

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

MONDAY, JUNE 11, 2007

SESSION OF 2007

191ST OF THE GENERAL ASSEMBLY

No. 46

### HOUSE OF REPRESENTATIVES

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

#### THE SPEAKER (DENNIS M. O'BRIEN) PRESIDING

The SPEAKER. The prayer will be offered by Rev. Fr. Thomas McLaughlin, the guest of Representative Scavello.

#### PRAYER

VERY REV. FR. THOMAS D. McLAUGHLIN, Guest Chaplain of the House of Representatives, offered the following prayer:

Gracious God, Blessed One among us, we recall that on this day 231 years ago the Continental Congress appointed a few of our first nation's legislators to a new challenge – to draft for our land the Declaration of Independence. Those appointed that day: Roger Sherman, Robert Livingston, John Adams, Thomas Jefferson, and Benjamin Franklin, representing our own Pennsylvania. From their work and their sacrifice emerged a new nation that promised liberty and justice for all people.

This day we pray that that same insight, spirit, and commitment given to those leaders will be shared with this Pennsylvania House of legislators. May a spirit of patriotism, unity, and charity bond the members of this body to seek always what is right and just for the good of every Pennsylvanian. May we all work together to bring that historic dream of equality, justice, and freedom to every corner of our State and to every person blessed to be a daughter or a son of Pennsylvania, and may the Almighty One grant evermore goodness to our Commonwealth and its people.

Today, as always, let us remember in prayer those who have given their lives and well-being in the service of this Commonwealth and our nation. May their sacrifice be ever remembered, and may they each rest in peace. Amen.

#### PLEDGE OF ALLEGIANCE

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

### MICHAEL YASENCHOCK INTRODUCED

The SPEAKER. The Chair recognizes Representative Scavello for the purpose of an introduction.

Mr. SCAVELLO. Thank you, Mr. Speaker.

It is indeed an honor for me to introduce a good friend of mine; he is the cantor at St. Luke's Church in Stroudsburg – Michael Yasenchock. He is also a Fourth Degree Knights of Columbus. Now, he had no idea that I was going to ask him to do this when he first came here this morning, and he has a voice, folks, that you are really going to enjoy, and he is going to sing "God Bless America." My friend, Michael Yasenchock.

("God Bless America" was sung by Michael Yasenchock.)

The SPEAKER. The Chair thanks the gentleman, and the Chair was very pleased to make the exception to allow you to give us that wonderful rendition in honor of Flag Day that we will celebrate on June 14. The Chair and the House thank you.

### JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal of Thursday, June 7, 2007, will be postponed until printed. The Chair hears no objection.

### LEAVES OF ABSENCE

The SPEAKER. Turning to leaves of absence, the Chair recognizes the majority whip. Are there any leaves on the Democratic side? The gentleman requests that Representative GERGELY from Allegheny and Representative SAMUELSON from Northampton be placed on leave for the day. Without objection, these Representatives will be placed on leave.

Turning to leaves of absence on the Republican side, the Chair recognizes the minority whip. Are there any leaves on the Republican side? The gentleman requests that the gentlelady, Representative WATSON, from Bucks County; Representative Sam SMITH from Jefferson County; and Representative John TAYLOR from Philadelphia be placed on leave for the day. Without objection, these Representatives will be placed on leave.

### MASTER ROLL CALL

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

The following roll call was recorded:

**PRESENT—198**

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

**ADDITIONS—0**

**NOT VOTING—0**

**EXCUSED—5**

Gergely Samuelson	Smith, S.	Taylor, J.	Watson
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**LEAVES ADDED—5**

Cruz	Maher	Vereb	Vitali
Gingrich			

**LEAVES CANCELED—2**

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

**GUESTS INTRODUCED**

The SPEAKER. Please welcome, as guests of Representative Mario Scavello and Representative John Siptroth, today's Guest Chaplain, Fr. Tom McLaughlin, who presided over the prayer, and parishioners from St. Luke's Church located in Stroudsburg, Monroe County. Would you please rise and be recognized. Welcome to the House.

Representative Caltagirone has two guests with him today who are interning for him in his Reading district office: Whitney Gallagher and Jana Ward. Both are attending Kutztown University. Welcome to the House of Representatives.

Today, as the guests of Representative Buxton, we have seventh and eighth grade young ladies from Hamilton School located in the city of Harrisburg. The young ladies are participating in the Hatitude-Attitude program and have just recently completed the program and earned their hats. They are in the gallery. Welcome to the Pennsylvania House of Representatives.

**ST. GABRIEL'S OF THE SORROWFUL VIRGIN  
GIRLS BASKETBALL TEAM  
PRESENTED**

The SPEAKER. The Chair requests Representative Chelsa Wagner to approach the rostrum for the purpose of an introduction.

Ms. WAGNER. Thank you, Mr. Speaker.

Mr. Speaker, I rise today to acknowledge the girls eighth grade varsity basketball team from St. Gabriel's of the Sorrowful Virgin of the Diocese of Pittsburgh for their outstanding record of achievement for earning the title of the Catholic League of Pennsylvania State Championship. It is with nostalgia and personal significance that I am honored to stand here today before my colleagues and recognize these ladies for their perseverance to win the State title. Some of you know that I was a basketball player and attended college on a partial basketball scholarship, but I also played as a kid in the Diocese of Pittsburgh. I played on what was then a rival team of St. Gabriel's.

Now as one of the younger members of this chamber and the youngest female of this chamber, I can certainly say that as a child, as a young lady, nothing was more significant to me than my experience competing as a basketball player, and at that, I never won a State title like these young ladies did. So I know that these ladies will cherish the experience and cherish your recognition of them today here on the State floor.

In March this basketball team became the first team from the Diocese of Pittsburgh to capture the statewide Catholic League of Pennsylvania State Championship for the first time in nearly two decades. During their time together, beginning when they were on the junior varsity, they demonstrated outstanding talent and teamwork by going the entire 2005 and 2007 regular seasons without surrendering a single game and winning two diocesan championships. These girls now end their grade school basketball career with an astounding record of 120 wins and merely 10 hard-fought losses, 4 consecutive Final Four

appearances, 2 diocesan championships, and 1 State championship.

It is my pleasure to honor this team for their relentless perseverance of victory through teamwork, embodying excellence in athletic competition and sportsmanship. With me here are the five starters from St. Gabriel's: Alexa Del Greco, Alexis Herron, Emily Marecic, Amy O'Keefe, and Jordan Dwyer, along with their entire team on the back of the floor. If you will please rise.

We congratulate you on your wonderful achievement. Thank you.

### GUESTS INTRODUCED

The SPEAKER. We have a guest page today. His name is Zachary Pearce. At the request of Zachary's uncle, Paul Lyon, we would like to welcome Zachary, who will be a senior at Delaware Valley High School this fall. Paul Lyon is also a friend of Representatives Frank Shimkus and Jim Wansacz, and Mr. Pearce is the constituent of Representative Mike Peifer. Please welcome Zachary Pearce as a guest page in the House today. He is the guest of Representative William DeWeese.

We would like to welcome, as the guest of Representative Todd Eachus, Robert Thomas Mahle, who is a cardiac care nurse. He is located to the left of the Speaker. Would you please rise and be recognized. Welcome to the House.

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

**HB 894, PN 1877** (Amended) By Rep. ROEBUCK

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for referendum or public hearing required prior to construction or lease.

EDUCATION.

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

**SB 158, PN 1143** (Amended) By Rep. ROEBUCK

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, establishing parent involvement programs and policies in school districts.

EDUCATION.

### BILL REPORTED FROM COMMITTEE

**HB 1297, PN 1602** By Rep. ROEBUCK

An Act establishing a lending program in Commonwealth libraries for electricity meters; creating a grant; and making an appropriation.

EDUCATION.

### BILL REREFERRED

The SPEAKER. The Chair moves, at the request of the majority leader, that HB 1297 be rereferred to the Committee on Environmental Resources and Energy.

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

### HOUSE BILLS INTRODUCED AND REFERRED

**No. 1498** By Representatives DeLUCA, ARGALL, BAKER, BELFANTI, BENNINGHOFF, BIANCUCCI, CALTAGIRONE, CAPPELLI, CAUSER, CLYMER, COHEN, DENLINGER, EACHUS, EVERETT, FABRIZIO, FREEMAN, GEORGE, GIBBONS, GINGRICH, GOODMAN, HARHART, HESS, HUTCHINSON, JAMES, KAUFFMAN, MAJOR, MANDERINO, McILHATTAN, R. MILLER, MUNDY, MUSTIO, PETRARCA, PETRONE, PHILLIPS, PRESTON, PYLE, REED, REICHLEY, SAYLOR, SEIP, SHIMKUS, STERN, SURRA, THOMAS, WALKO, WANSACZ, WATSON and YUDICHAK

An Act establishing One Pennsylvania, a program to consolidate and unify procedures and requirements for the administration of all Commonwealth-funded, Commonwealth-administered and Commonwealth-supported drug programs and for reimbursement for pharmacy services.

Referred to Committee on AGING AND OLDER ADULT SERVICES, June 8, 2007.

**No. 1530** By Representatives DERMODY, TURZAI, PALLONE, SOLOBAY, MAHONEY, WALKO, PETRARCA, TANGRETTI, READSHAW, BELFANTI, CAPPELLI, FABRIZIO, JOSEPHS, GEORGE, CALTAGIRONE, FAIRCHILD, HARHAI, YUDICHAK, COHEN, HARKINS, MARSHALL, J. WHITE, THOMAS, KULA, McCALL and LEVDANSKY

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, in restructuring of electric utility industry, further providing for declaration of policy and for duties of electric distribution companies.

Referred to Committee on CONSUMER AFFAIRS, June 8, 2007.

### CALENDAR

#### RESOLUTIONS PURSUANT TO RULE 35

Mr. GEIST called up **HR 290, PN 1650**, entitled:

A Resolution designating the month of July 2007 as "Special Olympics Pennsylvania Month."

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

## YEAS—198

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

## NAYS—0

## NOT VOTING—0

## EXCUSED—5

Gergely	Smith, S.	Taylor, J.	Watson
Samuelson			

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

\* \* \*

Mr. SAYLOR called up **HR 317, PN 1763**, entitled:

A Resolution designating the month of November 2007 as "Pancreatic Cancer Awareness Month" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

## YEAS—198

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

## NAYS—0

## NOT VOTING—0

## EXCUSED—5

Gergely	Smith, S.	Taylor, J.	Watson
Samuelson			

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

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The SPEAKER. Members will please take their seats. The House is about to take up a condolence resolution. Members will please take their seats. All conversations will cease.

Mr. MANTZ called up **HR 313, PN 1759**, entitled:

A Resolution honoring the life and extending condolences for the supreme sacrifice of Captain Mark T. Resh of Killeen, Texas, formerly of Fogelsville, Pennsylvania, who was killed in active duty on January 28, 2007, in a helicopter crash in Iraq.

On the question,  
Will the House adopt the resolution?

The SPEAKER. The Chair recognizes Representative Mantz.  
Mr. MANTZ. Thank you, Mr. Speaker.

I rise today sadly, as so many others have before me, in solemn remembrance of a fallen Pennsylvania soldier. Army Capt. Mark T. Resh, formally of Fogelsville, Lehigh County, was serving his second tour of duty in Iraq when his Apache helicopter was shot down on January the 28th of this year. Captain Resh was a pilot with the Fourth Attack Reconnaissance Battalion, 227th Aviation Regiment, First Air Cavalry Brigade, First Air Division.

According to his mother, Mark volunteered for that final, dangerous mission that took him near the holy city of Najaf. Iraqi soldiers there were overwhelmed by a large and strong renegade militia, and they desperately needed help. Captain Resh did not hesitate to step forward to answer the call to duty. He gave his life to help those Iraqi soldiers and the people they were trying to protect.

Captain Resh was a brave man who served his country with dignity and with honor. He is a true hero, and his service will not be forgotten. But even before he was an Army captain who gave his life for his country, Mark Resh was a source of pride and a source of inspiration to his parents, to his family, and to his loved ones. As a young man, Mark was a member of the Boy Scouts and earned his Eagle Scout Award in 1995. During his high school years at Northwestern Lehigh High School, he was a member of the National Honor Society, the Mathematics Club, and student council. He was captain of the varsity soccer team in his senior year, and he graduated from high school in 1996.

Mark went on to study engineering at the University of Pittsburgh, where he was a member of the Reserve Officers' Training Corps and a summer intern with the Navy Research Laboratory in Virginia. Mark graduated from the University of Pittsburgh summa cum laude with a bachelor's degree in engineering in 2001.

Mark was a determined young man. He worked hard to achieve the goals he set for himself, but he never failed to enjoy life. He loved being in the military, but he also loved his family and his friends. As his mother, Carol, told the Allentown Morning Call, "He just loved life."

#### FAMILY INTRODUCED

Mr. MANTZ. For an all too brief 28 years, Mark's family and friends were privileged to know this fine young man. I would like to take a moment to introduce the people closest

to Mark: his parents, Charles and Carol Resh; his grandmother, Nancy Weiner; his Uncle Daniel and Aunt Beverly Resh; his Uncle David and Aunt Lois Resh; his Aunt Maryann and Uncle Forrest Piefley; his Uncle Craig and Aunt Karen White; and Harry Fried. They are with us here today.

The pain you all feel at his loss is greater than most of us can imagine. I only hope that the good memories of his life and your pride in Mark can bring you the comfort in the difficult months and years ahead. Please know that his service to his country will not be forgotten.

I ask the members to join me in a round of applause, again, in honor of Capt. Mark T. Resh and for your support for the resolution being placed before you today recognizing his service to and sacrifice for our country.

The SPEAKER. Members and guests will please rise as a sign of respect for the passing of Capt. Mark T. Resh.

(Whereupon, the members of the House and all visitors stood in a moment of silence in solemn respect to the memory of Capt. Mark T. Resh.)

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

The following roll call was recorded:

#### YEAS—198

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

Donatucci	Leach	Pyle	White
Eachus	Lentz	Quigley	Williams
Ellis	Levdansky	Quinn	Wojnaroski
Evans, D.	Longietti	Ramaley	Yewcic
Evans, J.	Mackereth	Rapp	Youngblood
Everett	Maher	Raymond	Yudichak
Fabrizio	Mahoney	Readshaw	
Fairchild	Major	Reed	O'Brien, D.,
Fleck	Manderino	Reichley	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

Gergely	Smith, S.	Taylor, J.	Watson
Samuelson			

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

### GUEST INTRODUCED

The SPEAKER. The Chair would like to recognize the presence of Justina Allen in the rear of the House. She is a summer intern in Representative Surra's St. Marys district office. Welcome to the halls of the House.

Announcements? Are there any announcements?

### APPROPRIATIONS COMMITTEE MEETING

#### DEMOCRATIC CAUCUS

The SPEAKER. Representative Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

The Appropriations Committee is going to be meeting at 2:15. We are going to have a Democratic caucus about 2:30, or whenever the Appropriations Committee finishes, whichever is later, and we should be back on the floor about 4 o'clock.

The SPEAKER. The Appropriations Committee will meet at 2:15.

#### REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes Representative Major. Miss MAJOR. Thank you, Mr. Speaker.

The Republicans will caucus immediately, and certainly when members do need to go to the Appropriations Committee, they will indeed do so, but then we will also be back on the floor at 4. But Republicans will caucus immediately. Thank you.

The SPEAKER. The Chair thanks the lady.

Are there any other announcements?

### GUEST INTRODUCED

The SPEAKER. The Chair welcomes Kyle Surkovich, who is a guest page and a guest of Representative Stern. Would you please join us in welcoming Kyle to the floor of the House. Welcome, Kyle.

### RECESS

The SPEAKER. The House will now stand in recess until 4 p.m.

### AFTER RECESS

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

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

**SB 795, PN 887**

By Rep. D. EVANS

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

#### APPROPRIATIONS.

**SB 798, PN 1153 (Amended)**

By Rep. D. EVANS

An Act providing for the capital budget for the fiscal year 2007-2008.

#### APPROPRIATIONS.

### BILLS REREPORTED FROM COMMITTEE

**HB 284, PN 1754**

By Rep. D. EVANS

An Act amending the act of November 24, 1992 (P.L.732, No.111), known as the Pennsylvania Quality Improvement Act, further providing for legislative findings and intent, for establishment of the Keystone Alliance for Performance Excellence Awards, for the Keystone Alliance for Performance Excellence Advisory Council; repealing provisions relating to board of examiners and panel of judges; further providing for establishment of the foundation, for awards and for restriction on funds from Commonwealth.

#### APPROPRIATIONS.

**HB 420, PN 484**

By Rep. D. EVANS

An Act amending the act of April 23, 2002 (P.L.298, No.39), known as the Main Street Act, further providing for the Main Street Program.

#### APPROPRIATIONS.

**HB 635, PN 720**

By Rep. D. EVANS

An Act amending the Act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for meetings of auditors and for audit of accounts by auditors and financial report to Department of Community and Economic Development.

#### APPROPRIATIONS.

**HB 972, PN 1136**

By Rep. D. EVANS

An Act mandating health insurance coverage for cancer prevention and early detection programs; and providing for powers and duties of the Department of Health.

## APPROPRIATIONS.

**HB 999, PN 1658**

By Rep. D. EVANS

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for restoration of operating privilege.

## APPROPRIATIONS.

**HB 1280, PN 1541**

By Rep. D. EVANS

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

## APPROPRIATIONS.

**HB 1367, PN 1632**

By Rep. D. EVANS

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, further providing for medical assistance payments for institutional care, for definitions, for authorization, for amount, for repayment, for regulations and for time periods; and providing for the Senior Care and Services Study Commission.

## APPROPRIATIONS.

The SPEAKER. Without objection, these bills will be placed on the supplemental calendar. The Chair hears no objection.

**BILLS REREPORTED FROM COMMITTEE****HB 708, PN 793**

By Rep. D. EVANS

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, further providing for ranking of local government capital project loan applications.

## APPROPRIATIONS.

**HB 872, PN 1027**

By Rep. D. EVANS

An Act designating the bridge carrying State Route 15, known as Lycoming Creek Road, over Bottle Run, Old Lycoming Township, Lycoming County, as the John Gross Memorial Bridge.

## APPROPRIATIONS.

**HB 1166, PN 1640**

By Rep. D. EVANS

An Act designating a portion of State Route 2024, known as Dreshertown Road, in Montgomery County, as the Sergeant James R. Miller Memorial Highway.

## APPROPRIATIONS.

The SPEAKER. Without objection, these bills will be placed on the active calendar. The Chair hears no objection.

**LEAVES OF ABSENCE**

The SPEAKER. The Chair recognizes the minority whip, who requests that Representative GINGRICH and Representative MAHER be placed on leave for the remainder of the day. The Chair sees no objection. These Representatives will be placed on leave.

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

The House proceeded to second consideration of **HB 302, PN 1837**, entitled:

An Act providing for certain duties of county agencies and resource families regarding children in substitute care and for enforcement.

On the question,

Will the House agree to the bill on second consideration?

Ms. **MUNDY** offered the following amendment No. **A00989**:

Amend Sec. 3, page 3, line 28, by striking out ", including electronic mail,"

Amend Sec. 4, page 6, line 20, by inserting after "copy"  
at the agency

Amend Sec. 5, page 6, line 26, by inserting after "SHALL"  
only

Amend Sec. 5, page 6, line 30, by striking out "FOR MONETARY DAMAGES"

On the question,

Will the House agree to the amendment?

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

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

Mr. Speaker, this amendment seeks to address issues that were raised in the Judiciary Committee last week with regard to some concerns people had. It is an amendment that takes out the words "electronic mail" from the provision regarding searches. While I always have believed that reasonable searches could be conducted if there was any reason to suspect that the health or well-being of the foster child was at risk, this takes out the words "electronic mail" because people had concerns about Internet predators. So we have deleted the words "electronic mail" from the searches section.

In addition, there appear to be concerns about a copy of the bill being offered to the foster youth and the foster families, so this amendment makes it clear that copies of the bill would be available and posted at the agency and not at the foster families' residences. Again, I thought that the language was clear and the intent was clear, but there appeared to be some concern about that, so we have made that change to make it perfectly clear that a copy of the bill and the rights and duties enumerated would be offered at the agency and not at the home.

Another provision makes it crystal clear that there is no liability for failure to abide by the duties enumerated in this act. We tried to make that clear, and the Judiciary Committee had additional concerns, and so we took out the language that gave rise to the fact that there might be additional kinds of damages. So we took out "for monetary damages," making the provision read: "This act does not establish a private cause of action" for damages. So there should be no concern on the part of foster families or foster agencies that they could be sued for violating this act. This act would now be only enforceable in juvenile court, and that is where these foster children are adjudicated in the first place.

So I would encourage support for the amendment because it clears up a number of issues that have been raised, concerns that have been raised with regard to the clarity of the bill. Thank you, Mr. Speaker.

### LEAVE OF ABSENCE

The SPEAKER. Without objection, the gentleman, Representative VITALI, will be placed on leave for the remainder of the day. The Chair sees no objection.

### CONSIDERATION OF HB 302 CONTINUED

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

(Members proceeded to vote.)

### LEAVE OF ABSENCE

The SPEAKER. Without objection, Representative CRUZ will be placed on leave for the remainder of the day. The Chair sees no objection.

### CONSIDERATION OF HB 302 CONTINUED

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

The following roll call was recorded:

#### YEAS—194

Adolph	Frankel	Mantz	Roae
Argall	Freeman	Markosek	Rock
Baker	Gabig	Marshall	Roebuck
Barrar	Galloway	Marsico	Rohrer
Bastian	Geist	McCall	Ross
Bear	George	McGeehan	Rubley
Belfanti	Gerber	McL. Smith	Sabatina
Benninghoff	Gibbons	McIlhatten	Sainato
Bennington	Gillespie	Melio	Santoni
Beyer	Godshall	Mensch	Saylor
Biancucci	Goodman	Metcalfe	Scavello
Bishop	Grell	Micozzie	Schroder
Blackwell	Grucela	Millard	Seip
Boback	Haluska	Miller	Shapiro
Boyd	Hanna	Milne	Shimkus
Brennan	Harhai	Moul	Siptroth
Brooks	Harhart	Moyer	Smith, K.
Buxton	Harkins	Mundy	Smith, M.
Caltagirone	Harper	Murt	Solobay

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

NAYS—0

NOT VOTING—0

EXCUSED—9

Cruz	Maher	Smith, S.	Vitali
Gergely	Samuelson	Taylor, J.	Watson
Gingrich			

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

On the question,

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

Mr. O'NEILL offered the following amendment No. A00966:

Amend Sec. 4, page 6, lines 17 through 21, by striking out all of said lines and inserting

(a) Notification.—A county agency or private agency shall do all of the following:

(1) For a child currently in placement, provide a copy of the list of duties set forth under section 3 to each child in substitute care and each resource family, and review the list with the child and family concurrently.

(2) For a child who has not yet been placed, provide a copy of the list of duties set forth under section 3 to the child and the prospective resource family, and review the list with the child and family concurrently.

On the question,

Will the House agree to the amendment?



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

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

Basically I believe this is a commonsense amendment. What it basically does is it requires the foster agency to sit down with the foster child or children and the foster parents and to go over the protections and rights that the foster child has and to discuss them as a group so that there is an understanding between all parties concerned about what can and cannot happen with the child within the foster home. I believe it will also help with some of the language in the bill – for example, questioning unreasonable search. At that time it can be discussed what a parent may think that is or not and so forth. So when the child does enter the home, they are very clear as to exactly what is expected of them and what they can expect of the foster parent.

The SPEAKER. Representative Mundy.

Ms. MUNDY. This is an agreed-to amendment, Mr. Speaker. Mr. O'NEILL. Thank you.

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

The following roll call was recorded:

#### YEAS—194

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

Everett  
Fabrizio  
Fairchild  
Fleck

Mahoney  
Major  
Manderino  
Mann

Raymond  
Readshaw  
Reed  
Reichley

Yudichak  
O'Brien, D.,  
Speaker

NAYS—0

NOT VOTING—0

EXCUSED—9

Cruz  
Gergely  
Gingrich

Maher  
Samuelson

Smith, S.  
Taylor, J.

Vitali  
Watson

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

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

Mr. ROAE offered the following amendment No. **A00997**:

Amend Sec. 3, page 3, line 12, by striking out "sexual orientation,"

Amend Sec. 3, page 3, line 14, by striking out "corporal punishment,"

Amend Sec. 3, page 4, line 4, by removing the period after "calls" and inserting

or when monitoring actions and activities in the course of normal parenting to ensure the well-being of the child.

Amend Sec. 3, page 5, line 30, by inserting after "preference" in addition to any worship services the host family participates in and requires the child to attend

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

The SPEAKER. The Chair recognizes Representative Roae.

Mr. ROAE. Mr. Speaker, my amendment basically has kids in foster care following the same rules the other kids in the family would follow. My amendment would make sure that parents can do proper parenting, regardless of whether a child is in foster care or if it is a biological child.

I encourage people to support my amendment.

The SPEAKER. Representative Mundy. If the gentlelady will pause for one moment.

#### LEAVE OF ABSENCE

The SPEAKER. Without objection, Representative VEREB will be put on leave for the remainder of the day. The Chair sees no objection.

**CONSIDERATION OF HB 302 CONTINUED**

The SPEAKER. Representative Mundy.

Ms. MUNDY. Thank you, Mr. Speaker.

I hardly know where to begin with what is wrong with this amendment, but let me begin with the issue of corporal punishment.

I think we need to remember that these are children who have been abused in their own homes. The notion that we should subject them to corporal punishment, physical discipline, in a foster home is frankly offensive to me. It is not appropriate discipline. It flies in the face of existing regulation that prohibits it, and it is one of the major reasons why I cannot support this amendment.

In addition to that, it strikes out the language regarding sexual orientation. Now, let me read you in the bill in chief the section that this amendment changes.

The SPEAKER. The gentlelady will cease.

Members will please take their seats. Members are indicating to the Chair they cannot hear over the volume of conversations taking place on the floor. Sergeants at Arms will clear the aisles. Members will take their conversations outside of the chamber. The gentlelady is entitled to be heard.

Representative Mundy may continue.

Ms. MUNDY. The language in the bill reads: "County and private agencies and resource families shall provide the following to a child in substitute care," and this is provision number (2), "Freedom from discrimination because of race, color, religion, disability, sexual orientation, national origin, age or gender."

It is important to remember that many youth are in foster care because of their sexual orientation. We heard testimony at the Judiciary Committee hearing that many youth are in foster care or, in fact, homeless because their families have rejected them or their families have beaten and abused them because of their sexual orientation. To remove "sexual orientation" from this bill basically says that we think discrimination based on a child's sexual orientation is just fine. Well, it is not just fine to me. There should be no discrimination based on any of the characteristics listed here, and I strongly oppose any attempt to take out that language.

The other thing that is frankly not to my liking in this amendment is the notion that foster families can require a youth to attend religious worship services that they do not agree with or that they have not been raised in. In other words, a Christian family can be forced to participate in Muslim services or other types of services regardless of what religious background they come from.

This was an issue that we took up last session, and of course, Representative Roae was not here then. We took up this issue in last session in the Children and Youth Committee, and we addressed the issue of requiring youth to participate in these types of services, and the language in the bill now is clear that foster youths may attend services in the religion— Here; let me read you the language: "Permission to participate in religious observances and activities and attend religious services of the child's preference or the religion of the child's family of origin or culture as may be reasonably accommodated."

So I think it is important that we respect the religious background of the child. That is not to say that if the child is amenable to attending the religious services of the foster family,

that that should be an issue, but we also address it by saying that the child should have the ability to attend their own religious services, if that is feasible.

So all in all, the Roae amendment is not a good idea, and I would ask for its defeat.

The SPEAKER. Representative Leach.

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

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

Mr. LEACH. Thank you.

Mr. Speaker, under this bill, as amended by you, would it still be illegal to discriminate based on race?

Mr. ROAE. That is not being taken out. The only thing that is being taken out is on sexual orientation.

Mr. LEACH. So it would be illegal under this bill, if I am correct, if I understand it, to punish or mistreat a child because he was Black, let us say. Is that correct?

Mr. ROAE. I do not follow your question, Mr. Speaker.

Mr. LEACH. My question is, I want to know how the bill will read if you successfully adopt your amendment. If you successfully adopt your amendment, will it be illegal under this bill to mistreat or punish a child because he is of a different race?

Mr. ROAE. It is always illegal to mistreat a child.

Mr. LEACH. Okay. Would this provide any protection against any treatment based on race, as amended by you?

Mr. ROAE. There are already existing rights for people. You cannot discriminate against race. You cannot discriminate based on physical disability. There is already existing law of what you cannot discriminate against.

Mr. LEACH. Okay. So in your view, that section of the law is unnecessary or redundant?

Mr. ROAE. My amendment is basically saying that when a child is in a temporary foster placement, the family unit has the right to decide how the family operates. The family decides what ethics, what morals, what values are present in that household. What my amendment does, it states that the children, whether you are in foster placement or if you are a biological child there permanently, you follow the rules of the house. If the family is going to church, you go to church with the family. If the family has methods they use to discipline kids, the foster kids are disciplined the same way. If the family is responsible in parenting, if they look at the kid's e-mail, if they look at the kid's backpack to see what the kid is up to, to make sure they are protecting their kid, they would treat the foster kids the same way.

Mr. LEACH. Mr. Speaker, again, I will try again to get an actual answer to a question that I am asking. Let me ask it this way, Mr. Speaker. You are removing "sexual orientation" from the categories that are protected against discrimination in your amendment. Can you give me an example of the sort of conduct based on sexual orientation that would be allowed under your amendment that would not be allowed under the Mundy bill as written?

Mr. ROAE. I cannot think of an exact, specific situation. Can you ask me a specific question, please?

Mr. LEACH. Well, yes; but it is your amendment, so I am trying to understand, apparently you object to protecting or having sexual orientation as a category against which discrimination is not permissible, and I am asking you, presumably you are doing that because you are concerned about

something occurring if we include the sexual discrimination. I mean, you took the time to file an amendment. So I am wondering, under your amendment, what sort of conduct would be permissible that if we defeat your amendment would not be permissible? How will things be different if we adopt your amendment with regard to sexual orientation?

