limitations to donation always supersede the donor designation, regardless of which was executed more recently. What that means is, if someone in Pennsylvania 10 years, 20 years ago decided that they did not want to be an organ donor and then subsequently decided that they do want to be an organ donor, that denial, that language from, again, 10, 20 years ago, where they decided not to be a donor, will always be controlling. It, again, certainly takes away the wishes of Pennsylvanians and the wishes of those who wish to be organ donors.

In committee, the legislation removed the requirement that coroners and medical examiners refer potential tissue donors in accordance with mutually agreed upon protocols. That was added in committee – again a major bone of contention. This amendment does not, does not fix that.

In committee, the requirement was removed that all donations be referred through the federally regulated system. This amendment does not correct that.



And in committee, where SB 180 changed the \$1 checkoff on vehicle registrations and driver's licenses, it allowed it to go from \$1 to \$3. That was changed in committee. This amendment does not correct that. Our organ donor fund in Pennsylvania, which receives money through these checkoffs, is in bad fiscal shape. Without changes to that designation allowing a voluntary \$3 checkoff, that fund will be insolvent in a few years.

And the Pennsylvania organ donation law, as you may know, has been around for a number of years. It has been model legislation nationally, even internationally. We were certainly a leader in organ donation in Pennsylvania but we are on the verge of losing that status, in my opinion. And again, when our organ procurement organizations in Pennsylvania say that this legislation as amended in committee, and even with this amendment, will set organ donation back in Pennsylvania 10 or 20 years, it is certainly a compelling statement.

With all of the opposition to this amendment – as I said, the Department of Transportation, the Department of Health, and our two organ procurement organizations – I ask that this amendment not be adopted, and hopefully other amendments offered later will correct some of this language and make this the bill it should be.

Thank you, Mr. Speaker. I ask for a "no" vote.

The SPEAKER. Representative Kerry Benninghoff, on the amendment.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

I would ask the members to support the Cutler amendment. I know not everyone has been directly involved with this, but Representative Cutler and I have met with many interested parties over the last year and a half trying to make some corrections. This specific amendment is to address a lot of those more minor concerns that were raised. We have met repetitively for as last 8, 9, 10 months with the organ procurement organizations. I would ask you to support this.

I do agree with the previous gentleman speaking: Pennsylvania is the number one leading State in the nation for organ procurement and has been for the last 10 years. We are trying to strike a balance. I think this amendment helps address any concerns that had been raised in the many, many, meetings that we have had with all the different interested parties.

I would ask our members to please support the Cutler amendment. Thank you, Mr. Speaker.

The SPEAKER. Representative Cutler, you may proceed, sir.

Mr. CUTLER. Thank you, Mr. Speaker.

Very briefly, I just wanted to provide some clarification on one of the prior speaker's comments. I believe the gentleman from Westmoreland was referencing the amendment that was actually accepted in committee. This amendment does in fact correct some of the issues that were raised after the amendment in committee, and I would like to provide that clarification, specifically the information that PennDOT requested as well as the district attorneys. Additionally, I recognize that while it does not bring everybody completely on board, I do think it improves the underlying bill and would certainly appreciate a "yes" vote.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

#### YEAS—125

|             |              |            |           |
|-------------|--------------|------------|-----------|
| Barbin      | Fritz        | Maloney    | Roae      |
| Barrar      | Gillen       | Marshall   | Roe       |
| Benninghoff | Gillespie    | Marsico    | Rothman   |
| Bernstine   | Godshall     | Masser     | Rozzi     |
| Bloom       | Greiner      | McGinnis   | Ryan      |
| Boback      | Grove        | Mehaffie   | Saccone   |
| Brown, R.   | Hahn         | Mentzer    | Sankey    |
| Causer      | Harkins      | Metcalfe   | Santora   |
| Charlton    | Harper       | Metzgar    | Saylor    |
| Christiana  | Harris, A.   | Miccarelli | Schemel   |
| Conklin     | Heffley      | Millard    | Simmons   |
| Cook        | Helm         | Miller, B. | Sonney    |
| Corbin      | Hennessey    | Milne      | Staats    |
| Costa, D.   | Hickernell   | Moul       | Stephens  |
| Cox         | Hill         | Murt       | Tallman   |
| Culver      | Irvin        | Mustio     | Taylor    |
| Cutler      | James        | Nelson     | Tobash    |
| Day         | Jozwiak      | Nesbit     | Toepel    |
| Deasy       | Kampf        | O'Neill    | Toohil    |
| Delozier    | Kaufner      | Oberlander | Topper    |
| Diamond     | Kauffman     | Ortitay    | Walsh     |
| DiGirolamo  | Keefer       | Peifer     | Ward      |
| Dowling     | Keller, F.   | Pickett    | Warner    |
| Dunbar      | Keller, M.K. | Pyle       | Watson    |
| Dush        | Klunk        | Quigley    | Wentling  |
| Ellis       | Knowles      | Quinn, C.  | Wheeland  |
| Emrick      | Kulik        | Quinn, M.  | White     |
| English     | Lawrence     | Rader      | Zimmerman |
| Evankovich  | Lewis        | Rapp       |           |
| Everett     | Mackenzie    | Readshaw   | Turzai,   |
| Farry       | Maher        | Reed       | Speaker   |
| Fee         | Mako         | Reese      |           |

#### NAYS—67

|             |            |            |             |
|-------------|------------|------------|-------------|
| Bizzarro    | DeLuca     | Kinsey     | Rabb        |
| Boyle       | Dermody    | Kirkland   | Ravenstahl  |
| Bradford    | Donatucci  | Kortz      | Roebuck     |
| Briggs      | Driscoll   | Krueger    | Sainato     |
| Brown, V.   | Evans      | Longietti  | Samuelson   |
| Bullock     | Fitzgerald | Madden     | Schlossberg |
| Burns       | Flynn      | Markosek   | Schweyer    |
| Caltagirone | Frankel    | Matzie     | Sims        |
| Carroll     | Freeman    | McCarter   | Snyder      |
| Cephas      | Gainey     | McClinton  | Solomon     |
| Comitta     | Galloway   | McNeill    | Sturla      |
| Costa, P.   | Goodman    | Miller, D. | Vazquez     |
| Daley       | Haggerty   | Mullery    | Vitali      |
| Davidson    | Hanna      | Neilson    | Warren      |
| Davis, A.   | Harris, J. | O'Brien    | Wheatley    |
| Dawkins     | Kavulich   | Pashinski  | Youngblood  |
| DeLissio    | Keller, W. | Petrarca   |             |

#### NOT VOTING—0

#### EXCUSED—8

|      |           |          |        |
|------|-----------|----------|--------|
| Corr | Davis, T. | Fabrizio | Kim    |
| Cruz | Dean      | Gabler   | Thomas |

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?

The SPEAKER. Representative Petrarca has withdrawn these amendments: 6093, 6108, 6109, 6283, 6284, 6296, 6297, 6298, 6299, 6300, 6301, 6302, 6303, 6304, 6305, 6306, 6307, and 6309.

I believe the remaining amendments are two, 6308 and 6816. What is the third one? Representative Petrarca, just give me the third one that you have. Amendment 6094? Representative Petrarca, I have 6308 and I have 6816. Do you want to offer 6094 as well? And is that replacing another amendment? Okay. So amendments 6094, 6308, and 6816.

At this time we are going to call up amendment 6094. The clerk will read a summary of 6094 for us, amendment 6094.

Sir, that is a replacement amendment. We do not have a summary for that amendment. I do not mind calling it. It is perfectly okay, but we do not have it. We do not have a printed version for 6094, so we will call up amendment 6308. And the clerk will read a summary of 6308. We are over on 6094. We are on 6308.

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

Mr. **PETRARCA** offered the following amendment No. **A06308**:

Amend Bill, page 87, line 4, by striking out all of said line and inserting

(b) Referrals.—

(1) If an organ procurement organization

Amend Bill, page 87, by inserting between lines 11 and 12

(2) The following shall apply to coroners and medical examiners:

(i) except as set forth in subparagraph (ii), a coroner or medical examiner shall notify the applicable designated organ procurement organization of a person's death in accordance with a mutually agreed-upon protocol. Notification shall be made in a timely manner to ensure that examination, evaluation and ascertainment of donor status as set forth in subsection (d) can be completed within a time frame compatible with the recovery of tissues for transplant; and

(ii) notification under this paragraph shall not be made if:

(A) the decedent was admitted to the hospital at or around the time of death; or

(B) the notification to the coroner or medical examiner occurred more than 18 hours following the estimated time of the decedent's death.

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

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

Mr. **PETRARCA**. Thank you, Mr. Speaker.

This amendment requires that in event that someone dies outside of a hospital, that their wishes will still be certainly respected. It requires that a coroner or medical examiner alert an

organ procurement organization of the death of someone, which will allow the process to begin if the decedent wished to be an organ donor.

This will affect tissue donations, and I ask for your affirmative vote. Thank you.

The SPEAKER. Representative Cutler, on the amendment, please.

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

Mr. Speaker, I would urge a "no" vote on this amendment for the following reasons. Specifically, the amendment that we just adopted does partially deal with deaths outside of the hospital specific to tissue recovery, and while that amendment made it discretionary in regards to the coroners and any ongoing investigations, my reading of this amendment would make it mandatory, and therefore, this prior proposal through some of the discussions with stakeholders was not accepted.

I would urge a "no" vote. Thank you.

The SPEAKER. Representative Petrarca, for a second time on the amendment.

Mr. **PETRARCA**. Thank you. Thank you, Mr. Speaker.

I think it is important that we require medical examiners and coroners to carry out the wishes of the deceased when it comes to tissue donation, and again, this is an amendment that is supported by our organ procurement organizations.

I ask for your affirmative vote. Thank you.

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

The following roll call was recorded:

YEAS—68

|             |            |            |             |
|-------------|------------|------------|-------------|
| Bizzarro    | DeLuca     | Kinsey     | Rabb        |
| Boyle       | Dermody    | Kirkland   | Ravenstahl  |
| Bradford    | Donatucci  | Kortz      | Roebuck     |
| Briggs      | Driscoll   | Krueger    | Rozzi       |
| Brown, V.   | Evans      | Longietti  | Sainato     |
| Bullock     | Fitzgerald | Madden     | Samuelson   |
| Burns       | Flynn      | Markosek   | Schlossberg |
| Caltagirone | Frankel    | Matzie     | Schweyer    |
| Carroll     | Freeman    | McCarter   | Sims        |
| Cephas      | Gainey     | McClinton  | Snyder      |
| Comitta     | Galloway   | McNeill    | Solomon     |
| Costa, P.   | Goodman    | Miller, D. | Sturla      |
| Daley       | Haggerty   | Mullery    | Vazquez     |
| Davidson    | Hanna      | Neilson    | Vitali      |
| Davis, A.   | Harris, J. | O'Brien    | Warren      |
| Dawkins     | Kavulich   | Pashinski  | Wheatley    |
| DeLissio    | Keller, W. | Petrarca   | Youngblood  |

NAYS—124

|             |            |            |          |
|-------------|------------|------------|----------|
| Barbin      | Fritz      | Maloney    | Reese    |
| Barrar      | Gillen     | Marshall   | Roe      |
| Benninghoff | Gillespie  | Marsico    | Roe      |
| Bernstine   | Godshall   | Masser     | Rothman  |
| Bloom       | Greiner    | McGinnis   | Ryan     |
| Boback      | Grove      | Mehaffie   | Saccone  |
| Brown, R.   | Hahn       | Mentzer    | Sankey   |
| Causer      | Harkins    | Metcalfe   | Santora  |
| Charlton    | Harper     | Metzgar    | Saylor   |
| Christiana  | Harris, A. | Miccarelli | Schemel  |
| Conklin     | Heffley    | Millard    | Simmons  |
| Cook        | Helm       | Miller, B. | Sonney   |
| Corbin      | Hennessey  | Milne      | Staats   |
| Costa, D.   | Hickernell | Moul       | Stephens |
| Cox         | Hill       | Murt       | Tallman  |
| Culver      | Irvin      | Mustio     | Taylor   |

|            |              |            |           |
|------------|--------------|------------|-----------|
| Cutler     | James        | Nelson     | Tobash    |
| Day        | Jozwiak      | Nesbit     | Toepel    |
| Deasy      | Kampf        | O'Neill    | Toohil    |
| Delozier   | Kaufner      | Oberlander | Topper    |
| Diamond    | Kauffman     | Ortitay    | Walsh     |
| DiGirolamo | Keefer       | Peifer     | Ward      |
| Dowling    | Keller, F.   | Pickett    | Warner    |
| Dunbar     | Keller, M.K. | Pyle       | Watson    |
| Dush       | Klunk        | Quigley    | Wentling  |
| Ellis      | Knowles      | Quinn, C.  | Wheeland  |
| Emrick     | Kulik        | Quinn, M.  | White     |
| English    | Lawrence     | Rader      | Zimmerman |
| Evankovich | Lewis        | Rapp       |           |
| Everett    | Mackenzie    | Readshaw   | Turzai,   |
| Farry      | Maher        | Reed       | Speaker   |
| Fee        | Mako         |            |           |

NOT VOTING—0

EXCUSED—8

|      |           |          |        |
|------|-----------|----------|--------|
| Corr | Davis, T. | Fabrizio | Kim    |
| Cruz | Dean      | Gabler   | Thomas |

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. Representative Petrarca is calling up amendment 6856, and that replaces amendment 6816. So, members, on your screens, you should be looking for 6856.

On the question recurring,

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

Mr. **PETRARCA** offered the following amendment No. **A06856**:

Amend Bill, page 3, lines 2 through 14 (A06502), by striking out all of said lines and inserting

Amend Bill, page 115, lines 22 through 30; page 116, lines 1 through 29; by striking out all of said lines on said pages and inserting § 8626. Facilitation of anatomical gift from decedent whose death is under investigation.

(a) Applicability of section.—This section shall apply in all cases when the coroner or medical examiner must determine the cause of death and whether the death may have resulted from criminal acts or criminal neglect.

(b) Protocol.—

(1) Coordination shall be as follows:

(i) Upon identification of a prospective donor, the designated organ procurement organization shall, within a reasonable time, notify the coroner or medical examiner of the county in which the prospective donor is located.

(ii) Upon notification under subparagraph (i), a coroner or medical examiner intending to investigate the death of a prospective donor shall, to the extent applicable and reasonable under the circumstances:

(A) Notify the coroner or medical examiner of the county in which the cause precipitating the death of the prospective donor is

believed to have occurred, and the coroner or medical examiner shall notify the district attorney of the county in accordance with internal county protocols.

(B) Notify the applicable organ procurement organization of any change in jurisdiction.

(iii) An organ procurement organization shall in all cases cooperate with the coroner or medical examiner in order to facilitate the preservation and collection of forensic evidence. An organ procurement organization shall not move or cause to be moved a prospective donor without authorization of the coroner or medical examiner having jurisdiction. Upon request, an organ procurement organization shall provide or assist the coroner or medical examiner in obtaining:

(A) Medical records.

(B) Photographs.

(C) Specimens, including blood and tissue.

(D) Laboratory and diagnostic test results.

(E) Any other available information.

(iv) If applicable, the coroner or medical examiner shall timely notify the organ procurement organization of any additional requests from the coroner, medical examiner or district attorney of the county where the cause of death is believed to have occurred, including scheduling the recovery procedure to permit attendance of the organ procurement organization where the scheduling can be done in a time frame consistent with facilitating anatomical donation.

(v) Notwithstanding the provisions of 18 Pa.C.S. Ch. 91 (relating to criminal history record information), a coroner or medical examiner shall, upon request, release to the organ procurement organization the name, contact information and available medical and social history of a decedent whose death is under investigation. The information provided under this subparagraph shall be exempt from the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

(2) If a coroner or medical examiner has jurisdiction in the case of a prospective organ donor, the coroner or medical examiner shall have the final authority to disallow an anatomical gift and the following shall apply:

(i) Where a prospective donor or their next of kin has authorized a donation via a will, advanced medical directive, driver's license designation or other legal means, if the coroner or medical examiner is considering denying recovery of one or more organs intended for transplant or therapy, the coroner or medical examiner shall notify the applicable organ procurement organization.

(ii) The coroner or medical examiner and the applicable organ procurement organization shall seek to agree to limitations to the donation that address the investigative needs of the coroner or medical examiner.

(iii) If the coroner or medical examiner is considering a complete denial of all organs intended for transplant or therapy, the following shall apply:

(A) The coroner, medical examiner or a qualified designee, such as a forensic pathologist, shall attend a meeting at the hospital coordinated by the organ procurement organization with the appropriate clinical team members made available by the organ procurement organization to review the case and available testing and diagnostic information.

(B) The organ procurement organization shall use the organization's best efforts to schedule the meeting under clause (A) at the time reasonably requested by the coroner or medical examiner.

(C) If after reviewing the case, the coroner or medical examiner or a designee of the coroner or medical examiner in attendance still intends to make a complete denial of recovery, the coroner or medical examiner or the designee of the coroner or medical examiner shall attend the recovery procedure to visualize the organs before withholding organs intended for transplant or therapy.

(D) The coroner, medical examiner or the designee of the coroner or medical examiner in attendance may deny removal of an organ only based on accepted forensic standards related to the determination of the cause, manner and mechanism of death of the donor and the impact of organ removal on the donor.

(E) If the coroner, medical examiner or the designee of the coroner or medical examiner denies removal of an organ, the coroner or medical examiner shall provide the designated organ procurement organization a written explanation of the reason for determining that the removal of the organ may interfere with or impede the investigation of the cause, manner and mechanism of death. Information provided under this clause shall be exempt from the Right-to-Know Law.

(F) Removal of an organ may not occur if the coroner or medical examiner or the designee of the coroner or medical examiner has denied removal of that organ in accordance with this section.

(G) The applicable organ procurement organization shall reimburse the coroner or medical examiner for the reasonable costs of attendance at the recovery procedure.

(3) If requested by the coroner, medical examiner or district attorney, the physician recovering an organ under this section shall provide a report and, if necessary, be available to provide testimony in any proceeding, detailing the condition of the organ and the recovery procedure. Reasonable costs associated with a physician or technician providing testimony under this section shall be paid by the designated organ procurement organization. A report prepared under this subsection shall be exempt from the Right-to-Know Law.

(4) The requirements of this section shall be performed in a manner and time frame consistent with anatomical donation.

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

The SPEAKER. On the amendment, Representative Petrarca is recognized.

Mr. PETRARCA. Thank you, Mr. Speaker.

This amendment will put into place a procedure for law enforcement, coroners, hospitals, and organ procurement organizations to follow when a decedent or their family has expressed a wish to donate but the coroner needs to investigate. Again, this amendment is about honoring personal choice. The courts, medical examiners, and forensic pathologists in Pennsylvania have acknowledged that organ donation is not incompatible with an investigation regarding a possible

suspicious death. This amendment ensures that every precaution is taken to preserve evidence and make the evidence available for court while still preserving the rights of people to choose what happens to their bodies after death.

In Pennsylvania since 2014, we have had, I believe, 44 organ donation denials. That is more than New York, New Jersey, Maryland, West Virginia, Delaware, Connecticut, Vermont, New Hampshire, and Massachusetts combined. Each denial, each denial potentially, potentially stops eight organ donations.

What this amendment does, we had a problem in Pennsylvania with the Coroners Association and the way that organs are denied. In Pennsylvania currently, a coroner can pick up the phone, say denied, and a donation will not occur. In Pennsylvania under current law, coroners have the ability to deny an organ donation depending on the circumstances of the case.

