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SESSION OF 2007

191ST OF THE GENERAL ASSEMBLY

No. 67

HOUSE OF REPRESENTATIVES

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

THE SPEAKER PRO TEMPORE (GLEN R. GRELL) PRESIDING

PRAYER

HON. GORDON R. DENLINGER, member of the House of Representatives, offered the following prayer:

Please join me in prayer:

Father in heaven, as we come before You today, we come mindful of the many blessings and mercies we receive from Your hand, mercies that are new to us each morning. Father, it is at a time like this that we need to pause and consider who You are and how wonderful You are. And so as we begin, we bow before You in humble recognition and adoration as we consider the works of Your almighty hands, the worlds You have made, and yet we also know that You see every sparrow that falls. Father, we are humbled as we consider that You care for each of us, and for this we give You praise.

We come today with a renewed sense of our own limitations as we struggle to make decisions which are in the best interest of each citizen of this Commonwealth, decisions regarding the budget and decisions on other matters of public policy. Father, we truly need Your wisdom and Your guidance as we debate these matters. Though elected by our fellow citizens, help us to realize that we are not an end in ourselves. We are but a means of providing governance to this State. Help us to remember that, since our time here is short, we need to be diligent in our labors and honest in our dealings. Father, You call us to such ideals, and in this hour we ask that You will give each one here the strength to do what is right and just for our fellow citizens.

Finally, we do again ask that You would protect the men and women who serve in our Armed Forces, many who are in harm's way. We pray that Your hand of protection would be upon them, and we pray that You will bring them home safely to us as soon as the needs of national defense can be properly met. Father, we thank You for each of them, and we pray that You would give each one strength for the duties of the day.

Father, again we thank You for the opportunity to serve in this place. Guide our efforts this day, we pray in Your holy name. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. Without objection, approval of the Journal of Thursday, July 5, 2007, will be postponed until printed. The Chair hears no objection.

LEAVES OF ABSENCE

The SPEAKER pro tempore. Turning to leaves of absence, the Chair recognizes the majority whip, who offers the following leaves of absence for today: the gentleman, Representative READSHAW, of Allegheny County; the gentleman, Representative JAMES, of Philadelphia. Without objection, the gentlemen will be placed on leave.

The Chair recognizes the minority whip for any leaves of absence. The gentleman requests that Mr. SCHRODER of Chester County; the gentleman, Mr. HERSHEY, of Chester County; and the gentleman, Mr. HENNESSEY, of Chester County all be placed on leave for the day. Without objection, the gentlemen will be placed on leave.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—198

Adolph	Frankel	Markosek	Rohrer
Argall	Freeman	Marshall	Ross
Baker	Gabig	Marsico	Rublely
Barrar	Galloway	McCall	Sabatina
Bastian	Geist	McGeehan	Sainato
Bear	George	McI. Smith	Samuelson
Belfanti	Gerber	McIlhattan	Santoni
Benninghoff	Gergely	Melio	Saylor
Bennington	Gibbons	Mensch	Scavello
Beyer	Gillespie	Metcalfe	Seip
Bianucci	Gingrich	Micozzie	Shapiro
Bishop	Godshall	Millard	Shimkus
Blackwell	Goodman	Miller	Siptroth
Boback	Grell	Milne	Smith, K.
Boyd	Grucela	Moul	Smith, M.
Brennan	Haluska	Moyer	Smith, S.
Brooks	Hanna	Mundy	Solobay
Buxton	Harhai	Murt	Sonney
Caltagirone	Harhart	Mustio	Staback
Cappelli	Harkins	Myers	Stairs
Carroll	Harper	Nailor	Steil
Casorio	Harris	Nickol	Stern
Causer	Helm	O'Brien, M.	Stevenson
Civera	Hess	O'Neill	Sturla

Clymer	Hickernell	Oliver	Surra
Cohen	Hornaman	Pallone	Swanger
Conklin	Hutchinson	Parker	Tangretti
Costa	Josephs	Pashinski	Taylor, J.
Cox	Kauffman	Payne	Taylor, R.
Creighton	Keller, M.	Payton	Thomas
Cruz	Keller, W.	Peifer	True
Curry	Kenney	Perry	Turzai
Cutler	Kessler	Perzel	Vereb
Daley	Killion	Petrarca	Vitali
Dally	King	Petri	Vulakovich
DeLuca	Kirkland	Petrone	Wagner
Denlinger	Kortz	Phillips	Walko
DePasquale	Kotik	Pickett	Wansacz
Dermody	Kula	Preston	Waters
DeWeese	Leach	Pyle	Watson
DiGirolamo	Lentz	Quigley	Wheatley
Donatucci	Levdansky	Quinn	White
Eachus	Longiotti	Ramaley	Williams
Ellis	Mackereth	Rapp	Wojnaroski
Evans, D.	Maher	Raymond	Yewcic
Evans, J.	Mahoney	Reed	Youngblood
Everett	Major	Reichley	Yudichak
Fabrizio	Manderino	Roae	
Fairchild	Mann	Rock	O'Brien, D.,
Fleck	Mantz	Roebuck	Speaker

ADDITIONS—0

NOT VOTING—0

EXCUSED—5

Hennessey	James	Readshaw	Schroder
Hershey			

LEAVES ADDED—2

Kotik	Nickol
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LEAVES CANCELED—1

Schroder

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

STATEMENT BY MR. PETRONE

The SPEAKER pro tempore. At this time the Chair recognizes the gentleman, Mr. Petrone, for remarks.

Mr. PETRONE. Thank you, Mr. Speaker.

Mr. Speaker, today is the 260th birthday of John Paul Jones, the father of the United States Navy, who was born on this day in 1747 in the gardener's cottage of the Arbigland Estate, Kirkbean, Scotland. It was in Philadelphia Harbor that John Paul Jones, as a newly commissioned first lieutenant on the warship Alfred, hoisted the Grand Union flag for this country for the first time on 3 December 1775, more than 6 months before the Declaration of Independence, and I would like to call John Paul Jones admiral—

The SPEAKER pro tempore. Will the gentleman suspend, please.

There is too much noise in the House. The gentleman cannot be heard. Members will take their seats and provide order.

The gentleman is recognized.

Mr. PETRONE. Mr. Speaker, in the Revolutionary War, John Paul Jones was often outgunned but he was not outsailed,

and, Mr. Speaker, he won naval battles up and down the east coast, in the Caribbean, and perhaps most importantly, off the coast of Europe, giving our country a lift several times when all was not well at home.

Mr. Speaker, I want to take a moment to relate some of my experiences around the world on the U.S. destroyer Allen M. Sumner (DD-692). I had the good fortune to spend time in the Middle East, the Suez Canal, Guantanamo Bay, operate with the USS Nautilus in special operations in the Arctic Ocean. I had the good fortune of standing in honor guard for Adm. Arleigh Burke, who is the Chief of Naval Operations, and attend the second inauguration of President Eisenhower in January of 1957. We were one of the oldest ships afloat at the time from the Second World War.

Also I had the distinct pleasure of speaking at the commissioning of the USS Pittsburgh (SSN 720), one of the greatest highlights and thrills of my life, and during that ceremony I related these words:

Behind him lay the great Azores,
Behind the Gates of Hercules:
Before him not the ghost of shores,
Before him only shoreless seas.

The good mate said, "Now must we pray,
For lo! The very stars are gone.
Brave Adm'r'l, speak; what shall I say?"
"Why, say: 'Sail on! Sail on! And on!'"

And that was the admiral that made the greatest voyage in the history of the world, that changed the world, the admiral that discovered America.

At this time, Mr. Speaker, we still have thousands of Navy personnel all over the world protecting our freedom today, and it is fair that we salute them.

I will not do a resolution this afternoon, but as a proud Navy veteran, I would like to recognize a World War II Navy veteran, Representative Camille "Bud" George, who served on PT (patrol torpedo) boats during the Second World War, to talk about what he is doing today to help our men and women in uniform. Please give Representative George your attention.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

STATEMENT BY MR. GEORGE

The SPEAKER pro tempore. The Chair recognizes the gentleman, Representative George.

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, I will not take long, but many of you in this chamber deserve applause for your contributions and help for Pennsylvania's military personnel—

The SPEAKER pro tempore. Will the gentleman suspend.

Will the gentleman speak into the microphone. The members are having trouble hearing you.

Thank you, gentleman.

Mr. GEORGE. Yes, Mr. Speaker.

Mr. Speaker, I want to thank my colleagues who deserve this applause for making their contributions and help for Pennsylvania military personnel serving in Iraq, Afghanistan, and across the world, and their families. I am proud today

to present this \$1,000 check to my friend, Representative Tony Melio, majority chairman of the House Veterans Affairs and Emergency Preparedness Committee. The money will be turned over to the Military Family Relief Assistance Program. This program has assisted dozens of families since the legislation creating the program was signed into law by Governor Rendell 2 years ago. The fund provides help with food, shelter, and other necessities when members of their armed services and their families encounter emergencies.

Many of you supported this program personally with donations through Operation JumpStart. All of you helped provide this crucial safety net for our brave soldiers, Marines, air men and women, and sailors by supporting the legislation. Almost \$30,000 has been disbursed through voluntary donations, including through refund checkoffs on Pennsylvania's personal income tax forms and through donations through Operation JumpStart.

I thank all of you for your help, and with great pride, on behalf of all of us, I wish to present Representative Melio with this contribution to our military personnel and their families.

I would like to have Thomas Kuhn, a military veteran of many years, to present this check to Representative Petrone.

STATEMENT BY MR. MELIO

Mr. MELIO. Thank you, Representative George.

This is indeed a special day. As a 10-year Naval Reserve person taking part in this tribute to the great John Paul Jones, it is an honor in itself. I appreciate this opportunity, Mr. Speaker.

I also want to say that all of us here today are all too aware of the tumultuous times we are going through with the passage of our State budget. However, there is no debate, no argument, that as legislators we can all come together in supporting our military and our military families.

I am pleased to accept this check and to assure its delivery to Gen. Jessica Wright and the Pennsylvania Department of Military and Veterans Affairs. I know this money is going to the most worthy of all causes – supporting military families.

And I want to add, Mr. Speaker, that we still have some of these license plates that you can put in the front of your vehicles. What better way to support our families and let the residents know that we support Pennsylvania's military families. If any of the members want any of these plates, either contact me or Representative George and we will see that you get them.

Thank you very much, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Representative Petrone.

Mr. PETRONE. Thank you, Mr. Speaker.

I missed mentioning other naval veterans that are members of the House presently. I should have mentioned their names. Representatives Siptroth, Barrar, and Maher are naval veterans.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

RULES AND APPROPRIATIONS COMMITTEE MEETINGS

The SPEAKER pro tempore. At this time the Chair announces the following meetings: There will be a meeting of

the Rules Committee beginning at 1:45 in the majority caucus room.

There will be a meeting of the Appropriations Committee beginning at 2 o'clock in the majority caucus room, and we expect to return to the floor of the House at 2:15.

STATEMENT BY MR. MAHER

The SPEAKER pro tempore. For what purpose does the gentleman, Representative Maher, rise?

Mr. MAHER. Thank you, Mr. Speaker.

On unanimous consent.

The SPEAKER pro tempore. The gentleman is in order.

Mr. MAHER. Thank you.

I thank Representative Petrone for his observations and Bud George as well.

Thirty years ago today I was aboard the USS Hassayampa in the Pacific Ocean. It is not such a big thing. I mean, it was pretty good duty, actually. We tied up at Pearl Harbor, and they had to replace the boilers, so the rest of the time was spent hanging around Honolulu, which was not too bad. But we did get paid, and I did not have to worry about it being past June 30, and my shipmates and I knew we would get paid.

This is Friday. The Governor has announced a shutdown of vital services effective Monday, and I have an appeal; I have a question. Is there any member of this House who has found it possible to meet with the Governor to help resolve the impasse? So far as I am aware, the Governor has not been prepared to meet with any member of this House to try to resolve this, and I do not care if we have to walk across the hall in the Capitol, if we need to go to his mansion, or if we have to go to his house in New Jersey, I am prepared to meet him wherever. But I would like to know, is there any member, if there is any member in this chamber the Governor has met with about the budget in the last 2 weeks, would you please stand up and share what you can with us, because he is keeping us and the rest of the State of Pennsylvania in the dark. I think it is serious stuff when you start fooling with people's lives, and I would hope that he would start meeting and resolving.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

STATEMENT BY MR. VITALI

The SPEAKER pro tempore. For what purpose does the gentleman, Mr. Vitali, rise?

Mr. VITALI. It is actually in response to Representative Maher's question.

The SPEAKER pro tempore. The gentleman is recognized under unanimous consent.

Mr. VITALI. I actually did meet with the Governor, and one thing, he was very receptive and he stressed the importance of his energy initiatives, Energy Independence Strategy and how important that is to the people of Pennsylvania. He talked about how it is important that we just get it done, the importance of renewable energy, the importance of wind and solar, the reduced dependence upon foreign oil. We talked about the environmental impacts. The Governor, I think what he expressed to me was his commitment, he expressed to me his

commitment with regard to the budget to get energy done as a piece of this budget.

So in short answer to Representative Maher's question, he did meet with me and he told me that part of this, part of this budget negotiation does involve energy, and he expressed his commitment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

STATEMENT BY MR. SCAVELLO

The SPEAKER pro tempore. For what purpose does the gentleman, Mr. Scavello, rise?

Mr. SCAVELLO. Unanimous consent.

I just would like to address what I just heard from Representative Vitali.

The SPEAKER pro tempore. Without objection, the gentleman is recognized under unanimous consent.

Mr. SCAVELLO. The truth of the matter is, Mr. Speaker, that on Monday we are going to have 25,000 State employees with families furloughed because we do not have a budget, and although I respect what I just heard, that package of bills should not be part of this budget. That can always be addressed. Those bills are out there. Bring it up for a vote. Let us do the budget. That is why we are here today, to take care of the business of the budget, and he did not answer Representative Maher's question.

The SPEAKER pro tempore. The Chair thanks the gentleman.

STATEMENT BY MR. EACHUS

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Eachus. For what purpose does the gentleman rise?

Mr. EACHUS. Well, number one, Mr. Speaker, I would like to rise on unanimous consent to say that—

The SPEAKER pro tempore. The gentleman is recognized under unanimous consent and may proceed.

Mr. EACHUS. —the members of the Republican Caucus and Democratic Caucus know that we had a bill that was nonconcurrent upon here in this chamber and that our leadership on both sides of the aisle, Republican and Democrat alike in both chambers, are currently in budget negotiations that are ongoing. So I do not see any real advantage to having this discussion today.

I have to also say to you that in the interest of just fairness, let us allow our conferees that are in there, your leadership and ours, to have the opportunity to discuss these issues in a substantive way without editorialization. We are all concerned about those who work in this Commonwealth, those State employees who give valuable service to us, but I do not think it is fruitful to have this discussion.

Mr. Speaker, I would also say that it is my intention to object to unanimous consent for everyone if this continues. So just to let the members know.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

Mr. KILLION. Mr. Speaker, for unanimous consent, and I will be very brief.

The SPEAKER pro tempore. Unanimous consent has been objected to. The gentleman is not in order.

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

Mr. MAHER. For the purpose of clarifying the question for my friend, Mr. Vitali, who provided an answer of sorts, but I clarify to say—

The SPEAKER pro tempore. The gentleman will suspend.

Is the gentleman wishing to continue under unanimous consent?

Mr. MAHER. I certainly would, and I recognize the other side of the aisle does not want the people of Pennsylvania to hear conversations in the open.

The SPEAKER pro tempore. The gentleman will suspend.

Unanimous consent has been objected to. The gentleman is not in order.

The Chair now recognizes the gentleman, Representative Moul. For what purpose does the gentleman rise?

Mr. MOUL. Unanimous consent, Mr. Speaker, to make a statement.

The SPEAKER pro tempore. The gentleman is not in order. Unanimous consent has been objected to.

STATEMENT BY MR. GABIG

The SPEAKER pro tempore. For what purpose does the gentleman, Mr. Gabig, rise?

Mr. GABIG. Mr. Speaker, I would like to join my fellow—

The SPEAKER pro tempore. The gentleman will suspend.

For what purpose is the gentleman rising?

Mr. GABIG. In response to—

The SPEAKER pro tempore. Is the gentleman seeking unanimous consent?

Mr. GABIG. On the Navy issue, strictly the Navy issue. I would beg the indulgence of Mr. Eachus and the others, and I would ask my fellow sailors just to indulge me—

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

Mr. GABIG. Thank you, Mr. Speaker.

Although my name was not listed under the muster roll of my fellow sailors, I am a veteran of the Navy, and I want to congratulate my colleagues on the other side for remembering John Paul Jones's contribution to our Navy.

But I know we are in a very heated contest right here, a battle of wills, so to speak, but there is also a battle about who the father of the U.S. Navy is that has been ongoing for the last several years, and I know there are many people in Pennsylvania that believe that Commodore John Berry, a Pennsylvanian, whose statue is in front of Independence Hall, is the actual father of the U.S. Navy. He was the commodore in charge of John Paul Jones. He was a great Pennsylvanian, and many of us think that he deserves that title. So to continue on with that discussion with my fellow sailors, we will take it offline and maybe have a grog or two after we are done with session today to continue that battle. But thanks for the indulgence on that particular issue.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman for his comments and for his service.

The Chair next recognizes the gentleman, Representative Marsico. For what purpose does the gentleman rise?

Mr. MARSICO. Thank you, Mr. Speaker.

I will ask for unanimous consent to talk about the 26,000 State employees who are going to be furloughed on Monday.

The SPEAKER pro tempore. Is there unanimous consent for the gentleman?

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

Mr. EACHUS. I would like to make a motion to recess until 2:15, Mr. Speaker.

The SPEAKER pro tempore. The gentleman's motion is not in order at this time.

Representative Marsico has the floor seeking unanimous consent.

Mr. EACHUS. I object to unanimous consent.

The SPEAKER pro tempore. Okay. Then the gentleman, Mr. Marsico, is not in order.

Mr. EACHUS. I would like to be recognized, Mr. Speaker.

The SPEAKER pro tempore. For the information of the members, we have been going down the members in the order that we have observed them asking for recognition and would like to continue to do that.

Mr. EACHUS. Mr. Speaker, I am acting on behalf of the majority leader.

The SPEAKER pro tempore. I am sorry. The gentleman will repeat.

Mr. EACHUS. I am acting at the moment on behalf of the majority leader, and I would like to be recognized.

I will refer you to rule 55, privileged motions, Mr. Speaker. If I need to read it, I am happy to do that.

The SPEAKER pro tempore. It was the Chair's intention to recess the House at 1:35 so that members could get to the announced meetings.

RULES COMMITTEE MEETING

The SPEAKER pro tempore. So at this time I will reannounce the meeting of the Rules Committee to begin at 1:45 in the majority caucus room.

RECESS

The SPEAKER pro tempore. The House will be in recess until the call of the Chair.

Mr. EACHUS. Thank you.

AFTER RECESS

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

THE SPEAKER (DENNIS M. O'BRIEN) PRESIDING

ACTUARIAL NOTE

The SPEAKER. The Chair is in receipt of the following actuarial note: amendments A01811, A01812, A02024, A02025 to HB 1140, PN 2018.

(Copy of actuarial note is on file with the Journal clerk.)

PARLIAMENTARY INQUIRY

The SPEAKER. For what purpose does the gentleman rise?

Mr. MAHER. A parliamentary inquiry.

With respect to those amendments, could you repeat what it is that was transpiring just now?

The SPEAKER. That was a report of an actuarial note that was received by the Chair.

Mr. MAHER. Thank you, Mr. Speaker.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SB 34, PN 1045

An Act permitting a mother the freedom to nurse her child in public; and providing that breastfeeding may not be considered a nuisance, indecent exposure, sexual conduct or obscenity.

SB 796, PN 888

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

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

CALENDAR

RESOLUTION PURSUANT TO RULE 35

Mr. HANNA called up **HR 370, PN 2233**, entitled:

A Resolution designating the month of August 2007 as "Pennsylvania Produce Month."

On the question,

Will the House adopt the resolution?

The SPEAKER. The Chair recognizes Representative Metcalfe.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, if we could put another call out maybe for the members of the House to be able to cast this vote.

I had a former question before we recessed that maybe we could address while the members are coming to the floor.

The SPEAKER. The resolution is before us. The Chair will recognize the gentleman at the proper time. Does the gentleman want to speak on the resolution?

Mr. METCALFE. No, Mr. Speaker. My objection is that there is not a quorum here by the number of empty seats, and I would like to see the members here before we start casting the vote.

The SPEAKER. The Chair has called the members to the floor.

Mr. METCALFE. I guess we will just leave it up for 10 minutes.

Thank you, Mr. Speaker.
The SPEAKER. Thank you.

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

The following roll call was recorded:

YEAS—198

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Hennessey	James	Readshaw	Schroder
Hershey			

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

BILLS REREPORTED FROM COMMITTEE

HB 908, PN 1060 By Rep. DeWEESE

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 school lunch and breakfast reimbursement and for duties of Department of Education.

RULES.

HB 1150, PN 2237 By Rep. DeWEESE

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, providing, in health and accident insurance, for autism spectrum disorders coverage and for treatment of autism spectrum disorders; and further providing for quality health care procedures.

RULES.

HB 1388, PN 1735 By Rep. DeWEESE

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

RULES.

PARLIAMENTARY INQUIRY

The SPEAKER. For what purpose does the gentleman rise?
Mr. METCALFE. I believe it would be a parliamentary inquiry.

The SPEAKER. The gentleman will state his point of parliamentary inquiry.

Mr. METCALFE. Mr. Speaker, before we had recessed for the committee meetings that would be proceeding between 1:30 and 2:15, the gentleman that was filling in for the majority leader had made a statement that we needed to let the conferees work on the budget process and that things were moving forward, something to that effect, but he had referenced conferees, Mr. Speaker.

Mr. Speaker, I wanted to inquire as to, you know, the status of the Senate insisting on their amendments to the budget bill, that that would have sent it back so it entered the conferee process. Have the conferees been assigned yet, and if they have not, is there a motion that can be made by the chamber to move us forward to have conferees actually assigned so that we can make sure that the committee structure is in place to start the negotiations to finish the budget that is past deadline with 26,000 or so employees ready to be furloughed next week?

The SPEAKER. The Senate has sent us a message that they have insisted upon their amendments, but they have not indicated that they have appointed conferees.

Mr. METCALFE. Mr. Speaker, just to clarify, to hear what you said, you said the Senate has not appointed conferees. Has the House appointed conferees, or does that have to wait procedurally until the Senate appoints their conferees?

The SPEAKER. Technically, that does not have to wait, but the Speaker has not been in consultation with the leaders to this point.

Mr. METCALFE. So I guess the parliamentary inquiry to follow up, is there a motion that can be made by the members, rank and file, of the House to move us forward, to move that process forward so that we see conferees appointed in this late hour of the budget while we are 5, 6 days past the deadline now?