Mr. ROAE. Under my amendment, like I stated earlier, the family would have the right to promote their own morals, their own value system, their own beliefs, and everybody that is living at that house needs to follow the rules that the parents have.

Mr. LEACH. So if one of the rules is you cannot be gay, would it be legal under your amendment for a parent to punish a child, a foster child, based on their sexual orientation? That is a specific question of the nature you asked me to give you.

Mr. ROAE. I do not know— Again, the specifics of your question, I do not quite understand, but as far as, the parents have the right to set the moral tone for that household. I mean, most of the kids we are talking about are younger kids. Most of the kids we are talking about need to follow the rules of the household, they need to follow the values and the beliefs of the parents, and if the parents have beliefs, whether it be religious or moral or what have you, everybody who lives in the household needs to follow those rules.

Mr. LEACH. So for example, if a parent felt that a certain type of television program does not comport with the moral rules of the house, they could punish a child for watching those television programs. Is that a correct understanding of the law as you see it?

Mr. ROAE. Basically, we are just preventing the introduction of a new right that is not in existing laws as far as what types of discrimination are not legal, and again, we are just making sure that families can raise their own kids and kids in foster care as they see fit.

Mr. LEACH. I am sorry. Mr. Speaker, I had a difficult time hearing the gentleman's answer. If we could just have a little—

The SPEAKER. The gentleman is entitled to be heard. Members will please cease all conversations on the floor. If you have a conversation, please take it to one of the anterooms. Members will clear the aisle.

Mr. LEACH. Okay. Mr. Speaker, I will ask this again. I did not actually hear the last answer. I will repeat the question.

The question is, a very specific question, if there is a type of television programming that the parents find morally objectionable, can they prohibit that foster child from watching that television programming?

Mr. ROAE. In my house, yes.

Mr. LEACH. Okay.

Mr. ROAE. My wife and I control what shows the kids watch. So in that situation, if there is a show that promoted a lifestyle that we do not agree with, yes, we are going to say, kids, you cannot watch that; turn it off.

Mr. LEACH. And if the kids watch it anyway or try to sneak it—

Mr. ROAE. They are not going to watch it anyway. I am going to turn it off, Mr. Speaker.

Mr. LEACH. Okay. But if you come home, if a foster parent were to come home and catch a child watching an inappropriate television show, they could punish them under this law. Is that your understanding, or no? Either way. I am not trying to put words in your mouth.

Mr. ROAE. Right. I would do what I would do with my own kids. I would turn the TV off and tell them we do not watch that show here.

Mr. LEACH. Okay.

Mr. ROAE. That would be the extent of the punishment.

Mr. LEACH. But that is your punishment. That is not the extent of what the law would permit, is it?

Mr. ROAE. The way the bill is currently drafted, I think there would be litigation. There could be lawsuits. The foster parents could be in trouble with the courts, and I think we want to avoid that if we can.

Mr. LEACH. Okay. I cannot force you to give me a direct answer, so all I will do is ask one more time, just to make sure it is not my fault, is there anything you can point to, you want to remove "sexual orientation" from the protection of this bill, and I am wondering what will happen different, on the ground, in foster homes, what will be different if we adopt your amendment versus if we do not adopt your amendment, and I will stop asking if you do not want to answer. That is fine.

Mr. ROAE. I will answer the question one last time. My amendment would have kids that are in foster care on a temporary basis treated exactly like the kids are treated in the rest of the family. I have three kids. My three kids have rules they follow. My three kids learn the moral values of my wife and me. They attend church with us. We monitor their behavior. We would do the exact same thing with children that are in foster care if my amendment here passes.

Mr. LEACH. Okay. Let me move off of the sexual orientation issue and go to the church attendance issue.

Under your amendment, could a child be forced to go to a church that was contrary to the religion that they believed in?

Mr. ROAE. Under my bill, on Sunday morning my children attend church with my wife and myself. Any overnight guests in our house attend church with us. Any kids, friends that are staying overnight, they attend church with us, and the foster kids would attend church with us as well.

Mr. LEACH. Okay. And they would have no choice. They would be required to do that?

Mr. ROAE. Right. I would hope that the courts would try to find a placement that is consistent with the, you know, religious background of the child, but if you are in my house, you follow my rules.

Mr. LEACH. Okay. So for example, I am Jewish. If I had a Christian child, that Christian foster child would have to come with me to synagogue each week, correct?

Mr. ROAE. That is correct.

Mr. LEACH. Okay.

One more question. On the corporal punishment issue, as I understand your amendment, you are saying that the prohibition against corporal punishment would be lifted, correct?

Mr. ROAE. Correct.

Mr. LEACH. So it would be legal under your amendment to use physical punishment, spanking or whatever it is, to punish a child for breaking the rules of the house?

Mr. ROAE. It would treat the children in temporary foster placement under the same rules the other children in the house have to follow. For instance—

Mr. LEACH. I am sorry.

Mr. ROAE. So for instance, if I tell one of my kids no and they keep doing it, it may be putting my hand on them and walking them, you know, to the corner to tell them to stand in

the corner; it may be a swat on the bottom to our toddler; it may be telling a child to knock it off or they are going to be, you know, disciplined. And again, the kids in foster placement should be loved by the foster parents, and they should be following the same rules as the other children in the household.

Mr. LEACH. So if it is the rule of the foster parent to spank their own child or hit their own child for breaking a rule of the house, they should be able to hit the foster child, is what you are saying?

Mr. ROAE. The rules of the house that apply to the biological children also apply to the foster children.

Mr. LEACH. Okay. So my final question is, if it were a rule of the house that you cannot be gay, would it be all right under your amendments taken in totality to hit a child because they are gay? Would that be legal under your bill or would that be illegal?

Mr. ROAE. I am not trying to punish people for their orientations. I have never punished, I have never spanked my kids because they believe in something different than me. When your child believes in something that is contrary to your own values and morals, you talk to the child, you explain things to them, and you try to explain to them what is right and wrong.

Mr. LEACH. Mr. Speaker, with all due respect, it is none of my business what you do with your own children. I am not asking you that. I do not care. What I am asking you is, under this law, okay, under this law, would it be legal or illegal to hit a foster child because of their sexual orientation, under this bill, as amended by you?

Mr. ROAE. If something escalates to the level of child abuse, that would obviously continue to be against the law. Again, all my bill does is it helps promote the morals and values of the family, and it makes the child in foster care not being treated any differently than the other children that are in the household.

Mr. LEACH. All right. Thank you, Mr. Speaker. That concludes my interrogation. I would just like to speak on the amendment.

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

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

You know, we all watched that interrogation, and people can draw their own conclusions. I will tell you mine. Mine is that there was not a single question that was answered in a direct manner, and I submit that that is understandable because the direct answers, honest direct answers to the way foster children would be treated under this amendment would shock the conscience of this body, and that is why we kept hearing things that were completely unrelated to what I asked.

Let me tell you what I think the law says, Mr. Speaker. With regard to sexual orientation, what this allows is people to be punished, is people to be degraded, is people to be disparaged because of their sexual orientation, because "discriminate" is a very, very specific word. It has very specific meaning in the law, and to say that we are going to allow people to discriminate against people based on sexual orientation sends a very clear message about the way you have to treat or the way you are permitted to treat people based on their sexual orientation.

The maker of the amendment did not say we should take out the part about discriminating on race or ethnicity or anything like that, because he knows and everyone in this body knows that discriminating on the basis of race or anything else, discriminating against children is wrong; it is harmful to children, but yet we are going to say that if you are

discriminated against because you are gay, that is okay. We are going to specifically take protection away from you based on that, and it was all about, well, you know, the foster parents can do whatever it takes, essentially, as long as it does not rise to the level of child abuse to enforce the morals of the home, which means they presumably— Spanking does not raise the level of child abuse. Separating a child from others, taking a child to certain types of doctors to try and deprogram children, all those things may not rise to the level of child abuse and they would all be permissible under this law because someone is gay.

And again, I do not want to belabor this. I spoke about this in the committee, but I was a foster child for a number of years, and I can tell you, it is extremely difficult to be a foster child. You are in that position almost by definition because of some major dysfunction in your family. You have often been abandoned or neglected or abused or sent away, and you imagine what that is like for a child, and then you take a child that has gone through all that and say we are going to put you in an environment where you can be further disparaged, where you can be further disapproved.

I mean, Representative Mundy made a very good point. Some of these children are in foster care specifically because they are gay and their parents rejected them and disowned them and kicked them out of the house, and now we are going to send them to someone who is going to further that cycle of abuse? Mr. Speaker, that is obscene.

When we debate gay rights issues here on the floor, you know, we have debated them before, and when we debated the marriage amendment last time, I may not have agreed with it, but there was an argument to be made about preserving some institution that was a higher calling. There is no noble purpose to this. There is no noble argument that it is okay to discriminate against gay kids. This is nothing, nothing but discrimination and bigotry. There is no good argument for this.

Representative Mundy addressed the corporal punishment issue, and I will not belabor that. I would just ask you to read that in juxtaposition with the other parts of this bill and see what it comes up with.

Finally, on the issue of requiring people to go to church, Mr. Speaker, I have stood up here frequently and said that I do not support motions to declare something unconstitutional, because we are not qualified to make constitutional arguments based on the 2-minute, you know, floor speech, and I am not going to make a motion here today, but I do think you can consider in your vote on the merits of the bill whether or not there is a constitutional issue. The government of Pennsylvania requiring people to go to church, it is hard to imagine something more constitutional than that, and I do not think anyone here would support that if it was requiring someone who believed like they do to go to a church or a synagogue or a mosque that did not believe like they do.

This is blatantly unconstitutional, Mr. Speaker. So I would urge a "no" vote and a "yes" vote on the bill. Thank you.

The SPEAKER. The Chair recognizes Representative Nickol.

Mr. NICKOL. Thank you, Mr. Speaker.

There are several amendments filed to this bill that eliminate any reference to protection from discrimination for gay and lesbian children in foster care. This amendment uses a direct approach and boldly strikes out the words "sexual orientation." The Harper amendments use an indirect approach but effectively accomplish the same thing by rewriting the language

in this section of the bill to exclude sexual orientation. The amendments are one and the same in this effect. I will speak to them once, because before voting on—

The SPEAKER. Will the gentleman cease.

The gentleman is entitled to be heard. Members will please cease having their conversations on the floor. I will encourage members who have to have conversations to please take them to the anterooms. The gentleman is in order and may proceed.

Mr. NICKOL. Thank you, Mr. Speaker.

I will speak to these amendments once, because before voting on any of these amendments, I think we have to carefully consider why sexual orientation was included in the legislation dealing with foster care in the first place. Let me share a personal story involving one such young person.

I first met a young man named Matt right here, not far from where I am standing in this very room. He was part of a middle school dance ensemble that performed in the East Wing Rotunda, and I took the students on a tour of the Capitol. Matt introduced himself to me and mentioned that I knew his older brother, who was doing volunteer work in my Hanover district office.

A year or so after I met Matt, his parents got divorced after a quite long and nasty legal fight. The home was sold and his mother moved in with a boyfriend in another area of York County. She had custody of Matt, so he had to say goodbye to all his childhood friends and enroll in a new high school. Matt was effeminate in his mannerisms. As the new kid at school, he quickly attracted attention and got tagged with being gay. This led to a steady stream of harassment by a group of fellow students.

Matt had enough problems in dealing with the breakup of his family and the move. The harassment in his new school pushed Matt into a downward spiral of depression, falling grades, truancy, drug abuse, and disciplinary problems. This affected his life both at home and at school.

Because of the problems, Matt ended up being placed in substitute care. Fortunately for him, an in-family placement was able to be found and arranged with an uncle in New York. The students in his new school were much more accepting of Matt and his differences. The turnaround in his life seemed quite dramatic. At one time in danger of dropping out of school, Matt's attendance and grades improved to the point that he ended up not just graduating but being asked to give the commencement address.

Matt landed a job at a local Starbucks after graduating, got promoted to assistant manager, and even started looking at going to college. Unfortunately, the demons he met in his downward spiral never really stopped haunting him, and a little more than a year after graduation, Matt committed suicide. I was with his brother when he got that call. In August of 2002, my wife and I attended Matt's funeral at historic St. Bart's Church on 5th Avenue in New York City. It was one of the most emotional funerals that we ever attended. We watched as a family said goodbye to their son.

Those who work with gay, bisexual, and transgender youth will quickly recognize Matt's case. The sexual orientation of these young people puts them at particular risk for harassment, discrimination, and abuse, and they are actually overrepresented in foster care. They are among the highest risk group for dysfunction because of emotional and physical immaturity, unfulfilled developmental needs for identification with a peer

group, lack of expertise, and dependence on caregivers often unwilling or unable to provide emotional support.

Gay adolescents are also more likely to abuse substances, drop out of school, be in conflict with the law, undergo psychiatric hospitalization, run away from home, be involved in prostitution, and attempt suicide.

There is a book written about gay and lesbian children who end up in foster care. The title of the book pretty well sums up the problem for these young people: "We Don't Exactly Get the Welcome Wagon." The author, Dr. Gary Mallon, notes that gay children in foster care do not need special treatment. They merely need the same level of care and support afforded to their heterosexual peers. In other words, they simply need a family placement that is accepting of their differences. Dr. Mallon points out that the problems of gay children need to be recognized to be dealt with. If not recognized, we end up with, in quotes, "a system designed to protect children that, in fact, cannot protect them," end of quote.

Tragically, Dr. Mallon says, some States go so far as to say there are no gay children in their foster-care systems. That is, of course, absurd.

So the question for us today: Is it too much to ask that gay teens be placed in a setting where they are free from discrimination based on their sexual orientations? I personally feel the answer is obvious.

But even if you are not sympathetic to the teens themselves, consider the other side of the equation for a moment, the foster family. Are we somehow protecting them by not considering a foster child's sexual orientation, or are we just setting them up for failure, too, if sexual orientation is not taken into consideration when placements are made?

The Pennsylvania State Foster Family Association supports HB 302, I might add.

I thank the members for listening to my remarks. May the better angels of our nature allow us to reject any amendments eliminating reference to sexual orientation and continue to support the protections for these young people.

I urge members to defeat this amendment and the other amendments along this line. Thank you.

### LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair recognizes the presence of Representative Cruz on the floor. His name will be added to the master roll.

### GUEST INTRODUCED

The SPEAKER. The Chair would also like to recognize the presence of Tim Hennessey, a younger and slimmer version of his father, Representative Tim Hennessey, who happens to be working as the legislative assistant to Representative Bob Mensch in Montgomery County. Would you please join me in welcoming Tim Hennessey to the left of the Speaker.

### CONSIDERATION OF HB 302 CONTINUED

The SPEAKER. Representative Frankel.

Mr. FRANKEL. Thank you, Mr. Speaker.

I am going to be brief because my colleagues have done such a tremendous job I think outlining the flaws of this amendment

and other amendments that we will be considering as we move forward on this bill.