What this amendment asks for is for a coroner to come to a hospital before denial – or send a qualified designee – view the body, discuss the issues with a clinical team member, and it still allows a coroner to deny an organ donation; however, if they do that, it requires that they give reasons in writing for the denial. I think it is an absolute commonsense approach to dealing with these situations. Certainly, it is not a heavy burden on our coroners in Pennsylvania.

Once again, accepted by our organ procurement organizations and supported by them, and I ask for this, again, commonsense amendment to be adopted. Thank you.

The SPEAKER. Representative Cutler, on the amendment, please.

I apologize. Representative Ron Marsico, on the amendment, please.

Mr. MARSICO. Thank you, Mr. Speaker.

I rise to oppose this amendment. This just got on the screen about a half an hour ago, and I just want to ask the members to oppose this. The coroners are opposing this as well. You know, this is our fourth session dealing with this type of legislation, and we wanted to get the coroners on board and it took about 7 or 8 years to get them and the D.A.s on board, and so with that, we finally did. So we are at the point now where we are looking for them to support this, and they do without this amendment.

So I ask the members to oppose this amendment. Thank you.

The SPEAKER. Representative Benninghoff, on the amendment, sir.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

I, too, would ask the members to not support this. This very issue is what stopped this bill when we were about 2 yards in front of the goal line last year to get it done. The coroners – for those who were not coroners; I happen to be a former one – are duly elected to be impartial objective entities. They are your voice if something happens to one of you or your family members, and they make decisions both medically and legally. We cannot take that authority away from them. They are working very cooperatively, for the most part, across the Commonwealth, and this would interrupt that.

I would ask for a "no" vote. Thank you.

The SPEAKER. Representative Petrarca, for the second time.

Mr. PETRARCA. To say that we are close to the finish line on passing an organ donation bill is one thing, but do you not think that when we pass a bill, we should actually improve a situation? You know, again, we were a leader in organ donation.



We are one of, I think, one or two States that have not adopted the Uniform Anatomical Gift Act. We are going to pass a bill with – if we do not adopt some of these amendments – we are going to pass a bill that no one in the organ procurement world supports. So what are we accomplishing? To say that the coroners are in agreement with this bill or this bill as it stands now, I can understand that, because this bill does not change anything about what a coroner has to do. And, again, do you not think we have a problem in Pennsylvania when we have more denials here than most of the States on the eastern seaboard combined in the last 3, 4, 5, 10 years?

We obviously have a problem. What this amendment asks the coroners to do is more than reasonable. We have tried to negotiate with them for 4 or 5 years. Again, it is more than reasonable. It is not that much of an ask, and I think we owe it to the families who have lost loved ones who are upset that organs cannot be donated, and we certainly owe it to the people on our organ donor list in Pennsylvania, those folks that are dying at least one a day in our State.

Again, it is not a big ask of coroners. I think it is more than reasonable. I certainly ask for your affirmative vote. Thank you.

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

The following roll call was recorded:

YEAS—70

|             |            |            |             |
|-------------|------------|------------|-------------|
| Barbin      | DeLuca     | Kirkland   | Ravenstahl  |
| Bizzarro    | Dermoddy   | Kortz      | Roebuck     |
| Boyle       | Donatucci  | Krueger    | Rozzi       |
| Bradford    | Driscoll   | Longiotti  | Sainato     |
| Briggs      | Evans      | Madden     | Samuelson   |
| Brown, V.   | Fitzgerald | Markosek   | Schlossberg |
| Bullock     | Flynn      | Matzie     | Schweyer    |
| Burns       | Frankel    | McCarter   | Sims        |
| Caltagirone | Freeman    | McClinton  | Snyder      |
| Carroll     | Gainey     | McNeill    | Solomon     |
| Cephas      | Galloway   | Miller, D. | Sturla      |
| Comitta     | Goodman    | Mullery    | Toohil      |
| Costa, P.   | Haggerty   | Neilson    | Vazquez     |
| Daley       | Hanna      | O'Brien    | Vitali      |
| Davidson    | Harris, J. | Pashinski  | Warren      |
| Davis, A.   | Kavulich   | Petrarca   | Wheatley    |
| Dawkins     | Keller, W. | Rabb       | Youngblood  |
| DeLissio    | Kinsey     |            |             |

NAYS—122

|             |            |            |          |
|-------------|------------|------------|----------|
| Barrar      | Fritz      | Mako       | Reed     |
| Benninghoff | Gillen     | Maloney    | Reese    |
| Bernstine   | Gillespie  | Marshall   | Roae     |
| Bloom       | Godshall   | Marsico    | Roe      |
| Boback      | Greiner    | Masser     | Rothman  |
| Brown, R.   | Grove      | McGinnis   | Ryan     |
| Causar      | Hahn       | Mehaffie   | Saccone  |
| Charlton    | Harkins    | Mentzer    | Sankey   |
| Christiana  | Harper     | Metcalfe   | Santora  |
| Conklin     | Harris, A. | Metzgar    | Saylor   |
| Cook        | Heffley    | Miccarelli | Schemel  |
| Corbin      | Helm       | Millard    | Simmons  |
| Costa, D.   | Hennessey  | Miller, B. | Sonney   |
| Cox         | Hickernell | Milne      | Staats   |
| Culver      | Hill       | Moul       | Stephens |
| Cutler      | Irvin      | Murt       | Tallman  |
| Day         | James      | Mustio     | Taylor   |
| Deasy       | Jozwiak    | Nelson     | Tobash   |
| Delozier    | Kampf      | Nesbit     | Toepel   |
| Diamond     | Kaufer     | O'Neill    | Topper   |

|            |              |            |           |
|------------|--------------|------------|-----------|
| DiGirolamo | Kauffman     | Oberlander | Walsh     |
| Dowling    | Keefe        | Ortity     | Ward      |
| Dunbar     | Keller, F.   | Peifer     | Warner    |
| Dush       | Keller, M.K. | Pickett    | Watson    |
| Ellis      | Klunk        | Pyle       | Wentling  |
| Emrick     | Knowles      | Quigley    | Wheeland  |
| English    | Kulik        | Quinn, C.  | White     |
| Evankovich | Lawrence     | Quinn, M.  | Zimmerman |
| Everett    | Lewis        | Rader      |           |
| Farry      | Mackenzie    | Rapp       | Turzai,   |
| Fee        | Maher        | Readshaw   | Speaker   |

NOT VOTING—0

EXCUSED—8

|      |           |          |        |
|------|-----------|----------|--------|
| Corr | Davis, T. | Fabrizio | Kim    |
| Cruz | Dean      | Gabler   | Thomas |

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. Representative Petrarca, do you have another amendment you wish to call up? We do not have anything for 6094. We now have it. I apologize. We did not have it earlier.

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

Mr. **PETRARCA** offered the following amendment  
No. **A06094**:

Amend Bill, page 1, lines 26 through 30; page 2, lines 1 through 23; by striking out all of said lines on said pages and inserting Amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, in health care, further providing for example; in anatomical gifts, further providing for definitions, for persons who may execute anatomical gift, for persons who may become donees and purposes for which anatomical gifts may be made, for manner of executing anatomical gifts, for amendment or revocation of gift, for rights and duties at death, for requests for anatomical gifts, for use of driver's license or identification card to indicate organ or tissue donation, for The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund contributions, for The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund, for confidentiality requirement and for prohibited activities, providing for promotion of organ and tissue donation, establishing the Donate Life PA Registry and providing for facilitation of anatomical gift from decedent whose death is under investigation, for collaboration among departments and organ procurement organizations, for information relative to organ and tissue donation, for requirements for physician and nurse training relative to organ and tissue donation and recovery, for Department of Transportation, for Department of Corrections, for uniformity of application and construction and for relation to Electronic Signatures in Global and National Commerce Act; and repealing provisions relating to corneal transplants.  
Amend Bill, page 50, lines 20 through 30; pages 51 through 138,

lines 1 through 30; by striking out all of said lines on said pages and inserting

Section 1. Section 5471 of Title 20 of the Pennsylvania Consolidated Statutes is amended to read:

§ 5471. Example.

The following is an example of a document that combines a living will and health care power of attorney:

**DURABLE HEALTH CARE POWER OF ATTORNEY  
AND HEALTH CARE TREATMENT INSTRUCTIONS  
(LIVING WILL)**

**PART I**

**INTRODUCTORY REMARKS ON  
HEALTH CARE DECISION MAKING**

You have the right to decide the type of health care you want.

Should you become unable to understand, make or communicate decisions about medical care, your wishes for medical treatment are most likely to be followed if you express those wishes in advance by:

- (1) naming a health care agent to decide treatment for you; and
- (2) giving health care treatment instructions to your health care agent or health care provider.

An advance health care directive is a written set of instructions expressing your wishes for medical treatment. It may contain a health care power of attorney, where you name a person called a "health care agent" to decide treatment for you, and a living will, where you tell your health care agent and health care providers your choices regarding the initiation, continuation, withholding or withdrawal of life-sustaining treatment and other specific directions.

You may limit your health care agent's involvement in deciding your medical treatment so that your health care agent will speak for you only when you are unable to speak for yourself or you may give your health care agent the power to speak for you immediately. This combined form gives your health care agent the power to speak for you only when you are unable to speak for yourself. A living will cannot be followed unless your attending physician determines that you lack the ability to understand, make or communicate health care decisions for yourself and you are either permanently unconscious or you have an end-stage medical condition, which is a condition that will result in death despite the introduction or continuation of medical treatment. You, and not your health care agent, remain responsible for the cost of your medical care.

If you do not write down your wishes about your health care in advance, and if later you become unable to understand, make or communicate these decisions, those wishes may not be honored because they may remain unknown to others.

A health care provider who refuses to honor your wishes about health care must tell you of its refusal and help to transfer you to a health care provider who will honor your wishes.

You should give a copy of your advance health care directive (a living will, health care power of attorney or a document containing both) to your health care agent, your physicians, family members and others whom you expect would likely attend to your needs if you become unable to understand, make or communicate decisions about medical care. If your health care wishes change, tell your physician and write a new advance health care directive to replace your old one. It is important in selecting a health care agent that you choose a person you trust who is likely to be available in a medical situation where you cannot make decisions for yourself. You should inform that person that you have appointed him or her as your health care agent and discuss your beliefs and values with him or her so that your health care agent will understand your health care objectives.

You may wish to consult with knowledgeable, trusted

individuals such as family members, your physician or clergy when considering an expression of your values and health care wishes. You are free to create your own advance health care directive to convey your wishes regarding medical treatment. The following form is an example of an advance health care directive that combines a health care power of attorney with a living will.

**NOTES ABOUT THE USE OF THIS FORM**

If you decide to use this form or create your own advance health care directive, you should consult with your physician and your attorney to make sure that your wishes are clearly expressed and comply with the law.

If you decide to use this form but disagree with any of its statements, you may cross out those statements.

You may add comments to this form or use your own form to help your physician or health care agent decide your medical care.

This form is designed to give your health care agent broad powers to make health care decisions for you whenever you cannot make them for yourself. It is also designed to express a desire to limit or authorize care if you have an end-stage medical condition or are permanently unconscious. If you do not desire to give your health care agent broad powers, or you do not wish to limit your care if you have an end-stage medical condition or are permanently unconscious, you may wish to use a different form or create your own. **YOU SHOULD ALSO USE A DIFFERENT FORM IF YOU WISH TO EXPRESS YOUR PREFERENCES IN MORE DETAIL THAN THIS FORM ALLOWS OR IF YOU WISH FOR YOUR HEALTH CARE AGENT TO BE ABLE TO SPEAK FOR YOU IMMEDIATELY.** In these situations, it is particularly important that you consult with your attorney and physician to make sure that your wishes are clearly expressed.

This form allows you to tell your health care agent your goals if you have an end-stage medical condition or other extreme and irreversible medical condition, such as advanced Alzheimer's disease. Do you want medical care applied aggressively in these situations or would you consider such aggressive medical care burdensome and undesirable?

You may choose whether you want your health care agent to be bound by your instructions or whether you want your health care agent to be able to decide at the time what course of treatment the health care agent thinks most fully reflects your wishes and values.

If you are a woman and diagnosed as being pregnant at the time a health care decision would otherwise be made pursuant to this form, the laws of this Commonwealth prohibit implementation of that decision if it directs that life-sustaining treatment, including nutrition and hydration, be withheld or withdrawn from you, unless your attending physician and an obstetrician who have examined you certify in your medical record that the life-sustaining treatment:

- (1) will not maintain you in such a way as to permit the continuing development and live birth of the unborn child;
- (2) will be physically harmful to you; or
- (3) will cause pain to you that cannot be alleviated by medication.

A physician is not required to perform a pregnancy test on you unless the physician has reason to believe that you may be pregnant.

Pennsylvania law protects your health care agent and health care providers from any legal liability for following in good faith your wishes as expressed in the form or by your health care agent's direction. It does not otherwise change professional standards or excuse negligence in the way your wishes are carried out. If you have any questions about the law, consult an attorney for guidance.

This form and explanation is not intended to take the

place of specific legal or medical advice for which you should rely upon your own attorney and physician.

PART II

DURABLE HEALTH CARE POWER OF ATTORNEY

I,....., of..... County, Pennsylvania, appoint the person named below to be my health care agent to make health and personal care decisions for me.

Effective immediately and continuously until my death or revocation by a writing signed by me or someone authorized to make health care treatment decisions for me, I authorize all health care providers or other covered entities to disclose to my health care agent, upon my agent's request, any information, oral or written, regarding my physical or mental health, including, but not limited to, medical and hospital records and what is otherwise private, privileged, protected or personal health information, such as health information as defined and described in the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191, 110 Stat. 1936), the regulations promulgated thereunder and any other State or local laws and rules. Information disclosed by a health care provider or other covered entity may be redisclosed and may no longer be subject to the privacy rules provided by 45 C.F.R. Pt. 164.

The remainder of this document will take effect when and only when I lack the ability to understand, make or communicate a choice regarding a health or personal care decision as verified by my attending physician. My health care agent may not delegate the authority to make decisions.

MY HEALTH CARE AGENT HAS ALL OF THE FOLLOWING POWERS SUBJECT TO THE HEALTH CARE TREATMENT INSTRUCTIONS THAT FOLLOW IN PART III (CROSS OUT ANY POWERS YOU DO NOT WANT TO GIVE YOUR HEALTH CARE AGENT):

- 1. To authorize, withhold or withdraw medical care and surgical procedures.
2. To authorize, withhold or withdraw nutrition (food) or hydration (water) medically supplied by tube through my nose, stomach, intestines, arteries or veins.
3. To authorize my admission to or discharge from a medical, nursing, residential or similar facility and to make agreements for my care and health insurance for my care, including hospice and/or palliative care.
4. To hire and fire medical, social service and other support personnel responsible for my care.
5. To take any legal action necessary to do what I have directed.
6. To request that a physician responsible for my care issue a do-not-resuscitate (DNR) order, including an out-of-hospital DNR order, and sign any required documents and consents.

APPOINTMENT OF HEALTH CARE AGENT

I appoint the following health care agent:

Health Care Agent:..... (Name and relationship)
Address:.....

Telephone Number: Home..... Work.....
E-mail:.....

IF YOU DO NOT NAME A HEALTH CARE AGENT, HEALTH CARE PROVIDERS WILL ASK YOUR FAMILY OR AN ADULT WHO KNOWS YOUR PREFERENCES AND VALUES FOR HELP IN DETERMINING YOUR WISHES FOR TREATMENT. NOTE THAT YOU MAY NOT APPOINT YOUR DOCTOR OR OTHER HEALTH CARE PROVIDER AS YOUR HEALTH CARE AGENT UNLESS RELATED TO YOU BY BLOOD, MARRIAGE OR ADOPTION.

If my health care agent is not readily available or if my health care agent is my spouse and an action for divorce

is filed by either of us after the date of this document, I appoint the person or persons named below in the order named. (It is helpful, but not required, to name alternative health care agents.)

First Alternative Health Care Agent:..... (Name and relationship)

Address:.....

Telephone Number: Home..... Work.....

E-mail:.....

Second Alternative Health Care Agent:..... (Name and relationship)

Address:.....

Telephone Number: Home..... Work.....

E-mail:.....

GUIDANCE FOR HEALTH CARE AGENT (OPTIONAL)

GOALS

If I have an end-stage medical condition or other extreme irreversible medical condition, my goals in making medical decisions are as follows (insert your personal priorities such as comfort, care, preservation of mental function, etc.):.....

SEVERE BRAIN DAMAGE OR BRAIN DISEASE

If I should suffer from severe and irreversible brain damage or brain disease with no realistic hope of significant recovery, I would consider such a condition intolerable and the application of aggressive medical care to be burdensome. I therefore request that my health care agent respond to any intervening (other and separate) life-threatening conditions in the same manner as directed for an end-stage medical condition or state of permanent unconsciousness as I have indicated below.

Initials.....I agree

Initials.....I disagree

PART III

HEALTH CARE TREATMENT INSTRUCTIONS IN THE EVENT OF END-STAGE MEDICAL CONDITION OR PERMANENT UNCONSCIOUSNESS (LIVING WILL)

The following health care treatment instructions exercise my right to make my own health care decisions. These instructions are intended to provide clear and convincing evidence of my wishes to be followed when I lack the capacity to understand, make or communicate my treatment decisions:

IF I HAVE AN END-STAGE MEDICAL CONDITION (WHICH WILL RESULT IN MY DEATH, DESPITE THE INTRODUCTION OR CONTINUATION OF MEDICAL TREATMENT) OR AM PERMANENTLY UNCONSCIOUS SUCH AS AN IRREVERSIBLE COMA OR AN IRREVERSIBLE VEGETATIVE STATE AND THERE IS NO REALISTIC HOPE OF SIGNIFICANT RECOVERY, ALL OF THE FOLLOWING APPLY (CROSS OUT ANY TREATMENT INSTRUCTIONS WITH WHICH YOU DO NOT AGREE):

1. I direct that I be given health care treatment to relieve pain or provide comfort even if such treatment might shorten my life, suppress my appetite or my breathing, or be habit forming.

2. I direct that all life prolonging procedures be withheld or withdrawn. (You may wish to consult with your physician and attorney about your wish to withdraw life prolonging measures in order to determine whether your designated choices regarding end-of-life care are compatible with anatomical donation. In order to donate an organ, your body may need to be maintained

on artificial support after you have been declared dead in order to facilitate anatomical donation.)

3. I specifically do not want any of the following as life prolonging procedures: (If you wish to receive any of these treatments, write "I do want" after the treatment)

- heart-lung resuscitation (CPR).....
- mechanical ventilator (breathing machine).....
- dialysis (kidney machine).....
- surgery.....
- chemotherapy.....
- radiation treatment.....
- antibiotics.....

Please indicate whether you want nutrition (food) or hydration (water) medically supplied by a tube into your nose, stomach, intestine, arteries, or veins if you have an end-stage medical condition or are permanently unconscious and there is no realistic hope of significant recovery. (Initial only one statement.)

TUBE FEEDINGS

.....I want tube feedings to be given

OR

NO TUBE FEEDINGS

.....I do not want tube feedings to be given.

HEALTH CARE AGENT'S USE OF INSTRUCTIONS (INITIAL ONE OPTION ONLY).

.....My health care agent must follow these instructions.

OR

.....These instructions are only guidance.

My health care agent shall have final say and may override any of my instructions. (Indicate any exceptions).....

If I did not appoint a health care agent, these instructions shall be followed.

LEGAL PROTECTION

Pennsylvania law protects my health care agent and health care providers from any legal liability for their good faith actions in following my wishes as expressed in this form or in complying with my health care agent's direction. On behalf of myself, my executors and heirs, I further hold my health care agent and my health care providers harmless and indemnify them against any claim for their good faith actions in recognizing my health care agent's authority or in following my treatment instructions.