The SPEAKER. There are no conferees. No names have been submitted to the Speaker or consultation that has taken place. So there is no motion that would be in order at this point.

Mr. METCALFE. Thank you, Mr. Speaker.

LEAVE OF ABSENCE

The SPEAKER. Returning to request for leaves of absence, it is requested by the minority whip that Representative NICKOL be placed on leave for the remainder of the day. The Chair sees no objection. The leave will be granted.

FILMING PERMISSION

The SPEAKER. The Chair wishes to advise the members that he has given permission to Sean Simmers of the Harrisburg Patriot-News to take still photographs of Representative Buxton on the floor.

The Chair turns to page 11 of today's House calendar. The Chair will ask all members to please take their seats and conversations will cease as the Chair is about to take up a condolence resolution. Members will take their seats.

RESOLUTION PURSUANT TO RULE 35

Mr. McILHATTAN called up **HR 368, PN 2231**, entitled:

A Resolution honoring the life and extending condolences for the supreme sacrifice of United States Army Specialist Ross A. McGinnis, 1st Battalion, 26th Infantry Regiment, 2nd Brigade Combat Team, 1st Infantry Division, Schweinfurt, Germany, who tragically lost his life in the service of his country while patrolling the streets of Baghdad, Iraq, on December 4, 2006.

On the question,
Will the House adopt the resolution?

The SPEAKER. On the resolution, the Chair recognizes Representative McIlhattan.

Mr. McILHATTAN. Mr. Speaker, members of this House, and guests, it is with a heavy heart that I humbly stand before you here today in the well of the hall of the House to offer this condolence resolution honoring the service and sacrifice of a brave young soldier from my legislative district, Army Spc. Ross McGinnis.

Ross McGinnis was born on Flag Day in 1987. His parents, Tom and Romayne, named him Ross in honor of Betsy Ross, the seamstress of the first American flag.

In kindergarten he said he wanted to grow up and be an Army man. It would seem then that he was destined to be a soldier, a patriot, and perhaps a hero.

Ross McGinnis was a skinny kid, a biscuit away from being fragile, from my hometown of Knox in Clarion County. He liked cars and loud music, and he grew up playing Little League baseball and going to church.

His classmates and friends remember him as happy, with such a great sense of humor. His automotive instructor at the Clarion Career Center said Ross was an outstanding student, "the type of student that made me proud to be a teacher." A former coworker of Ross's said, "He had a real strong sense of humor. He was always dancing at work, even though it was McDonald's." His father described him as just a regular boy.

When Ross turned 17, he signed up for the early enlistment program in the United States Army, and he left for basic training a week after receiving his high school diploma. When his basic training was completed, Army Spc. Ross McGinnis, the youngest soldier in his unit, was sent to fight in the war of Iraq.

In Baghdad on December 4, 2006, the 19-year-old McGinnis was manning the machine gun atop of a Humvee with four other soldiers stationed below in the belly of the vehicle. They were the last truck in a six-vehicle convoy. Suddenly an enemy insurgent tossed their grenade from atop of the roof into the vehicle. The grenade flew past McGinnis and went down into the hatch, lodging near the radio.

The Army's official account of what happened next is this, and I quote: "An average man would have leapt out of the gunners cupola to safety. However, Army Specialist Ross McGinnis decided to stay with his crew; unhesitatingly, and with complete disregard for his own life, he threw his back over the grenade to pin it between his body and the truck's radio mount. It detonated seconds later piercing Army Specialist Ross McGinnis' body armor and killing him instantly. He turned himself into a human shield and sacrificed his own life to save the lives of his four crew members," end of quote.

Of his son's courage and this act of supreme sacrifice, Ross McGinnis's father, Tom, said this, and I quote: "We didn't give our son to die; we gave him to fight and win and come home to us and marry and grow old and have children and grandchildren.... However, the lives of four men who were his Army brothers outweighed the value of his one life. It was just simple kindergarten arithmetic. Four means more than one.

"The choice for my son Ross was simple, but simple doesn't mean easy. His straightforward answer to a simple but difficult choice stands as a shining example for the rest of us. We all face simple choices, but how often do we choose to make a sacrifice to get the right answer? The right choice sometimes requires honor," end of quote.

For his bravery, courage, and selfless sacrifice, Army Spc. Ross McGinnis was awarded the Purple Heart and the Silver Star. His captain, who described Ross McGinnis as one of the bravest men he ever knew, has nominated Army Spc. Ross McGinnis for the Medal of Honor, America's highest award for combat valor. Just two United States servicemen have received this Medal of Honor since the war on terrorism began in 2001.

On March 23 of this year, I joined with over 200 mourners from our small rural community who traveled to Arlington National Cemetery in Washington, DC, to lay our hometown hero to his eternal rest.

Clarion County's Ross McGinnis, a man who gave his life so others would live, now sleeps silently in that hallowed ground at Arlington National Cemetery surrounded by a fraternity of

military heroes who surely consider him an elite member of their fold.

Army Spc. Ross McGinnis leaves behind a broken-hearted mother, Romaine; father Tom; and sisters Becky and Katie.

On December 4, 2006, they lost Ross forever from their lives and their sorrow runs very, very deep, but also I am sure at times their pride soars way above the stars and they thank God that he gave Ross to them and to all of us even if it was for such a short time.

In closing, my remarks today about Army Spc. Ross McGinnis, I am reminded of the words of General MacArthur when he said, "Let us not mourn those who died fighting but rather let us be glad that such heroes once lived."

Ladies and gentlemen of the House, I ask for your unanimous support of this resolution being placed before you here today honoring the life and sacrifice of Army Spc. Ross McGinnis.

The SPEAKER. Members and guests will please rise as a sign of respect for a fallen Pennsylvania hero, United States Army Spc. Ross A. McGinnis, 1st Battalion, 26th Infantry Regiment, 2d Brigade Combat Team, 1st Infantry Division.

(Whereupon, members of the House and all visitors stood in a moment of silence in solemn respect to the memory of Army Spc. Ross A. McGinnis.)

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

The following roll call was recorded:

YEAS—197

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

Denlinger	Kortz	Pickett	Wansacz
DePasquale	Kotik	Preston	Waters
Dermody	Kula	Pyle	Watson
DeWeese	Leach	Quigley	Wheatley
DiGirolamo	Lentz	Quinn	White
Donatucci	Levdansky	Ramaley	Williams
Eachus	Longiotti	Rapp	Wojnarowski
Ellis	Mackereth	Raymond	Yewic
Evans, D.	Maher	Reed	Youngblood
Evans, J.	Mahoney	Reichley	Yudichak
Everett	Major	Roae	
Fabrizio	Manderino	Rock	O'Brien, D., Speaker
Fairchild	Mann	Roebuck	
Fleck	Mantz	Rohrer	

NAYS—0

NOT VOTING—0

EXCUSED—6

Hennessey	James	Readshaw	Schroder
Hershey	Nickol		

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

BILLS REREPORTED FROM COMMITTEE

HB 489, PN 1992 By Rep. D. EVANS

An Act amending the act of December 4, 1996 (P.L.893, No.141), entitled "An act providing for volunteer health services; limiting liability of a volunteer license holder; and requiring reports," further providing for license renewal, continuing education requirements and disciplinary and corrective measures.

APPROPRIATIONS.

HB 1140, PN 2190 By Rep. D. EVANS

An Act prohibiting the investment of State funds in certain private business entities doing business in Sudan; and providing indemnification to certain persons.

APPROPRIATIONS.

HB 1170, PN 1912 By Rep. D. EVANS

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 attendance in other school districts and for attendance of nonresident pupils.

APPROPRIATIONS.

HB 1487, PN 2189 By Rep. D. EVANS

An Act imposing limitations on the use of property in Horsham Township, Montgomery County, known as the Willow Grove Joint Interagency Installation in the event the Commonwealth acquires the property.

APPROPRIATIONS.

HB 1624, PN 2077

By Rep. D. EVANS

An Act designating a bridge crossing the Catawissa Creek in Catawissa Borough, Columbia County, Pennsylvania, as the William F. Gittler, Sr. Memorial Bridge.

APPROPRIATIONS.

HB 1644, PN 2119

By Rep. D. EVANS

An Act designating a portion of State Route 22/322 from the Mifflintown exit in Juniata County to the Juniata/Mifflin County line, as the Dr. L.G. Guiser Memorial Highway.

APPROPRIATIONS.

HB 1656, PN 2136

By Rep. D. EVANS

An Act authorizing and directing the Department of General Services, with the approval of the Department of Conservation and Natural Resources and the Governor, to grant and convey to Skippack Township certain lands situate in Skippack Township, Montgomery County, in exchange for Skippack Township granting and conveying certain lands to the Commonwealth to be added to those existing lands at Evansburg State Park.

APPROPRIATIONS.

SB 704, PN 1272

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 State plan for regulating and licensing personal care homes, for Intra-Governmental Council on Long-Term Care and for rules and regulations for personal care homes and assisted living residences.

APPROPRIATIONS.

The SPEAKER. These bills will be placed on the supplemental calendar.

SUPPLEMENTAL CALENDAR B

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 489, PN 1992**, entitled:

An Act amending the act of December 4, 1996 (P.L.893, No.141), entitled "An act providing for volunteer health services; limiting liability of a volunteer license holder; and requiring reports," further providing for license renewal, continuing education requirements and disciplinary and corrective measures.

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—197

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Hennessey	James	Readshaw	Schroder
Hershey	Nickol		

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 1140, PN 2190**, entitled:

An Act prohibiting the investment of State funds in certain private business entities doing business in Sudan; and providing indemnification to certain persons.

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

(Bill analysis was read.)

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

Representative Josephs.

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

I want to thank everybody in the House for working with me on this bill. I surprised myself, I think, for how much I cared about making sure that our public funds are not promoting genocide, in this case, in Darfur.

I want to say that all of us have some sort of good religious upbringing, and as I listened to the condolence resolution and the speech and I thought about the situation in the Sudan, the same thought occurred to me, what happened to that family and that brave young man did not happen to some strangers someplace far away. It happened to us. And I learned in my religious upbringing that what happened when the Israelites left Egypt, what happened to people in Germany, what is going on now in Darfur, what happened in Ireland, what happened in Rwanda, and the list can go on and on, does not happen to other people long ago and far away. It happens to us, to all of us.

So I thank you for working with me on this bill, and I ask for a unanimous positive vote.
Thank you, Mr. Speaker.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—194

Adolph	Frankel	Mantz	Ross
Argall	Freeman	Markosek	Rublely
Baker	Gabig	Marshall	Sabatina
Barrar	Galloway	Marsico	Sainato
Bastian	Geist	McCall	Samuelson
Bear	George	McGeehan	Santoni
Belfanti	Gerber	McI. Smith	Saylor
Benninghoff	Gergely	McIlhattan	Scavello
Bennington	Gibbons	Melio	Seip
Beyer	Gillespie	Mensch	Shapiro
Biancucci	Gingrich	Metcalfe	Shimkus
Bishop	Godshall	Micozzie	Siptroth
Blackwell	Goodman	Millard	Smith, K.
Boback	Grell	Miller	Smith, M.
Boyd	Grucela	Milne	Smith, S.
Brennan	Haluska	Moul	Solobay

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

NAYS—3

Everett	Pyle	Roae
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NOT VOTING—0

EXCUSED—6

Hennessey	James	Readshaw	Schroder
Hershey	Nickol		

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.

GUESTS INTRODUCED

The **SPEAKER**. The Chair is very honored to announce the presence of some special guests in the House chamber today. The majority whip, Representative Keith McCall, has invited his family to be with him today, and I would just like to recognize to the left of the Speaker, his lovely wife, Betty McCall; his daughter, Courtney; their son, Keith Robert; his sister, Kelly McCall Sherkness; his nephew, Drew Sherkness; his brother, Thomas McCall; and cousin Vinnie, Vince Falzone. Would you please stand and be recognized.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1170, PN 1912**, entitled:

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 attendance in other school districts and for attendance of nonresident pupils.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

Representative Fleck.

Mr. FLECK. Mr. Speaker, will the maker of the bill stand for a brief interrogation?

BILL PASSED OVER TEMPORARILY

The SPEAKER. The bill will go over temporarily.

* * *

The House proceeded to third consideration of **HB 1487, PN 2189**, entitled:

An Act imposing limitations on the use of property in Horsham Township, Montgomery County, known as the Willow Grove Joint Interagency Installation in the event the Commonwealth acquires the property.

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.

The question is, shall the bill pass finally?

The Chair recognizes Representative Taylor.

Mr. R. TAYLOR. Thank you, Mr. Speaker.

Mr. Speaker, in 2005 when the BRAC (Base Realignment and Closure) Commission made its pronouncement on Willow Grove, the specter of a closure hung over many of the citizens of southeastern Pennsylvania.

The SPEAKER. The gentleman will cease for one moment.

The Chair will ask all members to take their seats. The noise level is entirely too loud, and the gentleman is entitled to be heard. Members will take their seats.

The gentleman is in order.

Mr. R. TAYLOR. Thank you, Mr. Speaker.

Not only was the base a part of our community for more than six decades, not only was its role in keeping America safe and secure a part of our psyche, but it employed more than 1,000 of our citizens as well, and it led to a dilemma. Here we were left with acres of land and an airfield rich with history, founded by Harold Pitcairn in 1926, at a time when aviation was in its

earliest stages. It had a significant history, played many important parts in our history from World War II. I learned from Sam Marshall, CEO (chief executive officer) of the Insurance Federation, that his uncle and Ted Williams, Teddy Ballgame, trained there during the Korean conflict all the way up to the present.

There was significant fear after Willow Grove was abandoned by the United States government, Mr. Speaker, that it would become a commercial passenger or a cargo airport, that any efforts to preserve the airfield and its history may actually have devastating consequences for the surrounding community. The fear was justified. The negative effects of such a facility have been well documented. From air quality to noise pollution, the use of Willow Grove as anything other than a government facility was a threat to the quality of life for the residents of Horsham Township and the surrounding communities.

The legislation offers us a solution. Willow Grove can continue to play a critical role in law enforcement, homeland security, and in ensuring the preparedness of the Pennsylvania National Guard. Even now Willow Grove is providing distinguished service to our country. The 913th Airlift Wing just recently returned from operations in Afghanistan, and at this moment, at this moment, we have members from the Pennsylvania National Guard serving on the 111th Air Wing in Iraq.

I reject any claims that Willow Grove is irrelevant, based upon the excellent job our troops are doing right now, and I am proud that they are continuing to serve and protect us, but be sure we will ensure it never will be used for a commercial passenger or cargo airport. We can preserve the history of the airfield and allow it to play a role in keeping Pennsylvania and America safe and secure.

Mr. Speaker, this is an important regional issue. I want to recognize the efforts, the special efforts of Representative Tom Murt, who shares Horsham with me; Representative Kathy Watson; Representative Bernie O'Neill of Bucks County; Representative Kate Harper; and Representative Josh Shapiro. They have all joined me in working hard to get this legislation done, and so I ask you to join me in supporting this commonsense, bipartisan legislation.

Thank you, Mr. Speaker.

The SPEAKER. Representative Murt.

Mr. MURT. Mr. Speaker, I rise today to voice my support for HB 1487, which places limitations on the use of the Willow Grove Naval Air Station and Joint Reserve Base.

This bill is the product of a genuine bipartisan effort which was spearheaded by my good friend, Representative Rick Taylor. This legislation would ensure that should the Commonwealth of Pennsylvania acquire control of the base, it may not be used as a civilian airport or for commercial cargo flights.

Mr. Speaker, the area surrounding the Willow Grove Naval Air Station and Joint Reserve Base, especially the areas that are situated in the flight patterns, are heavily populated. All the local legislators in this geographic area have heard from a great many residents living in the immediate proximity to the base. All are opposed to allowing civilian or commercial aircraft traffic except as these flights support the mission of national defense, emergency preparedness, and homeland security. Passing this measure will safeguard public safety by minimizing air traffic over the many residential areas and schools which are located directly in the flight patterns.

In addition, Mr. Speaker, allowing civilian and commercial cargo traffic at Willow Grove will greatly reduce the quality of life for the surrounding communities. The sound of aircraft taking off and landing, along with the increased vehicle traffic that would be created, can only serve to make the area around the base a more congested and less safe and desirable place to live. As I mentioned, Mr. Speaker, many of my constituents have contacted me to support a ban on commercial and civilian air traffic at Willow Grove. They are concerned about the safety of their families, the noise, and the congestion, as well as the decline in property values that will accompany them.

Mr. Speaker, this community in eastern Montgomery County and in lower Bucks County has always supported Willow Grove's military-related and humanitarian missions. Many people have expressed to me that Willow Grove should remain a government airfield for government and military uses. In that capacity the base can continue to support homeland security, national defense, and emergency preparedness missions. Therefore, Mr. Speaker, I would respectfully ask my colleagues on both sides of the aisle to join me in supporting HB 1487.

Thank you, Mr. Speaker.

The SPEAKER. Representative Maher.

Mr. MAHER. My remarks on final passage will be brief, because, Mr. Speaker, I had been seeking recognition on third consideration to address the prospect of technical amendments. But unfortunately, Mr. Speaker, once again you failed to recognize a member of this chamber who was seeking recognition.

I am speaking, Mr. Speaker—

The SPEAKER. The gentleman—

Mr. MAHER. I will not yield.

The SPEAKER. The gentleman did not rise—

Mr. MAHER. I will not yield.

The SPEAKER. The gentleman is out of order.

Representative Moul.

If the gentleman has amendments, he will advise the Chair and they will be taken up.

POINT OF ORDER

Mr. MAHER. Point of order, Mr. Speaker.

The SPEAKER. What is the gentleman's point of order?

Mr. MAHER. You are violating rule 11.

The SPEAKER. No one on the rostrum saw the gentleman rise to be recognized—

Mr. MAHER. You see me now, Mr. Speaker, and you cut off my mike once again.

The SPEAKER. The gentleman is not in order. The gentleman is out of order. The gentleman will state his point of parliamentary inquiry or he will sit down. What is the gentleman's point of parliamentary inquiry?

Mr. MAHER. Point of order, Mr. Speaker.

I had the floor on final passage and you terminated the microphone, which violates the member's right under the rule to be heard on final passage.

The SPEAKER. The gentleman was not speaking on final passage. The gentleman will state—

Mr. MAHER. I am speaking on final passage, Mr. Speaker.

The SPEAKER. The gentleman is out of order. He will not speak over the—

Mr. MAHER. Can you explain why I am out of order?

The SPEAKER. The gentleman is out of order. He will take his seat.

Representative Moul.

Mr. MOUL. Thank you, Mr. Speaker.

After that, I am not sure what I have to say will have much punch. But I am in agreement, to a degree, with my good friend, the Representative from Montgomery County, that this does need to stay an airport of homeland security and military use. However, in the language of this bill, it rules out any possible use of any other aviation down the road. I am just citing this that if and when the day comes that government operations, whether it is military or State government or so forth, stop using this field, that it can no longer be used as any type of airfield for any reason with the way the language is written, and I am just cautioning the body that this language could eliminate the possibility of this airfield being used for general aviation or corporate aviation the way this language is written, the way I read it, and that this is something that we will have to come back and revisit in the future to correct this.

There is one thing— Well, there are two facts about aviation airfields. The number one fact is they are not building many more of them, and the number two fact is that once you lose it, it is gone forever. I caution the House about the language in this bill, that the way it is written, once the government pulls out, it can never be used as an airport, the way I read this bill. The language, I would recommend to change that to allow for general aviation. I understand that the people in the area do not want big cargo planes – UPS, FedEx, and so forth – flying in and out, they do not want big transport planes flying in and out, but do not rule out the general aviation and the corporate aircraft that could utilize this field. Also, the government just spent millions of dollars resurfacing an 8,000-foot runway at taxpayers' expense. To shut that down would be criminal, in my opinion.

Thank you, Mr. Speaker.

PARLIAMENTARY INQUIRY

The SPEAKER. Representative Smith.

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

A point of parliamentary inquiry.

The SPEAKER. The gentleman will state his point of parliamentary inquiry.

Mr. S. SMITH. Admittedly, I was not paying absolute attention to everything that was being said, but my question for the Chair is, by what reason or authority did you terminate the turn at the microphone by the gentleman from Allegheny just a few minutes ago? I am not sure what the reason was for that.

The SPEAKER. The gentleman was recognized for a point of order. The gentleman failed to state his point of order, and he was not speaking on third consideration. The Chair was informed by the gentleman that he had amendments. The Chair asked the gentleman where those amendments were. We have no amendments that have been filed by the gentleman, and the Chair advised the gentleman that when he stated he was seeking recognition, no one at the rostrum saw the gentleman request that recognition. The gentleman then further was speaking over the Speaker, and the Chair instructed him to take his seat.

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

Along those same lines, I believe that even if a member – let me make this a hypothetical – even if a member wanted to speak about some amendments that they were considering to have drafted to a bill that was before us on third consideration, would not that member still be in order as long as it stayed focused on the substance of the bill?

The SPEAKER. The gentleman specifically was asked if he wanted to make an inquiry about his amendments, and the gentleman digressed.

Mr. S. SMITH. Would the gentleman be in order on final passage, Mr. Speaker?

The SPEAKER. The Chair can rescind its announcement that the bill has been agreed to if the gentleman has amendments. The Chair has not been informed that the gentleman has amendments.

Mr. S. SMITH. Mr. Speaker, a further inquiry.

This legislation currently is on final passage, third consideration. Am I correct?

The SPEAKER. The gentleman is correct.

Mr. S. SMITH. And so my question, I am not sure what the Chair would have to rescind. If we are on final passage and the vote has not been taken, is not any member of this floor in order to speak on final passage?

The SPEAKER. The gentleman was recognized to speak on final passage. The gentleman informed the Chair that he wanted to be recognized on third consideration to offer amendments, that the Chair has not been advised have been filed. If the gentleman wishes to offer amendments, the Chair will rescind its announcement that the bill was agreed to on third consideration, and the gentleman has two options: He can bring amendments to the Chair, the Chair will then decide whether those amendments are technical or substantive, and will advise the gentleman on how to proceed at that time.

Mr. S. SMITH. Our staff would agree with that assessment at this point of your—

The SPEAKER. The Chair thanks the gentleman.

Mr. S. SMITH. But I guess, and maybe it is just me that is confused, and is he not still in order to speak on final passage, even if he has forgone his ability to offer an amendment?

The SPEAKER. If the gentleman seeks recognition on final passage, he is in order. The Chair will remind all members of the House that they should restrict their remarks to the issue that is before the House, and that is the House bill that is on the board.

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

The SPEAKER. Representative Dally. The gentleman waives off.

Representative Vereb.

Mr. VEREB. Thank you, Mr. Speaker.

I rise in favor of this bill, not even knowing the area from Montgomery County, but I certainly know what my colleague is trying to do, and that is simply put the wishes and desires of not only his constituency but the neighboring constituency into writing in the House bill, which I think will certainly be effective not only for the area but for the Commonwealth.