But let me say that this legislation, this is not new to this House. This legislation was considered in the last session; passed Child and Welfare unanimously last session; passed overwhelmingly in this House last session; passed again in Child Youth and Welfare this session. So it has been vetted. We have considered it. Our colleagues have looked at it and they have deemed it to be worthy and credible. All of a sudden now we have an effort to undermine this legislation.

And I have participated in hearings at the Judiciary Committee meeting, and we heard from various groups, including a number of religious-affiliated organizations, some of whom I believe probably had a great role in drafting this legislation. It seems to me that in this country we have separation of church and state. We do not operate as a theocracy. We have differences theologically about laws and ethics, but this rises above this. This is something that should not be a debate, should not be a theological debate. We need to carefully consider this.

I do not believe that our children who must be removed, in the most difficult circumstances, out of their homes because they are neglected or abused, in many cases, as my colleagues have identified, because their parents could not accept something about them, and in many cases, that something about them is their sexual orientation, and then put them into a foster environment and have them subjected to the same type of neglect and abuse. They need to have their rights defended.

And by the way, foster children are differentiated from one's own children. There is a different standard for them, and their rights need to be observed and respected and they need to be put into law, not as a set of principles. We cannot say that one aspect of this bill of rights to protect them from being discriminated on the basis of sexual orientation is something that we need to remove. We are going to remove it. To say that of all these rights that we are putting in, we are going to take this one out? That is incredibly offensive, and if you are a child in foster care who has a different sexual orientation and to have this language removed, that we are going to say the State House of Representatives specifically targeted you and removed this right out of a piece of legislation, I think is incredibly offensive.

So I join with my previous colleagues who outlined I think very compellingly arguments to defeat this amendment and the Harper amendment that is yet to come and pass this bill as is.

Thank you very much.

The SPEAKER. Representative Rohrer.

Mr. ROHRER. Thank you, Mr. Speaker.

Mr. Speaker, I would like to interrogate, if I could, the author of this bill, please; not the amendment, but the bill.

The SPEAKER. The sponsor of the bill indicates she will stand for interrogation. The gentleman is in order and may proceed.

Mr. ROHRER. Thank you, Mr. Speaker.

I have chosen to ask some questions to the maker of the bill because it directly pertains to the issue of the amendment that is under consideration. I think that the gentleman from Crawford County has made himself very clear relative to the purpose for why he is offering the amendment, and I think some of the questions that have been afforded to him by the gentleman from Montgomery County have taken us into a direction perhaps which is not where the maker of the amendment is intending for the amendment to go.

So on that basis, I would like to ask Representative Mundy a question or two, and that is this: We are talking about putting into statute a range of things that heretofore have not been in law in this Commonwealth. We obviously have had and have a foster-care program. We have foster parents, very, very, very important to many children in need across this Commonwealth, yet for some reason there is an interest to take and put into law a range of things, of which a couple are touched on by this amendment, that engender a great deal of concern.

As I look at this section of what would be the law if this bill were to be passed, I have this logical question, at least it is logical to me. When it comes to the issue of what defines discrimination because of sexual orientation, I would like to know your definition, because in this bill there is no definition. So lest we get all concerned about what this could be or what it may be, we ought to define ourselves and limit ourselves to the definition. So could you define for me in the context of this bill, in this section, what does discrimination because of sexual orientation actually mean?

Ms. MUNDY. Mr. Speaker, it means exactly the same thing as what it means to discriminate based on race, religion, national origin, disability, or any of the other enumerated characteristics in the bill. To me, the word "discrimination" means to treat differently. You would not treat someone who is disabled, a foster child who is disabled differently from a child who is not disabled. You would not treat a child who is Jewish differently than you would treat a child of any other religion. That is the definition of "discrimination."

Discrimination in Federal and State law is long-standing. There is no confusion about what discrimination means. If you had attended the Judiciary Committee hearings, Marsha Levick from the Juvenile Law Center and Frank Cervone from the Support Center for Child Advocates were very clear about the discrimination provisions in this bill and what it actually means.

Mr. ROHRER. Okay. I appreciate that, because if in fact that is the case, then I would think that you would support the amendment from the standpoint that, as the maker of the amendment said, to him it is important that a foster parent has the ability to apply the same application, the same interpretation, treat his children equally. Now, to that extent, I think he made a very, very good point, but you still have not answered for me, you still have not answered for me the real definition of this, because I do not believe—

Ms. MUNDY. To discriminate means to treat differently.

Mr. ROHRER. To treat differently.

Ms. MUNDY. That is what it means to me. And again, there is a string of case law in Federal and State courts that are very clear as to what discrimination based on all of those other characteristics listed in the bill mean, and it does not need to be defined in this bill because it is already defined in State law and in case law.

Mr. ROHRER. Well, then if that is the case, then I suppose that there is a grave problem then with what discrimination means in relationship to a list of these things that are within the bill that go beyond then the issue of what sexual orientation means. That is not what his amendment directly deals with, but if that is the case, we will be back to that issue of what you just interpreted that to be.

But I ask this question here: Suppose, suppose that a family, suppose that a family has a foster child—

Ms. MUNDY. I am listening.

Mr. ROHRER. —and in the course of having that child within the home, perhaps they take that child to church with them. Suppose they in their home are instructing their children, their own personal children, that a mother, a father constitutes the best form for society for a family, and in the context of that, a question comes up with the foster-care child and they discourage that child from espousing a view that would say two of one gender would constitute a family or in that direction. Now, under that context, is that discrimination?

Ms. MUNDY. No.

Mr. ROHRER. That is not discrimination?

Ms. MUNDY. My understanding – and again, I wish that all of the members had had the opportunity to participate in the Judiciary Committee hearing; we discussed what constitutes discrimination – the word "discrimination" implies hostile and pervasive conduct. Again, that is case law.

Mr. ROHRER. Okay.

Ms. MUNDY. And the Catholic Conference, who was also espousing removing the sexual-discrimination-based-on-sexual-orientation provision, the Catholic Conference asked the same kinds of questions, and the answer is that it is not discrimination to merely have a conversation. One would assume that in a case where a child thinks or has stated that he or she is gay, that to place that child with a family who has strong beliefs against homosexuality would be an inappropriate placement for that child.

Mr. ROHRER. Suppose that if you take it a step further then and to say that suppose the child is having questions about what he ought to do and seeks counsel or counsel is given that it really is not in the best interest of that child to pursue a different lifestyle, put it that way, is that discrimination?

Ms. MUNDY. Let us not get into the lifestyle issue.

Mr. ROHRER. Is that discrimination?

Ms. MUNDY. We are not talking about a lifestyle here.

Mr. ROHRER. Is that discrimination?

Ms. MUNDY. Sexual activity within a foster home is inappropriate for a gay youth, a straight youth. Let us not use that kind of language.

Mr. ROHRER. If counsel would be given, would that be discrimination?

The SPEAKER. Will the gentleman cease for a moment.

I would just like to remind all the members of the House that we now have closed captioning for the hearing-impaired. For interrogation purposes, it is important that one ask a question and wait for the other to respond. If you talk over each other, the hearing-impaired will not be able to enjoy the fruits of this debate.

Mr. ROHRER. Noted. Thank you, Mr. Speaker.

Ms. MUNDY. I am sorry. Would you repeat the question?

Mr. ROHRER. My question back to you would be then, if a foster-care child, age of 12, is debating whether or not they ought to pursue homosexuality versus, let us put it in straight-out terms as you ask, rather than heterosexuality and the counsel is given to them that it would be in their better interest not to pursue homosexuality, the question there, is that discrimination under this bill?

Ms. MUNDY. No. I would suggest that if a child wants counseling, then the foster family and the foster youth would request that counseling of the foster-care agency. That would be an appropriate thing if the child is questioning and is seeking counseling. To force counseling on that child would be inappropriate and in violation of the Mental Health Procedures

Act. But, no, the idea here is to treat the child as you would any other child, but I would just point out that you, sir, are coming at this issue as the child having a choice as to whether he is going to be gay or not, and I, frankly, do not believe that is a choice. I believe that that is what a child is, either gay or straight.

Mr. ROHRER. Thank you, Mr. Speaker.

I would like to comment on the bill.

The SPEAKER. The gentleman wishes to comment on the amendment?

Mr. ROHRER. Mr. Speaker, what I am trying to drive at here in very simple terms for us to understand is that the definition of what discrimination means across a range of these issues but specifically on this issue of sexual orientation as affected by this amendment is absolutely not clear. It is not clear in law because it does not exist anywhere in law. Whereas, the proponents refer to it, everybody understands what it means; it is clear. It is not clear, and it is why this House and this legislature have not ever put into law this phrase in conjunction with discrimination.

What appears and was not said, but what appears before the Human Relations Commission in regard to this phrase of "sexual orientation," the context there is clear – hiring, tenants, other opportunities. Therein it is clear, but it is not defined in this bill. And unlike what the maker of the bill said, there are those who have promoted this who have said in fact that giving counsel to a young person that would discourage them from pursuing homosexuality as an individual in fact would be under this bill a violation.

The Juvenile Law Center also stated that even if a parent were to say to a child, to a foster child, that they could not go and attend and be part of a gay club, that that in fact would be a discrimination under this bill.

Mr. Speaker, I believe that what this does is introduces discrimination, clearly ambiguity, and it will not be good for the foster-care system in this Commonwealth, nor for many, many children who are in real need of stable homes, and I believe on that basis the amendment that is proffered by Representative Roae in fact ought to be voted upon favorably by this General Assembly for no other reason than it is undefined. We are not in the business or should not be in the business of shoving things out of this House just because it may be politically correct, because it may sound good to some, because ultimately it is law and law has to be enforced.

This is not enforceable without treading on the rights of parents, foster-care parents, and putting this entire system in jeopardy, and again, it is not just for these two terms, but it is for a range of terms. But I therefore ask that this House do the right thing, maybe come back later and debate this in a proper forum, but it is not here and it is not on this bill.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Representative Leach for the second time on the amendment.

Mr. LEACH. Thank you, Mr. Speaker.

Mr. Speaker, I am going to be brief, but I want to be very clear about the points just made by the previous speaker in terms of what the law is.

Let me just say a little bit about how discrimination law works. If someone alleges discrimination under this law or some other law that prohibits discrimination, that would go before a court, and the standards for discrimination have been clearly defined. If it is a pattern of discrimination, it has got to be a

hostile and pervasive pattern, which means that, you know, talking to a child about choices they have, helping them through, getting them counseling if they seek it, that is not hostile and pervasive. No court would think it is.

But there is an even bigger point here, which is that the way this law is written, you have to look, what is the remedy? Let us say a child or someone on behalf of a child accuses a foster parent of discriminating on the basis of sexual orientation. There is no civil lawsuit either under State or Federal law to be had. The only thing you can do under this law is go before the juvenile judge and say that I am being discriminated against, and the only thing the juvenile judge can do – the juvenile judge cannot put anyone in jail; the juvenile judge cannot fine anybody, cannot enter any judgment against anybody – all the juvenile judge can do at worst is take the child out of the foster home. That is the remedy under this law.

So if a child feels they are being discriminated against to the point they want to create a court case out of it, it may be for the best. Regardless of whether there is discrimination, this family is not jelling. Okay? But again, when you are raising all these concerns about, oh, what if this, what if that, the only remedy a judge has is to take the child out of the foster home.

I would just also add, as Representative Mundy did, that anyone who tries to counsel any child to change their mind would be a violation of the Mental Health Procedures Act, which is already existing law. This law does nothing to change any of that, and so I just wanted to clear that up. There is no lawsuit here; there is no criminal prosecution here. All there is, is protection of a child by taking them out of a hostile environment.

Thank you.

The SPEAKER. Representative Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I rise to suggest that we should all vote "no" on this amendment, and I would like to start off by saying that in my family we have had experience with foster children. My son and his wife at various different times in a different State had a pair of brothers and another toddler. So I have some experience with this. And I really think what is happening here is folks are not understanding that a foster family is playing a role which is different from a biological family. If we would in this debate substitute the words "foster family" for orphanage or children's residence, we would have no problem saying that that orphanage, that children's residence cannot discriminate against children over which it has custody and control, nor can that orphanage or children's residence corporally punish the children over which it has responsibility.

If you are a foster family, you have children that are not your children any more than if you are an orphanage or a children's residential institution. These children belong to someone else. They are somebody else's biological children. You cannot punish these children in certain ways. They are not your children. They are someone else's children. You cannot discriminate against these children. If your foster child is Catholic, raised Catholic, you cannot force this child to be Jewish or Protestant or Muslim or animist or whatever you think this child should be. This is not your child any more than if you are a children's residential institution.

You may not discriminate against a child that is not your own, even living in your house, based on that child's sexual orientation or gender preference, and if you are a foster family who is having as much trouble as some of the speakers who are

supporting this amendment to figure out what discrimination against a child is, if you are a foster family that cannot figure out how to discipline a child without hitting him or her, if you are a foster family who cannot raise a good, moral child without forcing that child to be of your religion, then I would suggest you are not qualified to be a foster family and you should not have children in your care who are not your children, who are not either biologically your children or by adoption your children.

There is a simple principle here. I am only going to say it a couple more times. I will get up and say it again, if necessary, later on. If you are a foster family, you are taking care of children that are the biological or adopted children of somebody else, and there are certain standards of care when you are taking care of somebody else's children that you have to follow, and that is all there is to it.

This is a very bad amendment. Vote "no." Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Representative Mundy for the second time.

Ms. MUNDY. Thank you, Mr. Speaker.

A lot of the discussion here on the Roae amendment has focused on the discrimination-because-of-sexual-orientation language, and I just want to point out for people that in the 3800 regulations, which apply to children in substitute care and juvenile facilities, we already prohibit discrimination based on sexual orientation. It also says a child has the right to practice the religion or faith of choice or not to practice any religion or faith. So this merely extends that provision to children in foster families. It also talks about sexual discrimination based on sexual orientation. So a lot of the rights enumerated in my bill that Representative Roae is seeking to take out are already in regulation and already apply to children in other substitute-care situations.

I want to focus for just a minute on the corporal punishment issue. Once again, these children have been removed from their own homes because they are abused, neglected, or abandoned. Just last year we eliminated corporal punishment in our public schools. It is, frankly, outrageous to suggest that to punish a child who has been abused, neglected, or abandoned with physical, corporal punishment is appropriate.

Mr. Speaker, the Department of Public Welfare and the Foster Parents Association support the bill. Neither the DPW nor the Foster Parents believe that anything in this bill will be a disincentive to foster families.

I urge your defeat of the Roae amendment, which really does harm to the protections that we are seeking to enact into law.

Thank you, Mr. Speaker.

## LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair recognizes the presence of Representative John Taylor on the floor. His name will be added to the master roll.

## CONSIDERATION OF HB 302 CONTINUED

The SPEAKER. Is there any other member that seeks recognition on the amendment before the Chair recognizes the prime sponsor of the amendment?

Seeing none, the Chair recognizes Representative Roae.



Mr. ROAE. Thank you, Mr. Speaker.

Again I just want to reiterate that I think kids in foster placement need the same love and support as biological children. They need to follow the same rules of the household, and parents deserve the right to parent regardless of whether kids are foster kids or biological children. My amendment does not advocate any type of abuse or anything like that. My amendment treats the foster kids the same as the other children in the household are being treated.