ANATOMICAL DONATION

(If you wish to be an organ donor, it may be necessary to maintain your body on artificial support in order to facilitate anatomical donation.)

ORGAN DONATION (INITIAL ONE OPTION ONLY.)

.....I consent to donate my organs and tissues at the time of my death for the purpose of transplant, medical study or education. (Insert any limitations you desire on donation of specific organs or tissues or uses for donation of organs and tissues.)

OR

.....I do not consent to donate my organs [or] tissues [at the time of my death.] or any other part of my body. This provision shall also serve as a revocation of any prior decision I have made to donate organs, tissues or any part of my body in a prior document, including a driver's license, will, power of attorney or other document.

SIGNATURE.....

Having carefully read this document, I have signed it

this.....day of....., 20..., revoking all previous health care powers of attorney and health care treatment instructions.

.....  
(SIGN FULL NAME HERE FOR HEALTH CARE POWER OF ATTORNEY AND HEALTH CARE TREATMENT INSTRUCTIONS)

WITNESS:.....

WITNESS:.....

Two witnesses at least 18 years of age are required by Pennsylvania law and should witness your signature in each other's presence. A person who signs this document on behalf of and at the direction of a principal may not be a witness. (It is preferable if the witnesses are not your heirs, nor your creditors, nor employed by any of your health care providers.)

NOTARIZATION (OPTIONAL)

(Notarization of document is not required by Pennsylvania law, but if the document is both witnessed and notarized, it is more likely to be honored by the laws of some other states.)

On this.....day of ....., 20..., before me personally appeared the aforesaid declarant and principal, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the County of....., State of..... the day and year first above written.

.....  
Notary Public My commission expires

Section 1.1. The definitions of "advisory committee," "bank or storage facility," "decedent" and "organ procurement organization" in section 8601 of Title 20 are amended and the section is amended by adding definitions to read: § 8601. Definitions.

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

\*\*\*

"Adult." An individual who is at least 18 years of age.

"Advance health care directive." As defined in section 5422 (relating to definitions).

"Advisory committee." The Organ and Tissue Donation Advisory Committee established under section 8622 (relating to The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund).

"Agent." Any of the following:

(1) A health care agent authorized to make health care decisions on a principal's behalf under Subchapter C of Chapter 54 (relating to health care agents and representatives).

(2) An individual expressly authorized to make an anatomical gift on a principal's behalf by any other record signed by the principal.

"Anatomical gift." A donation of all or part of a human body to take effect after the donor's death for the purpose of transplantation, therapy, research or education.

"Bank or storage facility." A facility licensed, accredited or approved under the laws of any state for storage of human bodies or parts thereof.

\*\*\*

"Decedent." [A deceased individual, including a stillborn infant or fetus.] A deceased individual whose body or part is or may be the source of an anatomical gift. The term includes a stillborn infant and subject to restrictions imposed by other laws, a fetus. The term does not include a blastocyst, embryo or fetus that is the subject of an induced abortion.

"Document of gift." A donor card or other record used to make, amend or revoke an anatomical gift. The term includes a statement or symbol on a driver's license or identification card or in a donor registry.



"Donate Life PA Registry." That subset of persons in the Department of Transportation's driver's license and photo identification card database who have elected to include the donor designation on their record. This term shall not refer to a separate database.

\* \* \*

"Donor registry." A database which contains records of anatomical gifts. The term includes the Donate Life PA Registry.

"Eye bank." A person that is licensed, accredited or regulated under Federal or State law to engage in the recovery, screening, testing, processing, storage or distribution of human eyes or portions of human eyes.

\* \* \*

"Hospital administrator." Any individual appointed by a hospital's governing body to act on its behalf in the overall management of the hospital. The term includes a designee of the individual who is authorized by the hospital to exercise supervisory authority.

"Know." To have actual knowledge. When the word "known" is used as an adjective to modify a term, the meaning is that there is actual knowledge about the modified term.

"Minor." An individual who is under 18 years of age.

"Organ." A human organ as defined in 42 CFR 121.2 (relating to definitions).

"Organ procurement organization." An organization [that meets the requirements of section 371 of the Public Health Service Act (58 Stat. 682, 42 U.S.C. § 273)] designated for the region by the Secretary of Health and the Secretary of Human Services as an organ procurement organization.

\* \* \*

"Person authorized or obligated to dispose of a decedent's body." Any of the following, without regard to order of priority:

(1) A coroner or medical examiner having jurisdiction over the decedent's body.

(2) A warden or director of a correctional facility where the decedent was incarcerated.

(3) A hospital administrator of the hospital where the decedent's death was pronounced.

(4) Any other person authorized or under obligation to dispose of the decedent's body.

\* \* \*

"Procurement organization." An organ procurement organization, eye bank or tissue bank.

"Program coordinator." The Organ and Tissue Donation Awareness Program Coordinator established in section 8622 (relating to The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund).

"Prospective donor." A person who is dead or whose death is imminent and has been determined by an organ procurement organization to have a part that could be medically suitable for transplantation, therapy, research or education.

"Reasonably available." Able to be contacted by a procurement organization with reasonable effort and willing and able to exercise the decision to refuse or to authorize anatomical donation in a timely manner consistent with existing medical criteria necessary to make an anatomical gift.

"Recipient." An individual into whose body a decedent's part has been or is intended to be transplanted.

"Record." Information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

"Recovery procedure." The process of removing cells, tissues and organs from a donor.

"Refusal." A writing or record signed by an individual expressly refusing to make any anatomical gifts of their body or part.

\* \* \*

"Tissue." A portion of the human body other than an organ or an eye. The term does not include blood, unless the blood is donated for the purpose of research or education.

"Tissue bank." A person that is licensed, accredited or regulated under Federal or State law to engage in the recovery, screening, testing, processing, storage or distribution of tissue.

\* \* \*

Section 2. Sections 8611(a), (b) and (c) of Title 20 are amended and the section is amended by adding subsections to read:  
§ 8611. Persons who may execute anatomical gift.

(a) General rule.—Any individual of sound mind and 18 years of age or more may give all or any part of his body for any purpose specified in section 8612 (relating to persons who may become donees; purposes for which anatomical gifts may be made), the gift to take effect upon death. [Any agent acting under a power of attorney which authorizes the agent to make anatomical gifts may effectuate a gift for any purpose specified in section 8612.] Any individual who is a minor and 16 years of age or older may effectuate a gift for any purpose specified in section 8612, provided parental or guardian consent is deemed given. Parental or guardian consent shall be noted on the minor's donor card, application for the donor's learner's permit or driver's license or other document of gift. A gift of the whole body shall be invalid unless made in writing at least 15 days prior to the date of death or consent is obtained from the legal next of kin. Where there are adult children of the deceased who are not children of the surviving spouse, their consent shall also be required for a gift of the whole body for anatomical study.

(b) [Others entitled] Entitled to donate anatomy of decedent.—[Any] Subject to subsection (b.1), any of the following persons who are reasonably available, in order of priority stated, when persons in prior classes are not reasonably available at the time of death, and in the absence of [actual notice of contrary indications] known objections by the decedent or [actual notice of opposition] by a member of [the same or] a prior class, may give all or any part of the decedent's body for any purpose specified in section 8612:

[ (1) The spouse.

(2) An adult son or daughter.

(3) Either parent.

(4) An adult brother or sister.

(5) A guardian of the person of the decedent at the time of his death.

(6) Any other person authorized or under obligation to dispose of the body.]

(1) An agent of the decedent at the time of death.

(2) The spouse of the decedent, unless an action for divorce is pending.

(3) An adult child of the decedent.

(4) A parent of the decedent.

(5) An adult sibling of the decedent.

(6) An adult grandchild of the decedent.

(7) A grandparent of the decedent.

(8) Any other person related to the decedent by blood, marriage or adoption.

(9) A guardian of the person of the decedent.

(10) A person authorized or obligated to dispose of the decedent's body.

(b.1) Anatomical gifts prohibited in certain circumstances.—An anatomical gift may not be made by a person set forth in subsection (b) if, before an incision has been made to remove a part from the prospective donor's body or before invasive procedures have begun to prepare an intended recipient, any of the following apply:

(1) The district attorney notifies the organ procurement organization that the person is a suspect or a person of interest in causing the disease, illness, injury or condition of the decedent.

(2) The district attorney or a law enforcement officer notifies the organ procurement organization that the person is the subject of a protection from abuse order, an order issued under 42 Pa.C.S. Ch. 62A (relating to protection of victims of sexual violence or intimidation) or a similar order from a court that was issued to the decedent.

(3) The district attorney or a law enforcement officer

notifies the organ procurement organization that the person has been arrested or detained in connection with the condition of the decedent.

(b.2) Documentation required.—The organ procurement organization shall document the steps taken to contact any of the persons in subsection (b). Such documentation shall be maintained by the organ procurement organization for a minimum of six years.

(b.3) No obligation to make gift.—A person described in subsection (b)(2), (3), (4), (5), (6), (7), (8), (9) or (10) may not have a legal obligation to consent to making a gift of the decedent's body or part of the body.

(c) Donee not to accept in certain cases.—[If the]

(1) The donee may not accept a gift under any of the following circumstances:

(i) The donee [has actual notice of contrary indications] knows of an objection by the decedent [or],

(ii) The donee knows that a gift by a member of a class is opposed by a reasonably available member of [the same or] a prior class[, the donee shall not accept the gift].

(iii) The donee knows that a gift by a member of a class is opposed by at least 50% of the reasonably available members of the same class.

(2) The persons authorized by subsection (b) may make the gift after or immediately before death.

\* \* \*

Section 3. Section 8612 of Title 20 is amended to read:

§ 8612. Persons who may become donees; purposes for which anatomical gifts may be made.

[The following persons may become donees of gifts of bodies or parts thereof for any of the purposes stated:

(1) Any hospital, surgeon or physician for medical or dental education, research, advancement of medical or dental science, therapy or transplantation.

(2) Any accredited medical or dental school, college or university for education, research, advancement of medical or dental science or therapy.

(3) Any bank or storage facility for medical or dental education, research, advancement of medical or dental science, therapy or transplantation.

(4) Any specified individual for therapy or transplantation needed by him.

(5) The board.]

(a) Donees.—An anatomical gift may be made to any of the following persons named in the document of gift:

(1) If for research or education, any of the following:

(i) A hospital.

(ii) An accredited medical school, dental school, college or university.

(iii) The board.

(iv) An organ procurement organization.

(v) Any other appropriate person as permitted by law.

(2) Subject to subsection (b), an individual designated by the person making the anatomical gift if the individual is the recipient of the part.

(3) An eye bank or tissue bank.

(4) An organ procurement organization.

(b) Directed donation.—If an anatomical gift to an individual under subsection (a)(2) cannot be transplanted into the individual, the part shall pass in accordance with subsection (c) if authorized by the person making the anatomical gift.

(c) Organ for transplant or therapy.—An anatomical gift of an organ for transplantation or therapy, other than an anatomical gift under subsection (a)(2), shall pass to the organ procurement organization.

(d) Default.—If the intended purpose or recipient of an anatomical gift is not known, the following shall apply:

(1) If the part is an eye, the gift shall pass to the appropriate eye bank.

(2) If the part is tissue, the gift shall pass to the appropriate tissue bank.

(3) If the part is an organ, the gift shall pass to the appropriate organ procurement organization.

(4) If the gift is of the decedent's entire body, the gift shall pass to the board.

(e) Multiple purposes.—If there is more than one purpose of an anatomical gift set forth in the document of gift but the purposes are not set forth in any priority, the gift shall be used for transplantation or therapy, if suitable and enumerated in the document of gift, and shall pass to the appropriate organ procurement organization. If the gift cannot be used for transplantation or therapy, the gift may be used for other lawful purposes enumerated in the document of gift.

(f) Unspecified purpose.—If an anatomical gift is made in a document of gift that does not name a person described in subsection (a) and does not identify the purpose of the gift, the gift may be used only for transplantation or therapy, and the gift shall pass in accordance with subsection (d).

(g) Effect of gift.—An anatomical gift of a part is neither a refusal to give another part nor a limitation on the making of an anatomical gift of another part or making an anatomical gift for another purpose at a later time by the donor or another person.

Section 4. Sections 8613(b), (d) and (e) and 8615 heading of Title 20 are amended and the sections are amended by adding subsections to read:

§ 8613. Manner of executing anatomical gifts.

\* \* \*

(b) Gifts by other documents.—[A gift of all or part of the body under section 8611(a) may also be made by document other than a will.] An anatomical gift may be made by other document, including by authorizing a statement or symbol indicating that the donor has made an anatomical gift, which shall be recorded in a donor registry or on the donor's driver's license or identification card. The gift becomes effective upon the death of the donor. The document, which may be a card designed to be carried on the person, must be signed by the donor [in the presence of two witnesses who must sign the document in his presence]. If the donor is mentally competent to signify his desire to sign the document but is physically unable to do so, the document may be signed for him by another at his direction and in his presence in the presence of two witnesses who must sign the document in his presence. Delivery of the document of gift during the donor's lifetime is not necessary to make the gift valid. If an anatomical gift is indicated on a driver's license or an identification card, the anatomical gift is not invalidated by revocation, suspension, expiration or cancellation of:

(1) the driver's license under 75 Pa.C.S. Ch. 15 (relating to licensing of drivers); or

(2) the identification card by the Department of Transportation.

\* \* \*

[(d) Designation of person to carry out procedures.—Notwithstanding section 8616(b) (relating to rights and duties at death), the donor may designate in his will, card or other document of gift the surgeon or physician to carry out the appropriate procedures. In the absence of a designation or if the designee is not available, the donee or other person authorized to accept the gift may employ or authorize any surgeon or physician for the purpose, or, in the case of a gift of eyes, he may employ or authorize a person who is a funeral director licensed by the State Board of Funeral Directors, an eye bank technician or medical student, if the person has successfully completed a course in eye enucleation approved by the State Board of Medical Education and Licensure, or an eye bank technician or medical student trained under a program in the sterile technique for eye enucleation approved by the State Board of Medical Education and Licensure to enucleate eyes for an eye bank for the gift after certification of death by a physician. A qualified funeral director, eye bank technician or medical student acting in accordance with the terms of this subsection shall not have

any liability, civil or criminal, for the eye enucleation.]

(d.1) Reliance.—A person may rely on a document of gift or amendment thereto as being valid unless that person knows that it was not validly executed or was revoked.

(e) Consent not necessary.—[If a donor card, donor driver's license, living will, durable power of attorney or other document of gift evidencing a gift of organs or tissue has been executed,]

(1) Subject to paragraph (2), a donor's gift of all or any part of the individual's body, including a designation in a registry on a driver's license or identification card, donor card, advance health care directive, will or other document of gift, may not be revoked by the next-of-kin or other persons identified in section 8611(b). The consent of any person [designated in section 8611(b)] at the time of the donor's death or immediately thereafter is not necessary to render the gift valid and effective.

(2) An agent, only if expressly authorized in writing in a power of attorney, advance directive, health care power of attorney or other document to override the decedent's instructions on the making of an anatomical gift, may revoke the decedent's gift.

\* \* \*

(g) Validity.—A document of gift is valid if executed in accordance with:

(1) this chapter;

(2) the law of the state or country where it was executed;

or

(3) the law of the state or country where, at the time of execution of the document of gift, the person making the anatomical gift:

(i) is domiciled;

(ii) has a place of residence; or

(iii) is a citizen.

(h) Choice of law.—If a document of gift is valid under this section, the law of this Commonwealth governs interpretation of the document.

(i) Rights and protections for an individual with a disability.—

(1) An individual who is in need of an anatomical gift shall not be deemed ineligible to receive an anatomical gift solely because of the individual's physical or mental disability, except to the extent that the physical or mental disability has been found by a physician or surgeon following an individualized evaluation of the individual to be medically significant to the provision of the anatomical gift. If an individual has the necessary support system to assist the individual in complying with posttransplant medical requirements, an individual's inability to independently comply with the posttransplant medical requirements shall not be deemed to be medically significant.

(2) As used in this section, the term "disability" shall have the same meaning as in the Americans with Disabilities Act of 1990 (Public Law 101-336, 104 Stat. 327).

§ 8615. Amendment [or] revocation or refusal of gift.

\* \* \*

(d) Revocation by other authorized person.—Subject to subsection (e), an anatomical gift by a person authorized under section 8611(b) (relating to persons who may execute anatomical gift) may be amended or revoked orally or in a record by that person or by a majority of the reasonably available members of a prior class.

(e) Effectiveness of revocation.—A revocation made under this chapter shall take effect if, before an incision has been made to remove a part from the donor's body or before invasive procedures have begun to prepare the recipient, the applicable organ procurement organization, transplant hospital or physician or technician knows of the revocation.

(f) Revocation not a refusal.—A revocation made under this chapter shall not be considered a known objection or refusal to make a gift of one's body or a part of one's body nor a prohibition against a person described in section 8611(b) making such gift.

(g) Refusal.—An individual's unrevoked refusal to make an anatomical gift of the individual's body or part bars all other persons

from making an anatomical gift of the individual's body or part.

Section 5. Sections 8616(b), (c) and (d), 8617, 8619, 8621, 8622, 8623 and 8624 of Title 20 are amended to read:

§ 8616. Rights and duties at death.

\* \* \*

(b) Physicians.—The time of death shall be determined by a physician who tends the donor at his death or, if none, the physician who certifies the death. [The physician or person who certifies death or any of his professional partners or associates shall not participate in the procedures for removing or transplanting a part.]

(c) Certain liability limited.—[A] The following shall apply:

(1) Except as provided under paragraph (2), a person who acts in good faith in accordance with the terms of this subchapter or with the anatomical gift laws of another state or a foreign country [is not] shall not be liable for damages in any civil action or subject to prosecution in any criminal proceeding for [his] the person's act.

(2) The immunity from civil liability provided under paragraph (1) shall not extend to an act or omission resulting from gross negligence, recklessness or intentional misconduct of the person.

(3) Neither a person making an anatomical gift nor a donor's estate shall be liable for injury or damage that results from the making or use of the anatomical gift. In determining whether an anatomical gift has been made, amended or revoked under this chapter, a person may rely upon a representation of an individual listed under section 8611(b) regarding the individual's relationship to the donor or prospective donor unless the person knows that the representation is untrue.

(d) Law on autopsies applicable.—[The] Subject to sections 8617 (relating to requests for anatomical gifts) and 8626 (relating to facilitation of anatomical gift from decedent whose death is under investigation), the provisions of this subchapter are subject to the laws of this Commonwealth prescribing powers and duties with respect to autopsies. Notwithstanding 18 Pa.C.S. Ch. 91 (relating to criminal history record information), an organ procurement organization is authorized to obtain a copy of an autopsy report in a timely fashion upon request and payment of reasonable copying fees.

§ 8617. Requests for anatomical gifts.

(a) Procedure.—On or before the occurrence of each death in an acute care general hospital, the hospital shall make contact with the regional organ procurement organization in order to determine the suitability for organ, tissue and eye donation for any purpose specified under this subchapter. This contact and the disposition shall be noted on the patient's medical record.

(b) Limitation.—If the hospital administrator or his designee has received actual notice of opposition from any of the persons named in section 8611(b) (relating to persons who may execute anatomical gift) and the decedent was not in possession of a validly executed donor card, the gift of all or any part of the decedent's body shall not be requested.

(c) Donor card.—Notwithstanding any provision of law to the contrary, the intent of a decedent to participate in an organ donor program as evidenced by the possession of a validly executed donor card, donor driver's license, living will, durable power of attorney or other document of gift shall not be revoked by any member of any of the classes specified in section 8611(b).