And just in regard to some other comments that were made about private aircraft, there are certainly a number of other local airports very close by, Philadelphia Northeast Airport, and those of us from Montgomery County are very well familiar with Wings Field Airport, which accepts LEADER jets and other

types of aircraft. I am not trying to put them into another colleague's district, but certainly the ability is there for a private aircraft to land.

So I rise in support of the bill. Thank you.

The SPEAKER. Representative Gabig.

Mr. GABIG. Thank you, Mr. Speaker.

Might I interrogate the maker of the bill?

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

Mr. GABIG. Thank you, Mr. Speaker.

I thought that I had heard reports that Governor Rendell wanted to lease or sell Willow Grove to UPS. Is that correct?

Mr. R. TAYLOR. Mr. Speaker, to the best of my knowledge, that is not the case. I have spoken to Gen. Jessica Wright and the Governor's staff a number of times, and they have assured me over and over again that there is no intention to allow cargo operations, regularly scheduled cargo operations, or commercial flights. However, he cannot speak for future Governors. In 2011 he leaves office, and that is consequently also the time when the Navy is pulling out. So what I am trying to do is codify it so that Rendell's decision is not reversed by future Governors.

Mr. GABIG. So, Mr. Speaker, the reports that I have heard in my area about the Governor wanting or discussing or proposing a lease to UPS, those are not true. Is that correct?

Mr. R. TAYLOR. Mr. Speaker, to the best of my understanding, that is not true.

Mr. GABIG. Have there been any recommendations that you have heard from the Governor that precipitated your legislation in order to protect Willow Grove from possible commercial development?

Mr. R. TAYLOR. Mr. Speaker, once again, the reason is, and just recently under May 25 when the spending bill just occurred, that with the spending bill there is a possibility that the Air Force is going to give it to the Navy, or another possibility that the Navy will give it to the Air Force, and with giving it to the Air Force, they have the intention to lease it or some other way of giving operational control to the Commonwealth. What I am trying to do is close out any potential loophole here that commercial or cargo operations will go in there.

Mr. GABIG. I am sorry, Mr. Speaker; I did not hear you. You said the Navy is going to give it to the Air Force, that is going to give it to a commercial—

Mr. R. TAYLOR. No; no. What I said is, under the spending bill at the Federal level, the Navy is going to be compelled to give it to the Air Force, with the understanding that the Air Force will either lease it or the Commonwealth will acquire it or there will be some operational control by the Commonwealth of the field, and what I want to make sure that we prevent here, Mr. Speaker, is the usage of that for commercial or cargo operations.

Mr. GABIG. Thank you very much.

Mr. Speaker, if I could speak on the bill.

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

Mr. GABIG. The reports that I heard in my area that were in the press is that the Governor wanted to, through this, once the Commonwealth obtained this naval base, air base, was to lease it to potential commercial uses such as UPS. UPS specifically was mentioned in our media, and I am glad to hear from the maker that that in fact is not true, that he has had discussions apparently with some members of the administration to say that that is not true.

We had a discussion earlier today, Mr. Speaker, during one of the, well, as we were getting ready to come on the floor here earlier, about the Navy, and that is where I spent many of my years, in the Reserves drilling at Willow Grove. I went from a junior officer to an older officer there in the Reserves, and so I am very familiar with that area, and I think the gentleman said that it was initially established in 2006. I think, or maybe I did not hear him correctly, but I think it goes back to more like 1906 or sometime in that area when we barely had aviation. I think that is what the gentleman meant; it was in the age of the Wright Brothers and that type of thing. And this is on, 611 goes right by that base, if I am correct, and 611 is Broad Street in Philly, for the guys down in the city. And I guess in the old days, in 1906 and 1930 and '40, this was farm country. This is area that is like in the western part of my district, you know, where nobody lived, and now it is a completely suburban area with homes and houses and malls and schools and children and families all around, and in my opinion, as a State Representative and as a former Naval Reserve officer, it would not be appropriate for UPS to be there 24 hours a day, sending those big jets in there all day in that place.

So I want to commend the bipartisan support for the maker and some of the other members from Montgomery County that have been fighting the proposal to let UPS come in there to take over that airfield, and I commend the maker. I hope his legislation is strong enough to be able to protect that area from that type of use.

That would conclude my remarks, Mr. Speaker.

The SPEAKER. Representative Watson.

Before the gentelady speaks, the Chair will once again ask the members to take their seats. Conferences in the rear of the House will break up immediately. The aisles will be cleared.

Representative Watson.

Mrs. WATSON. Thank you, Mr. Speaker.

If I might just add a point of clarification and speak not for Montgomery County but for Bucks County and my legislative district, which sits across County Line Road at the edge of Willow Grove and about 400 feet from the beginning of the air base. I have lived in that area for the last 28 years, and as an earlier speaker said, we certainly have seen great changes. In 1978 when I moved in, most of western Warrington, which is in the flight path, was all farms and open fields. All of that is built up. There are several new schools in the area.

The residents that I represent and certainly all of the surrounding area in Bucks County, Representative O'Neill's district, have grave concerns about what was happening. They have been extremely supportive since the beginnings of Willow Grove for a military use for the base. They see that as part of their patriotic duty, regardless of the sound that comes from Willow Grove or the night flights or whatever it is. It is very different, however, for all of those residents when they consider a commercial operation and one that might indeed be flying particularly at night.

Therefore, Representative Taylor's bill – and I hope all the members are listening – is really the will, the collective will of all of the residents of the Bucks-Montgomery County area that are directly affected by Willow Grove Naval Air Joint Reserve Base. So what you have here, if at some time in the future something different changes, then we would go back and visit this, but what you have here is the collective will, really, of all of the residents of the surrounding communities, still willing to do their patriotic duty, still willing to support a base that is joint

with the military and homeland security and willing to take those risks, but certainly not willing to take those same kinds of risks for increased use and a commercial endeavor.

This bill is exactly written as it was supposed to be, and I ask for your support. Thank you very much, Mr. Speaker.

The SPEAKER. Representative Maher.

Mr. MAHER. Thank you, Mr. Speaker.

This is my second time rising on final passage.

The SPEAKER. The gentleman is correct.

Mr. MAHER. And if you would like to start a conversation about that, I am willing, but I was not heading in that direction at this moment, Mr. Speaker. I did have questions I am hoping the maker of the bill would be receptive to.

The SPEAKER. Is the gentleman asking Representative Taylor to stand for interrogation?

Mr. MAHER. I am indeed, Mr. Speaker.

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

Mr. MAHER. Thank you.

When this bill was considered in the Transportation Committee, there were a number of technical questions raised about the way that the bill is worded, questions as to whether or not, as written, the bill would have the effect that you intend. My question is simply, have you had an opportunity to research those technical considerations and reach any conclusion?

Mr. R. TAYLOR. Yes. The terms are defined that you brought up with regularly scheduled commercial cargo operations and regularly scheduled commercial passenger operations.

Mr. MAHER. So my question would be, how about unscheduled common carrier operations? And if you are satisfied, I am willing to take your word for it. I am just asking, have you gone through the thought process to reach a conclusion as to whether or not the bill does what it is intended to do, and if you say you have, that is good enough for me.

Mr. R. TAYLOR. Mr. Speaker, when the gentleman brought up the question of the unscheduled flights, it is only in the pursuit of our national defense, our homeland security or emergency preparedness, and I am very satisfied with that.

Mr. MAHER. Thank you, Mr. Speaker. That concludes my interrogation.

Mr. Speaker, when members rise to speak on final passage or first consideration or second consideration or third consideration or amendments, we may not always agree with one another about what is being offered by one speaker or another, but something our rules are designed to do is to ensure that every speaker will be heard without interruption. In particular, rule 11, which goes not just to final passage but anytime a member has the floor, provides that a member who has the floor may not be interrupted, except for questions of order—

The SPEAKER. Is the gentleman speaking on final passage? The gentleman will confine his remarks to final passage or—

Mr. MAHER. I am speaking on final passage, Mr. Speaker, and you are helping to illustrate the point, which is whether or not we like what we are hearing on final passage from any member, no member is entitled to exercise the button to cut off debate. Now, that has become increasingly frequent in this chamber, and it is unfortunate, because the rules are designed to encourage debate—

The SPEAKER. The gentleman will cease; the gentleman will cease. The gentleman will be ruled out of order.

The gentleman is referring to rule 13: "If any member in speaking or otherwise transgresses the Rules of the House, the Speaker or any member through the Speaker shall call the member to order, in which case the member shall immediately sit down unless permitted by the House to explain." The gentleman, through the minority leader, requested recognition on final passage. The Chair will request that the gentleman respect the rules of the House and speak on final passage. If the gentleman has a point of order, he will state the point of order. Otherwise, he will be ruled out of order.

Mr. MAHER. I am speaking on final passage, Mr. Speaker, and I would appreciate if you would allow me to conclude without further interruption.

The SPEAKER. The Chair will not permit those kinds of remarks and show disrespect for this Chair. This Chair is the representative of this entire body. If the gentleman persists, he will be ruled out of order and he will be asked to take his seat.

Mr. MAHER. Mr. Speaker, with all due respect—

The SPEAKER. I would sincerely hope so.

Mr. MAHER. —with all due respect, Mr. Speaker, members are entitled to the floor, and if you do not like what is being said, just because you are on the rostrum does not allow you to end their time on the floor, Mr. Speaker.

Now, this is an important piece of legislation, an important piece of legislation that twice I have gotten up to try to deal with this important piece of legislation on final passage, and twice on final passage because I was not recognized on third consideration, and here we are on final passage, and on final passage I will say to you, I hope you will support this bill, and I hope that whoever inhabits the Speaker's rostrum will allow members to be heard in accordance with the rules.

Thank you, Mr. Speaker.

The SPEAKER. Representative Moul.

Mr. MOUL. Thank you, Mr. Speaker.

I was wondering if my good friend from Montgomery County would stand for a few questions?

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

Mr. MOUL. Mr. Speaker, would you consider the Civil Air Patrol a government entity to use that field if all other government entities pulled out?

Mr. R. TAYLOR. Mr. Speaker, I would say yes.

Mr. MOUL. Okay. And within the Civil Air Patrol, they use small private and some corporate aircraft in the Civil Air Patrol. Would that be allowed, because the Civil Air Patrol does not really own that many aircraft; they use private aircraft as well. So being that they would be using their aircraft as part of the Civil Air Patrol, would they be allowed into this field?

Mr. R. TAYLOR. Mr. Speaker, when they are actively on the mission for the Civil Air Patrol.

Mr. MOUL. Okay. Getting to the reason that the community around the airport no longer wants to have aircraft in and out once government functions cease, would that be because of the noise?

Mr. R. TAYLOR. Mr. Speaker, it is a question really of the bargain, the bargain that the folks got into. They knew that there was going to be a military base when they moved there. I mean, Pitcairn was there in 1926, and then the military picked it up in the forties. They knew the military operations were there, and they were proud of that. They were proud that they were making a small sacrifice for our national defense. You know, there is a source of pride there. But part of the bargain was not them

having already lived here and then a commercial operation comes in or a cargo flight comes in. They never asked for that, and to be put out because some other outside force is coming in, that is not part of the bargain. So yes, it is part of the noise, but they do not mind it when it comes to their national defense, their homeland security and emergency preparedness, but they do mind it when it is for profit.

Mr. MOUL. Okay. Since you mentioned the words that it is for profit, Mr. Speaker, general aviation that would use this airfield, small single-engine private aircraft that would land there, use the airfield to visit relatives, for example, that would not be for profit. It also would be a whole lot less noise than what an F-14 or an A-20 or whatever would make going in and out of that airport, which is what is going on today. So I am failing to see what the argument is as to why we want to keep out general aviation from using a field that the taxpayers have paid literally tens of millions of dollars to put in place.

Mr. R. TAYLOR. Mr. Speaker, when the military took it, it was an eminent domain issue. You know, it was for the public good. We are talking about the public good, and this is what we are talking about. It is a quality-of-life issue, and this is not part of the bargain that they would go and have general aviation flights. They did not ask for that. They do not want that. What they are agreeable to is even if the planes are a little bit louder, they know it is in our national defense and our homeland security and emergency preparedness, and they are fine with that.

Mr. MOUL. So in other words, Mr. Speaker, when the military or government operations cease, they do not want to even see an airplane, because comparatively speaking to an A-10, let us say, or a Tomcat or a C-130 or whatever it is that the military is using there, the planes that I am talking about are almost noiseless. You almost cannot hear them. So we get down to the fact that they do not even want to see an airplane flying overhead. Is that correct?

Mr. R. TAYLOR. Well, Mr. Speaker, I am going to tell you, when an A-10 flies over my house and it is at 1,000 feet and it shakes the household, that shaking, I am proud of that. I know it is serving my national defense. I do not mind that. But when a Gulfstream IV flies over my head, I got a problem with that, and that is what the constituents have told me time and time and time again, not just me, all the delegation in Bucks-Mont, and this is important to them.

Mr. MOUL. I see.

Okay. One of my final questions, Mr. Speaker: The way your bill is written, when government functions do cease, whether it is 5 years down the road or 10 years, whenever government functions cease there and no more corporate, commercial, or general aviation is allowed in – therefore that, in a sense, shuts that airfield down from any aviation – what then will happen to that airport?

Mr. R. TAYLOR. Well, Mr. Speaker, I am going to say, my hope is that our national defense, our homeland security and emergency preparedness, will continue to be served by Willow Grove for a long time, so that is a hypothetical question that I cannot answer.

Mr. MOUL. That is why I feel that the legislation that is written needs to be reworded so that it could be used for general aviation, small aircraft, that would not affect your community. Small aircraft will not shake your windows. Even that Gulfstream IV will not shake your windows like a Tomcat or an A-10.

Mr. R. TAYLOR. Mr. Speaker, my good friend from Bucks County brings up a good point, and I want to speak for the Horsham Land Reuse Authority. They would be the guys who would be able to determine that, and we would reinvestigate, when it came time, if the military operations pulled out, I think Horsham Land Reuse Authority is the appropriate authority to speak on that path.

Mr. MOUL. Thank you, Mr. Speaker.

I just want to make sure that our tax dollars, the tens of millions of dollars over the years that have been sunk into that and the recent millions of dollars that were sunk into that to refurbish that 8,000-foot runway, are not wasted down the road and that it can remain at least a general aviation airport, maybe not for the big cargo carriers or commercial carriers but a general aviation airport so that it will not be wasted, and it is nonintrusive. Those types of airplanes are nonintrusive to the community. So I am encouraging to change the wording of this bill.

Thank you for your time, Mr. Speaker.

The SPEAKER. Representative McIlhatten.

Mr. McILHATTAN. Thank you, Mr. Speaker.

Will the maker of the bill stand for brief interrogation?

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

Mr. McILHATTAN. I am just trying to determine the perimeter of— I want to make sure before we vote on this that it would determine the perimeter of exactly what we are doing here, Mr. Speaker, and I guess what I want to know is, it is certainly evident that we are not going to allow commercial air flights, airport activities, to continue at this site. Are we limiting all types of other commercial activities at this site forever if we pass this legislation? What is the answer to that? What is the perimeter we are dealing with? Everybody is talking about air; I am concerned about other use. Is that addressed in the bill?

Mr. R. TAYLOR. Mr. Speaker, it is. Again, in the bill it is quite clearly stated that regularly scheduled commercial cargo operations or regularly scheduled commercial passenger operations pursuant to our national defense, our homeland security and—

Mr. McILHATTAN. Yeah, but you – excuse me – you are all tied up in air. I have conceded air. Let us say tomorrow the airport closes. Let us say Toyota decides they want to come in there and take over that ground, maybe put a plant up and put 400 or 500 or 600, 700 jobs in there. Are we limiting that from ever happening by passing this legislation, Mr. Speaker?

Mr. R. TAYLOR. This is only for aviation practices.

Mr. McILHATTAN. I cannot hear you.

Mr. R. TAYLOR. I am sorry?

The SPEAKER. The House will come to order. The gentlemen who are debating this issue are entitled to be heard. Members will take their seats. Conversations in the back of the House will break up immediately or adjourn to the anterooms. The aisles will be cleared. Conferences in the side aisles will break up. Members will take their seats.

Representative Taylor.

Mr. R. TAYLOR. Mr. Speaker, this bill is limited to aviation. It does not speak to what the interrogator is asking.

Mr. McILHATTAN. It does not speak to the other issues, so therefore we assume that they are still on the table and could be addressed later on? Is that correct?

Mr. R. TAYLOR. Mr. Speaker, yes, in the—

Mr. McILHATTAN. I just want to be sure. I understand where you are coming from, and I do not mean this in an argumentative way. I just want to be sure that we are just not totally limiting the different uses of that ground in the future by passing this legislation, and I guess you say, in your opinion, we are not. Is that correct, Mr. Speaker?

Mr. R. TAYLOR. Mr. Speaker, the legislation that was passed by Congress and signed by President Bush on May 25 just stated what the purpose of the property would be, which would be a security hub.

Mr. McILHATTAN. Okay. Thank you, Mr. Speaker.

That concludes my interrogation. Thank you.

The SPEAKER. Representative Daley.

Mr. DALEY. Mr. Speaker, a point of order. A parliamentary inquiry.

The SPEAKER. The gentleman will state his point of parliamentary inquiry.

Mr. DALEY. Mr. Speaker, I know that we have discussed earlier one of the rules of the House, and you and I have discussed this privately, and I think this matter needs to be addressed at this time concerning the order of the House.

It is my understanding that this House functions—

The SPEAKER. Will the gentleman come to the rostrum.

Mr. DALEY. Yes, Mr. Speaker.

(Conference held at Speaker's podium.)

The SPEAKER. Representative Petri.

Mr. PETRI. Thank you, Mr. Speaker.

I would like to join Representative Taylor in requesting that the House adopt his bill. This property that we are talking about is a rather large property located in Horsham Township and has a very significant past that deals with aviation. In fact, the precursor to the helicopter was actually invented in a hangar that is located right off of 611. But interestingly enough, the Federal government decided to abandon this property for its military use, and all of us as local Representatives and our Congressmen and Senators fought that decision. One of the reasons the decision was made for the military to abandon its use was safety considerations. They looked at the property and they looked at the amount of development that had occurred in the hundred years since it was operating and they determined that there were no longer safe places for planes to land if there were trouble. In fact, the last incident that occurred involved the death of a very, very brave pilot during an aircraft show, and that plane landed in my district, which is only but a few miles away. There is now a memorial at that site, and that site is actually now a park where the community has recreation. So the ability to use this as a significant place for aircraft, commercial or private, to come and go has apparently, as a result of the military, been decided, and that is that it is no longer possible or plausible.

Now, the Federal legislation that deals with the reuse of that property does not still prohibit some other uses, and there is a process which we will undergo which will determine whether some of that surplus land can be used for other economic reasons, and there will be consideration that will have to be paid and made to the Federal government. But those are not for our decisionmaking today. Our decision today is simply to follow apparently what our military has decided, and that is, it is no longer safe for high-volume commercial activity to go in and out of that flight. If it is good enough for the

Federal government, I think it is certainly the proper procedure, and I commend Representative Taylor for looking out for the interests of his community and ours in Bucks County.

Thank you.

The SPEAKER. Is there any other member seeking recognition on final passage? Representative Taylor.

Mr. R. TAYLOR. Mr. Speaker, I think a lot of Representatives have brought up a lot of good points on why this is important, but the most important thing is, like I said, it is the bargain. We are very proud of Willow Grove Naval Air Station. We are very proud of its tradition. We are very proud of what it is doing as our troops are serving in Iraq right now, very proud of that, and we would love to see it continue. However, we also do not buy into that it has to be a commercial or cargo operation. It should not be. It is a quality-of-life issue for the folks surrounding the community.

So I urge you, think of the folks, let us not fail them, and vote affirmatively on this piece of legislation. Thank you very much, Mr. Speaker.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair notes the presence of Representative Schroder from Chester County on the floor of the House. His name will be added to the master roll.

CONSIDERATION OF HB 1487 CONTINUED

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—190

Adolph	Fleck	Markosek	Rublej
Argall	Frankel	Marshall	Sabatina
Baker	Freeman	Marsico	Sainato
Barrar	Gabig	McCall	Samuelson
Bastian	Galloway	McGeehan	Santoni
Bear	Geist	McI. Smith	Scavello
Belfanti	George	McIlhattan	Schroder
Benninghoff	Gerber	Melio	Shapiro
Bennington	Gergely	Mensch	Shimkus
Beyer	Gibbons	Metcalfe	Siptroth
Biancucci	Gingrich	Micozzie	Smith, K.
Bishop	Godshall	Millard	Smith, M.
Blackwell	Goodman	Milne	Smith, S.
Boback	Grell	Moyer	Solobay
Boyd	Grucela	Mundy	Sonney
Brennan	Haluska	Murt	Staback
Brooks	Hanna	Mustio	Stairs
Buxton	Harhai	Myers	Steil
Caltagirone	Harhart	Nailor	Stern
Cappelli	Harkins	O'Brien, M.	Stevenson
Carroll	Harper	O'Neill	Sturla
Casorio	Harris	Oliver	Surra
Causer	Helm	Pallone	Swanger
Civera	Hess	Parker	Tangretti
Clymer	Hickernell	Pashinski	Taylor, J.
Cohen	Hornaman	Payne	Taylor, R.
Conklin	Hutchinson	Payton	Thomas
Costa	Josephs	Peifer	True
Cox	Kauffman	Perzel	Turzai
Cruz	Keller, M.	Petrarca	

Curry	Keller, W.	Petri	Vereb
Cutler	Kenney	Petrone	Vitali
Daley	Kessler	Phillips	Vulakovich
Dally	Killion	Pickett	Wagner
DeLuca	King	Preston	Walko
Denlinger	Kirkland	Pyle	Wansacz
DePasquale	Kortz	Quigley	Waters
Dermody	Kotik	Quinn	Watson
DeWeese	Kula	Ramaley	Wheatley
DiGirolamo	Leach	Rapp	White
Donatucci	Levdansky	Raymond	Williams
Eachus	Longiotti	Reed	Wojnarowski
Ellis	Maher	Reichley	Yewcic
Evans, D.	Mahoney	Roae	Youngblood
Evans, J.	Major	Rock	Yudichak
Everett	Manderino	Roebuck	
Fabrizio	Mann	Rohrer	O'Brien, D., Speaker
Fairchild	Mantz	Ross	

NAYS—8

Creighton	Lentz	Miller	Perry
Gillespie	Mackereth	Moul	Saylor

NOT VOTING—0

EXCUSED—5

Hennessey	James	Nickol	Readshaw
Hershey			

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.

CONSIDERATION OF HB 1170 CONTINUED

On the question recurring,
Shall the bill pass finally?

The SPEAKER. Representative Fleck.
Mr. FLECK. Thank you, Mr. Speaker.

Will the author of the bill stand for interrogation?