So I support a "yes" vote to allow parents to have the right to set the rules, the morals and values, and so on in the household. I urge members to please vote "yes."

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

#### YEAS—45

Argall	Ellis	Kauffman	Rapp
Baker	Fairchild	Keller, M.	Roae
Bear	Fleck	Kenney	Rock
Benninghoff	Gabig	Major	Rohrer
Boyd	Geist	Metcalfe	Schroder
Brooks	Harris	Millard	Sonney
Causar	Helm	Mustio	Stairs
Clymer	Hershey	Perry	Stern
Cox	Hess	Phillips	Stevenson
Creighton	Hickernell	Pickett	Turzai
Cutler	Hutchinson	Pyle	Yewcic
Denlinger			

#### NAYS—150

Adolph	George	McCall	Ross
Barrar	Gerber	McGeehan	Rubley
Bastian	Gibbons	McI. Smith	Sabatina
Belfanti	Gillespie	McIlhatten	Sainato
Bennington	Godshall	Melio	Santoni
Beyer	Goodman	Mensch	Saylor
Biancucci	Grell	Micozzie	Scavello
Bishop	Gruclera	Miller	Seip
Blackwell	Haluska	Milne	Shapiro
Boback	Hanna	Moul	Shimkus
Brennan	Harhai	Moyer	Siptroth
Buxton	Harhart	Mundy	Smith, K.
Caltagirone	Harkins	Murt	Smith, M.
Cappelli	Harper	Myers	Solobay
Carroll	Hennessey	Nailor	Staback
Casorio	Hornaman	Nickol	Steil
Civera	James	O'Brien, M.	Sturla
Cohen	Josephs	O'Neill	Surra
Conklin	Keller, W.	Oliver	Swanger
Costa	Kessler	Pallone	Tangretti
Cruz	Killion	Parker	Taylor, J.
Curry	King	Pashinski	Taylor, R.
Daley	Kirkland	Payne	Thomas
Dally	Kortz	Payton	True
DeLuca	Kotik	Peifer	Vulakovich
DePasquale	Kula	Perzel	Wagner
Dermoddy	Leach	Petrarca	Walko
DeWeese	Lentz	Petri	Wansacz
DiGirolamo	Levdansky	Petrone	Waters
Donatucci	Longietti	Preston	Wheatley
Eachus	Mackereth	Quigley	White
Evans, D.	Mahoney	Quinn	Williams
Evans, J.	Manderino	Ramaley	Wojnaroski
Everett	Mann	Raymond	Youngblood
Fabrizio	Mantz	Readshaw	Yudichak
Frankel	Markosek	Reed	

Freeman  
Galloway

Marshall  
Marsico

Reichley  
Roebuck

O'Brien, D.,  
Speaker

NOT VOTING—0

EXCUSED—8

Gergely  
Gingrich

Maher  
Samuelson

Smith, S.  
Vereb

Vitali  
Watson

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. It is the understanding of the Chair that the gentleman has withdrawn his second amendment A00997. Is that correct, Representative Roae? The Chair thanks the gentleman.

On the question recurring,

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

Ms. **HARPER** offered the following amendment No. **A00985**:

Amend Title, page 1, lines 1 and 2, by striking out "certain duties of county and private agencies and resource families regarding" and inserting

principles concerning

Amend Bill, page 1, by inserting between lines 8 and 9 Section 2. Purpose.

The purpose of this act is to set forth a comprehensive set of principles for children in substitute care to ensure that they are treated with compassion, dignity and respect.

Amend Sec. 2, page 1, line 9, by striking out "2" and inserting  
3

Amend Sec. 3, page 3, lines 7 through 9, by striking out all of said lines and inserting

Section 4. Protections for children in substitute care.

Children in substitute care are accorded the following protections:

Amend Sec. 3, page 3, lines 11 through 13, by striking out all of said lines and inserting

(2) Protection under Federal and State civil rights statutes which prohibit discrimination on the basis of race, color, religious creed, ancestry, national origin, age, sex or disability.

Amend Sec. 3, page 3, lines 27 through 30; page 4, lines 1 through 4, by striking out all of said lines on said pages

Amend Sec. 3, page 4, line 5, by striking out "(9)" and inserting  
(8)

Amend Sec. 3, page 4, line 11, by striking out "(10)" and inserting

(9)

Amend Sec. 3, page 4, line 14, by striking out "(11)" and inserting

(10)

Amend Sec. 3, page 4, line 16, by striking out "(12)" and inserting

(11)

Amend Sec. 3, page 4, line 22, by striking out "(13)" and inserting

(12)

Amend Sec. 3, page 4, line 25, by striking out "(14)" and inserting

(13)

Amend Sec. 3, page 4, line 29, by striking out "(15)" and inserting

(14)

Amend Sec. 3, page 5, line 2, by striking out "(16)" and inserting

(15)

Amend Sec. 3, page 5, line 6, by striking out "(17)" and inserting

(16)

Amend Sec. 3, page 5, line 8, by striking out "(18)" and inserting

(17)

Amend Sec. 3, page 5, line 14, by striking out "(19)" and inserting

(18)

Amend Sec. 3, page 5, lines 18 through 26, by striking out all of said lines and inserting

(19) If the child in substitute care has a child of his or her own, and that child has been placed in the same resource family with the parent, the child in substitute care may exercise parental and decision-making authority over his or her own child as long as safety concerns do not arise unless determined otherwise by the juvenile court.

(20) The ability to file a grievance regarding a denial of the protections set forth in this section.

(21) To receive information about the grievance policy from the children and youth

Amend Sec. 3, page 5, line 28, by striking out "(23)" and inserting

(22)

Amend Sec. 3, page 6, line 2, by striking out "(24)" and inserting

(23)

Amend Sec. 4, page 6, lines 16 through 24, by striking out all of said lines and inserting

Section 5. Copy of list of protections to be provided.

A county agency or private agency shall provide a copy of the list of protections set forth in section 4 to each child in substitute care and each resource family and review the list with the child and family concurrently. For a child who has not yet been placed, a county agency or private agency shall provide a copy of the list of protections set forth in section 4 to the child and the prospective resource family and review the list with the child and family concurrently.

Amend Sec. 5, page 6, line 25, by striking out "5" and inserting

6

Amend Sec. 5, page 6, line 26, by inserting after "SHALL" only

Amend Sec. 5, page 6, line 30, by striking out "FOR MONETARY DAMAGES"

Amend Sec. 10, page 7, line 1, by striking out "10" and inserting

7

On the question,

Will the House agree to the amendment?

#### AMENDMENT WITHDRAWN

Ms. HARPER. Mr. Speaker, I would rather call up a different amendment, which is 993.

The SPEAKER. The Chair rescinds its announcement.

On the question recurring,

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

Ms. HARPER offered the following amendment No. **A00993**:

Amend Title, page 1, lines 1 and 2, by striking out "certain duties of county and private agencies and resource families regarding" and inserting

principles concerning

Amend Bill, page 1, by inserting between lines 8 and 9 Section 2. Purpose.

The purpose of this act is to set forth a comprehensive set of principles for children in substitute care to ensure that they are treated with compassion, dignity and respect.

Amend Sec. 2, page 1, line 9, by striking out "2" and inserting

3

Amend Bill, page 3, lines 7 through 9, by striking out all of said lines and inserting

Section 4. Protections for children in substitute care.

Children in substitute care shall receive the following protections:

Amend Sec. 3, page 3, lines 11 through 13, by striking out all of said lines and inserting

(2) Protection from any conduct prohibited by any applicable provision of the Constitution of the United States or the Constitution of Pennsylvania or any applicable provision of any statute of the United States or the Commonwealth.

Amend Sec. 3, page 3, lines 27 through 30; page 4, lines 1 through 4, by striking out all of said lines on said pages

Amend Sec. 3, page 4, line 5, by striking out "(9)" and inserting

(8)

Amend Sec. 3, page 4, line 11, by striking out "(10)" and inserting

(9)

Amend Sec. 3, page 4, line 14, by striking out "(11)" and inserting

(10)

Amend Sec. 3, page 4, line 16, by striking out "(12)" and inserting

(11)

Amend Sec. 3, page 4, line 22, by striking out "(13)" and inserting

(12)

Amend Sec. 3, page 4, line 25, by striking out "(14)" and inserting

(13)

Amend Sec. 3, page 4, line 29, by striking out "(15)" and inserting

(14)

Amend Sec. 3, page 5, line 2, by striking out "(16)" and inserting

(15)

Amend Sec. 3, page 5, line 6, by striking out "(17)" and inserting

(16)

Amend Sec. 3, page 5, line 8, by striking out "(18)" and inserting

(17)

Amend Sec. 3, page 5, line 14, by striking out "(19)" and inserting

(18)

Amend Sec. 3, page 5, lines 18 through 26, by striking out all of said lines and inserting

(19) If the child in substitute care has a child of his or her own, and that child has been placed in the same resource family with the parent, the child in substitute care may exercise parental and decision-making authority over his or her own child, so long as safety concerns are not an issue, unless determined otherwise by the juvenile court.

(20) The ability to file a grievance regarding a denial of the protections provided under this section.

(21) To receive information about the grievance policy from the children and youth

Amend Sec. 3, page 5, line 28, by striking out "(23)" and inserting

(22)

Amend Sec. 3, page 6, line 2, by striking out "(24)" and inserting (23)

Amend Sec. 4, page 6, lines 16 and 17, by striking out all of line 16 and "(a) Notification.—" in line 17 and inserting Section 5. Copy of list of protections to be provided.

Amend Sec. 4, page 6, lines 18 and 19, by striking out "duties of county and private agencies and resource parents required by law and regulation" and inserting

list of protections provided under section 4

Amend Sec. 4, page 6, lines 22 through 24, by striking out all of said lines

Amend Sec. 5, page 6, line 25, by striking out "5" and inserting 6

Amend Sec. 5, page 6, line 26, by inserting after "SHALL" only

Amend Sec. 5, page 6, line 30, by striking out "FOR MONETARY DAMAGES"

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes Representative Harper.

Ms. HARPER. Thank you, Mr. Speaker.

I read a study that said that surgeons tend to look at surgery as the response to any health problem. Sometimes legislators make the same mistake and think that passing a law is the only response to a problem. In this case I think that is what has happened. I believe all of us on the floor of this House today share the hope that children placed in foster care will find a homelike setting and essentially a safe, welcoming, warm place to be. I do not believe the structure of the Mundy bill will help us to accomplish that.

So my amendment is a comprehensive change. It changes rights and duties to principles. It requires that children and foster families sit down at the start of the placement and understand what is expected of them. It deletes the language regarding unreasonable searches and seizures, because parents are supposed to be searching and checking to see what kind of e-mails and Web sites their children are looking at, and it provides that foster children are protected from discrimination in the same way that every other citizen of Pennsylvania is protected.

I would ask for a "yes" vote on my amendment, which I believe improves the bill and achieves the aims of Representative Mundy in a more humane way that would be better than forcing people into court to vindicate rights or duties.

Thank you, Mr. Speaker.

### THE SPEAKER PRO TEMPORE (MICHAEL P. MCGEEHAN) PRESIDING

The SPEAKER pro tempore. The Chair thanks the lady.

On the amendment, the Chair recognizes the gentlelady, Ms. Mundy.

Ms. MUNDY. Mr. Speaker, I would point out that the subcommittee on placement issues suggested that this become law and not principles. The advisory committee ultimately decided that it should be a list of principles and not law only

because of the liability issues, which we have effectively addressed by saying that there is no liability and that this is only enforceable in juvenile court.

To say that this bill is a list of principles as opposed to a series of duties imposed on child welfare agencies in how we care for children flies in the face of what we are trying to do here and is a real slap in the face to the children who have testified as to their conditions in foster care and to the many child advocates who believe that this is important to do.

To put into law a series of principles, which, in my view, is nothing more than a list of suggestions which we can then ignore, makes no sense at all. I see no purpose to it.

May I interrogate the maker of the amendment, please?

The SPEAKER pro tempore. The lady agrees to be interrogated. The lady is in order.

Ms. MUNDY. Mr. Speaker, can you identify for me in any other area of State law where we enumerate a set of principles?

Ms. HARPER. Mr. Speaker, I would be happy to address the lady's concerns. First I would point out and I will read directly from the report of the Advisory Committee on Services to Children and Youth that the gentlelady has just cited: "This list of principles is intended to be a guide only and is not meant to encourage an individual or agency...caring for a child to take any action that could impair the health or safety of the child for the sake of strictly adhering to the principles. Also, the principles are not intended to create a private right of action on the part of any individual or agency or the Department of Public Welfare."

There are many places in many parts of the law where the law, instead of prescribing rights and duties, merely sets forth principles to be followed. The one that comes readily to mind, and perhaps because I am so familiar with it, is the Pennsylvania Municipalities Planning Code, which suggests things that may be included in local zoning ordinances but does not require it. It is my belief that we do this often, sometimes by providing tax credits or grants for behavior that we want to encourage as opposed to creating rights and duties that can be enforced in court.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the lady.

Ms. MUNDY. I have finished my interrogation. May I continue with my—

The SPEAKER pro tempore. The lady is in order.

Ms. MUNDY. I would point out that I have spoken at length with Mr. Frank Cervone from the Support Center for Child Advocates, who served as the chairman of the task force and the advisory commission that met for many, many months, and I would also point out that Mr. Cervone told me that the subcommittee on placement suggested that this be law, that the task force ultimately – which is composed of people like providers in the Catholic Conference and others who had concerns about liability, which again we have addressed. So to say that that was the final decision of the task force is simply not true.

The truth is that a set of principles is nothing more than a list of suggestions that can be ignored as they can be in the Municipalities Planning Code, and I would suggest that how we treat children in foster care is a little more important than how we direct municipalities to plan for development.

I just want to point out some of the experiences that foster youth have enumerated through a letter that we received, a joint letter from the Juvenile Law Center, the Support Center for

Child Advocates, and KidsVoice. The letter says, "Allow us to share some of the experiences of our clients:

"Sandy was not allowed to bring any of her clothing to her placement. She had to wear the same outfit every day at school and was made fun of by her teenage peers.

"Gena was not allowed in her foster home without a" foster family member present and was never given a key. Regardless the weather conditions, she was forced to wait outside at night for a family member to arrive so she could go inside her 'home.'

"Terrell's foster family locked the kitchen cabinets and refrigerator. Only the family members had keys.

"Kiara's broken glasses were not fixed or replaced for nearly six months.

"Nicki gained weight as a side effect of her psychotropic medication and did not fit into her clothes. It took three months for anyone to get her appropriate clothes."

I can tell you that as a member of the task force, I heard even more egregious examples of foster care in this Commonwealth. This is not to say that there are not many wonderful foster families who are doing a terrific job, but this is to say and this law spells out principles; it spells out in statute a list of duties that we are imposing on child welfare agencies. They should not be a list of suggestions which people can ignore. These issues are too important. Too many of our foster children fall through the cracks, end up homeless, end up in institutions like prisons, end up with drug and alcohol problems. We must do better with our foster children, and this bill is a good start.

To the extent that the Harper amendment renders the bill meaningless, I would ask you to oppose it. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentlelady.