(d) Identification of potential donors.—Each acute care general hospital shall develop within one year of the date of final enactment of this section, with the concurrence of the hospital medical staff, a protocol for identifying potential organ and tissue donors. It shall require that, at or near the time of every individual death, all acute care general hospitals contact by telephone their regional organ procurement organization to determine suitability for organ, tissue and eye donation of the individual in question. The person designated by the acute care general hospital to contact the organ procurement organization shall have the following information available prior to making the contact:

(1) The patient's identifier number.

- (2) The patient's age.
- (3) The cause of death.
- (4) Any past medical history available.

The organ procurement organization, in consultation with the patient's attending physician or his designee, shall determine the suitability for donation. If the organ procurement organization in consultation with the patient's attending physician or his designee determines that donation is not appropriate based on established medical criteria, this shall be noted by hospital personnel on the patient's record, and no further action is necessary. If the organ procurement organization in consultation with the patient's attending physician or his designee determines that the patient is a suitable candidate for anatomical donation, the acute care general hospital shall initiate a request by informing the persons and following the procedure designated under section 8611(b) of the option to donate organs, tissues or eyes. The person initiating the request shall be an organ procurement organization representative or a designated requestor. The organ procurement organization representative or designated requestor shall ask persons pursuant to section 8611(b) whether the deceased was an organ donor. If the person designated under section 8611(b) does not know, then this person shall be informed of the option to donate organs and tissues. The protocol shall encourage discretion and sensitivity to family circumstances in all discussions regarding donations of tissue or organs. The protocol shall take into account the deceased individual's religious beliefs or nonsuitability for organ and tissue donation.

(e) Tissue procurement.—

(1) The first priority use for all tissue shall be transplantation.

(2) Upon Department of Health approval of guidelines pursuant to subsection (f)(1)(ii), all acute care general hospitals shall select at least one tissue procurement provider. A hospital shall notify the regional organ procurement organization of its choice of tissue procurement providers. If a hospital chooses more than one tissue procurement provider, it may specify a rotation of referrals by the organ procurement organization to the designated tissue procurement providers.

(3) Until the Department of Health has approved guidelines pursuant to subsection (f)(1)(ii), tissue referrals at each hospital shall be rotated in a proportion equal to the average rate of donors recovered among the tissue procurement providers at that hospital during the two-year period ending August 31, 1994.

(4) The regional organ procurement organization, with the assistance of tissue procurement providers, shall submit an annual report to the General Assembly on the following:

- (i) The number of tissue donors.
- (ii) The number of tissue procurements for transplantation.
- (iii) The number of tissue procurements recovered for research by each tissue procurement provider operating in this Commonwealth.

(f) Guidelines.—

(1) The Department of Health, in consultation with organ procurement organizations, tissue procurement providers and the Hospital Association of Pennsylvania, donor recipients and family appointed pursuant to section 8622(c)(3) (relating to The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund) shall, within six months of the effective date of this chapter, do all of the following:

- (i) Establish guidelines regarding efficient procedures facilitating the delivery of anatomical gift donations from receiving hospitals to procurement providers.
- (ii) Develop guidelines to assist hospitals in the selection and designation of tissue procurement providers.

(2) Each organ procurement organization and each tissue procurement provider operating within this Commonwealth shall,

within six months of the effective date of this chapter, file with the Department of Health, for public review, its operating protocols.]

(a) Procedure.—

(1) A hospital located in this Commonwealth shall notify the applicable designated organ procurement organization or a third party designated by that organization of an individual whose death is imminent or who has died in the hospital. Notification shall be made in a timely manner to ensure that examination, evaluation and ascertainment of donor status as set forth in subsection (d) may be completed within a time frame compatible with the donation of organs and tissues for transplant. The notification shall be made without regard to whether the person has executed an advance directive for health care.

(2) The following shall apply to coroners and medical examiners:

(i) Except as set forth in subparagraph (ii), a coroner or medical examiner shall notify the applicable designated organ procurement organization of a person's death in accordance with a mutually agreed-upon protocol. Notification shall be made in a timely manner to ensure that examination, evaluation and ascertainment of donor status as set forth in subsection (d) can be completed within a time frame compatible with the recovery of tissues for transplant.

(ii) Notification under this paragraph shall not be made if:

(A) the decedent was admitted to the hospital at or around the time of death; or

(B) the notification to the coroner or medical examiner occurred more than 18 hours following the estimated time of the decedent's death.

(b) Referrals.—If an organ procurement organization receives a referral of an individual whose death is imminent or who has died, the organ procurement organization shall make a reasonable search of the records of the Donate Life PA Registry or the applicable State donor registry that it knows exists for the geographic area in which the individual resided or resides in order to ascertain whether the individual has made an anatomical gift.

(c) Document of gift.—

(1) If the referred patient has a document of gift, including registration with the Donate Life PA Registry, the procurement organization representative or the designated requestor shall attempt to notify a person listed in section 8611(b) (relating to persons who may execute anatomical gift) of the gift.

(2) If no document of gift is known to the procurement organization representative or the designated requestor, one of these two individuals shall ask the persons listed in section 8611(b) whether the decedent had a validly executed document of gift. If there is no evidence of an anatomical gift by the decedent, the procurement organization representative or the designated requestor shall notify a person listed in section 8611(b) of the option to donate organs and tissues. The notification shall be performed in accordance with a protocol that encourages discretion and sensitivity to family circumstances in all discussions regarding donations of tissue or organs. The protocol shall take into account the decedent's religious beliefs or nonsuitability for organ and tissue donation.

(3) The hospital administrator or that person's designated representative shall indicate in the medical record of the decedent and the following information shall be communicated by the hospital administrator or a designee to the organ procurement organization:

(i) whether or not a document of gift is known to exist or whether a gift was made;

(ii) if a gift was made, the name of the person



granting the gift and that person's relationship to the decedent; and

(iii) whether the decedent executed an advance directive, a living will, a power of attorney, a health care power of attorney or another document, including a do-not-resuscitate order, evidencing an intention to limit, withdraw or withhold life-sustaining measures. The hospital administrator or the decedent's representative shall:

(A) Make a notation in the decedent's medical record whether the decedent indicated in a living will, power of attorney, health care power of attorney, will or other document evidencing an intention to either limit the anatomical gifts of the decedent or to deny making or refusing to make an anatomical gift.

(B) Indicate in the decedent's medical record if the decedent amended or revoked an anatomical gift.

(d) Testing.—

(1) This subsection shall apply if:

(i) a hospital refers an individual who is dead or whose death is imminent to an organ procurement organization;

(ii) the organ procurement organization determines, based upon a medical record review, that the individual may be a prospective donor; and

(iii) the decedent has not refused to make a gift under section 8613 (relating to manner of executing anatomical gifts).

(2) If the requirements of paragraph (1) are met, the following shall apply:

(i) The organ procurement organization may conduct a blood or tissue test or minimally invasive examination which is reasonably necessary to evaluate the medical suitability of a part that is or may be the subject of an anatomical gift. Specific consent to testing or examination under this subparagraph shall not be required. The results of tests and examinations under this subparagraph shall be used or disclosed only:

(A) to evaluate medical suitability for donation and to facilitate the donation process; and

(B) as required or permitted by law.

(ii) The hospital may not withdraw or withhold any measures which are necessary to maintain the medical suitability of the part until the organ procurement organization has:

(A) had the opportunity to advise the applicable persons as set forth in section 8611(b) of the option to make an anatomical gift and has received or been denied authorization to proceed with recovery of the part; or

(B) has ascertained that the individual made a gift or expressed a known objection to making a gift.

(e) Testing after death.—After a donor's death, a person to whom an anatomical gift may pass under section 8612 (relating to persons who may become donees; purposes for which anatomical gifts may be made) may conduct a test or examination which is reasonably necessary to evaluate the medical suitability of the body or part for its intended purpose.

(f) Scope.—An examination conducted under this section may include copying of records necessary to determine the medical suitability of the body or part. This subsection includes medical, dental and other health-related records.

(f.1) Recipients.—

(1) Subject to the provisions of this chapter, the rights of

the person to whom a part passes under section 8612 shall be superior to the rights of all others with respect to the part. The person may accept or reject an anatomical gift in whole or in part.

(2) Subject to the terms of the document of gift and this chapter, a person that accepts an anatomical gift of an entire body may allow embalming, burial or cremation and the use of remains in a funeral service. If the gift is of a part, the person to whom the part passes under section 8612, upon the death of the donor and before embalming, burial or cremation, shall cause the part to be removed without unnecessary mutilation.

(3) An organ procurement organization and other people involved in the organ donation process shall limit the testing and examination of the prospective donor authorized under this section to comply with any limitation expressed by the individual with respect to the part of the body to donate.

(f.2) Physicians.—

(1) Neither the physician who attends the decedent at death nor the physician who determines the time of the decedent's death may participate in the procedures for removing or transplanting a part from the decedent.

(2) Subject to paragraph (1), a physician or technician may remove a donated part from the body of a donor that the physician or technician is qualified to remove.

(f.3) Coordination of procurement and use.—

(1) A hospital shall enter into agreements or affiliations with organ procurement organizations for coordination of procurement and use of anatomical gifts.

(2) A person, including a coroner or medical examiner, that seeks to facilitate the making of an anatomical gift for the purposes of transplantation or therapy from a decedent who was not a hospital patient at the time of death shall notify the applicable designated organ procurement organization at or around the time of the person's death in order to allow that organization to evaluate the potential donation and, if applicable, coordinate the donation process.

(g) Death record review.—

(1) The Department of Health shall make annual death record reviews at acute care general hospitals to determine their compliance with subsection (d).

(2) To conduct a review of an acute care general hospital, the following apply:

(i) The [Department of Health] department shall select to carry out the review the Commonwealth-licensed organ procurement organization designated by the [Health Care Financing Administration] Centers for Medicare and Medicaid Services for the region within which the acute care general hospital is located. For an organ procurement organization to be selected under this subparagraph, the organization must not operate nor have an ownership interest in an entity which provides all of the functions of a tissue procurement provider.

(ii) If there is no valid selection under subparagraph (i) or if the organization selected under subparagraph (i) is unwilling to carry out the review, the department shall select to carry out the review any other Commonwealth-licensed organ procurement organization. For an organ procurement organization to be selected under this subparagraph, the organization must not operate nor have an ownership interest in an entity which provides all of the functions of a tissue procurement provider.

(iii) If there is no valid selection under subparagraph (ii) or if the organization selected under subparagraph (ii) is unwilling to carry out the review, the department shall carry out the review using trained department personnel.

(3) There shall be no cost assessed against a hospital for

a review under this subsection.

(4) If the department finds, on the basis of a review under this subsection, that a hospital is not in compliance with subsection (d), the department may impose an administrative fine of up to \$500 for each instance of noncompliance. A fine under this paragraph is subject to 2 Pa.C.S. Ch. 5 Subch. A (relating to practice and procedure of Commonwealth agencies) and Ch. 7 Subch. A (relating to judicial review of Commonwealth agency action). Fines collected under this paragraph shall be deposited into the fund.

(5) An organ procurement organization may, upon request and payment of associated fees, obtain certified copies of death records of a donor from the Division of Vital Records of the department.

(h) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Designated requester." A hospital employee completing a course offered by [an] a designated organ procurement organization on how to approach potential donor families and request organ or tissue donation.

"Noncompliance." Any failure on the part of a hospital to contact an organ procurement organization as required under subsection (d).

§ 8619. Use of driver's license or identification card to indicate organ or tissue donation.

(a) General rule.—The Department of Transportation shall redesign the driver's license and identification card application system to process requests for information regarding consent of the individual to organ or tissue donation. The following question shall be asked on both the application for a driver's license or identification card and on the organ donor designation at a photo center:

Pennsylvania strongly supports organ and tissue donation because of its life-saving and life-enhancing opportunities.

Do you wish to have the organ donor designation printed on your driver's license?

Only an affirmative response of an individual shall be noted on the front of the driver's license or identification card and shall clearly indicate the individual's intent to donate his organs or tissue. [A notation on an individual's driver's license or identification card that he intends to donate his organs or tissue is deemed sufficient to satisfy all requirements for consent to organ or tissue donation.] The department shall record and store all donor designations in the Donate Life PA Registry. Subject to a decedent's wishes as expressed in a document listed under sections 8613(e)(2) (relating to manner of executing anatomical gifts) and 8617(c)(3)(iii) (relating to requests for anatomical gifts), a notation on an individual's driver's license or identification card that the individual intends to donate the individual's organs or tissue or the recorded and stored designation in the Donate Life PA Registry is deemed sufficient to satisfy all requirements for consent to organ or tissue donation. The recorded and stored designation is not a public record subject to disclosure as defined in section 102 of the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law. Authorization for donation of vascularized composite allografts, including face and hand transplants, shall be subject to the requirements set forth in Federal law, regulations and standards.

(b) Electronic access.—The organ procurement organizations designated by the Federal Government in the Commonwealth of Pennsylvania as part of the nationwide organ procurement network [may] shall be given 24-hour-a-day electronic access to information necessary to confirm an individual's organ donor status through the Department of Transportation's driver licensing database. Necessary information shall include the individual's name, address, date of birth, driver's license number and organ donor status. Notwithstanding 75 Pa.C.S. § 6114 (relating to limitation on sale, publication and disclosure of records), the Department of Transportation is authorized to provide the organ procurement organizations, after a written agreement between the Department of Transportation and the organ

procurement organizations is first obtained, with the foregoing information. The organ procurement organization shall not use such information for any purpose other than to confirm an individual's organ donor status at or near or after an individual's death. The organ procurement organizations shall not be assessed the fee for such information prescribed by 75 Pa.C.S. § 1955(a) (relating to information concerning drivers and vehicles).

§ 8621. The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund contributions.

(a) Driver's license.—

(1) Beginning as soon as practicable, but no later than [January 1, 1995] 10 months after the effective date of this paragraph, the Department of Transportation shall provide an applicant for an original or renewal driver's license or identification card the opportunity to make a contribution of [\$1] \$3 to the fund. The contribution shall be added to the regular fee for an original or renewal driver's license or identification card. One contribution may be made for each issuance or renewal of a license or identification card. Contributions shall be used exclusively for the purposes set out in section 8622 (relating to The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund).

(2) The Department of Transportation shall monthly determine the total amount designated under this section and shall report that amount to the State Treasurer, who shall transfer that amount to The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund.

(3) The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund shall reimburse the Department of Transportation for the costs incurred in the initial development and implementation of the contribution program, as well as any additional costs that may arise from changes that are agreed to by both the Department of Transportation and the advisory committee.

(b) Vehicle registration.—[The]

(1) Beginning as soon as practicable, but no later than 10 months after the effective date of this paragraph, the Department of Transportation shall provide an applicant for a renewal vehicle registration the opportunity to make a contribution of [\$1] \$3 to The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund. The contribution shall be added to the regular fee for a renewal of a vehicle registration. One contribution may be made for each renewal vehicle registration. Contributions shall be used exclusively for the purposes described in section 8622.

(2) The Department of Transportation shall monthly determine the total amount designated under this section and shall report that amount to the State Treasurer, who shall transfer that amount to The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund.

(3) The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund shall reimburse the [department for the initial costs incurred in the development and implementation of the contribution program under this subsection.] Department of Transportation for the costs incurred in the initial development and implementation of the contribution program, as well as any additional costs that may arise from changes that are agreed to by both the Department of Transportation and the advisory committee.

(4) The General Fund shall reimburse the Department of Transportation for the actual annual operating costs of the program for vehicle registrations as described in this subsection, [subject to the following limits: For the first fiscal year during which this subsection is effective, the General Fund shall reimburse the Department of Transportation for the actual operating costs of the program in this subsection up to a maximum of \$100,000. For each fiscal year thereafter, the General Fund shall reimburse the Department of Transportation

for the actual operating costs of the program in this subsection in an amount not to exceed the prior year's actual operating costs on a full fiscal year basis plus 3%. The amounts approved by the Governor as necessary are hereby appropriated from the General Fund for this purpose.]

(c) Internet website.—The following shall become effective within one year of the effective date of this subsection:

(1) The official publicly accessible Internet website of the Department of Transportation shall provide links through which persons may electronically make voluntary contributions of at least \$1 to the fund. At a minimum, the links shall be provided in accordance with subsection (a)(1) and subsection (b)(1).

(2) The Department of Health shall provide detailed information on its official publicly accessible Internet website, written in nonlegal terms, in both English and Spanish, about organ donation, including:

(i) The laws of this Commonwealth.

(ii) The risks and benefits of organ donation.

(iii) The laws of this Commonwealth regarding living wills, advance directives, do-not-resuscitate orders and other documents which can be used to provide, limit or deny making an anatomical donation.

(iv) A description regarding:

(A) the procedure used by hospitals and organ procurement organizations to ask family members if the decedent may be or is an organ donor;

(B) if the decedent may be or is an organ donor, the types of tests that will be performed on the decedent and the procedure used to harvest organs, tissues and eyes, including any differences in the procedure used to harvest organs; and

(C) brain death and cardiac death.

(v) A statement that a person may consult with the person's physician or attorney before making the decision to make an anatomical gift.

(vi) A statement indicating that if the person intends to withhold or withdraw life-sustaining measures through an advance directive, living will or other document, such choices for their end-of-life care may be incompatible with organ donation.

(3) The Department of Health shall provide the material listed in paragraph (2) in written form, in both English and Spanish, at all driver's license centers across this Commonwealth. Additionally, the department shall provide such materials upon request, including the request of another agency of the Commonwealth.

§ 8622. The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund.

(a) Establishment.—All contributions received by the Department of Transportation under section 8621 (relating to The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund contributions) [and the Department of Revenue under section 8618 (relating to voluntary contribution system)] and the Department of Health under section 8617 (relating to requests for anatomical gifts) shall be deposited into a special fund in the State Treasury to be known as The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund, which is hereby established.

(b) Appropriation.—All moneys deposited in the fund and interest which accrues from those funds are appropriated on a continuing basis subject to the approval of the Governor to compensate the Department of Transportation, the Department of Health and the Department of Revenue for actual costs related to implementation of this chapter, including all costs of the Organ and Tissue Donation Advisory Committee created in subsection [(c)] (c.1). Any remaining funds are appropriated subject to the approval of the Governor for the following purposes:

(1) [10%] Ten percent of the total fund may be expended annually by the Department of Health for reasonable hospital and other medical expenses, funeral expenses and incidental expenses incurred by the donor or donor's family in connection with making [a vital organ donation] an organ or tissue donation, along with programming, to provide support services to organ and tissue donors and their families, such as bereavement counseling services. Such expenditures shall not exceed \$3,000 per donor and shall only be made directly to the funeral home, hospital or other service provider related to the donation. No part of the fund shall be transferred directly to the donor's family, next of kin or estate. The advisory committee shall develop procedures, including the development of a pilot program, necessary for effectuating the purposes of this paragraph.

(2) [50%] Fifty percent may be expended for grants to certified organ procurement organizations for the development and implementation of organ donation awareness programs in this Commonwealth. The Department of Health shall develop and administer this grant program, which is hereby established.

(3) [15%] Fifteen percent may be expended by the Department of Health, in cooperation with certified organ procurement organizations, for the Project-Make-A-Choice program, which shall include information pamphlets designed by the Department of Health relating to organ donor awareness and the laws regarding organ donation, public information and public education about contributing to the fund when obtaining or renewing a driver's license and when completing a State individual income tax return form. The Project-Make-A-Choice program shall also provide the web address and a link for the Department of Health's publicly accessible Internet website under section 8621(c)(2) (relating to The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund contributions) and a statement that detailed information about organ donation can be found on the Department of Health's publicly accessible Internet website.

(4) [25%] Twenty-five percent may be expended by the Department of Education for the implementation of organ donation awareness programs in the secondary schools in this Commonwealth.

[(c) Advisory committee.—The Organ Donation Advisory Committee is hereby established, with membership as follows:

(1) Two representatives of organ procurement organizations.