The SPEAKER. The gentleman indicates he will, and the gentleman is in order and may proceed.

Mr. FLECK. My question is in regard to the transportation issue, and this actually is going to change the Public School Code that it is going to require transportation for nonresident students? Is that correct?

Mr. DALEY. No, it is not. As a matter of fact, the information that you received from the Pennsylvania School Boards Association basically is saying that this is inconsistent to existing law, and with that reasoning, the legislature actually can never change any existing law. The transportation piece specifically says that it is a modification only to the extent as to where they live on the property, that they are paying taxes to both school districts, and that it establishes no precedent for providing transportation for nonresident students at all.

Mr. FLECK. Okay. How many students will this affect in the Commonwealth?

Mr. DALEY. As the chairman of the Ag Committee, we found that it is in more rural areas. We are thinking probably

around 50 to maybe 60 families total, but it is not that many, but there are still those families that need this attention.

Mr. FLECK. Okay. And you are saying this is not an unfunded mandate then for transportation, that there is not going to be any fiscal impact?

Mr. DALEY. No; the money follows the child. Wherever the child goes, the WADM (weighted average daily membership) follows, the transportation reimbursement follows. It is not an unfunded mandate.

Mr. FLECK. But the way I understand it, a school district is not required to provide transportation to its resident students or its nonresident students, and the bill has a "shall" provision that it is going to require now nonresident students if they fall under this, under the residency requirements.

Mr. DALEY. Is that a question or a statement, Mr. Speaker? I do not know, is that a question? And if it is, please make it in the form of a question.

Mr. FLECK. Yes. Does the current Public School Code require transportation of nonresident pupils?

Mr. DALEY. What this does is basically change the definition of what a resident student is. It does not change anything other than the child may attend the school that is closest to his actual home. The WADM follows the child and the transportation reimbursement. Schools are required to provide transportation to that child now under current law.

Mr. FLECK. Well, current School Code says that you are not required to provide transportation for nonresident students. So your bill language has a "shall" provision – correct? – that it is going to require that.

Mr. DALEY. Again, to answer your question, this bill changes the definition of a resident student. The resident student will now be a student that resides closest to the school district at his home, not locations on his property but his actual home site.

Mr. FLECK. Thank you, Mr. Speaker.

The SPEAKER. Representative Melio.

Mr. MELIO. Thank you, Mr. Speaker.

May I interrogate the prime sponsor of the bill?

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

Mr. MELIO. Mr. Speaker, I have a regional Bucks County technical high school in my district that takes students from four or five municipalities, and right now it is very difficult to get into that school and they have kind of a situation where they limit to so many students. Now, under your bill, it is in my township. Would all of my township residents have to go to that school and they would not be able to take residents from other districts?

Mr. DALEY. It is my understanding that the technical school that you are talking about is similar to a magnet high school. It is a more specialized type of high school; it is a technical school. This legislation deals primarily with your high school, the high school that you have in Bucks County that is closest to where this child would actually sleep.

Mr. MELIO. Well, you know, it is in Bristol Township, the school, and we have residents from Middletown Township, Falls Township, many surrounding municipalities. What your bill would do is allow only my township to have residents or students at that school.

Mr. DALEY. Mr. Speaker, would you please come down to the rostrum.

The SPEAKER. The gentleman has finished his interrogation. The Chair thanks the gentleman.

Representative Reichley.

Mr. REICHLEY. Thank you, Mr. Speaker.

Will the sponsor of the bill stand for brief interrogation?

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

Mr. REICHLEY. Thank you, Mr. Speaker.

These are questions, and I am not making them for merely rhetorical purposes, honest questions: Do I understand that the language of the bill would allow the physical boundaries of a property, a residential property, to be bisected by school district lines, and that even if there is a slender part of the residential property, that based upon where the house itself is located in comparison to where the next nearest school is, that student could say, okay, I am going to go to a school in a district that I am not currently attending because the school building is closer to my house itself. Is that correct, Mr. Speaker?

Mr. DALEY. Mr. Speaker, the characterization of bisecting is not correct. The characterization of a child living on a property where his home and the rest of the property may be intersected or transcended by two school districts, maybe in some cases maybe three school districts because of the size of the property, to that extent you are right. It takes and looks at where the child sleeps at night as opposed to the closest part of his land that touches the closest school district.

Mr. REICHLEY. And, Mr. Speaker, is it defined within your legislation whether the distance to be measured is to the school building or to any of the other facilities at a school campus?

Mr. DALEY. The legislation does not go that micromanaging in terms of making the determination. The Department of Education, through its promulgation of regulations under the School Code, has done that in terms of determining locations and distances. They would use the regulations that they currently use. This bill does not address that.

Mr. REICHLEY. And, Mr. Speaker, what do the regulations currently entail?

Mr. DALEY. My understanding, the regulations entail measuring from the closest parcel of property, the physical property, to the school property.

Mr. REICHLEY. To the property but not the building, not the school building.

Mr. DALEY. Right, the school property is my understanding.

Mr. REICHLEY. So theoretically, if the house in which a star athlete lives is geographically closer to the football stadium than it is to the school building in the district in which he currently is attending, he would be able to choose to go to the first school? You said to the school property. Is that correct, Mr. Speaker?

Mr. DALEY. I would say that if the home in which the best singer in the area resided was closer to the auditorium in which the school property is located, that child would probably go to that school district.

Mr. REICHLEY. Mr. Speaker, does your legislation specify that the people shall attend school in the closest school district or to the closest school building?

Mr. DALEY. Mr. Speaker, could you please speak into the microphone? You were speaking at an angle and I could not hear you.

Mr. REICHLEY. I apologize. Does your legislation specify that the student will attend school in the closest school district or to the closest school building?

Mr. DALEY. My understanding, being the fact that I wrote the legislation, it is the school district.

Mr. REICHLEY. Would not that necessarily, Mr. Speaker, result in students remaining within their school district, because the closest school district would be the district in which they are located and they are currently attending school.

Mr. DALEY. There is a possibility that would be the case, but there are those atypical situations that it is not the case.

Mr. REICHLEY. And furthermore, Mr. Speaker, is it also possible under your legislation with a family of more than one child of differing ages, let us say one is of high school age, one is of middle school age, one is of elementary school age, that based upon the location of the residence, you could have one child who wants to go to an elementary school in the one district, the middle school child wants to go to school in a separate district, the high-school-age child wants to go to school in the first district. So you would have a family of having children in various school districts.

Mr. DALEY. That is possible, and under current law, it is also possible that would be occurring right now, too.

Mr. REICHLEY. That is the extent of my interrogation, Mr. Speaker. May I comment very briefly on the bill?

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

Mr. REICHLEY. Thank you, Mr. Speaker.

I think I understand the intention of the maker of the legislation to address what appears to have been somewhat of a local concern. I think to go to this kind of generalized approach for a statewide solution is inappropriate, and therefore, there are so many various scenarios that can be troublesome within this situation. As the speaker just answered my last question, you could have a family with multiple children going to different school districts based upon the choice of the child, and the family really, and an unspecified designation as to what the location of the school building is away from the residence. We certainly have had situations in our history where there is the issue of star athletes being recruited to attend certain school districts, and I think the vagueness of this language really opens up that possibility where a parent could say, well, my son's bedroom is closest to where the football stadium is for this school district; therefore, he is going to go there because they have a better program, and really, I think, invalidates what would hope to be the issue of providing the best possible education in every school district throughout Pennsylvania.

I would ask the members to vote "no" on the bill. Thank you.

The SPEAKER. Representative Beyer.

Mrs. BEYER. Thank you, Mr. Speaker.

Will the maker stand for brief interrogation?

The SPEAKER. The gentleman indicates that he will. The lady is in order and may proceed.

Mrs. BEYER. Do you know if there is in current law a requirement for all school districts to provide transportation to their children, their students?

Mr. DALEY. Under current law, the answer is no. However, if the school district would provide transportation to one child in that school district, they must provide it to all the children in that school district.

Mrs. BEYER. Are you certain that what you are declaring right now is accurate in light of the fact that there are some school districts that do not provide transportation to their resident children but are required under the law to provide transportation for charter and parochial school students?

Mr. DALEY. I have been informed that in some cases they can be required to provide transportation. There are certain court cases that have been found that the school district would be responsible in specific instances to provide certain types of transportation to special-needs children. But generally, the answer is no.

Mrs. BEYER. Okay. So let us go back to my original question: Are you aware whether or not in statute or in School Code school districts are required to provide transportation for their resident children?

Mr. DALEY. Your question was asked and answered.

Mrs. BEYER. Okay. Do you recognize within the construct of your own legislation, you are now requiring a mandate for school districts to provide transportation to the children that you describe even though they may in fact not provide transportation to their resident children?

Mr. DALEY. To answer your question, yes, but it is such a small number. We are talking about approximately 50 children that live on farms and very agricultural areas.

Mrs. BEYER. Well, Mr. Speaker, if I might give to you a scenario and if you would please comment on it for me. I represent the city of Allentown, and Allentown School District does not provide transportation to their children. However, there are neighboring municipalities and there are folks in my district that own land that goes into the city of Allentown – in other words, their property encompasses part of a township and part of the city – and under the construct of your legislation, my residents might in fact be able to choose to go to the township's school district, the neighboring township's school district, and therefore, transportation would be required. The receiving district would be required to transport that child, even though they in fact may live in the city of Allentown.

Could you comment on that? It is not just confined to local, rural, agriculture areas as you described.

Mr. DALEY. I guess you want me to comment on a hypothetical situation that currently does not exist, and I know enough about procedure in court that I usually tell my clients or the witnesses not to do that because that is speculation. However, be that as that may, we understand in the Allentown situation, Allentown is very contiguous and the children in the Allentown city go to Allentown School District. There may or may not be a situation where you may have a township outside that goes currently to Allentown city schools.

My understanding is, and maybe you can correct me if I am wrong, is there are not. So I cannot speculate, to answer your question, on something that may be so minute that it may affect one child or one family when we are looking at a small group of people living in a very rural, agrarian area that have large family farms that we are trying to address this problem to.

Mrs. BEYER. On the bill, Mr. Speaker.

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

Mrs. BEYER. Mr. Speaker, just for the members' clarification, in case they do not know, under current Public School Code, school districts are not required to transport their resident children. It is purely optional. Now, I am a cosponsor on this bill, and it is unfortunate because I did not recognize at the time that I cosponsored this legislation that there was going to be put into this legislation a requirement to transport children. This could be burdensome to school districts. I think it is an unfortunate error, frankly, in this legislation that otherwise could be effective and good.

And it is for that reason that I believe that we should have a negative vote on this legislation. Thank you, Mr. Speaker.

The SPEAKER. Representative Gabig.

Mr. GABIG. Thank you, Mr. Speaker.

Would the maker of the bill stand for further interrogation?

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

Mr. GABIG. Thank you, Mr. Speaker.

We had a lot of discussion about this piece of legislation in our caucus, and there were a lot of questions raised, and you have heard some of them here today. I would just ask if the speaker, the maker of the bill, could just explain to me what his bill does, in fairly simple terms that someone like me can understand.

Mr. DALEY. I will be glad to, Mr. Speaker.

The reason for this legislation is that we have been approached by many individuals that families own large tracts of land that are more in a farm situation, and it is my understanding under current law the child must go to the school, attend the school district which is closest to the actual property. However, the home itself may be located closer to another school district than the one that the child has to go to, must go to. So what we have done in this legislation is simply said – initially, our bill stated that the child would attend the school district that he or she lives, actually sits in the residence closest to.

Now, we know that parent is paying taxes currently under the situation to both school districts. That does not change. The only thing that would change would be the WADM, and therefore the transportation linkage would go to that child.

Secondly, there was an amendment offered in committee that the gentlelady that just recently made a statement to the floor attended and she supported, and the transportation element was an amendment which stated that that transportation factor then would follow that child also, and that is what the purpose of the bill is.

Mr. GABIG. I would thank the gentleman for that explanation, and I just want to try to understand how the bill as described would impact the people that live in my area, and the first question I would have is, is it the choice of the parent under your bill to decide which school district they would go to, or does this bill come up with a procedure where they would have to go to one school district or the other?

Mr. DALEY. Under current law, the parent does not have a choice because wherever the closest part of their parcel of property rests towards the school district, lies in respect to the closest school district, that is where the parent would have to go, have their child go. In this case, it would be the home. Now, the parent, of course, has the ability to rebuild that home anywhere they want, and most people would not do that. However, be it as it may, under those extraordinary circumstances, someone can rebuild their home on their property and have the actual residence of their children, where they sleep, somewhere closer than they currently are under the current situation.

So the parents could have a choice? The answer is yes. Under current law, the answer is no.

Mr. GABIG. So if someone is going to school, let us say Carlisle School District, for example, and they have property that goes over the township line and takes them into another school district, part of their property, but they are going to Carlisle under existing law, I guess, would the fact that their

property line might go into another school district and they might be closer in fact to a school building that is in another school district, their house is physically closer, would your bill make them change where they go to school? Would they have to go to school where that closer school building is and no longer go to Carlisle school, or would it be their choice that they could continue to go to Carlisle school? Do you understand my question? I do not mean to make it a hypothetical. There are people that have property lines that go over into another township. They are going to Carlisle school, and they physically might be located next to an elementary school that is closer to their house, and I do not want them to have to say, well, now you have got to go to Cumberland Valley School District or South Middleton or some other if they are happy with Carlisle. Now, if they wanted to, I really would not care. I believe in school choice, but I just want to make sure people are not going to be somehow unintentionally through this thing moved from one school to another against their will, so to speak.

Mr. DALEY. Thank you, Mr. Speaker.

I want to say it is somewhat a distinction without a difference, and I am sure you have heard that saying many times in your other career. This legislation is trying to, if I can best explain it to you, in the Carlisle situation, is trying to give the person that lives closest to, physically lives closest to whatever school district that building, that school building may be, the opportunity to be able to go there as opposed to if his or her property stretched in some township outside of Carlisle, and by law under current regulation, they would have to attend another school district outside of Carlisle, and currently they are going to Carlisle where they are closest to their home, they would continue to have the opportunity to go to the school closest to their home.

It does not give them the opportunity of choice, but current law does not give you the opportunity of choice either. To the fact that if a parent wishes to relocate the actual physical structure of the house, and not too many people would ever do this, and especially when we are dealing with farms, most farmers would never do that, then that does in a way of giving a choice, there is a choice, but your concern is well founded, and I hope I have attempted to answer it to the best of my ability.

Mr. GABIG. What I would like— Unfortunately, I was not able to do it because we have been under a lot of legislative duties here, you have and I have. If I could share with you my school district, show you my map, when you say there are 50, I want to make sure those 50 are not in my district. I do not want a bunch of unattended people that are in Dickinson Township that borders South Middleton that has its own school district right next door, but they come up to Carlisle, you know, they are physically closer to South Middleton but they are in Carlisle School District, and the same with North Middleton, which is north of town, they might be physically closer to Cumberland Valley. In Middlesex Township they have an elementary school, and I do not want anybody that has maybe some small part of their property or a piece of their property, not where their home is, have them now to go, you know, go to a school district they do not want to go to, one way or the other, and I just could not, from the conversation that I had in our caucus, and I appreciate the gentleman's responses here, his kind responses here, but I just want to make sure before I vote on your bill, which I understand you have an issue in your district that you are trying to work on and it sounds like you are doing a good job on it, but is there any way that I could show

you my local district, the staff, not you, obviously, but I see you have, you know, your education staff standing right behind you, if I could show them that and if they could say to me, "Will, you are fine. You don't have to worry about it. This isn't going to affect you," or, "This will affect so many of yours." Would the gentleman be willing to go over the bill for a time that I could get reassurance for my local situation that I am not going to be impacted on, Mr. Speaker?

Mr. DALEY. Mr. Speaker, if I could ask the Speaker, I am very willing to do that. I know several members of the Republican Party have discussed this in caucus and are concerned about some specific language that we may want to tweak in order to give people a higher comfort level regarding voting for this legislation, and I ask the Speaker if he would give me the opportunity to let it go over for a day, and we could be glad to sit with the Speaker and anyone else who may have a concern that we could address to try to obfuscate that concern of yours.

Mr. GABIG. I appreciate the gentleman's courtesy in that regard, and I would ask the Speaker, or I guess, I guess what we did, Mr. Speaker, is we asked if we could go over this until tomorrow to take a look at how it is going to impact all of our districts, and the gentleman, the maker of the bill from Washington County, has agreed to do that.

Mr. DALEY. Mr. Speaker, I would ask again that we do that, and at the time that we reconsider the bill and if we do come up with an agreed-to amendment by both sides, that we are going to ask for a suspension of the rules so that we can offer the amendment to make the corrections that we need in order to get this legislation moving forward.

THE SPEAKER PRO TEMPORE (CRAIG A. DALLY) PRESIDING

BILL PASSED OVER

The SPEAKER pro tempore. Without objection, the bill will be over for the day, and the Chair thanks the gentleman.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1624, PN 2077**, entitled:

An Act designating a bridge crossing the Catawissa Creek in Catawissa Borough, Columbia County, Pennsylvania, as the William F. Gittler, Sr. Memorial Bridge.

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

The SPEAKER pro tempore. And on the question, the Chair recognizes the gentleman from Columbia County, Representative Millard.

Mr. MILLARD. Thank you, Mr. Speaker.

This bill is to honor the life of a gentleman in Columbia County who was very influential with our youth and had a great success as a businessman in Columbia County and was willing to share his success. He was very supportive of many community causes and especially programs involving our youth, and more specifically within that, Scouting, and we feel that it is real proper and fitting that we honor his memory with the fact

that he was so supportive of all these youth programs in the community.

And what this bill does is designate a bridge in Columbia County as the William F. Gittler, Sr. Memorial Bridge, and I would ask the members for an affirmative vote. Thank you, Mr. Speaker.

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—197

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

NAYS-0

NOT VOTING-1

O'Brien, D.,
Speaker

EXCUSED-5

Hennessey James Nickol Readshaw
Hershey

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 1644, PN 2119**, entitled:

An Act designating a portion of State Route 22/322 from the Mifflintown exit in Juniata County to the Juniata/Mifflin County line, as the Dr. L.G. Guiser Memorial Highway.

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS-198

Adolph	Frankel	Markosek	Ross
Argall	Freeman	Marshall	Rubley
Baker	Gabig	Marsico	Sabatina
Barrar	Galloway	McCall	Sainato
Bastian	Geist	McGeehan	Samuelson
Bear	George	McI. Smith	Santoni
Belfanti	Gerber	McIlhattan	Saylor
Benninghoff	Gergely	Melio	Scavello
Bennington	Gibbons	Mensch	Schroder
Beyer	Gillespie	Metcalfe	Seip
Biancucci	Gingrich	Micozzie	Shapiro
Bishop	Godshall	Millard	Shimkus
Blackwell	Goodman	Miller	Siptroth
Boback	Grell	Milne	Smith, K.
Boyd	Grucela	Moul	Smith, M.
Brennan	Haluska	Moyer	Smith, S.
Brooks	Hanna	Mundy	Solobay
Buxton	Harhai	Murt	Sonney
Caltagirone	Harhart	Mustio	Staback
Cappelli	Harkins	Myers	Stairs
Carroll	Harper	Nailor	Steil
Casorio	Harris	O'Brien, M.	Stern
Causer	Helm	O'Neill	Stevenson
Civera	Hess	Oliver	Sturla
Clymer	Hickernell	Pallone	Surra
Cohen	Hornaman	Parker	Swanger

Conklin	Hutchinson	Pashinski	Tangretti
Costa	Josephs	Payne	Taylor, J.
Cox	Kauffman	Payton	Taylor, R.
Creighton	Keller, M.	Peifer	Thomas
Cruz	Keller, W.	Perry	True
Curry	Kenney	Perzel	Turzai
Cutler	Kessler	Petrarca	Vereb
Daley	Killion	Petri	Vitali
Dally	King	Petrone	Vulakovich
DeLuca	Kirkland	Phillips	Wagner
Denlinger	Kortz	Pickett	Walko
DePasquale	Kotik	Preston	Wansacz
Dermody	Kula	Pyle	Waters
DeWeese	Leach	Quigley	Watson
DiGirolamo	Lentz	Quinn	Wheatley
Donatucci	Levdansky	Ramaley	White
Eachus	Longiotti	Rapp	Williams
Ellis	Mackereth	Raymond	Wojnaroski
Evans, D.	Maher	Reed	Yewcic
Evans, J.	Mahoney	Reichley	Youngblood
Everett	Major	Roae	Yudichak
Fabrizio	Manderino	Rock	
Fairchild	Mann	Roebuck	O'Brien, D., Speaker
Fleck	Mantz	Rohrer	

NAYS-0

NOT VOTING-0

EXCUSED-5

Hennessey James Nickol Readshaw
Hershey

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 1656, PN 2136**, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Department of Conservation and Natural Resources and the Governor, to grant and convey to Skippack Township certain lands situate in Skippack Township, Montgomery County, in exchange for Skippack Township granting and conveying certain lands to the Commonwealth to be added to those existing lands at Evansburg State Park.

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—198

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Hennessey	James	Nickol	Readshaw
Hershey			

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 **SB 704, PN 1272**, entitled:

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, further providing for State plan for regulating and licensing personal care homes, for Intra-Governmental Council on Long-Term Care and for rules and regulations for personal care homes and assisted living residences.

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

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

The question is, shall the bill pass finally?

And on that question, the Chair recognizes the gentlelady, Representative Mundy.

Ms. MUNDY. Thank you, Mr. Speaker.

SB 704 is the result of more than a decade of work by advocates, stakeholders, and lawmakers who recognize the need for outlining in statute what is meant by assisted living in Pennsylvania and the quality assurance standards that are provided by the licensing process. This bill represents the consensus reached with the four caucuses, the administration, and various stakeholders. Currently in Pennsylvania, personal care facilities can advertise that they offer assisted living, but consumers are left to figure out for themselves what exactly that means and what services they might expect to receive. An overwhelming number of older Pennsylvanians prefer alternatives to nursing home care. To offer those alternatives, we must have legal distinctions between the levels of care. By revamping our long-term health-care system, we can offer seniors the ability to age in place at affordable cost.

Assisted living in general is less expensive than nursing home care. This bill empowers consumers to choose the setting in which they age, enhancing their quality of life. This revamping of our long-term-care system is long overdue. It is what seniors want. It is an important step in ensuring that older Pennsylvanians have the opportunity to age in place in a homelike environment.

I would like to thank all of those who worked so hard to reach consensus on this difficult issue, especially Chuck Quinnan and Alicia Riegel-Kanth of my staff; Senator Pat Vance and her staff, Amy Bolze and Mark Ryan; Chairman Tim Hennessey and Sharon Schwartz of his staff; Representative Kathy Watson; Representative Barbara McIlvaine Smith; Deputy Secretary Mike Hall of the Office of Long Term Living; Ray Prushnok of the Department of Aging; Larry Clark of the Governor's Office; Deputy Secretary of Aging Bill Johnston Walsh.