The Chair recognizes, on the amendment, the gentleman from Montgomery, Mr. Leach.

Mr. LEACH. Thank you, Mr. Speaker.

May I interrogate the maker of the amendment, just one quick line of questioning?

The SPEAKER pro tempore. The gentlelady agrees to be interrogated. The gentleman is in order.

Mr. LEACH. Mr. Speaker, as I understand it, this amendment changes the mandates to aspirational principles. First, is that correct?

Ms. HARPER. The amendment changes them to protections which must be explained at the outset of the foster family relationship to the parents and the affected child. They become principles, which also carry with them the possibility that the child, if unhappy with the placement or if it is inappropriate, has a method to go back to the agency and request changes. I believe that when there is a bad placement – and this bill is not one that talks about abusing children, because that is already against the law – I believe that when there is a bad or an inappropriate placement, it is better to change the placement than to force all foster parents in Pennsylvania to worry about amorphous rights and duties which are different for one set of children than for another.

So it is true that the bill changes the rights or duties to protections that the child has a right to expect. The language in my amendment actually changes the focus of the bill to the protections that the child has a right to expect and which the child has a right to be informed about at the outset of the relationship.

Mr. LEACH. Mr. Speaker, if a foster parent is not complying with one of these principles, what is the remedy under your amendment for the child?

Ms. HARPER. If a foster child feels that they are not appropriately placed or not getting the protections, then they have a grievance procedure which has to be told to them at the outset of the relationship, where they go back to their caseworker and basically explain the problem. If the problem cannot be fixed within the family, then they are going to probably need another placement.

Mr. LEACH. And, Mr. Speaker, is that other placement ordered by a court? In other words, ultimately, regardless of what intermediate steps there may be, ultimately, does the child have the right to go to the judge overseeing his or her case and say, these people are not treating me right under these protections?

Ms. HARPER. The child would have that ability, because the child is going to know at the outset of the relationship that they can essentially make a grievance, and if it cannot be worked out, then the solution is probably a different placement. The reason I say this, Mr. Speaker, is that there has been a lot of talk of children who may have different ideas with regard to their own sexuality than their foster parents. Rather than forcing the foster parents to behave in a certain way toward one child, that is not the way they are behaving toward other children, if there are real issues and the child does not feel supported and the child is unhappy and feels that they are not able to live there, they probably should be in a different placement. I think that that would be a better solution, and that is the way my amendment would make it work.

Mr. LEACH. Well, I am just concerned, as a matter of law, the phrase "probably." That determination would be made by the judge? That is what I am trying to understand.

Ms. HARPER. It is my understanding, of course, under current Pennsylvania law, that placement of children is a decision that is sometimes made by a social service agency but often ratified or required to be ratified by a court who looks at the best interests of the child and tries to determine whether the placement is in the best interests of the child.

Mr. LEACH. Sure.

Ms. HARPER. It seems to me that if the child reports that they are not supported or are very unhappy with respect to some sensitive issue, that the judge would then be able to change the placement.

Mr. LEACH. So am I wrong in then thinking, and this is my final question, but am I wrong in then thinking that your amendment does not really change anything, because under the Mundy language, the remedy is probably a new placement ordered by a judge. The remedy is exactly the same under your bill and under the Mundy bill. You have a judge who would look at the best interests of the child and determine whether or not a change is appropriate, under both your amendment and Phyllis's original bill. Am I wrong about that?

Ms. HARPER. You are wrong about that.

Mr. LEACH. How am I wrong?

Ms. HARPER. Representative Mundy and I both, I think, would like to see children in foster care well cared for in a family environment. The difference between Representative Mundy's approach to this issue and mine is that I am not setting up the foster parents to be held to a standard that is not the same as other parents in Pennsylvania and, if they fail, to end up on the wrong end of a lawsuit. Instead, it is my amendment's

formula to encourage discussion within the family, and if that does not work, then to change the placement.

The biggest difference between Representative Mundy's approach and mine is that I believe the placement should be changed. I do not believe we can force all foster parents in the Commonwealth of Pennsylvania to be held at the outset to a standard for one set of children that they do not have for another. I refer specifically to the provision in Representative Mundy's bill, which my amendment changes, about searches. Most parents I know consider it their parental duty to search their little children's school bags to see if there are notes from the teacher or assignments that require mom's help. Now, it may not be appropriate to search a 15-year-old's school bag. It may be very appropriate to look at either child's use of the Web, and these are things that must be determined on a family-by-family, child-by-child basis. The way Representative Mundy's bill works, a parent would be making an unreasonable search and seizure if they went through a 5-year-old's school bag. I just do not believe that is the way we handle things in families, and I think that by unnecessarily creating an adversary environment, Representative Mundy's very good and noble aims will not see fruition. I think my amendment would be much better at working these issues out.

Thank you, Mr. Speaker.

Mr. LEACH. Mr. Speaker, I conclude my interrogation. May I speak on the amendment?

The SPEAKER pro tempore. The gentleman is in order.

Mr. LEACH. Mr. Speaker, I asked those questions for a specific purpose, because again, under the law, what Representative Harper is suggesting is that we create these aspirational principles. And let me just first say that we are not in the business of creating aspirational principles. She gave a couple examples which I will comment on, but we do not give the people of Pennsylvania advice, okay? We pass laws or we do not pass laws. We do not give people advice. We do not create a bill of suggestions, which is what this is, a bill of suggestions. What we do is pass mandates or do not pass mandates. She was asked for a couple of examples, and she gave two. One was the municipal planning code, which says what should be in local code enforcement. That is because there is a local government which draws certain kinds of laws that we can give them parameters: You can draft this kind; you cannot draft this kind. Here there is no local government. We are making the decision that the court will implement.

Number two, tax credits and incentives. That is still law. You get tax benefits or whatever if you do certain things. Here there is no incentive; it is just suggestions, and then if the suggestions are not followed, the remedy under Ms. Harper's amendment is, you go to your caseworker and ultimately you go to the judge, and the judge can pull you out of the house. And what is the remedy under the Mundy bill? You go to the judge overseeing the case, and the judge can, under the same standards – there are not two different standards; under the same standard, the best interests of the child – the judge can either give a warning, the judge can give further instructions, or the judge can pull the child out of the house. The remedies are identical. And Ms. Harper, with all due respect, was even confused about it, because the language she used talked about, well, we do not want to create rights, but then she kept saying, we are going to give children the right to expect this. I am not sure what the difference under the law between a right to expect something and a right to something is, but that is a concept in all my

law school and legal experience I have never heard those distinctions before.

The fact is that these are suggestions, even under the Mundy bill, in the sense that we want people to follow them. We also suggest they do not steal. We also suggest they do not drive over 65 miles an hour. The difference is, we need some sort of remedy to this, and the Mundy bill has the appropriate remedy. There is no lawsuit; there is no lawsuit here. There is no civil penalty. There is no, under this bill, there is nothing like that. There is just going to the court, and if it is not working out, the court pulls the child away.

Finally, and others can speak to this because I have already spoken to it, but on the sexual orientation, again, this is the Roae amendment light. This is just removing protection again. But anyway, I just wanted to be clear on the legal ramifications of this amendment.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the Harper amendment, the gentleman from Allegheny, Mr. Frankel.

Mr. FRANKEL. Thank you, Mr. Speaker. I will be brief.

The maker of the amendment talked about, you know, you cannot have two standards in one household for children, their own children or foster children. Well, the fact of the matter is, there are two standards. They are wards of the State. That makes a different standard on the face of it, and that is a fact.

Discrimination and the protection from discrimination needs to be in law. Had our forefathers proposed a bill of principles, I do not know that we would be here today as a democracy. A bill of principles or a set of principles for foster children who are wards of the State, who need to be protected, is meaningless. These children who have been victims of abuse and neglect, who might be victims of abuse and neglect again in a foster-care environment, need laws, need laws with teeth, not principles that can be trampled on. It is very easy to talk about principles. Rights, protection against discrimination – that is what these children need, no matter what your ideological perspective may be on some of the things contained in here, particularly sexual orientation, and my guess is that this amendment is more about striking that language and finding another way to go about it than anything else.

We should adopt this legislation without this amendment. It has passed scrutiny various times through the appropriate committees, and this set of principles over a set of years, including the consideration in committee this year, was never even discussed. It is out of the blue. It is a creative way to strike language that some may find objectionable. But that is exactly why we need to protect rights, not principles.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the gentleman from Westmoreland, Mr. Tangretti.

Mr. TANGRETTI. Thank you, Mr. Speaker.

Mr. Speaker, I guess I was confused initially when we started to talk about this bill, because it did not make, it just did not compute, and the gentlelady from Montgomery County, when she talked about the surgeon and the solution to problems, it seemed to me that maybe that is where my confusion came in. It reminds me of those who are progun, that if you pass gun laws, there are those who will tell you the criminals will not

have guns, and we who are progun understand that is not the case. And it seems to me that here we are, we are dealing with a bill of rights for children. If the problem is with the foster parents, ought we not to be dealing with the foster parents if that is the problem? And if we have a difficulty in vetting and finding the appropriate parents to be in the foster program, then we need to do a better job there. By providing a set of rights or circumstances or principles or whatever it is becomes to me just a circumstance that allows for a child to know what may happen, but you still have to go through the process of finding the appropriate people in that home setting. And if it is a difficulty in finding foster parents, if that is our difficulty, the last thing we want to do is to reduce the number of appropriate and loving and caring foster parents, and I would submit to you that the way the Mundy bill is written right now and if the solution that the Harper amendment provides does not go in, then we will lose a significant number of appropriate, loving, wonderful foster parents, because there are many, many religious organizations, religiously affiliated organizations, organizations who provide foster-care programs who have a moral objection to the term "sexual orientation," and if you force them, if you force them to, under the notification provisions of the Mundy bill, if you force them to say you have to provide this as a remedy, as a right, they will not be able to continue as a foster-care program. The Catholic Conference alone has over 300 kids in their foster-care program across this Commonwealth, and I would suspect that there are a number of other religiously affiliated organizations that do the same thing. If this language goes in, we are going to lose them. They will not be part of the program that has that language. That is not what we want to do. If we are attempting to find and correct the problem dealing with inappropriate foster parents, which seems to be the problem, the last thing we want to do is to get rid of folks who do the job the right way.

So I would ask you to support the Harper amendment and let us get on with it. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the Harper amendment, the Chair recognizes the gentledady from Philadelphia, Ms. Manderino.

Ms. MANDERINO. Thank you, Mr. Speaker.

I want to make a few points about why I am opposed to the Harper amendment, and I think sometimes this gets lost in all of the well meaning but maybe inaccurate articulation.

This is not about inappropriate or appropriate foster parents; this is about inappropriate or appropriate placement for that individual child in that individual circumstance. And as a child who is a dependent, a dependent of the State, a dependent of the State, we have a responsibility to them and to their natural parents to make sure that if we have removed them from their home and made them dependents of the State, that we are putting them in an appropriate placement. For example, a family that does not believe that a child can be gay would not be an appropriate placement for a child who is gay. They could be a perfectly appropriate placement for another child but not for that child. A child who is raised in a family with a very strong Muslim faith may be an appropriate placement in a Christian home that that family recognizes the value of that person's natural family to raise them in the Muslim faith, but would not be an appropriate placement for a child where they reject the tenets of the Muslim faith and want to make that child a Christian.

It is not about who is right or wrong; it is about who is the appropriate placement. Why is it so important that the appropriate-placement issue, in my opinion, be a matter of law and not a statement of principle? Again, it goes back to the responsibility of the State that we are responsible for these children, and if we have not given a strong avenue for them to get back to juvenile court, if they are in an inappropriate placement, we have not served the best interests of that child. We have further added to the abuse of that child. As actors of the State, I think the last thing we want to do is add to the abuse of that child.

I do not want to just encourage but not require a respect for that child; I want to require a respect for that child. I want to require legally nondiscrimination of that child. This amendment, also again, removes the nondiscrimination on the basis of sexual orientation from the list. I think that is a mistake. When I read the testimony of the folks who came to the Judiciary hearing, the testimony that moved me the most was from Covenant House, which is a provider for dependent children who are homeless, many of whom have found themselves in that situation because of their sexual orientation. The last thing I want to do as a State is to add to the problems of that foster child by an inappropriate placement.

Please remember that while we want children to feel that they were equally treated in a foster-care placement as the natural children of that family, they are not the natural children of that family. They have their own parents whose rights have not been terminated, who have the legal ability and the legal responsibility to make decisions in their best interests, and they have the State who has an added responsibility to make sure that they are being protected from the situations that they were removed from.

So I ask you again to please keep in mind, the bottom line of this proposed bill is about what is the appropriate placement for the best interests of each and every individual child, and if we as State actors cannot stand up strongly for the appropriate placement of children in a supportive environment that is in their best interests, then I think we have fallen short of our mission to provide for the public health, safety, and welfare of our citizens.

I ask for a "no" vote on the amendment and a "yes" on the bill.

The SPEAKER pro tempore. The Chair thanks the lady.

On the Harper amendment for the second time, the Chair recognizes the gentledady from Luzerne, Ms. Mundy.

Ms. MUNDY. Thank you, Mr. Speaker.

Last year Representative Hickernell, or maybe last session, Representative Hickernell introduced a bill of rights for foster families. We did not state that it was a list of principles for foster families; we said it was a bill of rights, duties that the department had toward foster families. That is what we are asking for with regard to foster youth. They deserve no less treatment than what we did for foster families.

At least Representative Roae and Representative Rohrer were straightforward in their desire to remove the language having to do with discrimination based on sexual orientation. I commend Representative Rohrer and Representative Roae for at least being honest in their intention. The language in this amendment does the same thing in a very underhanded way, in my view, and we have had the discussion about sexual orientation, so we do not really need to go there again.

The SPEAKER pro tempore. Will the lady suspend.

For what purpose does the gentlelady, Ms. Harper, rise?

Ms. HARPER. Mr. Speaker, I understand that Representative Mundy is passionate about the rights of children, but when she questions my integrity in offering an amendment, I believe that that is against the House rules and she should be cautioned not to do so again.

The SPEAKER pro tempore. The gentlelady will be reminded to stick to the content of the amendment.

Ms. MUNDY. I apologize to the lady if she took that personally.

Further, the lady raises a red herring about the searches issue. I would draw your attention to the bottom of page 3, and I would encourage you all to read the language: "Freedom from unreasonable searches of personal belongings and mail..." — we have now deleted the provision regarding electronic mail; there is no reference to Internet use whatsoever in this bill — "and freedom to make and receive confidential telephone calls as reasonable under the circumstances unless otherwise provided by law or when there is reason to believe that the child may be in danger of being harmed by an individual communicating with the child through postal mail, electronic mail or telephone calls." There is no provision in here that says that a foster family cannot search a 5-year-old's backpack. Read the language in the bill. Any reasonable person can find a way to do what they need to protect children under this language.