(2) Two representatives of tissue procurement providers.

(3) Six members representative of organ, tissue and eye recipients, families of recipients and families of donors.

(4) Three representatives of acute care hospitals.

(5) One representative of the Department of Health.

(6) One representative of eye banks.

All members shall be appointed by the Governor. Appointments shall be made in a manner that provides representation of the northwest, north central, northeast, southwest, south central and southeast regions of this Commonwealth. Members shall serve five-year terms. The Governor may reappoint advisory committee members for successive terms. Members of the advisory committee shall remain in office until a successor is appointed and qualified. If vacancies occur prior to completion of a term, the Governor shall appoint another member in accordance with this subsection to fill the unexpired term. The advisory committee shall meet at least biannually to review progress in the area of organ and tissue donation in this Commonwealth, recommend education and awareness training programs, recommend priorities in expenditures from the fund and advise the Secretary of Health on matters relating to administration of the fund. The advisory committee shall recommend legislation as it deems necessary to fulfill the purposes of this chapter. The advisory committee shall submit a report concerning its activities and progress to the General Assembly within 30 days prior to the expiration of each legislative session. The Department of Health shall reimburse members of the advisory

committee for all necessary and reasonable travel and other expenses incurred in the performance of their duties under this section.]

(c.1) Advisory committee.—

(1) The Organ and Tissue Donation Advisory Committee is established. Each member shall be appointed by the Governor. Membership shall be as follows:

(i) The Secretary of Education or a designee.

(ii) The Secretary of Health or a designee.

(iii) The Secretary of Transportation or a designee.

(iv) The Secretary of the Commonwealth or a designee.

(v) One representative from each designated organ procurement organization.

(vi) Two representatives of tissue procurement providers.

(vii) Six members representative of:

(A) organ, tissue and eye recipients;

(B) families of recipients;

(C) donors; and

(D) families of donors.

(viii) Two representatives of acute care hospitals which are:

(A) licensed in this Commonwealth; and

(B) members of the Statewide association representing the interests of hospitals throughout this Commonwealth.

(ix) One representative of eye banks.

(x) One representative of community health organizations.

(xi) One elected county coroner of this Commonwealth.

(2) A member under paragraph (1)(i), (ii), (iii) and (iv) shall serve ex officio.

(3) For a member under paragraph (1)(v), (vi), (vii), (viii), (ix), (x) and (xi), the following apply:

(i) Members shall be appointed in a manner which reflects geographic diversity. Input on the selection of the representatives under paragraph (1)(viii) shall be sought from the Statewide association referred to in paragraph (1)(viii)(B).

(ii) The members shall serve five-year terms.

(iii) The Governor may reappoint an advisory committee member for successive terms.

(iv) A member shall remain in office until a successor is appointed and qualified.

(v) If a vacancy occurs prior to completion of a term, the Governor shall appoint a member to fill the unexpired term in the same manner as the vacating member was appointed.

(4) The advisory committee shall meet at least biannually to do all of the following:

(i) Review progress in the area of organ and tissue donation in this Commonwealth.

(ii) Recommend education and awareness training programs.

(iii) Recommend priorities in expenditures from the fund.

(iv) Advise the Secretary of Health on matters relating to administration of the fund.

(v) Recommend legislation as necessary to fulfill the purposes of this chapter.

(5) The advisory committee shall submit a report concerning its activities and progress to the Secretary of the Senate and the Chief Clerk of the House of Representatives by October 31 of each even-numbered year. A final written report under this section shall be adopted at a public meeting. The report shall be a public record under the act of February 14, 2008

(P.L.6, No.3), known as the Right-to-Know Law.

(6) The Department of Health shall reimburse members of the advisory committee only for necessary and reasonable travel and other expenses incurred in the performance of their duties under this subsection.

(d) Reports.—The Department of Health, the Department of Transportation and the Department of Education shall submit an annual report to the General Assembly on expenditures of fund moneys and any progress made in [reducing the number of potential donors who were not identified] increasing the number of donor designations.

[(e) Definition.—As used in this section, the term "vital organ" means a heart, lung, liver, kidney, pancreas, small bowel, large bowel or stomach for the purpose of transplantation.]

(f) Lead Commonwealth agency.—

(1) The Department of Health shall be the lead Commonwealth agency responsible for promoting organ and tissue donation in this Commonwealth and shall coordinate activities among other collaborating Commonwealth agencies.

(2) Within the Department of Health there is established a full-time position of Organ and Tissue Donation Awareness Program Coordinator. The following shall apply:

(i) The Department of Health shall be reimbursed by The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund for the actual cost of the program coordinator position.

(ii) The program coordinator has the following powers and duties:

(A) Assist in administration of the fund.

(B) Serve as a full-time liaison to the advisory committee and assist the advisory committee in program development, projects, funding proposals and priorities.

(C) Serve as liaison with other Commonwealth agencies. This clause shall include working with the Department of Transportation to ensure that driver's license centers promote organ and tissue donation and comply with agreed-upon arrangements to display information and materials.

(D) Assist designated organ procurement organizations in their collaborations with other Commonwealth agencies.

(E) Provide input to designated organ procurement organizations regarding training of individuals performing notifications under section 8617(c). Such training shall encourage discretion and sensitivity to family circumstances and the circumstances of the potential donor's death in all discussions regarding donations of tissue or organs and take into account the potential donor's religious beliefs or nonsuitability for organ and tissue donation.

(F) Assist in resolving issues that may arise in hospitals in this Commonwealth regarding donation.

§ 8623. Confidentiality requirement.

[The identity of the donor and of the recipient may not be communicated unless expressly authorized by the recipient and next of kin of the decedent.]

(a) General rule.—Except as provided in subsection (b), no procurement organization may divulge any individually identifiable information acquired in the course of performing its responsibilities under this chapter except for the purposes of facilitating organ, eye or tissue donation and transplantation or as otherwise required under applicable laws.

(b) Donors and recipients.—A procurement organization may communicate individually identifiable information of the donor and recipient if expressly authorized by:



(1) the recipient; and

(2) if the donor is alive, the donor, or if the donor is deceased, the next of kin of the donor.

§ 8624. Prohibited activities.

(a) Affiliates.—No organ procurement organization selected by the Department of Health under section 8617(g) (relating to requests for anatomical gifts) to conduct annual death reviews may use that review authority or any powers or privileges granted thereby to coerce or attempt to coerce a hospital to select the organization or any tissue procurement provider contractually affiliated with the organization as a designated tissue procurement provider under section 8617(e).

(b) Unfair acts.—No organ procurement organization or tissue procurement provider may disparage the services or business of other procurement providers by false or misleading representations of fact, engage in any other fraudulent conduct to influence the selection by a hospital of a qualified tissue procurement provider nor engage in unlawful competition or discrimination. This subsection is not intended to restrict or preclude any organ procurement organization or tissue procurement provider from marketing or promoting its services in the normal course of business.]

(c) Procurement organizations.—

(1) A procurement organization shall not do any of the following:

(i) Disparage the services or business of another procurement organization by false or misleading representations of fact.

(ii) Engage in fraudulent conduct to influence the selection by a hospital of a tissue bank or eye bank.

(iii) Engage in unlawful competition or discrimination.

(2) This subsection is not intended to restrict or preclude an organ procurement organization from marketing or promoting its services in the normal course of business.

(d) Funeral establishments.—

(1) Except as set forth in paragraph (2), a funeral director or a funeral establishment shall not:

(i) remove body parts from a corpse;

(ii) permit others to remove body parts from a corpse; or

(iii) use funeral establishment facilities to remove body parts from a corpse.

(2) Paragraph (1) shall not apply as follows:

(i) Removal is permissible if it is:

(A) necessary to perform embalming or other services in preparation for burial or cremation; and

(B) authorized in writing by a family member, guardian or other person responsible for disposition of the body.

(ii) Notwithstanding any other provision of law, if a donation is authorized under this chapter, a designated organ procurement organization and a Pennsylvania nonprofit eye bank accredited by the Eye Bank Association of America may recover donated ocular tissue, including the whole eye, cornea and sclera, and associated blood specimens at a funeral establishment.

(3) If a funeral director is notified by a person authorized to make donations under this chapter that the person wishes to donate body parts from a corpse within the funeral director's custody, the funeral director shall immediately notify the organ procurement organization designated to serve that region.

Section 6. Title 20 is amended by adding sections to read:

§ 8625. Promotion of organ and tissue donation; Donate Life PA Registry established.

(a) Promotion.—The Department of Transportation shall ensure access by residents of this Commonwealth to an Internet-based interface which promotes organ and tissue donation and enables

residents 18 years of age or older who hold a Pennsylvania driver's license or identification card to register as donors and have that designation immediately integrated into the current database maintained by the Department of Transportation.

(b) Paper form.—

(1) Within one year of the effective date of this section, the department shall establish a system which allows individuals who have been issued a driver's license or identification card to add their donor designation to the Donate Life PA Registry by submitting a form to the department.

(2) Registration shall be provided at no cost to the registrant.

(c) Donate Life PA Registry; name.—That portion of the database maintained by the department for recording donor designations and Internet-based interface established in this section shall be known as the Donate Life PA Registry.

(d) Form and content.—The form and content of the Internet-based interface shall be determined and maintained by the Department of Transportation, after consulting with the designated organ procurement organizations.

(e) Effect.—Registration by a donor shall constitute sufficient authorization to donate organs and tissues for transplantation and therapy. Authorization of another person shall not be necessary to effectuate the anatomical gift.

(f) Technology.—An information technology system adopted by the Department of Transportation after the effective date of this section shall continue to accommodate the inclusion of donor designation information into the database and the ongoing operation of the Donate Life PA Registry.

§ 8626. Facilitation of anatomical gift from decedent whose death is under investigation.

(a) Coordination.—

(1) Upon identification of a prospective donor, the designated organ procurement organization shall, within a reasonable time, notify the coroner or medical examiner of the county in which the prospective donor is located.

(2) Upon notification as described in paragraph (1), a coroner or medical examiner intending to investigate a prospective donor's death shall, to the extent applicable and reasonable under the circumstances:

(i) Notify the coroner or medical examiner of the county in which the cause precipitating the prospective donor's death is believed to have occurred, who shall then cause the district attorney of the county to be notified in accordance with internal county protocols.

(ii) Notify the applicable organ procurement organization of any change in jurisdiction.

(3) Organ procurement organizations shall in all cases cooperate with the coroner or medical examiner in order to facilitate the preservation and collection of forensic evidence. Organ procurement organizations shall not move or cause to be moved a prospective donor without authorization of the coroner or medical examiner having jurisdiction. Upon request, an organ procurement organization shall provide or assist the coroner or medical examiner in obtaining:

(i) Medical records.

(ii) Photographs.

(iii) Specimens, including blood and tissue.

(iv) Laboratory and diagnostic test results.

(v) Any other available information.

(4) If applicable, the coroner or medical examiner shall timely notify the organ procurement organization of any additional requests from the coroner, medical examiner or district attorney of the county where the cause of death is believed to have occurred, including scheduling the recovery procedure to permit their attendance where the scheduling can be done in a time frame consistent with facilitating anatomical donation.

(5) Notwithstanding the provisions of 18 Pa.C.S. Ch. 91

(relating to criminal history record information), a coroner or medical examiner shall, upon request, release to the organ procurement organization the name, contact information and available medical and social history of a decedent whose death is under investigation. The information provided under this paragraph shall be exempt from the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

(b) Facilitation of donation.—If a coroner or medical examiner has jurisdiction in the case of a prospective organ donor, the coroner or medical examiner shall have the final authority to disallow an anatomical gift and the following shall apply:

(1) If the coroner or medical examiner is considering denying recovery of one or more organs intended for transplant or therapy, the coroner or medical examiner shall notify the applicable organ procurement organization.

(2) The coroner or medical examiner and the applicable organ procurement organization shall seek to agree to limitations to the donation that address the needs of the coroner or medical examiner.

(3) If a limitation to the donation that addresses a need of the coroner or medical examiner cannot be reached, the coroner, medical examiner or the coroner's or medical examiner's designee shall attend the organ recovery procedure. The following shall apply:

(i) The organ procurement organization shall use the organization's best efforts to schedule the recovery procedure at the time reasonably requested by the coroner or medical examiner.

(ii) The coroner or medical examiner or the coroner's or medical examiner's designee in attendance may deny removal of an organ if, in the individual's judgment, the removal of the organ may interfere with or impede the investigation of the cause, manner and mechanism of death of the donor.

(iii) For the denial of removal of an organ to be valid, the coroner, medical examiner or the coroner's or medical examiner's designee must be in attendance at the recovery procedure. Attendance must be in-person or, if in-person attendance is not possible in a time frame consistent with facilitating donation and if available, by electronic communication which includes a live visual depiction of the recovery procedure.

(iv) If the coroner, medical examiner or the coroner's or medical examiner's designee denies removal of an organ, the coroner or medical examiner shall provide to the designated organ procurement organization a written explanation of the reason for determining that the removal of the organ may interfere with or impede the investigation of the cause, manner and mechanism of death. Information provided under this paragraph shall be exempt from the Right-to-Know Law.

(v) Removal of an organ may not occur if the coroner or medical examiner or the coroner's or medical examiner's designee has denied removal of that organ in accordance with this section.

(vi) The applicable organ procurement organization shall reimburse the coroner or medical examiner for the reasonable costs of attendance at the recovery procedure.

(c) Report.—If requested by the coroner, medical examiner or district attorney, the physician recovering an organ under this section shall provide a report and, if necessary, be available to provide testimony in any proceeding, detailing the condition of the organ and the recovery procedure. Reasonable costs associated with a physician or technician's providing testimony under this section shall be paid by the designated organ procurement organization. A report prepared under this subsection shall be exempt from the Right-to-Know Law.

(d) Timing.—The requirements of this section shall be performed

in a manner and time frame consistent with anatomical donation.

§ 8627. Collaboration among departments and organ procurement organizations.

(a) Mandatory.—

(1) For purposes of the ongoing development and implementation of the Donate Life PA Registry, the Department of Transportation shall collaborate with the designated organ procurement organizations in applying for Federal or private grants recommended by the organ procurement organizations.

(2) The Department of Transportation, in consultation with designated organ procurement organizations, shall establish an annual education program for photo license technicians of the Department of Transportation.

(b) Discretionary.—Other Commonwealth agencies may collaborate with the designated organ procurement organizations in applying for Federal or private grants recommended by the organ procurement organizations.

§ 8628. Information relative to organ and tissue donation.

(a) Curriculum.—The Department of Education, in consultation with the designated organ procurement organizations, shall review the Commonwealth's educational curriculum framework to ensure that information about organ donation is included in the standards for students in grades 9 through 12 beginning with the 2016-2017 school year. The form and content of the curriculum regarding organ donation shall be determined by the Department of Education.

(b) Goals.—The goals of the standards shall be to:

(1) Provide a comprehensive, scientific overview of anatomical donation, its history and scientific advancement.

(2) Fully address the risks and benefits of and the myths and misunderstandings regarding organ and tissue donation.

(3) Explain the options available to minors and adults, including the option of designating oneself as an organ and tissue donor and the option of not designating oneself as an organ donor.

(c) Materials.—The Department of Education shall make related instructional materials available to public and nonpublic schools educating students in grades 9 through 12. The General Assembly shall encourage nonpublic schools to use the instructional materials. Nothing in this subsection shall be construed to require nonpublic schools to use the instructional materials.

(c.1) Parental option.—A minor enrolled in a public or nonpublic school may be permitted to opt out of receiving instruction or materials relating to anatomical donation as provided under this section if the minor's parent or guardian has provided written notice to the school.

(d) Institutions of higher education.—

(1) Beginning with the 2017-2018 school year, each public institution of higher education in this Commonwealth may provide, in collaboration with the designated organ procurement organizations, information to its students, either through student health services or as part of the curriculum, which:

(i) provides a comprehensive, scientific overview of anatomical donation, its history and scientific advancement; and

(ii) addresses the risks and benefits of and the myths and misunderstandings about anatomical donation.

(2) Beginning with the 2017-2018 school year, each private institution of higher education in this Commonwealth may provide, in collaboration with the designated organ procurement organizations, information to its students, either through student health services or as part of the curriculum, which:

(i) provides a comprehensive, scientific overview of anatomical donation, its history and scientific advancement; and

(ii) addresses the risks and benefits of and the myths and misunderstandings about anatomical donation.

§ 8629. Requirements for physician and nurse training relative to organ and tissue donation and recovery.

The State Board of Medicine, the State Board of Osteopathic Medicine and the State Board of Nursing shall promulgate regulations requiring physicians, osteopathic physicians and professional nurses to complete a two-hour course on organ and tissue donation and recovery designed to address the clinical aspects of the donation and recovery process as a condition of the license renewal for their first renewal after the effective date of this section.

§ 8629.1. Department of Transportation.

The following shall apply:

(1) The Secretary of Transportation shall publish notice in the Pennsylvania Bulletin of the completion of the Department of Transportation's:

(i) Internet website;

(ii) establishment of the Donate Life PA registry; and

(iii) establishment of the links to enable donation of money under section 8621 (relating to The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund contributions).

(2) Until the notice under paragraph (1) is published, the Secretary of Transportation shall issue a statement every 60 days to the chairperson and minority chairperson of the Judiciary Committee of the Senate and the chairperson and minority chairperson of the Judiciary Committee of the House of Representatives regarding the steps taken by the department to complete the requirements of paragraph (1).

§ 8629.2. Department of Corrections.

The Department of Corrections shall, in consultation with an organ procurement organization, provide information to or make information available about anatomical donation to inmates in State Correctional Institutions. The information shall be provided or made available annually and shall include topics under section 8621(c)(2) (relating to The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund contributions).

§ 8630. Uniformity of application and construction.

In applying and construing the provisions of this chapter, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among those states which enact a uniform act.

§ 8631. Relation to Electronic Signatures in Global and National Commerce Act.

This chapter modifies, limits and supersedes the Electronic Signatures in Global and National Commerce Act (Public Law 106-229, 15 U.S.C. § 7001 et seq.). This chapter shall not modify, limit or supersede section 101(c) of the Electronic Signatures in Global and National Commerce Act or authorize electronic delivery of any of the notices described in section 103(b) of the Electronic Signatures in Global and National Commerce Act.

Section 7. Subchapter C of Chapter 86 of Title 20 is repealed:

[SUBCHAPTER C

CORNEAL TRANSPLANTS

Sec.

8641. Removal of corneal tissue permitted under certain circumstances.

8642. Limitation of liability.

§ 8641. Removal of corneal tissue permitted under certain circumstances.

(a) General rule.—On a request from an authorized official of an eye bank for corneal tissue, a coroner or medical examiner may permit the removal of corneal tissue if all of the following apply:

(1) The decedent from whom the tissue is to be removed died under circumstances requiring an inquest.

(2) The coroner or medical examiner has made a reasonable effort to contact persons listed in section 8611 (relating to persons who may execute anatomical gift).

(3) No objection by a person listed in section 8611 is known by the coroner or medical examiner.

(4) The removal of the corneal tissue will not interfere

with the subsequent course of an investigation or autopsy or alter the decedent's postmortem facial appearance.

(b) Definition.—As used in this section, the term "eye bank" means a nonprofit corporation chartered under the laws of this Commonwealth to obtain, store and distribute donor eyes to be used by physicians or surgeons for corneal transplants, research or other medical purposes and the medical activities of which are directed by a physician or surgeon in this Commonwealth.

§ 8642. Limitation of liability.

A person who acts in good faith in accordance with the provisions of this subchapter shall not be subject to criminal or civil liability arising from any action taken under this subchapter. The immunity provided by this section shall not extend to persons if damages result from the gross negligence, recklessness or intentional misconduct of the person.]