I ask for a positive vote and would appreciate the support of my colleagues. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentlelady.

The Chair recognizes the gentlelady, Representative Watson. Mrs. WATSON. Thank you, Mr. Speaker.

Mr. Speaker, I am speaking actually not for myself, but I was asked to speak for Representative Hennessey, who,

as you know, has been excused. He is on leave attending a funeral for someone very close to him. So we hope he will be back, but he particularly wanted me to begin by asking for your support for SB 704, which, while a Senate bill, and we have to thank Senator Vance, actually started years ago as a House bill and a House initiative to develop assisted living licensure regulations.

Representative Mundy, chairman of the Aging Committee, has done a great job of thanking and detailing everyone, all of whom are on Representative Hennessey's list. So I will not say all the names again, but indeed, he echoes that thanks, and particularly since for the past 4 years I have had assisted living licensure legislation in this House passed by the House three times, I would like to thank Chairman Mundy for her help and her support, and working with Chairman Mundy, Chairman Hennessey, and Senator Vance has been very helpful and terrific, and personally for me, I am delighted to see that we are this close to doing what seniors in Pennsylvania want us to do and, quite frankly, need us to do, and that is to give them the opportunity to age in place, to have the opportunity to have services brought to them, to not have to change their residences, and whether then they are at home, we would like that, or in an assisted living residence with services, not to have to move into nursing home care.

As Representative Mundy mentioned, there are economic advantages also to this, but I would prefer to focus on what I will call the emotional advantages, and that is, we are all living longer, and as we live longer, change becomes difficult. We may need help, but we would like to stay where we are. This bill does all of that. It is a compromise bill, but it is wonderful because it segments assisted living residences, requiring them to have licenses, and particularly requiring that if they advertise that they can take care of those with cognitive deficiencies, be it Alzheimer's or senile dementia, they have to have the staff and the training and the programs to do that. That is a huge step because many times we have facilities that have advertised that, well meaning as they may be, but they are not really qualified, and those of us who are consumers and concerned with parents or grandparents or even a spouse or whatever, we need to have assurances to know that as we make these decisions, we are making the right decisions for those that we care about and those that we love.

Again, Mr. Speaker, I particularly would ask for your support, Representative Hennessey would ask for your support for SB 704, which is really groundbreaking legislation for the benefit of our older Pennsylvanians. Thank you very much.

The SPEAKER pro tempore. The Chair thanks the gentelady, and on the question, the Chair recognizes the gentleman from Allegheny, Representative Maher.

Mr. MAHER. Thank you, Mr. Speaker.

What a wonderful example of the good that can come from people working together, from a committee system actually functioning as designed, from doing things in the daylight and the sunshine, taking public input, hearing, listening to the public, and coming together. I salute Kathy Watson and her pioneering efforts for so many years, and Chairman Hennessey, and Chairman Mundy for being willing to put partisan issues aside for this issue and move forward is terrific, but I do have one question, if Representative Mundy would be available, for a technical question?

The SPEAKER pro tempore. The gentelady indicates she will stand for interrogation. You may proceed.

Mr. MAHER. Thank you.

A purely technical question. Is there anything in this legislation which would convert licensed personal care homes into health-care facilities?

Ms. MUNDY. This bill is an amendment to the Welfare Code. It is not an amendment to the Health Care Facilities Act. It will be regulated by the Department of Public Welfare.

Mr. MAHER. And so personal care homes will still not be deemed to be health-care facilities. Is that correct?

Ms. MUNDY. This bill creates a distinction between personal care, assisted living, and nursing homes. It does not automatically deem that personal care homes become assisted living facilities.

Mr. MAHER. Thank you; thank you. I just wanted clarification. I appreciate it.

Again, what a wonderful example of what happens when the people are heard, when legislators work together, and when things are done in the daylight and transparently. We can have terrific results like this, and I applaud all those legislators who worked so hard to make this possible.

I urge a "yes" vote. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman, and on the question of final passage, the Chair recognizes the gentleman, Representative Godshall.

Mr. GODSHALL. Thank you, Mr. Speaker.

I, too, want to congratulate the people that put this bill together and the time that was involved, and particularly the on-site, one on-site unannounced inspection annually for each of these facilities. It is time that we do this, and not only these facilities but all our facilities. For 16 years I have had legislation for child day-care facilities also asking for one unannounced inspection. I am hoping the same people that helped put this together would kindly help me put that together so we could get that – unannounced inspections at our child day-care centers, just as we have done here with this facility, with the legislation dealing with these assisted living facilities.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Any other members wishing recognition on final passage? Seeing none, the question is, shall the bill pass finally?

On the question recurring,

Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—198

Adolph	Frankel	Markosek	Ross
Argall	Freeman	Marshall	Rubley
Baker	Gabig	Marsico	Sabatina
Barrar	Galloway	McCall	Sainato
Bastian	Geist	McGeehan	Samuelson
Bear	George	McI. Smith	Santoni
Belfanti	Gerber	McIlhattan	Saylor
Benninghoff	Gergely	Melio	Scavello
Bennington	Gibbons	Mensch	Schroder
Beyer	Gillespie	Metcalfe	Seip
Bianucci	Gingrich	Micozzie	Shapiro
Bishop	Godshall	Millard	Shimkus
Blackwell	Goodman	Miller	Siproth

Boback	Grell	Milne	Smith, K.
Boyd	Grucela	Moul	Smith, M.
Brennan	Haluska	Moyer	Smith, S.
Brooks	Hanna	Mundy	Solobay
Buxton	Harhai	Murt	Sonney
Caltagirone	Harhart	Mustio	Staback
Cappelli	Harkins	Myers	Stairs
Carroll	Harper	Nailor	Steil
Casorio	Harris	O'Brien, M.	Stern
Causar	Helm	O'Neill	Stevenson
Civera	Hess	Oliver	Sturla
Clymer	Hickernell	Pallone	Surra
Cohen	Hornaman	Parker	Swanger
Conklin	Hutchinson	Pashinski	Tangretti
Costa	Josephs	Payne	Taylor, J.
Cox	Kauffman	Payton	Taylor, R.
Creighton	Keller, M.	Peifer	Thomas
Cruz	Keller, W.	Perry	True
Curry	Kenney	Perzel	Turzai
Cutler	Kessler	Petrarca	Vereb
Daley	Killion	Petri	Vitali
Dally	King	Petrone	Vulakovich
DeLuca	Kirkland	Phillips	Wagner
Denlinger	Kortz	Pickett	Walko
DePasquale	Kotik	Preston	Wansacz
Dermody	Kula	Pyle	Waters
DeWeese	Leach	Quigley	Watson
DiGirolamo	Lentz	Quinn	Wheatley
Donatucci	Levdansky	Ramaley	White
Eachus	Longietti	Rapp	Williams
Ellis	Mackereth	Raymond	Wojnaroski
Evans, D.	Maher	Reed	Yewcic
Evans, J.	Mahoney	Reichley	Youngblood
Everett	Major	Roae	Yudichak
Fabrizio	Manderino	Rock	
Fairchild	Mann	Roebuck	O'Brien, D.,
Fleck	Mantz	Rohrer	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-5

Hennessey	James	Nickol	Readshaw
Hershey			

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

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

CALENDAR CONTINUED

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **SB 623, PN 677**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, defining "corrections officer"; further providing for use of force in law enforcement.

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

Mr. MYERS offered the following amendment No. **A02583**:

Amend Title, page 1, line 2, by striking out "and"
Amend Title, page 1, line 3, by removing the period after "enforcement" and inserting
; and providing for firearm tracing.

Amend Bill, page 3, by inserting between lines 4 and 5

Section 3. Title 18 is amended by adding a section to read:

§ 6127. Firearm tracing.

(a) Illegal possession.—Upon recovering a firearm from the possession of anyone under 21 years of age who is not permitted by Federal or State law to possess a firearm, a local law enforcement agency shall use the best available information, including a firearms trace where necessary, to determine how and from where the person under 21 years of age gained possession of the firearm.

(b) Tracing.—Local law enforcement shall use the National Tracing Center of the Federal Bureau of Alcohol, Tobacco and Firearms in complying with subsection (a).

(c) Notification.—Local law enforcement agencies shall advise the Pennsylvania State Police of all firearms that are recovered in accordance with this section.

(d) Registry.—The Pennsylvania State Police shall maintain a registry of all information reported in accordance with this section.

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

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

The SPEAKER pro tempore. And on the question, the Chair recognizes Representative Myers.

Mr. MYERS. Thank you, Mr. Speaker.

Mr. Speaker, I offer this amendment, this amendment basically comes about because of a number of questions that had been raised across this country on a number of incidents, and the incidents simply are, how do these young people get these weapons? Where do they come from? And every incident that has occurred in America, after we found out how, I mean after we found out that violence had been committed, the normal question that generally arises is, did the parents not know? Did the guardians not know? Where do these young people get these weapons from?

And what I am asking in this amendment is that we use a process that is already in place through the Bureau of Firearms, Tobacco, and Alcohol. They already have a process that they call tracing, and what they do in the tracing process is try to determine the origination of a weapon and then connect it to someone who had committed a crime. My amendment is actually targeting young people under the age of 21. We know that there has been an escalation in that regard.

I do believe that we do have a bipartisan level of support around this. I hope that, in fact, is the case, and I would ask for support for A2583.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question of the amendment, the Chair recognizes Representative Marsico.

Mr. MARSICO. Thank you, Mr. Speaker.

Just to let the members know that this is an agreed-to amendment, and I appreciate your support. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question of the amendment, the Chair recognizes Representative Staback.

Mr. STABACK. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of amendment No. A02583. The language in the amendment has absolutely no adverse impact on the rights of legitimate gun owners in any way, shape, or form. The NRA (National Rifle Association), we spoke to them just a short time ago, has no problem with the language of the amendment as written. With that being said, I, too, would ask for an affirmative vote on the measure.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question of the amendment, the Chair recognizes the chairman of the Judiciary Committee, Representative Caltagirone.

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

I want to thank my counterpart, Chairman Marsico, and his staff for the help that they gave in working out the amendments, and I would ask the members to support this amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question of the amendment, the Chair recognizes the gentleman from Philadelphia, Representative Williams.

Mr. WILLIAMS. Thank you, Mr. Speaker.

Today, in my opinion, we are breaking into a new milestone, and that is, people are beginning to dialogue about gun violence, about crime in neighborhoods that are depressed and need help. And let me just thank the gentlemen from the other side of the aisle and certainly the members here who have a very different legislative district like we have in the city of Philadelphia, and it was failed to mention, to be mentioned, rather, that members of the Black Caucus and the Philadelphia delegation, who have a heavy African-American community, that we now have an open dialogue, and that is breaking history today.

So I want to thank all the members here for supporting this effort, and I would hope that the agreements that were made to look into further ways of helping the city of Philadelphia and our depressed areas, that we all stay to true facts in making sure that the agreements are kept, and I urge a positive vote, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Any other members wish recognition on this amendment? Seeing none, those in favor of the amendment will vote "aye"; those opposed, "no."

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

The following roll call was recorded:

YEAS—196

Adolph	Freeman	Marsico	Rubley
Argall	Gabig	McCall	Sabatina
Baker	Galloway	McGeehan	Sainato
Barrar	Geist	McI. Smith	Samuelson
Bastian	George	McIlhattan	Santoni
Bear	Gerber	Melio	Saylor
Belfanti	Gergely	Mensch	Scavello
Benninghoff	Gibbons	Metcalfe	Schroder
Bennington	Gillespie	Micozzie	Seip
Beyer	Gingrich	Millard	Shapiro

Bianucci	Godshall	Miller	Shimkus
Bishop	Goodman	Milne	Siproth
Blackwell	Grell	Moul	Smith, K.
Boback	Grucela	Moyer	Smith, M.
Boyd	Haluska	Mundy	Smith, S.
Brennan	Hanna	Murt	Solobay
Brooks	Harhai	Mustio	Sonney
Buxton	Harhart	Myers	Staback
Caltagirone	Harkins	Nailor	Stairs
Cappelli	Harper	O'Brien, M.	Steil
Carroll	Harris	O'Neill	Stern
Causser	Helm	Oliver	Stevenson
Civera	Hess	Pallone	Sturla
Clymer	Hickernell	Parker	Surra
Cohen	Hornaman	Pashinski	Swanger
Conklin	Hutchinson	Payne	Tangretti
Costa	Josephs	Payton	Taylor, J.
Cox	Kauffman	Peifer	Taylor, R.
Creighton	Keller, M.	Perry	Thomas
Cruz	Keller, W.	Petzel	True
Curry	Kenney	Petrarca	Turzai
Cutler	Kessler	Petri	Vereb
Daley	Killion	Petrone	Vitali
Dally	King	Phillips	Vulakovich
DeLuca	Kirkland	Pickett	Wagner
Denlinger	Kotik	Preston	Walko
DePasquale	Kula	Pyle	Wansacz
Dermody	Leach	Quigley	Waters
DeWeese	Lentz	Quinn	Watson
DiGirolamo	Levdansky	Ramaley	Wheatley
Donatucci	Longietti	Rapp	White
Eachus	Mackereth	Raymond	Williams
Ellis	Maher	Reed	Wojnaroski
Evans, D.	Mahoney	Reichley	Yewcic
Evans, J.	Major	Roae	Youngblood
Everett	Manderino	Rock	Yudichak
Fabrizio	Mann	Roebuck	
Fairchild	Mantz	Rohrer	O'Brien, D.,
Fleck	Markosek	Ross	Speaker
Frankel	Marshall		

NAYS—2

Casorio	Kortz
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NOT VOTING—0

EXCUSED—5

Hennessey	James	Nickol	Readshaw
Hershey			

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. KIRKLAND offered the following amendment No. A02586:

Amend Title, page 1, line 2, by striking out "and"
 Amend Title, page 1, line 3, by removing the period after "enforcement" and inserting
 ; and, in theft and related offenses, defining "firearm."
 Amend Bill, page 3, by inserting between lines 4 and 5
 Section 3. Section 3901 of Title 18 is amended by adding a definition to read:

§ 3901. Definitions.

Subject to additional definitions contained in subsequent provisions of this chapter which are applicable to specific provisions of this chapter, the following words and phrases when used in this chapter shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

* * *

"Firearm." Any weapon that is designed to or may readily be converted to expel any projectile by the action of an explosive or the frame or receiver of any such weapon.

* * *

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

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

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman, Representative Kirkland.

Mr. KIRKLAND. Thank you, Mr. Speaker.

Mr. Speaker, first, let me just say that this amendment is drafted from this session, and I want to give great thanks to Representative O'Neill and all of his hard work for advancing this issue. It was drafted as HB 1392, and I thank him for his effort and his leadership in this direction concerning this issue, and so I wanted to publicly do that first of all.

We now have placed a Senate amendment in it, and this amendment adds the definition of "firearms," Mr. Speaker, to theft provisions of chapter 39 of the Crimes Code. Pennsylvania courts have defined "firearms" to include only handguns for purposes of the grading of a theft offense when the property stolen is a firearm. The result is that an offender convicted of stealing a handgun is guilty of a felony of the second degree and an offender who steals a rifle or other long gun might only be found guilty of a lower level misdemeanor. Mr. Speaker, in this amendment, "firearm" is defined to include all guns – handguns, long guns, shotguns, short guns. It is a very inclusive amendment, Mr. Speaker.

So we are asking for support of members on both sides of the aisle for this amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the Republican chair of the Judiciary Committee, Representative Marsico.

Mr. MARSICO. Thank you, Mr. Speaker.

This is an agreed-to amendment, and I ask for your support. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the gentleman, Representative Staback.

Mr. STABACK. Thank you, Mr. Speaker.

Once again, Mr. Speaker, I rise in support of amendment No. A02586. Mr. Speaker, the language once again in this amendment has no adverse impact on the rights of legitimate gun owners in any way, shape, or form. As a matter of fact, one of the overall intents is to keep guns out of the hands of people who should not have them. The NRA is okay with the language in this amendment as it was with the amendment once before, or earlier, and with that being said, I once again would ask for an affirmative vote on the measure.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the chairman of the Judiciary Committee, Representative Caltagirone.

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

Again, I want to thank my good friend, Chairman Marsico, and his staff for helping to work this out, and I would urge the members on both sides to please vote in the affirmative. Thank you.

The SPEAKER pro tempore. The Chair recognizes Representative Kirkland for the second time.

Mr. KIRKLAND. Thank you, Mr. Speaker.

I just want to say I echo the sentiments of my colleague, Representative Jewell Williams. This is the beginning. This is a start, and we want to continue to work with our colleagues on both sides to try to bring what I would call some peace within our communities by making sure that those persons who would use guns illegally are put in check and those illegal guns are off our community streets. I want to also thank Chairman Caltagirone, Chairman Marsico, Chairman Evans, and Representative Staback and their staff as we work collectively together as a body to try to bring some sense of civility to our communities and begin in this effort as we work collectively together to rid our communities of these instruments of violence and crime.

Thank you.

The SPEAKER pro tempore. The Chairs thanks the gentleman.

Any other members wishing recognition on this amendment? Seeing none, the members will proceed to vote.

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

The following roll call was recorded:

YEAS—197

Adolph	Freeman	Marshall	Rubley
Argall	Gabig	Marsico	Sabatina
Baker	Galloway	McCall	Sainato
Barrar	Geist	McGeehan	Samuelson
Bastian	George	McI. Smith	Santoni
Bear	Gerber	McIlhattan	Saylor
Belfanti	Gergely	Melio	Scavello
Benninghoff	Gibbons	Mensch	Schroder
Bennington	Gillespie	Metcalfe	Seip
Beyer	Gingrich	Micozzie	Shapiro
Bianucci	Godshall	Millard	Shimkus
Bishop	Goodman	Miller	Siptroth
Blackwell	Grell	Milne	Smith, K.
Boback	Grucela	Moul	Smith, M.
Boyd	Haluska	Moyer	Smith, S.
Brennan	Hanna	Mundy	Solobay
Brooks	Harhai	Murt	Sonney
Buxton	Harhart	Mustio	Staback
Caltagirone	Harkins	Myers	Stairs
Cappelli	Harper	Nailor	Steil
Carroll	Harris	O'Brien, M.	Stern
Causer	Helm	O'Neill	Stevenson
Civera	Hess	Oliver	Sturla
Clymer	Hickernell	Pallone	Surra
Cohen	Hornaman	Parker	Swanger
Conklin	Hutchinson	Pashinski	Tangretti
Costa	Josephs	Payne	Taylor, J.
Cox	Kauffman	Payton	Taylor, R.
Creighton	Keller, M.	Peifer	Thomas
Cruz	Keller, W.	Perry	True
Curry	Kenney	Perzel	Turzai
Cutler	Kessler	Petrarca	Vereb

Daley	Killion	Petri	Vitali
Dally	King	Petrone	Vulakovich
DeLuca	Kirkland	Phillips	Wagner
Denlinger	Kortz	Pickett	Walko
DePasquale	Kotik	Preston	Wansacz
Dermody	Kula	Pyle	Waters
DeWeese	Leach	Quigley	Watson
DiGirolamo	Lentz	Quinn	Wheatley
Donatucci	Levdansky	Ramaley	White
Eachus	Longjetti	Rapp	Williams
Ellis	Mackereth	Raymond	Wojnaroski
Evans, D.	Maher	Reed	Yewcic
Evans, J.	Mahoney	Reichley	Youngblood
Everett	Major	Roae	Yudichak
Fabrizio	Manderino	Rock	
Fairchild	Mann	Roebuck	O'Brien, D.,
Fleck	Mantz	Rohrer	Speaker
Frankel	Markosek	Ross	

NAYS-1

Casorio

NOT VOTING-0

EXCUSED-5

Hennessey	James	Nickol	Readshaw
Hersey			

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. It is the Chair's understanding that all other amendments on this bill have been withdrawn. Is that correct?

On the question recurring,

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

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

* * *

The House proceeded to second consideration of **HB 1541, PN 1878**, entitled:

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.

On the question,

Will the House agree to the bill on second consideration?

The SPEAKER pro tempore. On the question, the Chair recognizes the gentleman from Montgomery County, Representative Gerber.

Mr. GERBER. Thank you, Mr. Speaker.

Mr. Speaker, I would just like to take a few minutes to thank a few people who have been very helpful throughout this process: my leadership for bringing the bill to the floor – I was not sure that we would have an opportunity to do this with everything else going on with the budget – the chairman of the Health and Human Services Committee, Chairman Frank Oliver, and minority chairman George Kenney for their help in committee where we got this bill out with a 28-to-1 vote; State Senator Stewart Greenleaf, who has been a champion on this issue for over 10 years, working tirelessly to protect the health of Pennsylvanians; our former colleague, Sue Cornell, who was a champion of this issue while in the House; and other elected officials across the State – Danny Onorato in Allegheny County, Mayor Doherty in Scranton, Michael Nutter in Philadelphia.

We have had true statewide support and bipartisan support for this legislation. And I know it is difficult, I know it is controversial, and for those of you that know me inside this Capitol, you know that I am not an extremist, and I like to build consensus, and that is what I tried to do with this bill. And if you know me outside this Capitol, you know, just like most of you, I enjoy having a beer or a cocktail and have even enjoyed a cigar from time to time. So I come to this, I think, from a very moderate, moderate position, and I really hope to have your support in passing this legislation and defeating, defeating the amendments that would weigh this down with more and more exemptions.

I come to this for personal reasons. I grew up in a house with parents that smoked, and I have seen what smoking can do to people, whether it is my mom's successful battle with cancer and my dad's successful battle with heart disease, and I know that I am not the only one in this chamber and of course not the only one in Pennsylvania that has been touched by the ill effects of tobacco use and smoking.

In 2006 the U.S. Surgeon General came out with an astounding report, a report that established the connection between secondhand smoke—

The SPEAKER pro tempore. Will the gentleman cease for a moment, please.

Will the House please come to order. I believe the prime sponsor is entitled to be heard.

Mr. GERBER. Thank you, Mr. Speaker.

In 2006 the U.S. Surgeon General came out with a report that linked secondhand smoke to SIDS, sudden infant death syndrome; asthma; increased incidence of respiratory infections and inner ear infections; and in adults, heart disease and lung cancer – in fact, 3400 deaths from lung cancer in 1 year with people who suffered from secondhand smoke exposure. Women exposed to secondhand smoke are 260 percent, 260 percent more likely to suffer from breast cancer. This clearly is no longer a nuisance issue where nonsmokers just do not want to come home from a bar or restaurant and smell like smoke. This is a serious health issue.

There will also be great cost savings for our health-care system if we pass this legislation. Reports show that \$5 billion a year are spent treating people who suffer from the illnesses caused by secondhand smoke. In Ohio they did a study just of their major metropolitan areas, and that study showed that there was \$190 million spent in 1 year to treat people who suffer from ailments related to exposure to secondhand smoke.