Finally, listen to foster youth. Foster youth have weighed in on this bill many times. They support it. They believe that it is necessary based on their personal experiences. Many child advocacy organizations and many religious organizations are opposed to the Harper-Catholic Conference amendment. I would just draw your attention to the handout that I provided for you that is titled "Support for House Bill 302." There are numbers of organizations — religious, foster-care organizations — that are supporting the language in the bill as it is currently written and asking you to reject the Catholic Conference amendment. Some of those would include the Council of Churches; Covenant House, a Catholic charity in Philadelphia; there are many Lutheran foster-care organizations and community-service organizations that are supporting the bill. Read the list and tell me if you believe that any of these organizations truly believe that this is going to cause foster families to drop out of the system. Hard for me to believe that these organizations believe that they are going to have a hard time finding foster families as a result of this bill. If that were the case, neither they nor DPW would be supporting it.

Finally, I would say that the foster families themselves support the bill. Are you suggesting that they cannot read or understand what is in it? They support the bill as written, and I would urge rejection of the Harper-Catholic Conference amendment.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the lady.

On the amendment, on the amendment for the second time, the Chair recognizes the lady from Montgomery, Representative Harper.

For what purpose does the gentleman, Mr. Reichley, rise?

Mr. REICHLEY. I am sorry, Mr. Speaker. I just wanted to know if before the Chair went to Representative Harper, if I could ask the prime sponsor a quick question about the area she just referred to on reasonable searches and seizures.

The SPEAKER pro tempore. Just a further clarification of the Chair. Are you asking to interrogate a particular member?

Mr. REICHLEY. The maker of the bill.

The SPEAKER pro tempore. Maker of the bill?

Mr. REICHLEY. Yes.

The SPEAKER pro tempore. The maker of the bill agrees to be interrogated. The gentleman is in order and may proceed.

Mr. REICHLEY. Thank you, Mr. Speaker.

Mr. Speaker, I believe the gentlelady just referred to the bottom of page 3, lines 27 through 30. Is that correct, Mr. Speaker?

Ms. MUNDY. It carries over to page 4, lines 1 through 4.

Mr. REICHLEY. Thank you, Mr. Speaker.

And I believe the gentlelady said that the reference to a preclusion or a prohibition of foster parents from being able to examine electronic e-mail — electronic; that is kind of redundant — electronic mail had been removed. Is that correct, Mr. Speaker?

Ms. MUNDY. That is correct. That was the Mundy amendment that we considered first.

Mr. REICHLEY. Mr. Speaker, would it be correct, though, that there is still the ability for a foster parent to conduct searches of belongings?

Ms. MUNDY. Reasonable searches based on the suspicion that there is reason to believe that the child could be in danger.

Mr. REICHLEY. And, Mr. Speaker, would the gentlelady be able to tell me what a reasonable search is?

Ms. MUNDY. If you will give me a minute, I can tell you what the Juvenile Law Center believes with regard to, which is more definitive than my opinion. Could we be at ease for just one minute.

Mr. Speaker, my source here is Marsha L. Levick, Esq., the legal director of the Juvenile Law Center. I am quoting from testimony that she provided at the House Judiciary Committee hearing on HB 302 on May 9. She states, "It has been suggested by a few that this language is vague and does not give individuals, particularly resource families, enough guidance about what is and is not acceptable practice. Additionally, some questions have been raised as to how this would affect the ability of resource families to monitor emails and other communications and search the belongings of children in their care in an effort to keep these children safe.

"But this standard is not vague. Quite the contrary, the standard is the same already articulated in existing Pennsylvania regulations and in other states' statutes. The standard derives from a long string of case law, including United States Supreme Court precedent, that establishes that adults who are not the parents of children in their care can search their belongings and monitor their communications with others if they reasonably suspect that the child's health, safety or well-being is at stake. Moreover, this standard provides resource families with a great deal of discretion and leeway to search mail and personal belongings and monitor telephone calls and emails to ensure that youth are not engaged in dangerous behaviors that could result in harm to themselves or others."

Mr. REICHLEY. Thank you, Mr. Speaker.

Would the gentlelady be able to explain, in looking at lines 27 through 30 on page 3 of the bill, and then over onto page 4, lines 1 through 4, what the exact language of that paragraph is now that the Mundy amendment was previously adopted?

Ms. MUNDY. The words "electronic mail" were deleted.

Mr. REICHLEY. Is that the only change within the subsection, Mr. Speaker?

Ms. MUNDY. Yes.

Mr. REICHLEY. So that the section now reads that there is "Freedom from unreasonable searches of personal belongings and mail under the circumstances unless otherwise provided by law or when there is reason to believe that the child may be in danger of being harmed by an individual communicating with the child..."? Is that how the language now reads, Mr. Speaker?

Ms. MUNDY. The language now reads, "Freedom from unreasonable searches of personal belongings and mail and freedom to make and receive confidential telephone calls as reasonable under the circumstances unless otherwise provided by law or when there is reason to believe that the child may be in danger of being harmed by an individual communicating with the child through postal mail, electronic mail or telephone calls."

Mr. REICHLEY. Mr. Speaker, does this still allow the foster parent to arbitrarily look into the backpack of a foster child?

Ms. MUNDY. Arbitrarily, no. They have to have a reason to believe that there is a problem.

Mr. REICHLEY. Well, that is not what the language of the section states, Mr. Speaker.

Ms. MUNDY. I think that is what "unreasonable searches" means, and there is plenty of qualifying language in there to suggest that a reasonable person under reasonable circumstances, if they suspected that there was drug use or inappropriate behavior or other problems, that they could look into a backpack. And frankly, that is not my opinion; that is the opinion of lawyers who have vetted this issue. It is also exactly the language that is already found in section, the 3800 regulations pertaining to children in substitute care and facilities.

Mr. REICHLEY. Okay. Thank you, Mr. Speaker.

On the amendment, Mr. Speaker.

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

Mr. REICHLEY. Thank you, Mr. Speaker.

With all due respect to the lady from Luzerne, I believe it is, I disagree with the reference that she is trying to explain. When you talk about it is clear what an unreasonable search is, this is something that the Supreme Court of the United States has debated for over 200 years, and because of the reference that she used from the citation of the Juvenile Law Center, in fact foster parents become quasi-governmental officials, and that puts them in the same position as police officers and other individuals who have to determine if there is an articulable, reasonable suspicion in order to engage in this. Now, therefore, that means that a foster parent who has a natural-born child and a foster child in that same home is going to state, well, I do not have to have a reasonably articulable suspicion to look into the book bag of my own child, but now I have got to go through some kind of legal syllogism to determine if I have identified reasonable, articulable suspicion that my child is somehow going to be harmed by another individual before I make entry into this book bag and further subject myself to the potential that I am going to be sued if I have not met with the three steps that precede a police officer being able to engage in a search and seizure.

So I think far from being a crystal-clear situation, as the gentlelady from Luzerne would suggest, in fact the Harper

amendment takes great strides to protect the rights of both the children and the parents in this situation, that everybody is on the same platform with regard to the enunciation of their civil constitutional rights. To somehow claim that a parent, a foster parent, who has already had the generosity of their soul to go out of their way to accept a foster child in their home, is now going to be tutored to be a constitutional law expert I think is asking too much of them.

I agree with the gentleman from Westmoreland that we do not want to do anything to decrease the opportunity for foster parents to be able to participate in this program, but to throw some kind of extra burden upon these parents to become schooled in ways much beyond what a majority of the bar does not even adequately understand I think is asking too much. So I understand the gentlelady is against any kind of change to her bill except what she is condoning, but truly, the Harper amendment is an advancement in this legislation for all parties concerned, and I urge the members to seriously consider that this is a protection of individuals, both the parents and the children.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

For what purpose does the gentleman, Mr. Turzai, rise?

Mr. TURZAI. To comment on the amendment.

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

Mr. TURZAI. Thank you, Mr. Speaker.

With all due respect to the comment by the maker of the bill on the amendment that referred to it as the Harper-Catholic Conference amendment, implying that somehow because the Catholic Conference is supportive of this amendment that it is somehow problematic, I think is typical evidence of a form of discrimination that is pervasive, particularly with respect to the argument that the maker puts forth. There is no implementation of Catholic theology. It is perfectly an appropriate amendment because it improves the amendment, not because of any particular group that is in favor of it. It is putting forth protections, not rights, and it takes into account that with respect to foster homes, who are doing much of the work out there in Pennsylvania in the inner cities and in the rural communities, not only Catholic but other religious institutions are dealing with this on a day-to-day basis. The fact that they should make known that they have concerns with the language in the bill itself and would prefer the more progressive, well-thought-out language of Representative Harper's amendment does not mean that it is a reason to be against it.

I think in fact that we need to take note of the fact that no law shall abridge the free exercise of religion, a constitutional right in the First Amendment, and that language that in fact like Representative Harper's that tries to advance noble goals and still protect people's religious beliefs so that those institutions can carry on with their good work versus an approach that tries to indict particular religions, that approach, like Representative Harper's, is the one that should prevail, not one like the maker of the bill's that I think is in many ways impliedly or insidiously antireligious in nature.

Thank you very, very much.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes, for the second time, the gentlelady from Montgomery, Ms. Harper.



Ms. HARPER. Thank you, Mr. Speaker.

The Advisory Committee of the Joint State Government Commission "...decided not to recommend that the bills of rights be enacted into statutory form." I am reading from the report of the Advisory Committee of the Joint State Government Commission. "Instead," and I am reading from the report, "the advisory committee agreed to present the contents of the bills of rights as...principles of care to be used to guide proceedings...and services...under the Juvenile Act." This is exactly what my amendment does. It makes these things that Representative Mundy would like to make rights and duties in an adversary situation into principles, and that is exactly what the Joint State Government Commission report on this subject recommended.

I have the greatest respect for Representative Mundy and all who work in the field of child welfare. Understand that this bill is not about abusing foster children or not abusing foster children. Foster children are already protected by laws of the Commonwealth against abuse. The fact that it happens is regrettable and punishable and should be taken care of, but it is not the subject of today's debate.

Without my amendment, as Representative Tangretti pointed out, we will be discouraging many good people from stepping up to the plate to be foster parents. They will take one look at this bill of rights and they will take one look at the possibility that it could subject them to liability when it has nothing to do with any foster child they have ever taken into their homes, and then they will say, I would like to help but I cannot. I do not think we want to discourage good people from undertaking the duty of being foster parents and be left with those who might be doing it for the less noble reason of the money that goes along with it. I do not think we want to do that to good people willing to be foster parents.

I would say that Representative Manderino and I agree that the vignettes that were talked about today are probably bad placements, but we do not need the Mundy bill without the Harper amendment to fix that situation, and the Harper amendment makes the Mundy bill palatable to the vast majority of good and decent people who are foster parents.

I would say that we all want children to be well cared for. I do not believe setting up an adversary system in the home does that. The unreasonable search-and-seizure provision is but one way that this would happen. It is perhaps not unreasonable to search a 7-year-old's book bag every day or to look over his shoulder when he is surfing the net. It may be unreasonable to do that when he is 14. Unfortunately, broad-based statutes of rights and duties, which are vindicated in courts of law, are not the places to make these individual decisions. Without the Harper amendment, the Mundy bill sets up an adversary situation in the home between the parents and the foster children, between the foster children and the other children in the home by creating different classes of rights, and interferes directly by confusing issues relating to discipline, use of the Internet, use of school bags, use of private bedrooms, and things like that. I understand that Representative Mundy wants to help children, and so do I. I believe that her bill is improved with my amendment, which tracks exactly what the joint state committee report suggested be done.

I would ask the members, please, to vote for my amendment. If you do not vote for my amendment, I think the bill itself will have great difficulty getting passed.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentlelady.

The Chair recognizes, on the amendment, the gentleman from Delaware, Mr. Lentz.

Mr. LENTZ. Thank you, Mr. Speaker.

I rise because I think that the characterization of this bill that Representative Mundy has presented as being antireligious or insidious against religion is unfair. We have heard many quotes from the Joint Commission report that led to this bill. I would like to quote from the testimony of the chairman of that committee. The chairman of the Advisory Committee to the Joint State Government Commission is Frank Cervone. Now, I do not know Frank Cervone personally, but I know that he has an impeccable reputation for having devoted his entire adult life to the interests of children in these extremely difficult circumstances that lead to foster care, and Frank Cervone, I do not think anyone can characterize Frank Cervone as hostile to any particular religion. He is an adjunct professor at Villanova University. He has a master's degree in theology and ministry from La Salle University. He is a person who cares deeply about the interests of these children, and here is what he said in testimony before the Judiciary Committee, and I am quoting from his testimony: "I am here today to discuss the impact of House Bill 302 on the liability of foster parents and foster care agencies. This is an issue that frightens people,..." and I am going to stop quoting for a second to suggest that this amendment and the arguments in favor of this amendment are designed to frighten the very good people that are involved in foster care. To quote again from his testimony: "...but I hope that my testimony clarifies that HB 302 does not create any additional risks or burdens. Rather, by delineating standards of care, HB 302 reduces risks to caretakers. It is easy to say 'we promote child safety and well-being.' It is another thing to describe and know what that means. The Juvenile Act and our child welfare regulations help make expectations clear" for parents and the foster children. "Caregivers know what is expected of them and what is expected of the county child welfare agency in its support of the caregivers, youth and their families. These values – safety, well-being, permanence – " – emphasis, permanence – "are so important that we should support efforts to explicate and clarify them. The Bill clarifies expectations and reinforces standards. Far from creating confusion or creating bureaucratic hoops, House Bill 302 sets forth a straightforward, understandable and fundamentally humane construct for life in" foster "care."

So the suggestion that this leads to confusion or should frighten people from engaging in foster care, it is exactly the opposite. And the suggestion that people will end up in court or a, quote, "adversarial relationship" because of this bill, it is in fact quite the opposite. These children are already in court. These parents are already in court. The child was placed by a judge. This sets forth clear rules by which the juvenile judge and the juvenile judge only can look to the best interests of this child.

So I urge the members to reject the amendment and support the passage of Representative Mundy's bill. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Are there any other members seeking to comment on the Harper amendment?