Section 8. This act shall take effect as follows:

(1) The addition of 20 Pa.C.S. § 8629.1 shall take effect immediately.

(2) This section shall take effect immediately.

(3) The remainder of this act shall take effect upon publication of the notice under 20 Pa.C.S. § 8629.1.

On the question,

Will the House agree to the amendment?

The SPEAKER. On the amendment, Representative Petrarca, you may proceed.

Mr. PETRARCA. Thank you, Mr. Speaker.

What this amendment does – again, the goal of this amendment – this amendment reestablishes SB 180 and my companion bill in the House, HB 30, in their close-to-original forms, and the goal of those pieces of legislation was to save lives by increasing organ availability in Pennsylvania.

This amendment, and those bills, establish comprehensive framework for public education, clarifies methods of making an anatomical donation, updates current law to reflect best practices consistent with the Uniform Anatomical Gift Act; again, that has been developed in almost every State and will again ensure more organs per donation in Pennsylvania. I would appreciate an affirmative vote. And supported by our organ procurement organizations and the Department of Health. Thank you.

The SPEAKER. Representative Cutler, on the amendment, sir.

Mr. CUTLER. Thank you, Mr. Speaker.

Mr. Speaker, while this amendment is in its original form, that unfortunately comes with it all of the issues that were raised throughout the prior sessions related to many of the amendments that have been offered, and quite frankly, had buried the bill in prior sessions. Specifically, the term "organ" actually includes the VCAs (vascularized composite allografts), or the composite allografts – hands, face transplants – as per Federal regulation that is also looped into this. The existing law regarding revocation, existing State law regarding revocation would no longer be valid; instead, a written refusal would need to be obtained.

Additionally, there were questions regarding informed consent and the starting of medical testing for individuals and the question of whether or not and when that should happen. The Department of Health would host a Web site about organ donation, and finally, it would require the coroners to attend physically in the operating room.

Mr. Speaker, that was specifically rejected by voting down some of the prior amendments. I would urge the members to do the same for this one for the following reasons. The goal for me when I began this endeavor as a coprime sponsor of HB 30 was to increase organ donation. For those of you who might not know, I had an uncle who received a kidney transplant. Keeping the goal of increased organ donation in mind led me to the decision that we had to be pragmatic about many of the issues in the underlying bill.

I believe that the Republican Policy chair, myself, and many of the stakeholders, through our discussion, have improved the original bill, and unfortunately, this proposal would undo many of those previously agreed-to issues, so I would urge a "no" vote.

The SPEAKER. Representative, do you wish to go a second time?

Representative Petrarca.

Mr. PETRARCA. Again, Mr. Speaker, if we pass legislation related to organ donation, we should try to make a situation better in Pennsylvania. Again, this legislation, the legislation that is contained in this amendment is supported. We have worked on this for a number of years and a number of changes have been reflected in this legislation.

Again, it is supported by our organ donation professionals in Pennsylvania. We have worked out, worked through issues with the victim advocates in Pennsylvania. We have worked through issues with religious groups. We have worked through issues with the District Attorneys Association. This is the legislation, again, that the Department of Health supports. This is the legislation that the organ donation community supports, and without this amendment, the legislation that we may pass in this chamber again will set organ donation back. So just to say we have done something on organ donation that does not improve our status or the law in Pennsylvania is basically not worth the paper it is written on.

So I ask for an affirmative vote. Thank you.

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

The following roll call was recorded:

YEAS—68

|             |            |            |             |
|-------------|------------|------------|-------------|
| Barbin      | DeLuca     | Kinsey     | Rabb        |
| Bizzarro    | Dermody    | Kirkland   | Ravenstahl  |
| Boyle       | Donatucci  | Kortz      | Roebuck     |
| Bradford    | Driscoll   | Krueger    | Rozzi       |
| Briggs      | Evans      | Longietti  | Sainato     |
| Bullock     | Fitzgerald | Madden     | Samuelson   |
| Burns       | Flynn      | Markosek   | Schlossberg |
| Caltagirone | Frankel    | Matzie     | Schweyer    |
| Carroll     | Freeman    | McCarter   | Sims        |
| Cephas      | Gainey     | McClinton  | Snyder      |
| Comitta     | Galloway   | McNeill    | Solomon     |
| Costa, P.   | Goodman    | Miller, D. | Sturla      |
| Daley       | Haggerty   | Mullery    | Vazquez     |
| Davidson    | Hanna      | Neilson    | Vitali      |
| Davis, A.   | Harris, J. | O'Brien    | Warren      |
| Dawkins     | Kavulich   | Pashinski  | Wheatley    |
| DeLissio    | Keller, W. | Petrarca   | Youngblood  |

NAYS—124

|             |              |            |           |
|-------------|--------------|------------|-----------|
| Barrar      | Fritz        | Maloney    | Reese     |
| Benninghoff | Gillen       | Marshall   | Roae      |
| Bernstine   | Gillespie    | Marsico    | Roe       |
| Bloom       | Godshall     | Masser     | Rothman   |
| Boback      | Greiner      | McGinnis   | Ryan      |
| Brown, R.   | Grove        | Mehaffie   | Saccone   |
| Brown, V.   | Hahn         | Mentzer    | Sankey    |
| Causer      | Harkins      | Metcalfe   | Santora   |
| Charlton    | Harper       | Metzgar    | Saylor    |
| Christiana  | Harris, A.   | Miccarelli | Schemel   |
| Conklin     | Heffley      | Millard    | Simmons   |
| Cook        | Helm         | Miller, B. | Sonney    |
| Corbin      | Hennessey    | Milne      | Staats    |
| Costa, D.   | Hickernell   | Moul       | Stephens  |
| Cox         | Hill         | Murt       | Tallman   |
| Culver      | Irvin        | Mustio     | Taylor    |
| Cutler      | James        | Nelson     | Tobash    |
| Day         | Jozwiak      | Nesbit     | Toepel    |
| Deasy       | Kampf        | O'Neill    | Toohil    |
| Delozier    | Kaufner      | Oberlander | Topper    |
| Diamond     | Kauffman     | Ortitay    | Walsh     |
| DiGirolamo  | Keefe        | Peifer     | Ward      |
| Dowling     | Keller, F.   | Pickett    | Warner    |
| Dunbar      | Keller, M.K. | Pyle       | Watson    |
| Dush        | Klunk        | Quigley    | Wentling  |
| Ellis       | Knowles      | Quinn, C.  | Wheeland  |
| Emrick      | Kulik        | Quinn, M.  | White     |
| English     | Lawrence     | Rader      | Zimmerman |
| Evankovich  | Lewis        | Rapp       |           |
| Everett     | Mackenzie    | Readshaw   | Turzai,   |
| Farry       | Maher        | Reed       | Speaker   |
| Fee         | Mako         |            |           |

NOT VOTING—0

EXCUSED—8

|      |           |          |        |
|------|-----------|----------|--------|
| Corr | Davis, T. | Fabrizio | Kim    |
| Cruz | Dean      | Gabler   | Thomas |

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. Members, we do not see any further amendments to SB 180, PN 1532. If I am mistaken, please correct me and call it to my attention at this time.

Okay. There are no further amendments.

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 as amended will be reprinted.

\* \* \*



The House proceeded to second consideration of **SB 108, PN 1529**, entitled:

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, in anatomical gifts, further providing for manner of executing anatomical gifts.

On the question,

Will the House agree to the bill on second consideration?

The SPEAKER. Okay. My understanding is that there are three amendments filed. Representative Cutler has amendment 6500, Representative Petrarca has amendments 6281 and 6317. Are those amendments withdrawn, Representative Petrarca? That one is withdrawn? The other one is withdrawn. Okay. Representative Cutler, are you— Okay. So amendment 6281 is withdrawn and amendment 6317 is going to be called up.

On the question recurring,

Will the House agree to the bill on second consideration?

Mr. **PETRARCA** offered the following amendment No. **A06317**:

Amend Bill, page 1, line 3, by striking out the period after "gifts" and inserting

and for Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund contributions.

Amend Bill, page 2, by inserting between lines 21 and 22

Section 2. Section 8621 of Title 20 is amended to read:

§ 8621. The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund contributions.

(a) Driver's license.—Beginning as soon as practicable, but no later than January 1, 1995, the Department of Transportation shall provide an applicant for an original or renewal driver's license or identification card the opportunity to make a contribution of [\$1] 3 to the fund. The contribution shall be added to the regular fee for an original or renewal driver's license or identification card. One contribution may be made for each issuance or renewal of a license or identification card. Contributions shall be used exclusively for the purposes set out in section 8622 (relating to The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund). The Department of Transportation shall monthly determine the total amount designated under this section and shall report that amount to the State Treasurer, who shall transfer that amount to The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund.

(b) Vehicle registration.—The Department of Transportation shall provide an applicant for a renewal vehicle registration the opportunity to make a contribution of [\$1] 3 to The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund. The contribution shall be added to the regular fee for a renewal of a vehicle registration. One contribution may be made for each renewal vehicle registration. Contributions shall be used exclusively for the purposes described in section 8622. The Department of Transportation shall monthly determine the total amount designated under this section and shall report that amount to the State Treasurer, who shall transfer that amount to The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund. The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund shall reimburse the department for the initial costs incurred in the development and implementation of the contribution program under this subsection. The General Fund shall reimburse the Department of Transportation for the actual annual operating costs of the program for vehicle registrations as described in this subsection subject to the following limits: For the first fiscal year during which this subsection is effective, the General Fund shall reimburse the Department of

Transportation for the actual operating costs of the program in this subsection up to a maximum of \$100,000. For each fiscal year thereafter, the General Fund shall reimburse the Department of Transportation for the actual operating costs of the program in this subsection in an amount not to exceed the prior year's actual operating costs on a full fiscal year basis plus 3%. The amounts approved by the Governor as necessary are hereby appropriated from the General Fund for this purpose.

Amend Bill, page 2, line 22, by striking out "2" and inserting 3

Amend Bill, page 2, line 22, by striking out "immediately." and inserting

as follows:

(1) The amendment of 20 Pa.C.S. § 8621 shall take effect in 60 days.

(2) The remainder of this act shall take effect immediately.

On the question,

Will the House agree to the amendment?

The SPEAKER. Representative Petrarca, on the amendment, please.

Mr. PETRARCA. Thank you, Mr. Speaker.

Again this amendment was drafted to deal with the financial difficulty that the organ donor trust fund is experiencing at this time. The goal of this amendment is to allow the \$1 checkoff on vehicle registrations and driver's licenses to be changed to \$3 for voluntary donation.

The SPEAKER. Representative Cutler, on the amendment, sir.

Representative Benninghoff, on the amendment.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

In the essence of harmony, we will stand and support this amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

#### YEAS—192

|             |            |            |             |
|-------------|------------|------------|-------------|
| Barbin      | Evankovich | Lewis      | Readshaw    |
| Barrar      | Evans      | Longietti  | Reed        |
| Benninghoff | Everett    | Mackenzie  | Reese       |
| Bernstine   | Farry      | Madden     | Roae        |
| Bizzarro    | Fee        | Maher      | Roe         |
| Bloom       | Fitzgerald | Mako       | Roebuck     |
| Boback      | Flynn      | Maloney    | Rothman     |
| Boyle       | Frankel    | Markosek   | Rozzi       |
| Bradford    | Freeman    | Marshall   | Ryan        |
| Briggs      | Fritz      | Marsico    | Saccone     |
| Brown, R.   | Gainey     | Masser     | Sainato     |
| Brown, V.   | Galloway   | Matzie     | Samuelson   |
| Bullock     | Gillen     | McCarter   | Sankey      |
| Burns       | Gillespie  | McClinton  | Santora     |
| Caltagirone | Godshall   | McGinnis   | Saylor      |
| Carroll     | Goodman    | McNeill    | Schemel     |
| Causar      | Greiner    | Mehaffie   | Schlossberg |
| Cephas      | Grove      | Mentzer    | Schweyer    |
| Charlton    | Haggerty   | Metcalfe   | Simmons     |
| Christiana  | Hahn       | Metzgar    | Sims        |
| Comitta     | Hanna      | Miccarelli | Snyder      |
| Conklin     | Harkins    | Millard    | Solomon     |
| Cook        | Harper     | Miller, B. | Sonney      |
| Corbin      | Harris, A. | Miller, D. | Staats      |
| Costa, D.   | Harris, J. | Milne      | Stephens    |
| Costa, P.   | Heffley    | Moul       | Sturla      |

|            |              |            |            |
|------------|--------------|------------|------------|
| Cox        | Helm         | Mullery    | Tallman    |
| Culver     | Hennessey    | Murt       | Taylor     |
| Cutler     | Hickernell   | Mustio     | Tobash     |
| Daley      | Hill         | Neilson    | Toepel     |
| Davidson   | Irvin        | Nelson     | Toohil     |
| Davis, A.  | James        | Nesbit     | Topper     |
| Dawkins    | Jozwiak      | O'Brien    | Vazquez    |
| Day        | Kampf        | O'Neill    | Vitali     |
| Deasy      | Kaufer       | Oberlander | Walsh      |
| DeLissio   | Kauffman     | Ortitay    | Ward       |
| Delozier   | Kavulich     | Pashinski  | Warner     |
| DeLuca     | Keefer       | Peifer     | Warren     |
| Dermody    | Keller, F.   | Petrarca   | Watson     |
| Diamond    | Keller, M.K. | Pickett    | Wentling   |
| DiGirolamo | Keller, W.   | Pyle       | Wheatley   |
| Donatucci  | Kinsey       | Quigley    | Wheeland   |
| Dowling    | Kirkland     | Quinn, C.  | White      |
| Driscoll   | Klunk        | Quinn, M.  | Youngblood |
| Dunbar     | Knowles      | Rabb       | Zimmerman  |
| Dush       | Kortz        | Rader      |            |
| Ellis      | Krueger      | Rapp       | Turzai,    |
| Emrick     | Kulik        | Ravenstahl | Speaker    |
| English    | Lawrence     |            |            |

NAYS—0

NOT VOTING—0

EXCUSED—8

|      |           |          |        |
|------|-----------|----------|--------|
| Corr | Davis, T. | Fabrizio | Kim    |
| Cruz | Dean      | Gabler   | Thomas |

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?

The SPEAKER. Representative Cutler calls up amendment 6500. It is withdrawn. Amendment 6500 is withdrawn. There are no further amendments on SB 108, PN 1529.

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 as amended will be reprinted.

\* \* \*

The House proceeded to second consideration of **HB 638, PN 3164**, entitled:

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, in district election officers, further providing for election officers to be sworn; in dates of elections and primaries and special elections, further providing for affidavits of candidates; in nomination of candidates, further providing for petition may consist of several sheets and affidavit of circulator, for affidavits of candidates, for examination of nomination petitions, certificates and papers and return of rejected nomination petitions, certificates and papers, for vacancy in party nomination by failure to pay filing fee or for failure to file loyalty oath, for affidavits of candidates, for filling of certain vacancies in public office by means of nomination certificates and nomination papers and for substituted nominations to fill certain

vacancies for a November election; in ballots, further providing for form and printing of ballots; in returns of primaries and elections, further providing for manner of computing irregular ballots; replacing references to "justice of the peace" with "magisterial district judge"; and removing references to the "Traffic Court of Philadelphia."

On the question,

Will the House agree to the bill on second consideration?

Bill was agreed to.

**SUPPLEMENTAL CALENDAR A**

**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 1539, PN 3353**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in standby guardianship, further providing for definitions and for scope and providing for temporary guardianship; in child protective services, further providing for release of information in confidential reports; and making editorial changes.

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**

|             |            |            |             |
|-------------|------------|------------|-------------|
| Barbin      | Evankovich | Lewis      | Readshaw    |
| Barrar      | Evans      | Longietti  | Reed        |
| Benninghoff | Everett    | Mackenzie  | Reese       |
| Bernstine   | Farry      | Madden     | Roae        |
| Bizzarro    | Fee        | Maher      | Roe         |
| Bloom       | Fitzgerald | Mako       | Roebuck     |
| Boback      | Flynn      | Maloney    | Rothman     |
| Boyle       | Frankel    | Markosek   | Rozzi       |
| Bradford    | Freeman    | Marshall   | Ryan        |
| Briggs      | Fritz      | Marsico    | Saccone     |
| Brown, R.   | Gainey     | Masser     | Sainato     |
| Brown, V.   | Galloway   | Matzie     | Samuelson   |
| Bullock     | Gillen     | McCarter   | Sankey      |
| Burns       | Gillespie  | McClinton  | Santora     |
| Caltagirone | Godshall   | McGinnis   | Saylor      |
| Carroll     | Goodman    | McNeill    | Schemel     |
| Causar      | Greiner    | Mehaffie   | Schlossberg |
| Cephas      | Grove      | Mentzer    | Schweyer    |
| Charlton    | Haggerty   | Metcalfe   | Simmons     |
| Christiana  | Hahn       | Metzgar    | Sims        |
| Comitta     | Hanna      | Miccarelli | Snyder      |
| Conklin     | Harkins    | Millard    | Solomon     |
| Cook        | Harper     | Miller, B. | Sonney      |
| Corbin      | Harris, A. | Miller, D. | Staats      |
| Costa, D.   | Harris, J. | Milne      | Stephens    |
| Costa, P.   | Heffley    | Moul       | Sturla      |
| Cox         | Helm       | Mullery    | Tallman     |
| Culver      | Hennessey  | Murt       | Taylor      |
| Cutler      | Hickernell | Mustio     | Tobash      |
| Daley       | Hill       | Neilson    | Toepel      |
| Davidson    | Irvin      | Nelson     | Toohil      |

|            |              |            |            |
|------------|--------------|------------|------------|
| Davis, A.  | James        | Nesbit     | Topper     |
| Dawkins    | Jozwiak      | O'Brien    | Vazquez    |
| Day        | Kampf        | O'Neill    | Vitali     |
| Deasy      | Kaufner      | Oberlander | Walsh      |
| DeLissio   | Kauffman     | Ortitay    | Ward       |
| Delozier   | Kavulich     | Pashinski  | Warner     |
| DeLuca     | Keefer       | Peifer     | Warren     |
| Dermoddy   | Keller, F.   | Petrarca   | Watson     |
| Diamond    | Keller, M.K. | Pickett    | Wentling   |
| DiGirolamo | Keller, W.   | Pyle       | Wheatley   |
| Donatucci  | Kinsey       | Quigley    | Wheeland   |
| Dowling    | Kirkland     | Quinn, C.  | White      |
| Driscoll   | Klunk        | Quinn, M.  | Youngblood |
| Dunbar     | Knowles      | Rabb       | Zimmerman  |
| Dush       | Kortz        | Rader      |            |
| Ellis      | Krueger      | Rapp       | Turzai,    |
| Emrick     | Kulik        | Ravenstahl | Speaker    |
| English    | Lawrence     |            |            |

NAYS—0

NOT VOTING—0

EXCUSED—8

|      |           |          |        |
|------|-----------|----------|--------|
| Corr | Davis, T. | Fabrizio | Kim    |
| Cruz | Dean      | Gabler   | Thomas |

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 2133, PN 3107**, entitled:

An Act establishing the Kinship Caregiver Navigator Program in the Department of Human Services; and providing for kinship caregiver navigator website and for kinship caregiver navigators.