We also know from all the States that have passed smoking bans that businesses do not suffer. In fact, in many places businesses do better: a 7-percent increase in sales in restaurants and bars in Florida, and New York, I think it was 8.5 percent increase. We often hear that restaurants and bars will suffer as a result of our passing legislation like this, but all the data belies that fact or that claim.

And lastly, we have to do this to protect workers. A lot of people say, well, you know, if they do not want to work in a smoky place, they can just go get a job somewhere else, but you talk to a bartender or a waitress that works in that industry, and they will tell you, it is not that easy.

And I think for these reasons – the health reasons, the health risks, the cost to our health-care system, the impact, the positive impact this can have on our businesses and our need to protect workers – is why all of the States surrounding Pennsylvania have passed a smoking ban but for one, West Virginia. New Jersey has done it. New York has done it. Ohio has done it. Delaware has done it. Maryland has done it. They have all done it. In fact, 28 States have now done it in the United States and 22 countries like England and Ireland all have smoking bans, and if any of you have been over to Ireland lately, the pubs are still doing well and are still packed until they close.

So in conclusion, I really urge your support for this legislation, and I urge you not to vote for the amendments that will water this down with more exemptions. As crafted, my bill already has an exemption for a cigar bar, already has an exemption for a tobacco shop, and already has an exemption for facilities that manufacture tobacco products so they can test their products in the facility. It already has an exemption for 25 percent of the hotel and motel rooms, and of course, it has an exemption for people's private residences and private vehicles, so long as they are not being used for the provision of child care.

So, Mr. Speaker, I ask you to support this legislation so we can make Pennsylvania a healthier and safer State, so that we can help stabilize our health-care industry by cutting out these costs. Think of it as preventative medicine for our health-care system. And finally, I ask for your support because it really will help our businesses and of course will provide a safer working environment for Pennsylvania workers.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

For the benefit of the members, the Chair granted some leeway to the prime sponsor to make some comments prior to considering the amendments on this bill. Representative Maher, you requested recognition. Do you wish to be recognized on an amendment, a future amendment, or—

For what purpose does the gentleman rise?

Mr. MAHER. Mr. Speaker, I rise to ask some questions of the maker of the bill so that I will be better informed to consider the amendments to come.

The SPEAKER pro tempore. The Chair would rather that the gentleman wait and you can interrogate each maker of the amendments, if you would so desire, just to move this thing along.

Mr. MAHER. Mr. Speaker, the gentleman was speaking to concerns about exemptions and so forth, and I have got questions about the way the bill is as it stands that I need to understand the answers to so that I can contemplate the effect of the amendments, and I would just ask, I am not intending to

debate the bill at this point. I am really just intending to gather information.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. MAHER. Thank you.

If the gentleman would receive questions?

The SPEAKER pro tempore. He indicates he will stand for interrogation.

Mr. GERBER. Yes, Mr. Speaker; yes, Mr. Speaker.

Mr. MAHER. Thank you, Mr. Speaker.

The bill as drafted provides restrictions on workplaces, and there is another place where there is an exemption for residences, so if I am understanding as drafted, that even if there are individuals employed and doing work at someone's residence, that residence would still be exempt from the provisions of this bill. Is that correct?

Mr. GERBER. Mr. Speaker, I am sorry. I had trouble hearing the question, but I think you asked that because residences are exempted, if there was an individual that worked at someone else's residence, would that person working at that residence have the ability to work in a smoke-free environment, and you are right, the way the bill is drafted, you have a private residence and people who happen to work at a private residence, it would be exempted.

Mr. MAHER. Thank you, Mr. Speaker.

And I, too, am having difficulty hearing your responses, and maybe the volumes have been adjusted on these mikes, but if I understood you correctly, you said that someone's private residence will be exempt regardless of individuals who are employed at those residences. Is that correct?

Mr. GERBER. Yes, Mr. Speaker.

Mr. MAHER. Thank you.

When considering the definition of "smoking," I see that you have limited smoking to tobacco. Is there a reason that you have exempted out other forms of smoking?

Mr. GERBER. I am not sure what other forms of smoking you are referring to, Mr. Speaker.

Mr. MAHER. Well, there is the form where certain noted public officials did not inhale.

Mr. GERBER. Well, Mr. Speaker, that is already illegal. That is already illegal, and so it was not necessary to raise it here.

Mr. MAHER. I understand that. So going beyond that, Mr. Speaker, you may remember some years ago that in order to circumvent the laws against youth smoking, there was quite a craze for clove cigarettes, for vegetable-based products that are cigarettes, whether they are cinnamon or menthol or whatever else, maybe fortified with nicotine, and so forth, that we subsequently, if I remember correctly, made illegal for youths to purchase, just as the same with tobacco-based cigarettes. I am just curious, why is your exemption limited to tobacco-based products?

Mr. GERBER. Frankly, Mr. Speaker, because I am not familiar with the products that you mentioned, and it raises a good issue, and I am not familiar with the health impact of inhaling secondhand smoke from those types of products. This was focused on tobacco products, particularly because of the nature of the secondhand smoke that is emitted from tobacco-smoking products.

Mr. MAHER. So then if this bill were to become law, if individuals chose to go out and buy clove cigarettes or mentholated, vegetable-based products other than tobacco cigarettes, they could smoke them if they got them?

Mr. GERBER. Under this bill, yes, Mr. Speaker.

Mr. MAHER. All right. Mr. Speaker, I notice that you have exemptions for smoking by patients or residents in health-care and government housing. We heard earlier today that with a bill now on its way to the Governor's desk for signature, that personal care homes are not deemed to be health-care facilities. Under this bill, if it were to become law, would those who live in personal care homes be able to smoke in their homes? Would that be deemed to be a residence, or would that be deemed to be a workplace?

Mr. GERBER. Under this legislation in this section regarding restrictions, we restrict smoking in health-care or government housing facilities, but there is a proviso at the bottom that says, unless in a private residence within a facility provided that that residence is ventilated to the outside. So we were contemplating a scenario, for example, of someone living in a retirement home and has his or her own private residence that is ventilated to the outside. In that instance it would be permitted under this legislation, but smoking in a community room or a dining room or something like that in that type of facility would be prohibited under this legislation.

Mr. MAHER. But, Mr. Speaker, I understand that exemption with respect to health-care facilities, but we heard earlier that personal care homes are not and will not be deemed to be health-care facilities, so this exemption would not seem to allow residents of personal care homes, and so my question is, are personal care homes covered by the exemption for residences?

Mr. GERBER. Mr. Speaker, you raise a good question. I was under the understanding that our definition of "health care or government housing facilities" would encompass that type of facility. You are raising an issue that I am not aware of but one that sounds important, but my understanding is, under this legislation, it would be covered.

Mr. MAHER. And could you point to me where? When you say covered, that means they would be prohibited from smoking or they would be allowed to smoke?

Mr. GERBER. The former.

Mr. MAHER. They would be prohibited from smoking in a personal care home?

Mr. GERBER. Yes, Mr. Speaker.

Mr. MAHER. And with respect to the exemption for private residences within a health-care facility, a life-care scenario, if an individual has invested and often it is a considerable sum, a quarter million dollars perhaps, maybe more, to acquire a residential accommodation in a life-care facility that does not have the architectural attributes to allow ventilation to the outside, it would seem that they would no longer be able to smoke in their homes, unless they are able to figure out the engineering to provide for this external ventilation?

Mr. GERBER. Mr. Speaker, I apologize. Someone was asking me a question here and wanted to raise a point for your information that these questions may be better suited on final passage because there are some amendments, as you probably know, that significantly change this language.

Mr. MAHER. Well, my hopeful expectation, Mr. Speaker, was that by raising technical concerns at this stage—

Mr. GERBER. I am happy to answer, by the way—

Mr. MAHER. If these technical matters might be of interest for an amendment, this is the time that we could proceed to mutually agree to adopt amendments and make the clarifications or not, but once we get past this point, that opportunity will be lost.

Mr. GERBER. Yes. I am happy to answer your questions. I just wanted to raise that issue with you.

Would you mind repeating your last question for me?

Mr. MAHER. If an individual or a couple has expended their considerable life savings to acquire a residence in a life-care community that qualifies as a health-care facility under this bill but the engineering of that existing facility is such that it does not provide architecturally for ventilation to the outside, would those folks who have invested be prohibited from smoking in their life-care community?

Mr. GERBER. Yes, Mr. Speaker.

Mr. MAHER. So the residential— The provision, that exemption for residences, does not attach to someone who owns a residence that happens to be in a life-care community?

Mr. GERBER. That is my understanding, Mr. Speaker. That is how I would read the language.

Mr. MAHER. And so someone who maybe has a condominium freestanding, apart from the building where long-term care is, would not be able to smoke in their own home if they are part of a life-care community?

Mr. GERBER. Right, Mr. Speaker. And again, just to go back to the language, that is assuming they have a living space that does not have a window or a door or something to the outside, which I guess is possible but very rare. When you consider condominium complexes, most of them are, as you mentioned, architecturally designed to have ventilation to the outside, but you are correct in your question that if they were to have a living space that does not have ventilation to the outside and those types of residences were to fall under that definition, smoking would be prohibited in that instance.

Mr. MAHER. And if I understood you correctly, you would be satisfied with the existence of a door or a window to the outside to satisfy the standard for ventilated to the outside?

Mr. GERBER. I am sorry. Say it again, Mr. Speaker.

Mr. MAHER. If I understood what you were just saying, that if any health-care facility has a window or a door to the outside, that that room would be deemed to be ventilated to the outside under this bill as drafted?

Mr. GERBER. Yes, Mr. Speaker. In section 4, smoking restrictions, paragraph (11), it says, "...in private residences within the facilities, provided that the rooms or residences are ventilated to the outside."

Mr. MAHER. All right. Thank you.

One final question, Mr. Speaker. When you are dealing with the prohibited acts for an employer— I am sorry; just two more questions. When you are talking about an employer being liable in an affirmative defense, what about where the employer has advised employees no smoking on the premises but an employee who is not under the direct and immediate supervision of their employer, such as a night watchman, the security guy, and many, many other incidences you can imagine, what if that individual proceeds to smoke? Is the employer liable under this section?

Mr. GERBER. No. We built into the language, Mr. Speaker, the ability to put in the affirmative defense, so that if an employer does what the employer is asked to do to ensure that there would be no smoking but people act otherwise, it would be an affirmative defense for the employer to say he or she did everything she could to ensure compliance with the law but that an employee or a patron disobeyed those instructions in the compliance with the law.

Mr. MAHER. So posting "No Smoking" signs or just having a policy that employees are aware of and sign off on that is no smoking would provide that affirmative defense?

Mr. GERBER. Well, yes. In the language, if you will read it, Mr. Speaker, it says that as long as the person has made a good-faith effort, and that is obviously subjective language, not objective. Signage would be more objective, but this does provide for a subjective determination as to whether or not the person, whether it be an owner or someone else in control of the facility, made the effort to comply with the law.

Mr. MAHER. Is there any receptivity to actually define, instead of leaving it subjective about a good-faith effort, provide some safe harbors that are in concrete such as an employee policy or posting of "No Smoking" so that an employer can know with some certainty that they will not be held accountable for misdeeds of an employee that are counter to their directives?

Mr. GERBER. Not in the language of the bill, but if you look at section 6, the legislation does allow for the Department of Health to set forth rules and regulations to help employers understand the responsibilities that come with passage of this law, and they could delineate those types of behaviors or conduct that would enable an employer to make that affirmative defense that he or she acted in good faith.

Mr. MAHER. Thank you.

Moving on to the penalties – \$250 for a first offense, \$500 for a second offense, \$1,000 for each subsequent offense – we had in Allegheny County an initial enforcement that gained some notoriety where whoever the enforcement agents were attended a bingo hall and because there were 60 individuals smoking, perhaps in that range, they were cited as having had a first offense, a second offense, a third offense, all the way up to 60. Is it your intention that each time somebody ignites a cigarette or a cigar, it would be an offense, or would it be the general circumstance as all rolled together as a single offense?

Mr. GERBER. The former, Mr. Speaker.

Mr. MAHER. So if there were a bingo hall and a dozen people were smoking, the bingo hall would be looking at a fine in the neighborhood of \$11,750.

Thank you, Mr. Speaker.

That concludes my questions, Mr. Speaker, and I appreciate having the background in which to make judgments about the other amendments.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the bill on second consideration?

Mr. DALEY offered the following amendment No. **A02181**:

Amend Sec. 3, page 4, by inserting between lines 19 and 20 "Vehicle." As defined in 75 Pa.C.S. § 102 (relating to definitions).

Amend Sec. 4, page 6, by inserting between lines 9 and 10 (a.1) Vehicle restrictions involving children.—Smoking shall not be permitted and no individual shall smoke in a vehicle in which there is a child under eight years of age.

Amend Sec. 4, page 6, lines 19 and 20, by striking out all of said lines and inserting automobiles unless:

- (i) subsection (a.1) applies; or
- (ii) the private home, private residence or private vehicle is being used at the time for the provision

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On the question, the Chair recognizes the gentleman, Mr. Daley.

Mr. DALEY. Thank you, Mr. Speaker.

In 1988 when many of you were still thinking about running for the legislature, I introduced a bill prohibiting smoking in the car with children under the age of 15. You can imagine 17 or 18 years ago how horrible it was being the only guy standing out in the field screaming secondhand smoke causes problems for kids. Although I made CNN and Paul Harvey talked about my legislation because it was the first of its kind anywhere in the country, not to mention the world, it was met with resounding boos on the floor of the House. That was a different time. This is absolutely a different generation of legislators sitting here before me.

Today I offer an amendment, amendment 02181, that prohibits smoking in the car with children under the age of 8. Why do I offer this legislation? How often have you ridden down the turnpike or Interstate 81 or Interstate 80 and you watched children being strapped in the back of car seats while the mother or the dad smoked with the windows up and that poor child was caught in that seat like he would be trapped or she would be trapped in a closet with the same limited space? The studies are in. Secondhand smoke is a killer, and it is especially a killer of children. Between the ages of 8 and 11 there have been numerous studies, and the most recent was reported by Reuters, a Finnish study, that showed without a doubt that children between the ages of 8 and 11, their endothelial function in their bronchial tubes is greatly limited because of secondhand smoke.

That is not the only reason why I offer this legislation. The last speaker talked about his mom and his dad, and I am sure your moms and your dads smoked around you like most of our moms and dads smoked around us. However, my mother was a nurse and she smoked around me, and in 1987 I had to go into the hospital because I had a nodule on my vocal cord. I am sure quite often you see me up here and I end up coughing because of the stress and strain on my voice, but that was a direct result of the surgery I had. The doctor asked me before I had that throat surgery, did I smoke? And I said, no, I never smoked. He said, has anyone around you ever smoked? And I said, of course. My mother smoked. She was a nurse. She smoked. What is the difference? He said, did you ever hear of secondhand smoke? And I said no. I had never heard of secondhand smoke. He said, well, you may have throat cancer. And do you know what? God was very good to me, and I did not have throat cancer, but I started thinking about those little kids sitting in those cars not only as we were young children when our parents flicked the butts and they came out back in the back seat and probably hit you or your sister or your brother like it hit my sister many times because I was smart enough to put myself in a position in the back seat that I was out of the firing range of my mother's cigarettes, but nevertheless, this issue needs to be addressed, Mr. Speaker.

Although in 1988 we would have been the first in the world to pass that legislation, Arkansas and Louisiana, Arkansas and Louisiana, Arkansas and Louisiana have passed this already. The States of West Virginia, New Jersey, California, Georgia, New York, Vermont, and Michigan are considering passing it. Even countries like Tasmania have passed it.

Mr. Speaker, it is time we protect the children. I am not going to go into the statistics about how many people die of cancer because of secondhand smoke. I am not going to tell you about the 3,000 lung cancer deaths. I am not going to talk to you about the 850,000, 850,000 children that are exposed to secondhand smoke in the cars and how 1,800 to 3,200 adults, children, and babies die each year from secondhand smoke.

Our risk, our duty, our job is to protect our children. If we want to protect people in public, let us protect our children in the car. I have heard people tell me and I have been on numerous talk shows around the country on this issue for the last 18, 19 years, and one of the questions was, am I stepping into the parameters of the parents' rights? Am I going too far? Am I going into their car? We do not have the right to go into your car. Well, guess what? We are already in your car. We tell you you cannot speed; we tell you you have to wear your seatbelt; we tell you you have to have your kid in a car seat. We tell you all the time what to do in the car.

You know, if you were ever involved in a custody issue – and I have and I know Representative Bennington has and many of you have done those issues – one of the determining factors now when the judge decides custody of a child or even visitation rights of that child, he looks as to if a parent smokes in the house if that parent is going to be the primary custody giver of that child. That is an issue today.

Although we are not making that into legislation, I am asking this House to consider taking a step to protect kids in the car. Something I have been fighting for my whole lifetime in the legislature here is protecting the rights of those children, and I ask for an affirmative vote on amendment 02181, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

And before I recognize the next gentleman, Mr. Ross, I would like to ask the House to please come to order. There are entirely too many sidebar discussions and things. Could we just quiet down so we can hear this debate, please.

The Chair recognizes the gentleman, Mr. Ross.

Mr. ROSS. Thank you, Mr. Speaker.

Would the maker of the amendment submit to interrogation?

The SPEAKER pro tempore. He indicates he will. You may proceed.

Mr. ROSS. Mr. Speaker, my understanding of the Vehicle Code – and I am not an attorney as the maker is – but my understanding of the Vehicle Code is that we have two different types of offenses. One is primary offenses, which would allow the police to pull over a motorist who they believe has committed this offense, and then there is another group that is called secondary offenses, which the police will only be able to charge if they are able to bring the motorist over for another offense which is primary. Would the speaker explain whether this is a primary or a secondary offense as he has written it?

Mr. DALEY. The initial legislation that we had drafted was a standalone bill, and it was a primary offense. This, however, is going to this bill, and this bill has certain penalties that the enforcement officers can utilize. It would probably be considered a primary offense in the fact that it would be a \$250 fine for the first offense for any violations of this particular legislation if we pass the bill and it becomes law, \$500 on the second offense, and \$1,000 on subsequent offenses, but that is the language of existing HB 1541. My amendment does not deal with that specifically. We do not deal with the penalty factor.

Mr. ROSS. So, Mr. Speaker, then, in other words, it is not clear whether this is a primary or a secondary offense?

Mr. DALEY. No, it is absolutely clear. It is a primary offense, but we do not list that in this particular amendment. It goes to the penalties under the bill itself.

Mr. ROSS. And further, you do indicate that you want to have this enforced in a vehicle but at this time not in other places where the parent is in control of the child. Just in the vehicle?

Mr. DALEY. Absolutely; just in the vehicle.

Mr. ROSS. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Does the gentleman, Mr. Maher, rise for something other than this amendment?

Mr. MAHER. This amendment.

The SPEAKER pro tempore. Okay; I am sorry. You are the second one.

The Chair recognizes Representative Cruz.

Mr. CRUZ. Mr. Speaker, as I rise to talk on the bill, I am in support of this bill, but I also want for the record to reflect that I also introduced the same amendment. Mine has no age limit, just consider all children, 1947, which is my amendment, and today Chairman Daley is introducing it, but I am not withdrawing my amendment, Mr. Speaker.

The SPEAKER pro tempore. Okay. The Chair thanks the gentleman.

On the question, the Chair recognizes the gentleman, Mr. Maher.

Mr. MAHER. Thank you, Mr. Speaker.

If the gentleman who offered the amendment could answer a couple questions.

The SPEAKER pro tempore. He indicates he will stand for interrogation. You may proceed.

Mr. MAHER. Thank you, Mr. Speaker.

As I understand the amendment, the amendment does not create any enforcement mechanisms other than those which are already in the bill. Is that correct?

Mr. DALEY. That is correct.

Mr. MAHER. The bill as drafted provides sole jurisdiction for enforcement to county boards of health and with some provisions for counties that do not have a board of health. Are you aware of any county board of health that has essentially police cruisers with light bars and the ability to actually pull over a motorist?

Mr. DALEY. Mr. Speaker, I cannot address the bill itself. I can only address the amendment. I know that Philadelphia County has a board of health that has enforcement proceedings and they have police cars and they do do that. Regarding another county, I think Allegheny County also has light bars and they have enforcement proceedings, but on the bill I am not addressing that. I am only addressing the amendment.

Mr. MAHER. Thank you, Mr. Speaker.

May I speak on the amendment, Mr. Speaker?

The SPEAKER pro tempore. The gentleman may proceed.

Mr. MAHER. I know the gentleman is genuine and well-intended in his objective, but to adopt an amendment that declares something illegal which will frankly be completely unenforceable because we will either create a duplicative rolling board of health to replace police cruisers and State Police cruisers, because remember, the State Police and the local police will not be able to enforce this. It is only the boards of

health. And consequently, I think this amendment serves to junk up the legislation instead of advance it, and I would ask for a negative vote.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question, the Chair recognizes the gentleman from Montgomery County, Representative Vereb.

Mr. VEREB. Thank you, Mr. Speaker.

I just ask the maker of the amendment to rise for interrogation, please.

The SPEAKER pro tempore. He indicates he will. You may proceed.

Mr. VEREB. I am completely supportive of the philosophy of the bill here. I do have questions that other colleagues have brought up in terms of enforcement, and what would establish in any way a law enforcement officer to establish probable cause to stop a car? You are calling it a primary offense, and I think it should be, but where is the backbone and the support for the law enforcement community to be able to enforce this law on a motor vehicle stop? I think that is kind of the question everybody is asking. At least I think that is the question everyone is asking. How do we actually enforce this? The board of health in most of our areas has no ability to stop a vehicle for a violation of this type and enforce some type of a health code on that vehicle.

Mr. DALEY. Mr. Speaker, thank you for your question. I appreciate that.

Again, there are numerous amendments. My understanding is one or two may deal with enforcement proceedings. However, this amendment does not deal with the actual enforcement proceeding. It goes back to the penalties under the bill. The probable cause – and if you know, I am sure you probably are well aware of probable cause and how you can constitute probable cause by the enforcing officer – that the enforcing officer by sight can see the child in the car seat. Therefore, that is the probable cause to constitute the arrest.

Mr. Speaker, I think that pretty much addresses your concerns. Although the enforcement procedure that we do not include in this amendment specifically because it was a Title 17 amendment, although applicable to this legislation, we felt that it would be better dealt with by the penalty that may be developed in this amendment process regarding this legislation.

Mr. VEREB. Okay. Mr. Speaker, I guess my question is, with this amendment, will the approval of this amendment give the authority for a police officer to stop the vehicle when they see a minor in the vehicle that an adult is smoking in? Does this give the mechanism and the support to law enforcement to stop the vehicle?

Mr. DALEY. The short answer to your question is no, the way the current bill stands, but if there are amendments that are going to be dealing with that today, that may change. What we are just placing is the language necessary for the actual enforcement of no smoking in the car with children.