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

The following roll call was recorded:

#### YEAS—104

Adolph	Gabig	Mantz	Readshaw
Argall	Geist	Marshall	Reed
Baker	Gibbons	Marsico	Reichley
Barrar	Gillespie	McIlhatten	Roae
Bastian	Godshall	Melio	Rock
Bear	Grell	Mensch	Rohrer
Benninghoff	Grucela	Metcalfe	Sabatina
Biancucci	Haluska	Micozzie	Sainato
Boback	Harper	Millard	Scavello
Boyd	Harris	Moyer	Schroder
Brooks	Helm	Murt	Solobay
Cappelli	Hennessey	Mustio	Sonney
Causar	Hershey	Nailor	Stairs
Civera	Hess	Pallone	Stern
Clymer	Hickernell	Payne	Stevenson
Cox	Hornaman	Peifer	Swanger
Creighton	Hutchinson	Perry	Tangretti
Cutler	Kauffman	Perzel	Taylor, J.
Dally	Keller, M.	Petrarca	Thomas
Denlinger	Kenney	Petrone	True
Donatucci	Killion	Phillips	Turzai
Ellis	Kortz	Pickett	Vulakovich
Evans, J.	Kotik	Pyle	Wojnaroski
Everett	Longietti	Quigley	Yewcic
Fairchild	Mahoney	Quinn	Youngblood
Fleck	Major	Rapp	Yudichak

#### NAYS—91

Belfanti	Frankel	Markosek	Santoni
Bennington	Freeman	McCall	Saylor
Beyer	Galloway	McGeehan	Seip
Bishop	George	McI. Smith	Shapiro
Blackwell	Gerber	Miller	Shimkus
Brennan	Goodman	Milne	Siptroth
Buxton	Hanna	Moul	Smith, K.
Caltagirone	Harhai	Mundy	Smith, M.
Carroll	Harhart	Myers	Staback
Casorio	Harkins	Nickol	Steil
Cohen	James	O'Brien, M.	Sturla
Conklin	Josephs	O'Neill	Surra
Costa	Keller, W.	Oliver	Taylor, R.
Cruz	Kessler	Parker	Wagner
Curry	King	Pashinski	Walko
Daley	Kirkland	Payton	Wansacz
DeLuca	Kula	Petri	Waters
DePasquale	Leach	Preston	Wheatley
Dermody	Lentz	Ramaley	White
DeWeese	Levdansky	Raymond	Williams
DiGirolamo	Mackereth	Roebuck	
Eachus	Manderino	Ross	O'Brien, D., Speaker
Evans, D.	Mann	Rubley	
Fabrizio			

#### NOT VOTING—0

#### EXCUSED—8

Gergely	Maher	Smith, S.	Vitali
Gingrich	Samuelson	Vereb	Watson

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

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

The SPEAKER pro tempore. Is the gentledady, Ms. Harper, withdrawing her other amendments? The Chair thanks the gentledady. She withdraws her remaining amendments.

Are there any other members with any other amendments to this bill?

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

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

### BILL RECOMMITTED

The SPEAKER pro tempore. The Chair recognizes the majority leader, who moves that HB 302 be recommitted to the Appropriations Committee.

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

### THE SPEAKER (DENNIS M. O'BRIEN) PRESIDING

### SUPPLEMENTAL CALENDAR A

### BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1367, PN 1632**, entitled:

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, further providing for medical assistance payments for institutional care, for definitions, for authorization, for amount, for repayment, for regulations and for time periods; and providing for the Senior Care and Services Study Commission.

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

### CALENDAR CONTINUED

### BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 179, PN 1525**, entitled:

An Act amending the act of June 13, 1907 (P.L.560, No.373), entitled "An act designating the official flag of the Commonwealth of Pennsylvania, and describing the same; providing for the carrying of such flag by the regiments of the National Guard of Pennsylvania; authorizing the Secretary of the Commonwealth to provide, and have deposited in the office of Secretary of the Commonwealth, a model of said flag, and making an appropriation therefor," further providing for specifications for the official flag of the Commonwealth.

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

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

(Bill analysis was read.)

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

The following roll call was recorded:

#### YEAS—164

Adolph	Fleck	Manderino	Reichley
Argall	Frankel	Mann	Rock
Baker	Galloway	Mantz	Roebuck
Barrar	Geist	Markosek	Rohrer
Bastian	George	Marshall	Rubley
Belfanti	Gerber	Marsico	Sabatina
Benninghoff	Gibbons	McCall	Sainato
Beyer	Gillespie	McGeehan	Santoni
Biancucci	Goodman	McI. Smith	Saylor
Bishop	Grucela	McIlhatten	Scavello
Blackwell	Haluska	Melio	Schroder
Boback	Hanna	Micozzie	Shapiro
Boyd	Harhai	Millard	Shimkus
Brennan	Harhart	Miller	Siptroth
Buxton	Harkins	Milne	Smith, K.
Caltagirone	Harper	Mundy	Solobay
Cappelli	Harris	Murt	Staback
Carroll	Helm	Mustio	Stairs
Causar	Hershey	Myers	Steil
Civera	Hess	Nailor	Stern
Clymer	Hickernell	O'Brien, M.	Sturla
Cohen	Hornaman	O'Neill	Surra
Conklin	James	Oliver	Swanger
Costa	Josephs	Pallone	Tangretti
Cox	Kauffman	Parker	Taylor, J.
Creighton	Keller, M.	Pashinski	Thomas
Cruz	Keller, W.	Payne	True
Curry	Kenney	Payton	Turzai
Cutler	Kessler	Peifer	Vulakovich
Daley	Killion	Perzel	Wansacz
Dally	King	Petri	Waters
DeLuca	Kirkland	Petrone	Wheatley
DePasquale	Kortz	Phillips	White
Dermody	Kotik	Pickett	Williams
DeWeese	Kula	Preston	Wojnaroski
DiGirolamo	Leach	Quinn	Yewcic
Donatucci	Lentz	Ramaley	Youngblood
Eachus	Levdansky	Rapp	Yudichak
Evans, D.	Longietti	Raymond	
Everett	Mackereth	Readshaw	O'Brien, D.,
Fabrizio	Mahoney	Reed	Speaker
Fairchild	Major		

#### NAYS—31

Bear	Gabig	Moyer	Seip
Bennington	Godshall	Nickol	Smith, M.
Brooks	Grell	Perry	Sonney
Casorio	Hennessey	Petrarca	Stevenson
Denlinger	Hutchinson	Pyle	Taylor, R.
Ellis	Mensch	Quigley	Wagner
Evans, J.	Metcalfe	Roae	Walko
Freeman	Moul	Ross	

NOT VOTING—0

EXCUSED—8

Gergely	Maher	Smith, S.	Vitali
Gingrich	Samuelson	Vereb	Watson

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.

### SUPPLEMENTAL CALENDAR A CONTINUED

#### BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 284, PN 1754**, entitled:

An Act amending the act of November 24, 1992 (P.L.732, No.111), known as the Pennsylvania Quality Improvement Act, further providing for legislative findings and intent, for establishment of the Keystone Alliance for Performance Excellence Awards, for the Keystone Alliance for Performance Excellence Advisory Council; repealing provisions relating to board of examiners and panel of judges; further providing for establishment of the foundation, for awards and for restriction on funds from Commonwealth.

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

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

(Bill analysis was read.)

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

The following roll call was recorded:

#### YEAS—195

Adolph	Frankel	Mantz	Roae
Argall	Freeman	Markosek	Rock
Baker	Gabig	Marshall	Roebuck
Barrar	Galloway	Marsico	Rohrer
Bastian	Geist	McCall	Ross
Bear	George	McGeehan	Rubley
Belfanti	Gerber	McI. Smith	Sabatina
Benninghoff	Gibbons	McIlhatten	Sainato
Bennington	Gillespie	Melio	Santoni
Beyer	Godshall	Mensch	Saylor
Biancucci	Goodman	Metcalfe	Scavello
Bishop	Grell	Micozzie	Schroder
Blackwell	Grucela	Millard	Seip
Boback	Haluska	Miller	Shapiro
Boyd	Hanna	Milne	Shimkus
Brennan	Harhai	Moul	Siptroth
Brooks	Harhart	Moyer	Smith, K.
Buxton	Harkins	Mundy	Smith, M.
Caltagirone	Harper	Murt	Solobay
Cappelli	Harris	Mustio	Sonney
Carroll	Helm	Myers	Staback

Casorio	Hennessey	Nailor	Stairs
Causar	Hershey	Nickol	Steil
Civera	Hess	O'Brien, M.	Stern
Clymer	Hickernell	O'Neill	Stevenson
Cohen	Hornaman	Oliver	Sturla
Conklin	Hutchinson	Pallone	Surra
Costa	James	Parker	Swanger
Cox	Josephs	Pashinski	Tangretti
Creighton	Kauffman	Payne	Taylor, J.
Cruz	Keller, M.	Payton	Taylor, R.
Curry	Keller, W.	Peifer	Thomas
Cutler	Kenney	Perry	True
Daley	Kessler	Perzel	Turzai
Dally	Killion	Petrarca	Vulakovich
DeLuca	King	Petri	Wagner
Denlinger	Kirkland	Petrone	Walko
DePasquale	Kortz	Phillips	Wansacz
Dermody	Kotik	Pickett	Waters
DeWeese	Kula	Preston	Wheatley
DiGirolamo	Leach	Pyle	White
Donatucci	Lentz	Quigley	Williams
Eachus	Levdansky	Quinn	Wojnaroski
Ellis	Longietti	Ramaley	Yewcic
Evans, D.	Mackereth	Rapp	Youngblood
Evans, J.	Mahoney	Raymond	Yudichak
Everett	Major	Readshaw	
Fabrizio	Manderino	Reed	O'Brien, D.,
Fairchild	Mann	Reichley	Speaker
Fleck			

NAYS—0

NOT VOTING—0

EXCUSED—8

Gergely	Maher	Smith, S.	Vitali
Gingrich	Samuelson	Vereb	Watson

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 420, PN 484**, entitled:

An Act amending the act of April 23, 2002 (P.L.298, No.39), known as the Main Street Act, further providing for the Main Street Program.

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

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

(Bill analysis was read.)

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

The following roll call was recorded:

YEAS—195

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

NAYS—0

NOT VOTING—0

EXCUSED—8

Gergely	Maher	Smith, S.	Vitali
Gingrich	Samuelson	Vereb	Watson

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 972, PN 1136**, entitled:

An Act mandating health insurance coverage for cancer prevention and early detection programs; and providing for powers and duties of the Department of Health.

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

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

(Bill analysis was read.)

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

The following roll call was recorded:

## YEAS—195

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

Evans, J.  
Everett  
Fabrizio  
Fairchild  
Fleck

Mahoney  
Major  
Manderino  
Mann

Raymond  
Readshaw  
Reed  
Reichley

Yudichak  
O'Brien, D.,  
Speaker

NAYS—0

NOT VOTING—0

EXCUSED—8

Gergely  
Gingrich

Maher  
Samuelson

Smith, S.  
Vereb

Vitali  
Watson

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 999, PN 1658**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for restoration of operating privilege.

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

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

(Bill analysis was read.)

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

The following roll call was recorded:

## YEAS—194

Adolph	Frankel	Mantz	Roae
Argall	Freeman	Markosek	Rock
Baker	Gabig	Marshall	Roebuck
Barrar	Galloway	Marsico	Rohrer
Bastian	Geist	McCall	Ross
Bear	George	McGeehan	Rubley
Belfanti	Gerber	McI. Smith	Sabatina
Benninghoff	Gibbons	McIlhatten	Sainato
Bennington	Gillespie	Melio	Santoni
Beyer	Godshall	Mensch	Saylor
Biancucci	Goodman	Metcalfe	Scavello
Bishop	Grell	Micozzie	Schroder
Blackwell	Grucela	Millard	Seip
Boback	Haluska	Miller	Shapiro
Boyd	Hanna	Milne	Shimkus
Brennan	Harhai	Moul	Siptroth
Brooks	Harhart	Moyer	Smith, K.
Buxton	Harkins	Mundy	Smith, M.
Caltagirone	Harper	Murt	Solobay
Cappelli	Harris	Mustio	Sonney

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

## NAYS-1

Casorio

## NOT VOTING-0

## EXCUSED-8

Gergely	Maher	Smith, S.	Vitali
Gingrich	Samuelson	Vereb	Watson

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 1280, PN 1541**, entitled:

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

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

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

(Bill analysis was read.)

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

The following roll call was recorded:

## YEAS-195

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

## NAYS-0

## NOT VOTING-0

## EXCUSED-8

Gergely	Maher	Smith, S.	Vitali
Gingrich	Samuelson	Vereb	Watson

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 SPEAKER. Are there any announcements? Any announcements from the majority whip? Announcements from the minority whip?

### ANNOUNCEMENT BY MR. LEACH

The SPEAKER. Announcements, Representative Leach.

Mr. LEACH. Mr. Speaker, tonight's bipartisan dinner will convene at 7 o'clock.

### VOTE CORRECTION

The SPEAKER. Any other announcements?

Representative Casorio.

Mr. CASORIO. To correct the record, Mr. Speaker. Thank you.

On HB 302, amendment 993, I was inadvertently voted in the negative. I would like to have my vote reflected as an affirmative vote.

The SPEAKER. The Chair thanks the gentleman. His remarks will be spread upon the record.

### ANNOUNCEMENT BY SPEAKER

The SPEAKER. For the information of the members, the House will be in session at 1 p.m. tomorrow; 1 p.m.

There will be no more recorded votes.

### BILLS REMOVED FROM TABLE

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

HB 380;  
HB 543;  
HB 940; and  
SB 233.

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

### BILLS RECOMMITTED

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

HB 380;  
HB 543; and  
HB 940.

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

### CALENDAR CONTINUED

### BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 647, PN 1528**, entitled:

An Act relating to crane operator licensure; establishing the State Board of Crane Operators; conferring powers and imposing duties relative to regulating the practice of crane operation; making an appropriation; and imposing penalties.

On the question,

Will the House agree to the bill on second consideration?

### BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 647 be recommitted to the Committee on Appropriations.

On the question,

Will the House agree to the motion?

Motion was agreed to.

### HOUSE BILL

### INTRODUCED AND REFERRED

**No. 1541** By Representatives GERBER, KENNEY, SHIMKUS, CARROLL, McILHATTAN, K. SMITH, TURZAI, BENNINGTON, BISHOP, BLACKWELL, BRENNAN, CAPPELLI, CLYMER, COHEN, CRUZ, DALEY, DALLY, DeLUCA, DePASQUALE, FRANKEL, FREEMAN, GIBBONS, GINGRICH, HORNAMAN, JOSEPHS, KILLION, KIRKLAND, LEACH, LENTZ, MARKOSEK, McCALL, McILVAINE SMITH, MELIO, MOYER, MUNDY, MURT, MUSTIO, PHILLIPS, REICHLEY, ROEBUCK, RUBLEY, SAMUELSON, SEIP, SIPTROTH, M. SMITH, STEIL, SWANGER, TANGRETTI, TRUE, WALKO and WATSON

An Act establishing the Smoke Free Pennsylvania Act; prohibiting smoking in enclosed and substantially enclosed areas; imposing duties upon the Department of Health; imposing penalties; and making a related repeal.

Referred to Committee on HEALTH AND HUMAN SERVICES, June 11, 2007.

### VOTE CORRECTION

The SPEAKER. The Chair recognizes Representative Moyer from Montgomery County, who moves that this House do now adjourn until Tuesday, June 12, 2007, at 1 p.m. The gentleman suspends his announcement.

For what purpose does the gentleman rise?

Mr. HARHAI. To correct the record.

The SPEAKER. Representative Harhai, you are in order and may proceed.

Mr. HARHAI. Sorry, Mr. Speaker.

On amendment 993 I was voted in the negative. I wish to be voted in the affirmative.

The SPEAKER. The Chair thanks the gentleman. His remarks will be spread upon the record.

Mr. HARHAI. Thank you, Mr. Speaker.

The SPEAKER. Further announcements?

### **BILLS AND RESOLUTIONS PASSED OVER**

The SPEAKER. Without objection, any remaining bills and resolutions on today's calendar will be passed over. The Chair hears no objection.

### **ADJOURNMENT**

The SPEAKER. The Chair recognizes Representative Moyer from Montgomery County, who moves that this House do now adjourn until Tuesday, June 12, 2007, at 1 p.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 6:47 p.m., e.d.t., the House adjourned.