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—190

|             |            |           |          |
|-------------|------------|-----------|----------|
| Barbin      | English    | Lawrence  | Readshaw |
| Barrar      | Evankovich | Lewis     | Reed     |
| Benninghoff | Evans      | Longietti | Reese    |
| Bernstine   | Everett    | Mackenzie | Roae     |
| Bizzarro    | Farry      | Madden    | Roe      |
| Bloom       | Fee        | Maher     | Roebuck  |
| Boback      | Fitzgerald | Mako      | Rothman  |
| Boyle       | Flynn      | Maloney   | Rozzi    |
| Bradford    | Frankel    | Markosek  | Ryan     |

|             |              |            |             |
|-------------|--------------|------------|-------------|
| Briggs      | Freeman      | Marshall   | Saccone     |
| Brown, R.   | Fritz        | Marsico    | Sainato     |
| Brown, V.   | Gainey       | Masser     | Samuelson   |
| Bullock     | Galloway     | Matzie     | Sankey      |
| Burns       | Gillen       | McCarter   | Santora     |
| Caltagirone | Gillespie    | McClinton  | Saylor      |
| Carroll     | Godshall     | McNeill    | Schemel     |
| Causser     | Goodman      | Mehaffie   | Schlossberg |
| Cephas      | Greiner      | Mentzer    | Schweyer    |
| Charlton    | Grove        | Metcalfe   | Simmons     |
| Christiana  | Haggerty     | Metzgar    | Sims        |
| Comitta     | Hahn         | Miccarelli | Snyder      |
| Conklin     | Hanna        | Millard    | Solomon     |
| Cook        | Harkins      | Miller, B. | Sonney      |
| Corbin      | Harper       | Miller, D. | Staats      |
| Costa, D.   | Harris, A.   | Milne      | Stephens    |
| Costa, P.   | Harris, J.   | Moul       | Sturla      |
| Cox         | Heffley      | Mullery    | Tallman     |
| Culver      | Helm         | Murt       | Taylor      |
| Cutler      | Hennessey    | Mustio     | Tobash      |
| Daley       | Hickernell   | Neilson    | Toepel      |
| Davidson    | Hill         | Nelson     | Toohil      |
| Davis, A.   | Irvin        | Nesbit     | Topper      |
| Dawkins     | James        | O'Brien    | Vazquez     |
| Day         | Jozwiak      | O'Neill    | Vitali      |
| Deasy       | Kampf        | Oberlander | Walsh       |
| DeLissio    | Kaufner      | Ortitay    | Ward        |
| Delozier    | Kauffman     | Pashinski  | Warner      |
| DeLuca      | Kavulich     | Peifer     | Warren      |
| Dermoddy    | Keefer       | Petrarca   | Watson      |
| Diamond     | Keller, M.K. | Pickett    | Wentling    |
| DiGirolamo  | Keller, W.   | Pyle       | Wheatley    |
| Donatucci   | Kinsey       | Quigley    | Wheeland    |
| Dowling     | Kirkland     | Quinn, C.  | White       |
| Driscoll    | Klunk        | Quinn, M.  | Youngblood  |
| Dunbar      | Knowles      | Rabb       | Zimmerman   |
| Dush        | Kortz        | Rader      |             |
| Ellis       | Krueger      | Rapp       | Turzai,     |
| Emrick      | Kulik        | Ravenstahl | Speaker     |

NAYS—2

|            |          |
|------------|----------|
| Keller, F. | McGinnis |
|------------|----------|

NOT VOTING—0

EXCUSED—8

|      |           |          |        |
|------|-----------|----------|--------|
| Corr | Davis, T. | Fabrizio | Kim    |
| Cruz | Dean      | Gabler   | Thomas |

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

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

**STATEMENT BY MRS. WATSON**

The SPEAKER. The Chair recognizes Representative Kathy Watson, chair of the Children and Youth Committee, on unanimous consent.

Mrs. WATSON. Thank you, Mr. Speaker.

I wanted to take a moment, if I might, Mr. Speaker, first to thank you for your affirmative vote. I also want to thank my good friend and colleague, Representative Pashinski.

Mr. Speaker, you all know I have said many times that children are not born into this world already with their voting card that they are an "R" or a "D," and their problems have nothing really to do political. Well, Representative Pashinski

and I both agree with that and so we have worked together on a number of issues related to children. Most important, Mr. Speaker, I believe you will also have a resolution, Mr. Speaker, later, but that is, we have a whole new phenomenon that you and I are living and that is called grandfamilies.

We have many people – perhaps in your family, perhaps a neighbor, someone you know at your church – but people who are grandparents now raising grandchildren due largely to the opioid crisis, alcohol addiction, all of those. Many of you, or some of you, may have grown up with your grandparents raising you, and they did a good job, no question about it, and they did not get a lot of help. But if you think back, life was a little easier than it is now and there has been a vast change from generation to generation in how children are raised in the Commonwealth. So this helps grandparents. They have asked for help and yet they are proud people. Some of you might be old enough to be grandparents and you know very well that you do not like to ask for help; you like to handle it within in your family, but you do need some.

This navigator program will allow grandparents to either go online or talk to a live person to help them locally – what would be available to them, what could they do? Please remember, these folks are not part of our children and youth system because they have two great fears. First fear is that their grandchildren will be taken away, and you know the second fear – well, it is not a fear; it is really a feeling – I never ask anybody for help.

Finally, Mr. Speaker, I would be remiss if I did not thank another member, who I believe stood up yesterday, who started the concept of kinship care, and under her bill, if you are in the foster care system, you can apply for "kinship care," and it is a legal definition and you get some help. She started the ball rolling, but sadly, it has even gone further than our good friend Rosita Youngblood thought back in 2003. She did not foresee that we would also involve opioid addiction; we would have more grandfamilies than we have ever had in the Commonwealth of Pennsylvania.

So I thank those people, Mr. Speaker, with your indulgence. I thank you for the passage. This is a series of three bills and I would suggest to you, Mr. Speaker, that before I leave – November 30, not before – but in any event, Mr. Speaker, you might see another grandparent bill that helps them too. Thank you very much.

The SPEAKER. Thank you, Madam Chair.

### BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 504, PN 3297**, entitled:

An Act amending the act of May 17, 1921 (P.L.789, No.285), known as The Insurance Department Act of 1921, in insurance producers, further providing for definitions and providing for self-service storage insurance.

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

|             |              |            |             |
|-------------|--------------|------------|-------------|
| Barbin      | Evankovich   | Lewis      | Readshaw    |
| Barrar      | Evans        | Longietti  | Reed        |
| Benninghoff | Everett      | Mackenzie  | Reese       |
| Bernstine   | Farry        | Madden     | Roae        |
| Bizzarro    | Fee          | Maher      | Roe         |
| Bloom       | Fitzgerald   | Mako       | Roebuck     |
| Boback      | Flynn        | Maloney    | Rothman     |
| Boyle       | Frankel      | Markosek   | Rozzi       |
| Bradford    | Freeman      | Marshall   | Ryan        |
| Briggs      | Fritz        | Marsico    | Saccone     |
| Brown, R.   | Gainey       | Masser     | Sainato     |
| Brown, V.   | Galloway     | Matzie     | Samuelson   |
| Bullock     | Gillen       | McCarter   | Sankey      |
| Burns       | Gillespie    | McClinton  | Santora     |
| Caltagirone | Godshall     | McGinnis   | Saylor      |
| Carroll     | Goodman      | McNeill    | Schemel     |
| Causar      | Greiner      | Mehaffie   | Schlossberg |
| Cephas      | Grove        | Mentzer    | Schweyer    |
| Charlton    | Haggerty     | Metcalfe   | Simmons     |
| Christiana  | Hahn         | Metzgar    | Sims        |
| Comitta     | Hanna        | Miccarelli | Snyder      |
| Conklin     | Harkins      | Millard    | Solomon     |
| Cook        | Harper       | Miller, B. | Sonney      |
| Corbin      | Harris, A.   | Miller, D. | Staats      |
| Costa, D.   | Harris, J.   | Milne      | Stephens    |
| Costa, P.   | Heffley      | Moul       | Sturla      |
| Cox         | Helm         | Mullery    | Tallman     |
| Culver      | Hennessey    | Murt       | Taylor      |
| Cutler      | Hickernell   | Mustio     | Tobash      |
| Daley       | Hill         | Neilson    | Toepel      |
| Davidson    | Irvin        | Nelson     | Toohil      |
| Davis, A.   | James        | Nesbit     | Topper      |
| Dawkins     | Jozwiak      | O'Brien    | Vazquez     |
| Day         | Kampf        | O'Neill    | Vitali      |
| Deasy       | Kaufner      | Oberlander | Walsh       |
| DeLissio    | Kauffman     | Ortitay    | Ward        |
| Delozier    | Kavulich     | Pashinski  | Warner      |
| DeLuca      | Keefer       | Peifer     | Warren      |
| Dermody     | Keller, F.   | Petrarca   | Watson      |
| Diamond     | Keller, M.K. | Pickett    | Wentling    |
| DiGirolo    | Keller, W.   | Pyle       | Wheatley    |
| Donatucci   | Kinsey       | Quigley    | Wheeland    |
| Dowling     | Kirkland     | Quinn, C.  | White       |
| Driscoll    | Klunk        | Quinn, M.  | Youngblood  |
| Dunbar      | Knowles      | Rabb       | Zimmerman   |
| Dush        | Kortz        | Rader      |             |
| Ellis       | Krueger      | Rapp       | Turzai,     |
| Emrick      | Kulik        | Ravenstahl | Speaker     |
| English     | Lawrence     |            |             |

#### NAYS—0

#### NOT VOTING—0

#### EXCUSED—8

|      |           |          |        |
|------|-----------|----------|--------|
| Corr | Davis, T. | Fabrizio | Kim    |
| Cruz | Dean      | Gabler   | Thomas |

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



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

## CALENDAR CONTINUED

### RESOLUTIONS

Mr. D. MILLER called up **HR 76, PN 427**, entitled:

A Concurrent Resolution declaring that the General Assembly of the Commonwealth of Pennsylvania is opposed to the enactment and enforcement of a State law, under a Federal mandate, that requires the suspension or revocation, or the delay of issuance or reinstatement, of the driver's license of an individual convicted of a violation of the Controlled Substances Act or another drug offense; urging the Governor to submit a written certification stating the Governor's opposition to the State law along with this resolution to the United States Secretary of Transportation; and accordingly preventing the United States Secretary of Transportation from withholding a specified percentage of Federal transportation apportionments under 23 U.S.C. 159.

On the question,  
Will the House adopt the resolution?

### MOTION TO RECOMMIT

The SPEAKER. Will Tallman, on the resolution.  
Representative Will Tallman, on the resolution.

Mr. TALLMAN. Mr. Speaker, I would like to make a motion.

The SPEAKER. Yes, sir. You may.

Mr. TALLMAN. I would like to refer this bill to the State Government Committee.

The SPEAKER. Yes, sir. Members, this is a House resolution and it has been moved to recommit this to State Government. On the move, and then I have to call others on this as well.

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

The SPEAKER. Representative Tallman, do you want to speak on your motion?

Mr. TALLMAN. Briefly. Thank you, Mr. Speaker.

Just quickly, three of us voted "no" yesterday on a very similar piece of legislation, and I find it problematic that we are concealing wrongdoing and there should be consequences to wrongdoing. Thank you.

The SPEAKER. Representative Taylor, on the resolution, sir.

Mr. TAYLOR. Thank you, Mr. Speaker.

I would oppose the motion. This resolution was vetted in the House Transportation Committee. It is the result of an extensive hearing that we had on this matter and it deals with license suspension in this Commonwealth with the premise being that license suspensions have become a penalty for a whole variety of things that have nothing to do with driving. Drivers throughout Pennsylvania are not insured. We are trying to give people the opportunity to bring them back. This resolution just gives notification to the Federal government that we are doing so.

So I think this was properly vetted in the appropriate committee and I am going to ask the members to oppose this motion.

The SPEAKER. Representative Bill Keller.

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

I would just like to point out that yesterday we passed HB 163, which would have no effect if we do not pass HR 76. This is a companion bill to that bill, on which we had extensive hearings. We only had three negative votes on the House bill. The House bill has no effect if we do not do HR 76.

The whole time we had hearings on this, everybody was saying, this is a good idea. We cannot have one without the other. Transportation Committee has done their job on this bill. I do not think it should go to another committee after we have done all the work on this. Please vote "yes" on HR 76.

Thank you, Mr. Speaker.

The SPEAKER. So, Representative Keller, you are opposed to recommitting it to State Government, correct?

Mr. W. KELLER. Yes, I am opposed to recommitting.

Thank you, Mr. Speaker.

### MOTION WITHDRAWN

The SPEAKER. Representative Tallman.

Mr. TALLMAN. On advice, I am going to withdraw the motion.

The SPEAKER. Thank you, sir. The motion is withdrawn.

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

The following roll call was recorded:

### YEAS—189

|             |            |            |             |
|-------------|------------|------------|-------------|
| Barbin      | English    | Kulik      | Ravenstahl  |
| Barrar      | Evankovich | Lawrence   | Readshaw    |
| Benninghoff | Evans      | Lewis      | Reed        |
| Bernstine   | Everett    | Longietti  | Reese       |
| Bizzarro    | Farry      | Mackenzie  | Roe         |
| Bloom       | Fee        | Madden     | Roebuck     |
| Boback      | Fitzgerald | Maher      | Rothman     |
| Boyle       | Flynn      | Mako       | Rozzi       |
| Bradford    | Frankel    | Maloney    | Ryan        |
| Briggs      | Freeman    | Markosek   | Saccone     |
| Brown, R.   | Fritz      | Marshall   | Sainato     |
| Brown, V.   | Gainey     | Marsico    | Samuelson   |
| Bullock     | Galloway   | Masser     | Sankey      |
| Burns       | Gillen     | Matzie     | Santora     |
| Caltagirone | Gillespie  | McCarter   | Saylor      |
| Carroll     | Godshall   | McClinton  | Schemel     |
| Causer      | Goodman    | McGinnis   | Schlossberg |
| Cephas      | Greiner    | McNeill    | Schweyer    |
| Charlton    | Grove      | Mehaffie   | Simmons     |
| Christiana  | Haggerty   | Mentzer    | Sims        |
| Comitta     | Hahn       | Metzgar    | Snyder      |
| Conklin     | Hanna      | Miccarelli | Solomon     |
| Cook        | Harkins    | Millard    | Sonney      |
| Corbin      | Harper     | Miller, B. | Staats      |
| Costa, D.   | Harris, A. | Miller, D. | Stephens    |
| Costa, P.   | Harris, J. | Milne      | Sturla      |
| Cox         | Heffley    | Moul       | Taylor      |
| Culver      | Helm       | Mullery    | Tobash      |
| Cutler      | Hennessey  | Murt       | Toepel      |
| Daley       | Hickernell | Mustio     | Toohil      |
| Davidson    | Hill       | Neilson    | Topper      |

|            |              |            |            |
|------------|--------------|------------|------------|
| Davis, A.  | Irvin        | Nelson     | Vazquez    |
| Dawkins    | James        | Nesbit     | Vitali     |
| Day        | Jozwiak      | O'Brien    | Walsh      |
| Deasy      | Kampf        | O'Neill    | Ward       |
| DeLissio   | Kaufer       | Oberlander | Warner     |
| DeLozier   | Kauffman     | Ortitay    | Warren     |
| DeLuca     | Kavulich     | Pashinski  | Watson     |
| Dermody    | Keefer       | Peifer     | Wentling   |
| Diamond    | Keller, F.   | Petrarca   | Wheatley   |
| DiGirolamo | Keller, M.K. | Pickett    | Wheeland   |
| Donatucci  | Keller, W.   | Pyle       | White      |
| Dowling    | Kinsey       | Quigley    | Youngblood |
| Driscoll   | Kirkland     | Quinn, C.  | Zimmerman  |
| Dunbar     | Klunk        | Quinn, M.  |            |
| Dush       | Knowles      | Rabb       | Turzai,    |
| Ellis      | Kortz        | Rader      | Speaker    |
| Emrick     | Krueger      | Rapp       |            |

NAYS—3

|         |      |         |
|---------|------|---------|
| Metcalf | Roae | Tallman |
|---------|------|---------|

NOT VOTING—0

EXCUSED—8

|      |           |          |        |
|------|-----------|----------|--------|
| Corr | Davis, T. | Fabrizio | Kim    |
| Cruz | Dean      | Gabler   | Thomas |

The majority of the members elected to the House having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

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

The SPEAKER. Representative Gainey and Representative Murt are— There are no further— We may have one other vote. I know. I apologize. Representative Pashinski is busy.

\* \* \*

Mr. PASHINSKI called up **HR 390, PN 1989**, entitled:

A Resolution directing the Joint State Government Commission to study the trend of grandfamilies in Pennsylvania and report its findings and recommendations to the General Assembly.

On the question,  
Will the House adopt the resolution?

The SPEAKER. Are the amendments withdrawn? Representative Watson has amendment 6370 and Representative Conklin has amendment 6503. Are they withdrawn? Withdrawn. Okay. So Representative Watson's is withdrawn, 6370. Representative Conklin, is your amendment withdrawn? Withdrawn. Okay. Amendment 6503 on a resolution about grandfamilies, a study, on a trend of grandfamilies, and we have a resolution and an amendment.

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

Mr. **CONKLIN** offered the following amendment  
No. **A06503**:

Amend Resolution, page 3, by inserting between lines 15 and 16  
(1) The Department of Human Services of the Commonwealth.

(2) The Department of Aging of the Commonwealth.

Amend Resolution, page 3, line 16, by striking out "(1)" and inserting

(3)

Amend Resolution, page 3, line 18, by striking out "(2)" and inserting

(4)

Amend Resolution, page 3, line 20, by striking out "(3)" and inserting

(5)

Amend Resolution, page 3, line 21, by striking out "(4)" and inserting

(6)

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

The SPEAKER. On the amendment, please, Representative Conklin, you may proceed.

Mr. CONKLIN. Sorry for the confusion, Mr. Speaker. That is an agreed-to amendment. It is just to clean a couple of things up.

The SPEAKER. Representative Pashinski, on the amendment, sir. Where is Representative Pashinski? My understanding is, he is in agreement with the amendment.

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

The following roll call was recorded:

YEAS—186

|             |            |            |             |
|-------------|------------|------------|-------------|
| Barbin      | Emrick     | Kulik      | Readshaw    |
| Barrar      | English    | Lawrence   | Reed        |
| Benninghoff | Evans      | Lewis      | Reese       |
| Bernstine   | Everett    | Longietti  | Roe         |
| Bizzarro    | Farry      | Mackenzie  | Roebuck     |
| Bloom       | Fee        | Madden     | Rothman     |
| Boback      | Fitzgerald | Maher      | Rozzi       |
| Boyle       | Flynn      | Mako       | Ryan        |
| Bradford    | Frankel    | Maloney    | Saccone     |
| Briggs      | Freeman    | Markosek   | Sainato     |
| Brown, R.   | Fritz      | Marshall   | Samuelson   |
| Brown, V.   | Gainey     | Marsico    | Sankey      |
| Bullock     | Galloway   | Masser     | Santora     |
| Burns       | Gillen     | Matzie     | Saylor      |
| Caltagirone | Gillespie  | McCarter   | Schemel     |
| Carroll     | Godshall   | McClinton  | Schlossberg |
| Causar      | Goodman    | McNeill    | Schweyer    |
| Cephas      | Greiner    | Mehaffie   | Simmons     |
| Charlton    | Grove      | Mentzer    | Sims        |
| Christiana  | Haggerty   | Metzgar    | Snyder      |
| Comitta     | Hahn       | Miccarelli | Solomon     |
| Conklin     | Hanna      | Millard    | Sonney      |
| Cook        | Harkins    | Miller, B. | Staats      |
| Corbin      | Harper     | Miller, D. | Steaps      |
| Costa, D.   | Harris, A. | Milne      | Sturla      |

|            |              |            |            |
|------------|--------------|------------|------------|
| Costa, P.  | Harris, J.   | Moul       | Tallman    |
| Cox        | Heffley      | Mullery    | Taylor     |
| Culver     | Helm         | Murt       | Tobash     |
| Cutler     | Hennessey    | Mustio     | Toepel     |
| Daley      | Hickernell   | Neilson    | Toohil     |
| Davidson   | Hill         | Nelson     | Topper     |
| Davis, A.  | Irvin        | Nesbit     | Vazquez    |
| Dawkins    | James        | O'Brien    | Vitali     |
| Day        | Jozwiak      | O'Neill    | Walsh      |
| Deasy      | Kampf        | Oberlander | Ward       |
| DeLissio   | Kaufer       | Ortitay    | Warner     |
| DeLozier   | Kauffman     | Pashinski  | Warren     |
| DeLuca     | Kavulich     | Peifer     | Watson     |
| Dermody    | Keefer       | Petrarca   | Wentling   |
| Diamond    | Keller, M.K. | Pickett    | Wheatley   |
| DiGirolamo | Keller, W.   | Pyle       | Wheeland   |
| Donatucci  | Kinsey       | Quigley    | White      |
| Dowling    | Kirkland     | Quinn, C.  | Youngblood |
| Driscoll   | Klunk        | Quinn, M.  | Zimmerman  |
| Dunbar     | Knowles      | Rabb       |            |
| Dush       | Kortz        | Rader      | Turzai,    |
| Ellis      | Krueger      | Ravenstahl | Speaker    |

NAYS-6

|            |          |      |      |
|------------|----------|------|------|
| Evankovich | McGinnis | Rapp | Roae |
| Keller, F. | Metcalfe |      |      |

NOT VOTING-0

EXCUSED-8

|      |           |          |        |
|------|-----------|----------|--------|
| Corr | Davis, T. | Fabrizio | Kim    |
| Cruz | Dean      | Gabler   | Thomas |

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 adopt the resolution as amended?