So depending on what happens with the rest of the bill today, I would submit to the General Assembly that that issue is not addressed until that time that we deal with that issue through the amendment process.

Mr. VEREB. Just one more question. How do we come up with 8 years of age and not up to 18 years of age as a minor in a vehicle?

Mr. DALEY. Well, we had problems initially with the legislation back in '88 where we said 15 years of age. We heard

from law enforcement officials and how can you verify a child is 15 or 16, and 16, obviously, if the child has a license. So we have come up with the concept of the child being in a car seat. Under current law, the child is in a car seat until the age of 8 or I think it is 80 pounds, at the option of the parent, whatever the child weighs, and that is how we came up with the age of 8.

Mr. VEREB. Thank you.

Mr. Speaker, if I can speak on the amendment?

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

Mr. VEREB. I definitely rise in support of this amendment. My concern, obviously, is the enforceability. The gentleman said that in future amendments this issue will be addressed. I certainly hope so, and I want to make it very clear I stand in favor of not only this amendment and minimal amendments to Representative Gerber's bill.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question, the Chair recognizes the gentleman from Berks, Representative Rohrer.

Mr. ROHRER. Thank you, Mr. Speaker.

Mr. Speaker, I am going to ask for some questions from the maker of the amendment, if I can.

The SPEAKER pro tempore. Could the gentleman just cease for a moment.

Will the House please come to order? It is getting entirely too noisy in here, and we cannot hear the interrogation. That is better.

The gentleman may proceed.

Mr. ROHRER. Thank you, Mr. Speaker.

Mr. Speaker, as we enter into this whole discussion on this issue, there are going to be some difficulties I think for all of us in balancing the right of the individual, of parents and so forth, in regard to the issue of smoking and what our obligation or authority is relative to this institution in passing laws that would restrict that, and I think we are going to have to tread very easily as we go down that path. A lot of this is policy that we have not entered into before.

Some of the questions have been answered already or asked relative to the enforceability. The question was asked about the age, and that was a question that I had as well. Or even for enforcement, how does anyone know the difference between age 8, age 9, and wherein, how is that— I see a problem in that regard.

One question I have for you that has not been asked is that this amendment is inserted within a section that provides for exclusions where the bill and the prohibition would not apply – private homes, private settings of that type. My question for you – again, from a policy perspective, let me know how you are thinking – on an earlier question you said that this was limited only to cars and not to anything else. What is your distinction in your mind relative to the difference between an automobile in which a parent is sitting and a small kitchen in which a parent is sitting? In one area we would be reaching in and saying you cannot; in another one we say that you can.

Mr. DALEY. Mr. Speaker, this debate I have heard since 1988. We did not extend it into the home because we know that the child can move about the home. The home has windows. A small kitchen, be it as it may, the child still can move out of that room, and most parents today are taking into consideration

the fact that if they do have children in the home, they smoke on the porch, they move around. They do not necessarily smoke around children. Most of the people I have talked to, they are practicing good parenting habits. As opposed to a car where a child is locked into that car, that child has no choice about being in that car, the child cannot escape that car, and the air space inside the car with secondhand smoke is much more, and studies have indicated secondhand smoke is worse than primary smoke because you have already filtered out the air, and the child is breathing all the particulate matter in secondhand smoke.

I believe that we have not in this legislature or in this country gotten to the point and I do not know if we should ever be at the point of going into people's homes and telling them about smoking in their homes around their children. Although I believe you should not do it and I am sure you believe you should not do it, but I do not think that we as legislators ought to be stepping across that threshold. However, in a car it is a completely different situation. That is why I have limited my situation, my amendment, to the car because of these reasons.

Mr. ROHRER. Okay. Thank you, Mr. Speaker.

I would like to make some comments.

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

Mr. ROHRER. Thank you, Mr. Speaker.

I appreciate the response and I understand the thoughts and so forth that you were giving on that. My sense on that, Mr. Speaker, is this: I think if we are not going to be entering into private residences, we are doing so not because really – at least I believe it is what we ought to be doing – not because of where we can say a child is or a child is not, but we are not entering into it because it is the domicile of a parent, and there are certain rights that we cannot enter into and violate. I think an automobile, in my opinion, fits into that same category, even though I understand the argument that you were making.

As somebody who has not smoked and whose children do not smoke and have not been subjected to it, I am by no means defending that because I have obviously chosen for their health purposes not to do that, and I think that is a concern. I do believe, though, that the inclusion of this amendment in this bill, if we want this bill to pass, I think makes it problematic just because of not really being able to differentiate the difference between a private residence and a private automobile regardless of the explanation that you gave. I understand that. But as a result of that, I am not going to vote for the amendment because I am afraid that it complicates the efforts of the bill of which I am in favor.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair returns to leaves of absence and recognizes the majority whip, who requests leave for the gentleman from Allegheny, Representative KOTIK. The leave will be granted.

CONSIDERATION OF HB 1541 CONTINUED

The SPEAKER pro tempore. Is there any other member who wishes recognition on this amendment? Seeing none, those in favor of the amendment will vote "aye"; those opposed, "no."

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

The following roll call was recorded:

YEAS—56

Adolph	Dermody	Leach	Raymond
Argall	DiGirolamo	Lentz	Roebuck
Belfanti	Eachus	Levdansky	Samuelson
Bennington	Frankel	Longietti	Scavello
Beyer	Freeman	Mahoney	Shapiro
Boback	Galloway	Mann	Smith, K.
Brennan	Goodman	McGeehan	Solobay
Carroll	Harhai	Melio	Staback
Civera	Harper	Micozzie	Turla
Cohen	Hornaman	Moul	Tangretti
Costa	Josephs	Murt	Vitali
Curry	Keller, W.	O'Brien, M.	Wagner
Daley	Killion	Pallone	Wansacz
DePasquale	Kula	Petrarca	Yudichak

NAYS—141

Baker	Gerber	Metcalfe	Sainato
Barrar	Gergely	Millard	Santoni
Bastian	Gibbons	Miller	Saylor
Bear	Gillespie	Milne	Schroder
Benninghoff	Gingrich	Moyer	Seip
Bianucci	Godshall	Mundy	Shimkus
Bishop	Grell	Mustio	Siptroth
Blackwell	Grucela	Myers	Smith, M.
Boyd	Haluska	Nailor	Smith, S.
Brooks	Hanna	O'Neill	Sonney
Buxton	Harhart	Oliver	Stairs
Caltagirone	Harkins	Parker	Steil
Cappelli	Harris	Pashinski	Stern
Casorio	Helm	Payne	Stevenson
Causer	Hess	Payton	Surra
Clymer	Hickernell	Peifer	Swanger
Conklin	Hutchinson	Perry	Taylor, J.
Cox	Kauffman	Perzel	Taylor, R.
Creighton	Keller, M.	Petri	Thomas
Cruz	Kenney	Petrone	True
Cutler	Kessler	Phillips	Turzai
Dally	King	Pickett	Vereb
DeLuca	Kirkland	Preston	Vulakovich
Denlinger	Kortz	Pyle	Walko
DeWeese	Mackereth	Quigley	Waters
Donatucci	Maher	Quinn	Watson
Ellis	Major	Ramaley	Wheatley
Evans, D.	Manderino	Rapp	White
Evans, J.	Mantz	Reed	Williams
Everett	Markosek	Reichley	Wojnaroski
Fabrizio	Marshall	Roae	Yewcic
Fairchild	Marsico	Rock	Youngblood
Fleck	McCall	Rohrer	
Gabig	McI. Smith	Ross	O'Brien, D., Speaker
Geist	McIlhattan	Rubley	
George	Mensch	Sabatina	

NOT VOTING—0

EXCUSED—6

Hennessey	James	Nickol	Readshaw
Hershey	Kotik		

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

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

Mr. CRUZ offered the following amendment No. A01947:

Amend Title, page 1, line 2, by inserting after "areas;"
prohibiting smoking in certain motor vehicles;

Amend Sec. 3, page 3, by inserting between lines 29 and 30
"Minor." Any person who is less than 18 years of age.

Amend Bill, page 8, by inserting after line 30

Section 5. Smoking in motor vehicle occupied by minor.

No person may smoke a cigarette, pipe or cigar in a motor vehicle that is occupied by a minor. An operator of a motor vehicle who violates this section or permits a person in the motor vehicle to violate this section commits a summary offense with a maximum fine of \$25. A conviction under this section shall occur only as a secondary action when the operator of a motor vehicle has been convicted of violating any other criminal provision.

Amend Sec. 5, page 9, line 1, by striking out "5" and inserting
6

Amend Sec. 6, page 9, line 6, by striking out "6" and inserting
7

Amend Sec. 7, page 9, line 17, by striking out "7" and inserting
8

Amend Sec. 8, page 9, line 23, by striking out "8" and inserting
9

Amend Sec. 9, page 9, line 27, by striking out "9" and inserting
10

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

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Cruz. On that question, the Chair recognizes Mr. Cruz. If you could give a brief explanation of the amendment, please.

Mr. CRUZ. Mr. Speaker, it does exactly the same thing that the prior speaker's amendment does. It is just making it illegal for having children on board a car and being able to smoke in the car with children but without any age limit. We will not know what age they are, so any child that is on board a car, it is illegal to smoke, because if we are going to be doing the smoking ban where we are taking care of adults in a bigger size room, a car is small and compact and it has a harder effect. So that is why I introduced this legislation, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—72

Adolph	Eachus	Longiotti	Sabatina
Argall	Frankel	Maher	Samuelson
Belfanti	Freeman	Mahoney	Scavello
Bennington	Galloway	Mann	Shapiro
Bishop	Goodman	McCall	Smith, K.
Blackwell	Harhai	McGeehan	Solobay

Boback	Harper	Melio	Staback
Brennan	Helm	Micozzie	Sturla
Carroll	Hornaman	Moul	Tangretti
Civera	Josephs	Murt	Taylor, J.
Cohen	Keller, W.	Myers	Thomas
Costa	Kenney	O'Brien, M.	Wagner
Cruz	Killion	Oliver	Walko
Curry	Kirkland	Pallone	Wansacz
Daley	Kula	Perzel	Waters
Dermody	Leach	Raymond	Williams
DiGirolamo	Lentz	Reichley	Youngblood
Donatucci	Levdansky	Roebuck	Yudichak

NAYS—125

Baker	Geist	Mensch	Rubley
Barrar	George	Metcalf	Sainato
Bastian	Gerber	Millard	Santoni
Bear	Gergely	Miller	Saylor
Benninghoff	Gibbons	Milne	Schroder
Beyer	Gillespie	Moyer	Seip
Bianucci	Gingrich	Mundy	Shimkus
Boyd	Godshall	Mustio	Siproth
Brooks	Grell	Nailor	Smith, M.
Buxton	Grucela	O'Neill	Smith, S.
Caltagirone	Haluska	Parker	Sonney
Cappelli	Hanna	Pashinski	Stairs
Casorio	Harhart	Payne	Steil
Causar	Harkins	Payton	Stern
Clymer	Harris	Peifer	Stevenson
Conklin	Hess	Perry	Surra
Cox	Hickernell	Petrarca	Swanger
Creighton	Hutchinson	Petri	Taylor, R.
Cutler	Kauffman	Petrone	True
Dally	Keller, M.	Phillips	Turzai
DeLuca	Kessler	Pickett	Vereb
Denlinger	King	Preston	Vitali
DePasquale	Kortz	Pyle	Vulakovich
DeWeese	Mackereth	Quigley	Watson
Ellis	Major	Quinn	Wheatley
Evans, D.	Manderino	Ramaley	White
Evans, J.	Mantz	Rapp	Wojnaroski
Everett	Markosek	Reed	Yewcic
Fabrizio	Marshall	Roae	
Fairchild	Marsico	Rock	O'Brien, D., Speaker
Fleck	McI. Smith	Rohrer	
Gabig	McIlhattan	Ross	

NOT VOTING—0

EXCUSED—6

Hennessey	James	Nickol	Readshaw
Hershey	Kotik		

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

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

Mr. REICHLEY offered the following amendment No. A01972:

Amend Sec. 4, page 7, by inserting between lines 2 and 3
(6) The private office of the owner or proprietor of a business where the public is not admitted.

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

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman, Mr. Reichley.

Mr. REICHLEY. Thank you, Mr. Speaker.

While many of us, especially on the House Health and Human Services Committee, have heard from a number of individuals who are concerned about the presence of smoke and secondhand smoke in areas of public access, like I know probably every member in this House, I have heard from a number of individuals who feel that it is a matter of private choice if they smoke. To try to create a small exception for those who wish to exercise their own rights to pursue smoking as a habit or whatever it might be, this amendment is written in such a way as to allow the private office of the owner or proprietor of a business where the public is not admitted to be allowed to smoke within that limited area of premises.

I should point out that within the language of the bill as it stands right now, it is theoretically possible that some of our constituents who pay their taxes, who obey the law, who have served our country in the military have a parent who is going to be residing in a nursing home where that parent can smoke in a restricted area, and they may go off to visit the child who they are putting through college, and within the language of this bill, the child at college would have the ability to smoke in their residence, and yet that same individual, that same parent, would not be able to go back to the business which they have created and worked and employed people through and retire into their own private office if they wished to have a cigarette. It strikes me as being somewhat contradictory to the individualized interest that we have recognized in our Constitution both at the State and the national level.

So this amendment is to provide a very narrow exception for the owner or proprietor of a business to be able to smoke in their private office where the public is not admitted. It would not be a situation where employees were in danger by secondhand smoke or where the general public would have access into this area and therefore be confronted by secondhand smoke.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question, the Chair recognizes the gentleman, Mr. Gerber.

Mr. GERBER. Thank you, Mr. Speaker.

I rise to urge a "no" vote on amendment 1972, and while the maker of the amendment's intentions I think are good in trying to balance private, personal rights with harming other people, I am afraid this amendment creates too much of a gray area, and I will just give you an example. If I work in an office building, in a private office in an office building, and the public is not invited to my office, I would qualify as a place where you could smoke under this amendment. However, my neighbors in that office building above me, next to me, below me would then have to suffer from the cigar smoke emitting from my office.

If this was more narrowly tailored and said that it was a private office in a standalone facility, not adjacent or connected to any other office or workplace or living space, then I might be able to be supportive, but I could sit here and give you example after example after example of mixed-used places even if it is not other offices. It could be someone's personal residence in a condominium building that also has offices and one of those workers in those offices believes that he or she is entitled under this amendment to smoke.

I urge a "no" vote on this amendment.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question, the Chair recognizes the gentleman, Mr. Ross.

Mr. ROSS. Thank you, Mr. Speaker.

I, too, recognize the good intention of the maker of this amendment, but I am troubled because it simply mentions the public, and so therefore an owner of a small business, an owner and proprietor of a small business, might very well have, for instance, a secretary whom he would call in for dictation.

This is a workplace bill. This is a bill that is designed to prevent people who are trying to earn a living from not being put in the position where they have to choose between their place of employment and their health. They should not be put in that position. Unfortunately, the way the amendment is currently drafted, there is no exemption to narrow this down so that the only persons exposed to that smoke are the employers themselves. The employees could still be exposed to the smoke, and that strikes at the heart, unfortunately, of the whole point of this legislation.

So therefore, I will also be voting in the negative.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question, the Chair recognizes the gentleman, Mr. Leach.

Mr. LEACH. Mr. Speaker, I recognize I usually speak from the other podium, but I will be cross-examining one of my leadership people later on in another amendment, and I do not want him to see my notes, so I had to come over here.

But anyway, I rise in opposition to this amendment. If you look at the science of this, the secondhand smoke, which contains all of the poisons which we will be talking about tonight, stays in the air for 2 or 3 hours after cigarettes are consumed, and what that means is someone may smoke in their private office and then they call their secretary in or they call their employee in or other people to come in to work with them, and they are still exposed to these toxic poisons that we are trying to protect people from. The fact is that private offices – I had some private offices when I practiced law – are often among the smallest and least well-ventilated offices there are in a building.

This also makes the entire bill harder to enforce. If we have a private office and someone who is empowered to enforce this comes in and they smell smoke or they see smoke, there can always be the claim, well, this was in the private office. It is very difficult to determine, unless you see someone with a cigarette in hand, exactly where this comes from, especially since we all know that smoke wafts through a building no matter where it is smoked. I mean, anyone who has ever been in a building or an office building as I was when I worked as a lawyer with a smoker, they know they are breathing smoke all day long. This goes against the idea of the bill of trying to protect people from having to breathe these toxins.

It does not force people to choose between working and smoking. As I will probably say again at some point this evening, a smoker has an option: Go outside. That way you are not forcing your smoke on anybody else, and that is all we are asking. We are not trying to regulate people's personal behavior. I voted for the repeal of the helmet law, because I think adults should be able to make decisions in terms of what their own

conduct is even if it is harmful. Not everyone agreed with that vote. But, but in this case it is not personal conduct, which I have no interest in regulating; it is forcing things that are harmful on other people that we are trying to protect against, and that is why I urge a "no" vote on this amendment.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentlelady, Representative Josephs. Ms. JOSEPHS. Thank you.

I also rise to oppose this amendment.

I agree with the previous speakers. It is hard to enforce. Smoke stays in the atmosphere. It is not only the secretary, it is the people who come to clean the room; it is lots and lots and lots of folks. Smoke does get out into the rest of the office.

But I would like to add there is also, as a gentleman suggested to me, the slippery slope here. If the proprietor or the owner, why not the middle management person? Why not the person who sits in the place of the proprietor or the owner?

I think that this is an amendment that really does not balance rights. It really destroys what we are trying to do in terms of protecting people from secondhand smoke. That is our object. This is a "no."

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the lady, and the Chair recognizes the gentlelady, Representative Rapp.

Ms. RAPP. Thank you, Mr. Speaker.

I rise in support of the Reichley amendment, and I would like to give my colleagues a good example as how this would apply to a private business owner in my district, a gentleman who owns a bed and breakfast in a very large Victorian home and actually lives in the home, which is completely isolated from the rest of the bed and breakfast. And I also want to remind everyone here, considering that this is this gentleman's private property, that all men are born equally free and independent and have certain inherent and inalienable rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing, and protecting property and reputation, and of pursuing their own happiness.

Mr. Speaker, my proprietor owns a bed and breakfast, a business that he has established in a large Victorian home in a historic district in my hometown, and this amendment directly applies to him, allowing him to have his business, a very good established business in my home community, and yes, he smokes in his private home, which is ventilated and completely sectioned off from the public.

I would ask you to consider my business owner, my small business owner, and we all know that small business owners are the backbone of our economy. Do not tell my small business owner that he cannot smoke in his own home. He has the right under our Pennsylvania Constitution to smoke in his own home. What right do I have to tell him that he cannot do that when his home is completely sectioned off from the rest of his business, and I ask you to consider and support the Reichley amendment.

The SPEAKER pro tempore. The Chair thanks the gentlelady.

On the amendment for the second time, the Chair recognizes Representative Leach, who has now changed podiums.

Mr. LEACH. Mr. Speaker, I am now concealing my notes.

I would just like to respond to my good friend, who was the previous speaker. I disagree with her in a couple of particulars. First of all, if it truly is someone's private residence even if

attached in the same physical structure, as I understood Representative Gerber, the prime sponsor of the bill's answer to a previous question, that would be exempt, that would be exempt.

In terms of a constitutional right to smoke, I am not exactly sure which provision of the Constitution that is, but maybe that can be clarified.

But I would say one final thing: While a place of business may be someone's private property, their employees are not their private property, and their employees are entitled to keep their job without having to breathe poison and get sick.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Anyone else wishing recognition on the Reichley amendment?

On the question, the Chair recognizes the gentleman, Mr. Reichley. Excuse me; the Chair withdraws recognition.

On the question, the Chair recognizes the gentleman, Mr. Costa.

Mr. COSTA. Thank you, Mr. Speaker.

I would like to interrogate the maker, please.

The SPEAKER pro tempore. The gentleman, Mr. Reichley, indicates he will stand for interrogation.

Mr. COSTA. I am normally confused, but I am even more confused now. Maybe you can answer this question for me. I have a buddy of mine who has an office that is in the garage of his house that is detached from his garage. He runs all his business out of there. If your amendment does not pass, can he smoke in his garage now?

Mr. REICHLEY. Mr. Speaker, is the garage the place of his business?

Mr. COSTA. It is his office. That is where he does his work out of. No one ever comes into it except him and possibly his children, but nobody ever comes in it, but it is part of his personal property; it is above his garage.

Mr. REICHLEY. Mr. Speaker, I cannot give the gentleman from Allegheny a clear definition just based upon the language of the Gerber bill. Frankly, I will point you to "Exceptions" on page 6 of the bill under subsection (c). It says, "The provisions of this section shall not apply to...the following:...Private homes, private residences..." but it does not infer to offices within a residence or the fact that, as the gentleman has described it, it appears that the garage is detached from the home, which would regard it as a separate structure. So I do not see anything that would suggest that your friend, Mr. Speaker, would fall within the exception to the strict language of the Gerber bill.

Mr. COSTA. Thank you.

Mr. Speaker, may I interrogate the maker of the bill now?

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

Mr. COSTA. The same question.

Mr. GERBER. Yes, Mr. Speaker. I believe that under this limited scenario that you have described where a gentleman is working out of his garage, that garage is part of his personal residence. As long as child care is not being provided there or adult day care is not being provided there, smoking would be permitted, would be permitted under that scenario. It is his private residence.

Mr. COSTA. Regardless if we pass this amendment or not?

Mr. GERBER. I believe so. Yes, Mr. Speaker.

Mr. COSTA. Thank you. Thank you, Mr. Speaker. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Anyone else wishing recognition on the amendment?

Seeing none, the Chair recognizes the gentleman, Mr. Reichley.

Mr. REICHLEY. Thank you, Mr. Speaker.

Let me just get to the last point that was raised. I am going to read from the language of the bill. "Exceptions.—The provisions of this section shall not apply to any of the following:…Private homes, private residences and private automobiles unless the private home, private residence or private… automobile "...is being used at the time for the provision of child-care services...." Now, theoretically that means that you could create a loophole where the people who want to be able to smoke are going to claim, well, I am going to put a cot in my office or I stay here sometimes. Lord knows some of the members here in the General Assembly have slept in their offices here in the Capitol Building. Does that mean they could have smoked in there because they are residing, theoretically, in that location?

I think the bill as it is creates a series of contradictions which fly in the face of some of the criticisms of my amendment that came from some of the people from Philadelphia County and Montgomery County, and let me just go through that in detail. The bill says that you will no longer be allowed to smoke in health-care facilities, but then it further defines that you "...shall not prohibit smoking by patients or residents in separate enclosed rooms of residential health care facilities...." It goes on to state the various areas, comma, "...or in private residences within the facilities,..." which means that nursing homes, long-term-care facilities, cancer treatment programs are locations where people could continue to smoke.