The SPEAKER. The amendment is adopted. So we have the resolution in front us. Now, keep in mind, we can go to vote on this resolution. It will be amended by 6503. I know on your screens, you will not have the resolution as amended, but we can go to a vote on the resolution as amended.

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

The following roll call was recorded:

YEAS-187

|             |            |           |           |
|-------------|------------|-----------|-----------|
| Barbin      | English    | Kulik     | Readshaw  |
| Barrar      | Evankovich | Lawrence  | Reed      |
| Benninghoff | Evans      | Lewis     | Reese     |
| Bernstine   | Everett    | Longietti | Roe       |
| Bizzarro    | Farry      | Mackenzie | Roebuck   |
| Bloom       | Fee        | Madden    | Rothman   |
| Boback      | Fitzgerald | Maher     | Rozzi     |
| Boyle       | Flynn      | Mako      | Ryan      |
| Bradford    | Frankel    | Maloney   | Saccone   |
| Briggs      | Freeman    | Markosek  | Sainato   |
| Brown, R.   | Fritz      | Marshall  | Samuelson |
| Brown, V.   | Gainey     | Marsico   | Sankey    |
| Bullock     | Galloway   | Masser    | Santora   |
| Burns       | Gillen     | Matzie    | Saylor    |
| Caltagirone | Gillespie  | McCarter  | Schemel   |

|            |              |            |             |
|------------|--------------|------------|-------------|
| Carroll    | Godshall     | McClinton  | Schlossberg |
| Causer     | Goodman      | McNeill    | Schweyer    |
| Cephas     | Greiner      | Mehaffie   | Simmons     |
| Charlton   | Grove        | Mentzer    | Sims        |
| Christiana | Haggerty     | Miccarelli | Snyder      |
| Comitta    | Hahn         | Millard    | Solomon     |
| Conklin    | Hanna        | Miller, B. | Sonney      |
| Cook       | Harkins      | Miller, D. | Staats      |
| Corbin     | Harper       | Milne      | Stephens    |
| Costa, D.  | Harris, A.   | Moul       | Sturla      |
| Costa, P.  | Harris, J.   | Mullery    | Tallman     |
| Cox        | Heffley      | Murt       | Taylor      |
| Culver     | Helm         | Mustio     | Tobash      |
| Cutler     | Hennessey    | Neilson    | Toepel      |
| Daley      | Hickernell   | Nelson     | Toohil      |
| Davidson   | Hill         | Nesbit     | Topper      |
| Davis, A.  | Irvin        | O'Brien    | Vazquez     |
| Dawkins    | James        | O'Neill    | Vitali      |
| Day        | Jozwiak      | Oberlander | Walsh       |
| Deasy      | Kampf        | Ortitay    | Ward        |
| DeLissio   | Kaufer       | Pashinski  | Warner      |
| DeLozier   | Kauffman     | Peifer     | Warren      |
| DeLuca     | Kavulich     | Petrarca   | Watson      |
| Dermody    | Keefer       | Pickett    | Wentling    |
| Diamond    | Keller, M.K. | Pyle       | Wheatley    |
| DiGirolamo | Keller, W.   | Quigley    | Wheeland    |
| Donatucci  | Kinsey       | Quinn, C.  | White       |
| Dowling    | Kirkland     | Quinn, M.  | Youngblood  |
| Driscoll   | Klunk        | Rabb       | Zimmerman   |
| Dunbar     | Knowles      | Rader      |             |
| Dush       | Kortz        | Rapp       | Turzai,     |
| Ellis      | Krueger      | Ravenstahl | Speaker     |
| Emrick     |              |            |             |

NAYS-5

|            |          |         |      |
|------------|----------|---------|------|
| Keller, F. | Metcalfe | Metzgar | Roae |
| McGinnis   |          |         |      |

NOT VOTING-0

EXCUSED-8

|      |           |          |        |
|------|-----------|----------|--------|
| Corr | Davis, T. | Fabrizio | Kim    |
| Cruz | Dean      | Gabler   | Thomas |

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

\* \* \*

Mrs. HILL called up **HR 431, PN 2268**, entitled:

A Resolution urging the Auditor General to conduct an audit of the Department of Education's administration of the Educational Technology Fund and to report the findings of the audit to the House of Representatives.

On the question,  
Will the House adopt the resolution?

The SPEAKER. I do see an amendment. Here is what the resolution does: it urges the Auditor General – urges – the Auditor General "to conduct an audit of the Department of Education's administration of the Educational Technology Fund and to report the findings of the audit to the House of Representatives."

Representative McCarter has an amendment, 6289. Sir, are you proceeding with that amendment?

Mr. McCARTER. I would like to speak to it first, Mr. Speaker, before I withdraw it.

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

Mr. McCARTER offered the following amendment No. **A06289**:

Amend Resolution, page 1, line 4, by inserting after "Representatives"

and urging the Auditor General to include certain information in its audits of cyber charter schools

Amend Resolution, page 6, by inserting between lines 12 and 13

RESOLVED, That the House of Representatives urge the Auditor General in conducting an audit of a cyber charter school to include in its report the process that the cyber charter school used to apply for grant money and, for programs funded with grant money, an identification of any waiver or reduction by the cyber charter school of financial bond requirements imposed on a bidder in the cyber charter school's requests for proposal and the reasons for the waiver or reduction; and be it further

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

The SPEAKER. Representative McCarter, on the amendment, sir, please.

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

With HR 431, the makers are urging that the Auditor General conduct audits of the Department of Education's administration of the Educational Technology Fund to ensure that the funding received by schools through the E-Fund was disbursed according to statutory requirements. This is an important line of inquiry that I support.

My amendment, A06289, would add to this inquiry by bringing greater scrutiny and transparency by urging the Auditor General to gather information about another entity that has also avoided audit for more than 15 years – namely, cyber charter grant programs. Specifically, it would authorize the Attorney General's Office, or urge them to conduct audits of cyber charter grant processes used to apply for grant money, programs funded with the grant money, an identification of any waiver or reduction by the cyber charter of financial bond requirements imposed on the bidder in the cyber charter school's request for proposal, and the reasons for the waiver or reduction. Currently the Auditor General's Office does not have the authorization to include these elements in charter performance audits.

AMENDMENT WITHDRAWN

Mr. McCARTER. However, Mr. Speaker, I will be withdrawing this amendment because I do not want to take anything away from the underlying resolution and its good intentions, but I did want to call attention to the existing loophole involving cyber charter audits that needs to be closed.

Thank you, Mr. Speaker.

The SPEAKER. Thank you, Representative McCarter. The amendment is withdrawn.

Representative Phillips-Hill, on the— You do not want to speak on the resolution? Okay.

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

The following roll call was recorded:

YEAS—192

|             |              |            |             |
|-------------|--------------|------------|-------------|
| Barbin      | Evankovich   | Lewis      | Readshaw    |
| Barrar      | Evans        | Longietti  | Reed        |
| Benninghoff | Everett      | Mackenzie  | Reese       |
| Bernstine   | Farry        | Madden     | Roae        |
| Bizzarro    | Fee          | Maher      | Roe         |
| Bloom       | Fitzgerald   | Mako       | Roebuck     |
| Boback      | Flynn        | Maloney    | Rothman     |
| Boyle       | Frankel      | Markosek   | Rozzi       |
| Bradford    | Freeman      | Marshall   | Ryan        |
| Briggs      | Fritz        | Marsico    | Saccone     |
| Brown, R.   | Gainey       | Masser     | Sainato     |
| Brown, V.   | Galloway     | Matzie     | Samuelson   |
| Bullock     | Gillen       | McCarter   | Sankey      |
| Burns       | Gillespie    | McClinton  | Santora     |
| Caltagirone | Godshall     | McGinnis   | Saylor      |
| Carroll     | Goodman      | McNeill    | Schemel     |
| Causar      | Greiner      | Mehaffie   | Schlossberg |
| Cephas      | Grove        | Mentzer    | Schweyer    |
| Charlton    | Haggerty     | Metcalfe   | Simmons     |
| Christiana  | Hahn         | Metzgar    | Sims        |
| Comitta     | Hanna        | Miccarelli | Snyder      |
| Conklin     | Harkins      | Millard    | Solomon     |
| Cook        | Harper       | Miller, B. | Sonney      |
| Corbin      | Harris, A.   | Miller, D. | Staats      |
| Costa, D.   | Harris, J.   | Milne      | Stephens    |
| Costa, P.   | Heffley      | Moul       | Sturla      |
| Cox         | Helm         | Mullery    | Tallman     |
| Culver      | Hennessey    | Murt       | Taylor      |
| Cutler      | Hickernell   | Mustio     | Tobash      |
| Daley       | Hill         | Neilson    | Toepel      |
| Davidson    | Irvin        | Nelson     | Toohil      |
| Davis, A.   | James        | Nesbit     | Topper      |
| Dawkins     | Jozwiak      | O'Brien    | Vazquez     |
| Day         | Kampf        | O'Neill    | Vitali      |
| Deasy       | Kaufner      | Oberlander | Walsh       |
| DeLissio    | Kauffman     | Ortitay    | Ward        |
| Delozier    | Kavulich     | Pashinski  | Warner      |
| DeLuca      | Keefer       | Peifer     | Warren      |
| Dermody     | Keller, F.   | Petrarca   | Watson      |
| Diamond     | Keller, M.K. | Pickett    | Wentling    |
| DiGirolo    | Keller, W.   | Pyle       | Wheatley    |
| Donatucci   | Kinsey       | Quigley    | Wheeland    |
| Dowling     | Kirkland     | Quinn, C.  | White       |
| Driscoll    | Klunk        | Quinn, M.  | Youngblood  |
| Dunbar      | Knowles      | Rabb       | Zimmerman   |
| Dush        | Kortz        | Rader      |             |
| Ellis       | Krueger      | Rapp       | Turzai,     |
| Emrick      | Kulik        | Ravenstahl | Speaker     |
| English     | Lawrence     |            |             |

NAYS—0

NOT VOTING—0

EXCUSED—8

|      |           |          |        |
|------|-----------|----------|--------|
| Corr | Davis, T. | Fabrizio | Kim    |
| Cruz | Dean      | Gabler   | Thomas |

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



The SPEAKER. There are no further votes.

Representative Gainey and Representative Murt wish to speak on resolutions; neither have guests. Representative Gainey will speak first on HR 836, followed by Representative Murt on HR 770.

Representative DiGirolamo, as they come up, do you have a committee announcement, sir? You may proceed.

Mr. DiGIROLAMO. Thank you, Mr. Speaker.

Reminder to the members—

The SPEAKER. Members, please – Representative, I apologize – members, please hold off before you depart. There is a caucus announcement.

### REPUBLICAN CAUCUS

The SPEAKER. Representative Marcy Toepel, for a caucus announcement. You may proceed. My apologies.

Mrs. TOEPEL. Thank you, Mr. Speaker.

Republicans will caucus immediately at the break. Thank you.

### DEMOCRATIC CAUCUS

The SPEAKER. Representative Dan Frankel, the minority caucus chair.

Mr. FRANKEL. Thank you, Mr. Speaker.

Democrats will also be caucusing immediately at the break, immediately at the break. Thank you.

### REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. Representative Gainey has waived off. Representative Gainey has waived off.

Representative Murt wishes to speak on HR 770.

But Representative Gainey's remarks are submitted for the record on HR 836.

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

Mr. Speaker, I rise today to ask for your support of this resolution recognizing the efforts of the Pennsylvania architectural community to promote equity, diversity, and inclusion within the architecture, engineering, and construction (AEC) industries.

AIA (American Institute of Architects) Pennsylvania has made efforts to increase their commitment to equity, diversity, and inclusion by encouraging individuals who may have been previously shut out of reasonable access to the profession of architecture.

AIA Pennsylvania is committed to continuing their work to promote equity, diversity, and inclusion throughout the architectural community and in the workplace.

Please join me in supporting this legislation to ensure that the architects in our Commonwealth are creating role models that all of our children can identify with and designing the built environment to be more responsive to the communities that we all represent. I would respectfully request your "yes" vote on HR 836.

Thank you, Mr. Speaker

### HUMAN SERVICES COMMITTEE MEETING

The SPEAKER. Representative DiGirolamo, I apologize. I did not realize I had a caucus announcement. That was my fault. I apologize for interrupting. You may proceed. Then I will go to Representative Murt.

Mr. DiGIROLAMO. Thank you, Mr. Speaker.

Just a reminder to members of the Human Services Committee, we have a voting meeting tomorrow, 10 o'clock, room 60, East Wing. Thank you.

The SPEAKER. The Human Services Committee will have a voting meeting tomorrow at 10 o'clock, room 60, East Wing.

### AGING AND OLDER ADULT SERVICES COMMITTEE MEETING

The SPEAKER. Representative Tim Hennessey is recognized on unanimous consent.

Mr. HENNESSEY. Thank you, Mr. Speaker.

Just a reminder to the members of the Aging and Older Adult Services Committee, we will have a budget overview for the Department of Aging Services tomorrow, Wednesday, April 18, 9:30 a.m., in G-50 of the Irvis Office Building. Thank you.

The SPEAKER. The Aging and Older Adult Services Committee will have a budget overview for the Department of Aging Services tomorrow, Wednesday, April 18, 9:30 a.m., in G-50 of the Irvis Office Building.

### STATEMENT BY MR. MURT

The SPEAKER. Representative Murt, on HR 770.

Mr. MURT. Thank you, Mr. Speaker.

Mr. Speaker, I thank my colleagues for their unanimous support of HR 770 earlier today when we recognized the danger of shaken baby syndrome.

Mr. Speaker, these statistics are important. In the United States every year, as many as 3,750 infants and young children are diagnosed with shaken baby syndrome. Tragically, one-third of those victims die as a result of direct brain injuries.

Mr. Speaker, in 2006, Pennsylvania became an example to the rest of the nation when it became the first State to provide hospital-based education on shaken baby syndrome in 100 percent of all birthing and children's hospitals. Today we build on that by declaring it "Shaken Baby Syndrome Awareness Week" in Pennsylvania. Mr. Speaker, it is our way of educating parents, extended family members, and babysitters on how delicate young children are.

Shaken baby syndrome is caused by the vigorous shaking of an infant or young child by the arms, legs, chest, or shoulders. Forceful shaking can result in brain damage leading to intellectual or developmental disabilities, speech and learning disabilities, paralysis, seizures, hearing loss, and even death. It may cause bleeding around the brain and eyes, resulting in blindness.

Mr. Speaker, a baby's head and neck are especially vulnerable to injury because the head is so large and neck muscles are still weak. In addition, the baby's brain and blood vessels are still very fragile and easily damaged by whiplash motions such as shaking, jolting, and jerking.

Some experts believe that the shaking is primarily the result of an angry adult who loses self-control and that the perpetrator is aware of the potential harm to the child. Other experts believe a lack of knowledge about the dangers of shaking is a contributing factor and that most people do not intend to harm or kill children by shaking them.

Mr. Speaker, this is why physicians, social workers, educators, attorneys, families, parents, and others collaborate to educate the public about preventing shaken baby syndrome. And by recognizing shaken baby syndrome, we are drawing attention to the hundreds of children hurt or killed by thoughtless parents and guardians. This is an injury that can be avoided.

Thank you, Mr. Speaker.

The SPEAKER. Thank you very much Representative Murt.

Members, there are no further votes.

### VOTE CORRECTION

The SPEAKER. Representative Mike Tobash, for an announcement.

Mr. TOBASH. Yes, Mr. Speaker, to correct the record on a vote.

I had inadvertently voted in the "nay" on HB 645. I would like to go on record as changing my vote to a "yes."

The SPEAKER. Yes, sir.

Mr. TOBASH. Thank you.

### BILLS RECOMMITTED

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

HB 638;  
 HB 2078;  
 HB 2080;  
 HB 2081;  
 HB 2082;  
 HB 2083;  
 HB 2084;  
 HB 2085;  
 HB 2086;  
 HB 2242;  
 HB 2243;  
 HB 2244;  
 HB 2245;  
 HB 2246;  
 SB 108; and  
 SB 180.

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

### BILLS REMOVED FROM TABLE

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

HB 2066;  
 HB 2155;  
 HB 2156;  
 HB 2157;  
 HB 2158;  
 HB 2159;  
 HB 2203;  
 HB 2204;  
 HB 2205; and  
 HB 2206.

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

### BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 1076 and HB 1488 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.

### BILLS TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 1076 and HB 1488 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.

### BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1024, PN 2518**, entitled:

An Act amending the act of October 7, 2010 (P.L.484, No.70), known as the Adult Protective Services Act, in reporting suspected abuse by employees, providing for Statewide adult abuse registry.

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

### BILL TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 1024 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.

### **BILL REMOVED FROM TABLE**

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 1024 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.

\* \* \*

The House proceeded to second consideration of **HB 1412, PN 3120**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, in restructuring of electric utility industry, providing for microgrid and energy storage.

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

### **BILL RECOMMENDED**

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 1412 be removed from the House calendar and recommitted to the Veterans Affairs and Emergency Preparedness Committee.

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

### **ANNOUNCEMENT BY MS. McCLINTON**

The SPEAKER. Representative Joanna McClinton is recognized on unanimous consent.

Ms. McCLINTON. Thank you, Speaker.

I just wanted to take a moment before we gaveled out to honor and acknowledge a constituent who has been a legislative legal intern in my office this spring semester, Mr. Peter Elliot. He is a second year at Temple Law School, wrapping up the semester in a few weeks. Stand up, Peter, wave your hand. Let us welcome him.

The SPEAKER. Thank you, Peter, for being here today.

Ms. McCLINTON. Thank you, Mr. Speaker.

The SPEAKER. Thank you, Representative.

### **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. Representative Eric Nelson moves that the House be adjourned until Wednesday, April 18, 2018, at 11 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,  
Will the House agree to the motion?  
Motion was agreed to, and at 4:41 p.m., e.d.t., the House adjourned.