One of the criticisms of the language of my amendment was, well, the surrounding offices or residences would still be able to have smoke seep into that location. Well, the same thing is true from the Gerber bill, that the people who are in rooms adjoining other nursing home residences will have smoke seep into their rooms, and yet the gentleman from Montgomery has not sought to preclude that situation from existing.

In addition, as I pointed out before, you have the situation of college residential facilities, and while the bill does preclude smoking – and I want to turn to the exact language of this – in subsection (10), I believe, of public and private colleges, there is an exemption for private homes and private residences, and I would daresay that the people who are residing in those college dorms regard that as their private residence to which the occupant would be able to say, I am entitled to smoke here now. You cannot preclude that.

My amendment is not trying to create a problem with this bill. I am certainly not one who is trying to stand in the way of a ban on smoking. I do not smoke in my office. I do not think people should smoke in them, period, but that is up to them, and we have a number of residents in the Commonwealth of Pennsylvania who feel that they are not criminals. The language that has been used so far this afternoon does border somewhat on the impression being conveyed that people who smoke are somehow dirty, immoral, illegal people. They may have a habit which we do not especially like, but that does not make them criminals, and I would daresay that this situation is such that if a person who has built up a business who does not choose to smoke out in the public areas in which it might offend their

customers or their employees but who wants to retreat into the privacy of the office of the business that they worked hard to create, they should have that ability without somehow offending the customers and their fellow employees.

So I would ask the General Assembly to very carefully consider this language. Again, there are many individuals throughout this Commonwealth, and I can think of, as the gentelady from Warren County said, small business people who have established the backbone of the economy here in Pennsylvania, who should at least be recognized that they, although we may not prefer that they smoke, have the ability to do that of their own free will.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question, the Chair recognizes, for the second time, Representative Gerber.

Mr. GERBER. Thank you, Mr. Speaker.

Just some quick responses to some of the comments made by the maker of this amendment, and some of the comments, frankly, were off the topic of the amendment, but I just wanted to address them for the body.

Real quickly on the school college issue, I think we all know that when you live in a college dorm, that is not considered your private residence. That is owned by the university, and in this bill we restrict smoking in public and private colleges, universities, and other educational and vocational institutions. That is not a problem here.

As to the private home issue, the language is very clear and very specific that "Private homes, private residences and private automobiles" are exempted "unless the private home, private residence or private vehicle is being used at the time," "at the time for the provision of child-care services or services related to the care of children and youth in State or county custody, pursuant to section 4(a)(7), (8) and (9)" in this bill. If you go to (7), (8), and (9), it spells out exactly the type of child care that we are talking about and adult care that we are talking about. So it is very clear, very clear that in the incidence that Representative Costa raised with his constituent who works out of his garage, that gentleman would be able to smoke in his garage.

And then one other thing that the maker of the amendment said that I want to be clear on, this bill is not criminal in nature. It is civil in nature. I will repeat that. This does not make it a crime to smoke. Someone could be tagged with a civil penalty if they smoke in a place where smoking is restricted, but this in no way makes it a crime to smoke. It is civil in nature. I want us all to be clear, and I think the gentleman understands that being a former district attorney. The language in this bill is very clear that this is not criminal in nature, just civil in nature.

So again, I urge a "no" vote on this amendment.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

PARLIAMENTARY INQUIRY

The SPEAKER pro tempore. On the question, the Chair recognizes the gentleman, Representative Pyle.

Mr. PYLE. A point of parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. State your inquiry.

Mr. PYLE. I actually do not know how to handle this, but I have a question both on the bill and the amendment. How do I handle that, please?

The SPEAKER pro tempore. I believe if either gentleman wishes to stand for interrogation or agrees to interrogation, you can interrogate—

Mr. PYLE. I have a for-instance.

The SPEAKER pro tempore. But one at a time, please.

Mr. PYLE. Mr. Speaker, I am a bit confused by the complexity of this amendment and legislation. Would the maker of the bill please answer a question? I am confused here.

The SPEAKER pro tempore. The gentleman indicates he will stand for interrogation.

Mr. PYLE. Thank you, and this also applies to the gentleman from Lehigh also.

The SPEAKER pro tempore. Okay. So if the gentleman from Lehigh could also listen to this question so he can respond.

Mr. PYLE. Thank you for your indulgence, Mr. Speaker.

The SPEAKER pro tempore. Thank you.

Mr. PYLE. I have a question. This is a for-instance. Let us say a fellow saves his money up, builds his own restaurant, makes a private office in there for him to do accounting and whatnot. It is a private space; there is no food service and really no reason for an employee to be in that office. Under your bill, would that person, in his private office, in the building he built from his own money, be allowed to smoke?

Mr. GERBER. No, he would not, Mr. Speaker.

Mr. PYLE. All right, Mr. Speaker, here we go. Under your amendment, would that person who saved money all his life to build his own building, to do with what he pleased, be allowed to smoke in the privacy of his office?

Mr. REICHLEY. Thank you, Mr. Speaker. Yes, he would; yes, he would.

Mr. PYLE. Thank you.

That is all, Mr. Speaker. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—107

Baker	Gergely	McCall	Reed
Belfanti	Gibbons	McIlhattan	Reichley
Benninghoff	Gingrich	Mensch	Roae
Beyer	Godshall	Metcalf	Rock
Brooks	Goodman	Millard	Rohrer
Buxton	Grell	Miller	Sainato
Caltagirone	Haluska	Moul	Saylor
Cappelli	Harhai	Moyer	Schroder
Casorio	Harhart	Mustio	Seip
Causer	Harkins	Myers	Siptroth
Clymer	Harper	Nailor	Smith, S.
Cox	Harris	O'Neill	Solobay
Creighton	Hess	Pallone	Sonney
Cruz	Hutchinson	Pashinski	Staback
Dally	Kauffman	Payne	Stairs
Denlinger	Keller, M.	Peifer	Stern
DeWeese	Kessler	Perry	Stevenson
Eachus	Kirkland	Perzel	Sturla
Ellis	Kortz	Petrarca	Swanger
Everett	Kula	Petri	Taylor, J.

Fabrizio	Longiotti	Petrone	Turzai
Fairchild	Mackereth	Phillips	Wansacz
Fleck	Maher	Pickett	Watson
Gabig	Mahoney	Preston	Wojnaroski
Galloway	Major	Pyle	Yewcic
Geist	Mantz	Quinn	Youngblood
George	Marsico	Rapp	

NAYS—90

Adolph	DiGirolamo	Markosek	Shapiro
Argall	Donatucci	Marshall	Shimkus
Barrar	Evans, D.	McGeehan	Smith, K.
Bastian	Evans, J.	McI. Smith	Smith, M.
Bear	Frankel	Melio	Steil
Bennington	Freeman	Micozzie	Surra
Biancucci	Gerber	Milne	Tangretti
Bishop	Gillespie	Mundy	Taylor, R.
Blackwell	Grucela	Murt	Thomas
Boback	Hanna	O'Brien, M.	True
Boyd	Helm	Oliver	Vereb
Brennan	Hickernell	Parker	Vitali
Carroll	Hornaman	Payton	Vulakovich
Civera	Josephs	Quigley	Wagner
Cohen	Keller, W.	Ramaley	Walko
Conklin	Kenney	Raymond	Waters
Costa	Killion	Roebuck	Wheatley
Curry	King	Ross	White
Cutler	Leach	Rubley	Williams
Daley	Lentz	Sabatina	Yudichak
DeLuca	Levdansky	Samuelson	
DePasquale	Manderino	Santoni	O'Brien, D., Speaker
Dermody	Mann	Scavello	

NOT VOTING—0

EXCUSED—6

Hennessey	James	Nickol	Readshaw
Hershey	Kotik		

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. EACHUS offered the following amendment No. **A02733**:

Amend Title, page 1, line 1, by striking out all of said line and inserting

Prohibiting

Amend Title, page 1, line 2, by striking out "enclosed and substantially enclosed areas" and inserting specified places

Amend Title, page 1, line 4, by inserting after "penalties;" preempting local regulation;

Amend Sec. 1, page 1, lines 8 and 9, by striking out "Smoke Free Pennsylvania" and inserting

Clean Indoor Air

Amend Sec. 2, page 1, line 15, by striking out "Department of"

Amend Sec. 2, page 1, line 15, by inserting after "Protection" Agency

Amend Sec. 2, page 2, line 3, by striking out ", such as asbestos, benzene, formaldehyde and radon"

Amend Sec. 2, page 2, lines 10 through 12, by striking out "Second hand smoke exposure has been linked to sudden" in line 10, all of line 11 and "(6)" in line 12

Amend Sec. 2, page 2, line 16, by striking out "(7)" and inserting (6)

Amend Sec. 2, page 2, line 21, by striking out "The" and inserting

By enactment of this legislation, the

Amend Sec. 3, page 2, lines 28 through 30; page 3, lines 1 through 9, by striking out all of said lines on said pages and inserting

"Adult-only establishment." A public or private place in which the proprietor or the proprietor's agent or employee restricts access and refuses service or accommodation of any kind to individuals under 18 years of age.

"Cigar bar." An establishment which operates pursuant to an eating place or restaurant liquor license under the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, that is physically connected and directly adjacent to a tobacco shop.

"Conduct of gaming." The licensed placement and operation of games of chance under 4 Pa.C.S. Pt. II (relating to gaming) and approved by the Pennsylvania Gaming Control Board at a licensed facility.

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

"Drinking establishment." A public place or workplace which:

(1) is licensed to sell alcoholic or malt or brewed beverages for on-premises consumption under the provisions of the Liquor Code; and

(2) has total annual sales of food sold for on-premises consumption of less than or equal to 20% of the combined gross revenues of the establishment.

Amend Sec. 3, page 3, lines 29 and 30; page 4, lines 1 through 9, by striking out "The term shall also include a hospice." in line 29, all of line 30, page 3, all of lines 1 through 9, page 4 and inserting

"Licensed facility." As defined in 4 Pa.C.S. § 1103 (relating to definitions).

"Licensed gaming entity." A person that holds a license to engage in the conduct of gaming pursuant to 4 Pa.C.S. Pt. II (relating to gaming).

"Private club." An organization which is any of the following:

(1) A reputable group of individuals associated together as a not-for-profit organization for legitimate purposes of mutual benefit, entertainment, fellowship or lawful convenience that:

(i) regularly and exclusively occupies, as owner or lessee, a clubhouse or quarters for the use of its members;

(ii) holds regular meetings;

(iii) conducts its business through officers regularly elected;

(iv) admits members by written application, investigation and ballot; and

(v) charges and collects dues from elected members.

(2) A volunteer ambulance service.

(3) A volunteer fire company.

(4) A volunteer rescue company.

"Public meeting." A meeting open to the public including any meeting open to the public under 65 Pa.C.S. Ch.7 (relating to open meetings).

"Public place." An enclosed area to which the public is invited or in which the public is permitted. The term includes, without limitation:

(1) A place in which a public meeting is held.

(2) A school facility.

(3) A government housing facility.

(4) A health facility.

(5) An auditorium.

(6) An arena.

(7) A theater.

(8) A museum.

(9) A restaurant.

(10) A bar or tavern.

(11) A concert hall.

(12) A commercial establishment.

(13) A retail store.

(14) A service line.

(15) A grocery store.

(16) A zoo.

(17) A waiting room or area.

(18) A hallway.

(19) A polling place.

(20) A restroom.

(21) A sports arena.

(22) A convention hall.

(23) An elevator.

(24) Public transit.

(25) A public food assistance program and facility.

(26) A shopping mall.

(27) An exhibition hall.

(28) A rotunda or lobby.

(29) An underground subway station.

(30) At least 75% of the total number of sleeping quarters that are available for rent to guests within any single lodging establishment.

(31) An underground train station.

(32) Public and private colleges, universities and other educational vocational institutions.

"Restaurant." An eating establishment that offers food for sale to the public.

"Service line." A line at which one or more individuals are waiting for or receiving service of any kind, whether or not such service involves the exchange of money.

Amend Sec. 3, page 4, line 10, by striking out "grounds" and inserting

facility

Amend Sec. 3, page 4, line 10, by inserting after "within"

the legally defined boundaries of

Amend Sec. 3, page 4, line 12, by striking out "school's legally defined property boundaries" and inserting

school

Amend Sec. 3, page 4, lines 14 through 23, by striking out all of said lines and inserting

"Smoke." To engage in the act of smoking.

"Smoking." The carrying by an individual of a lighted cigar, cigarette, pipe or lighted smoking device.

"Sports arena." Any sports stadium, sports pavilion, exhibition hall, gymnasium, health spa, boxing arena, swimming pool, roller or ice rink, bowling alley or similar place where members of the general public assemble to engage in physical exercise, participate in athletic competition or witness sports events.

"Tobacco shop." A business establishment the main purpose of which is the sale of tobacco products, including cigars, pipe tobacco and smoking accessories.

"Volunteer ambulance service." As defined in section 102 of the act of July 31, 2003 (P.L.73, No.17), known as the Volunteer Fire Company and Volunteer Ambulance Service Grant Act.

"Volunteer fire company." As defined in section 102 of the act of July 31, 2003 (P.L.73, No.17), known as the Volunteer Fire Company and Volunteer Ambulance Service Grant Act.

"Volunteer rescue company." As defined in section 102 act of July 31, 2003 (P.L.73, No.17), known as the Volunteer Fire Company and Volunteer Ambulance Service Grant Act.

"Workplace." An area serving as a place of employment, occupation, business, trade, craft, professional or volunteer activity. The term includes an employee lounge and employer-owned vehicle.

Amend Sec. 4, page 4, line 24, by striking out "Smoking restrictions" and inserting

Prohibition

Amend Sec. 4, page 4, lines 25 through 30; page 5, lines 1 through 30; page 6, lines 1 through 9, by striking out all of said lines on said pages and inserting

(a) Unlawful acts.—Except as set forth in section 5, the following apply:

(1) An individual may not smoke in a public place or in a workplace.

(2) It is unlawful for an employer or a person that owns, manages, operates or otherwise controls the use of an area in which smoking is prohibited or restricted under this act to fail to comply with the provisions of this act.

Amend Sec. 4, page 6, by inserting between lines 15 and 16

(c) Affirmative defense.—

(1) Any of the following constitutes an affirmative defense to an action under subsection (a)(2):

(i) During the relevant time period actual control of the area was not exercised by the person alleged to have violated subsection (a)(2).

(ii) The person alleged to have violated subsection (a)(2) has made a good faith effort to ensure compliance with this act.

(2) To establish an affirmative defense under this subsection, the following apply:

(i) The person alleged to have violated subsection (a)(2), the employer or other person who controls the area must submit an affidavit and may submit any other relevant proof indicating that the person did not exercise actual control of the area during the relevant time period or that the person made a good faith effort to ensure compliance with this act, whichever is applicable.

(ii) The affidavit and other proof must be sent by certified mail to the department, a local board or local department of health or a designated enforcement officer.

Amend Bill, page 6, lines 16 through 30; pages 7 and 8, lines 1 through 30, by striking out all of said lines on said pages and inserting Section 5. Exceptions.

Section 4 shall not apply to any of the following:

(1) A private residence, except when used as a child-care, adult day care or health care facility.

(2) Designated sleeping quarters within a lodging establishment that are available for rent to guests accounting for no more than 25% of the total number of lodging units within a single lodging establishment.

(3) A wholesale or retail tobacco shop which has sales of tobacco products and accessories, including but not limited to, branded apparel, humidors and other tobacco related accessories, comprising 85% or more of gross sales on an annual basis.

(4) A workplace of:

(i) any manufacturer, importer or wholesaler of tobacco products; or

(ii) a tobacco leaf dealer or processor.

(5) A tobacco storage facility.

(6) A drinking establishment.

(7) A cigar bar.

(8) The physical gaming area of a licensed facility.

(9) A private club, except if the club is open to the public through general advertisement for a club-sponsored event.

(10) A place where a fundraiser is conducted by a nonprofit and charitable organization one time per year if:

(i) the place is separate from other public areas during the event;

(ii) food and beverages are available to attendees;

(iii) individuals under 18 years of age are not permitted to attend; and

(iv) cigars are sold, auctioned or given as gifts and cigars are a feature of the event.

(11) An exhibition hall, conference room or similar facility if all of the following apply:

(i) The hall, room or facility is used exclusively for an event to which the public is invited for the primary purpose of promoting and sampling tobacco products and service of food and drink is incidental.

(ii) The sponsor or organizer gives notice in all advertisements and other promotional materials that smoking will not be restricted. Notice under this subparagraph must be prominently posted at the entrance to the hall, room or facility.

(iii) At least 75% of all products displayed or distributed at the event are tobacco or tobacco-related products.

(iv) No retailer, manufacturer or distributor of tobacco conducts more than 12 days of a promotional event under this paragraph in any calendar year.

(12) The conduct of a small game of chance on premises which qualify as an adult-only establishment during the conduct of the game by a nonprofit group licensed under the act of July 10, 1981 (P.L.214, No.67), known as the Bingo Law, or the act of December 19, 1988 (P.L.1262, No.156), known as the Local Option Small Games of Chance Act.

Section 6. Enforcement.

(a) Civil penalties.—If an enforcement officer determines that a violation of section 4 has occurred, the enforcement officer may impose a civil penalty of \$250 for the first offense, \$500 for the second offense and \$1,000 for each subsequent offense. Civil penalties collected shall go to the county board of health or, in a county which does not have a board of health, the department, to be used to enforce this act.

(b) Action.—An enforcement officer may bring an action to recover the civil penalty under subsection (a) in a court of competent jurisdiction. A civil penalty recovered under the provisions of this section shall be recovered by and in the name of the enforcement officer.

(c) Injunction.—An enforcement officer may seek enforcement of this act by instituting an action in a court of competent jurisdiction to enjoin a violation of this act and may recover costs and attorney fees associated with the action.

Amend Sec. 5, page 9, line 1, by striking out "5" and inserting
7

Amend Bill, page 9, by inserting between lines 5 and 6

Section 8. Annual reports.

The department shall file an annual report by December 1 with the chairman and minority chairman of the Public Health and Welfare Committee of the Senate and the chairman and minority chairman of the Health and Human Services Committee of the House of Representatives. The report shall include:

(1) Number of violations of this act by county.

(2) Number of enforcement actions initiated under this act within each county.

(3) A description of the enforcement activities of the department. This paragraph includes the number of personnel, enforcement strategies and other issues relating to the administration and implementation of this act.

Amend Sec. 6, page 9, line 6, by striking out "6" and inserting
9

Amend Sec. 7, page 9, line 17, by striking out "7" and inserting
10

Amend Bill, page 9, lines 23 through 26, by striking out all of said lines and inserting

Section 11. Preemption of local ordinances.

The provisions of this act shall supersede any ordinance or rule or regulation adopted by a political subdivision concerning smoking in an indoor public place or workplace.

Section 29. Repeal.

Repeals are as follows:

(1) The General Assembly declares that the repeal under paragraph (2) is necessary to effectuate the purpose of this act.

(2) Section 10.1 of the act of April 27, 1927 (P.L.465, No.299), referred to as the Fire and Panic Act, is repealed.

Amend Sec. 9, page 9, line 27, by striking out "9" and inserting 30

Amend Sec. 9, page 9, line 28, by striking out "90" and inserting 180

On the question,

Will the House agree to the amendment?

PARLIAMENTARY INQUIRY

REQUEST TO DIVIDE AMENDMENT

The SPEAKER pro tempore. For what purpose does the gentleman, Mr. Kenney, rise?

Mr. KENNEY. Thank you, Mr. Speaker.

Mr. Speaker, a point of parliamentary inquiry.

The SPEAKER pro tempore. State your inquiry, please.

Mr. KENNEY. I am asking on page 7 of the amendment to remove the "Preemption of local ordinances." Can this amendment be divided, removing that section? As you know, many municipalities have passed local ordinances much stricter than what this amendment would propose to the legislation.

The SPEAKER pro tempore. Will the gentleman suspend, please.

Mr. KENNEY. Thank you.

The SPEAKER pro tempore. In response to the gentleman's inquiry, the amendment cannot be divided to take out just the section on preemption only. It cannot be.

Mr. KENNEY. Could you instruct me what could be taken out to remove that section? Is it—

The SPEAKER pro tempore. I am advised by the Parliamentarian that it is not possible to take just that section alone out of the bill.

Mr. KENNEY. Could section 11 and section 29? So lines 21 through 33. Would that be possible?

The SPEAKER pro tempore. In response to the gentleman's question, the repeal section cannot be taken out because it cannot stand alone.

Mr. KENNEY. Okay. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

So returning, the Chair recognizes the gentleman from Luzerne County, Representative Eachus, who offers amendment 2733. On that question, the Chair recognizes the gentleman, Mr. Eachus.

Mr. EACHUS. Thank you, Mr. Speaker.

Mr. Speaker, I rise today to support the amendment, which I call the Clean Indoor Air Act. The focus of this amendment is to try to move the bar forward in Pennsylvania to try to protect children, to try to create more space in Pennsylvania that is smoke-free, but allow adults who choose to smoke to have indoor environments that are permitted and allowable under the

law to smoke. This bill has areas, like taverns, that will be posted as a smoking environment, casinos which will be posted as a smoking environment, bingo halls in the church basement for bingo night, VFWs (Veterans of Foreign Wars) and American Legions. It will allow for smoking in places where consenting adults, consenting adults over 18, are allowed to smoke because they wish to.

Let me be clear: I served on the Health and Human Services Committee with the gentleman from Philadelphia, with both gentlemen from Philadelphia, for 6 years, and I can tell you that I have thought through this process both intellectually and from a substantive standpoint, and I have come to the belief that since smoking is, number one, an adult, legal decision, that we should have somewhere indoors where adults legally are allowed to smoke.

This is not easy; I understand. I have been a member of the committee. Secondhand smoke, I believe that the science is correct, that it is detrimental to people's health, and as a male child in an all-female household where all the women smoked, I understand the risks. I also understand that in a modern society, Pennsylvania needs to move the bar. I believe this is a credible, responsible step forward that will allow adults to smoke in permitted areas. So when you walk up to the tavern, it will have a posted sign, this is a smoking establishment, and the adult who is going into that facility can make an economic decision to take their business to a nonsmoking facility if they wish to or go inside, and those who work inside these facilities understand that they get to work in a smoking establishment.

Many, many people in Pennsylvania smoke. While many of us do not, we can also say, frankly, that adults should be able to make adult decisions. So I offer the indoor air act, the Clean Indoor Air Act, as a substitute to what I would consider a ban statewide.

Thank you, Mr. Speaker. Happy to answer questions.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question, the Chair recognizes the gentleman, Mr. Frankel.

Mr. FRANKEL. Thank you, Mr. Speaker.

Would the maker of the amendment stand for interrogation, please?

The SPEAKER pro tempore. He has indicated he will stand for interrogation. You may proceed.

Mr. FRANKEL. Mr. Speaker, this amendment exempts a wide variety of classes and facilities, including 14 slot casinos, several thousand bars, several thousand nonprofit clubs and cigar bars, bingo games, other games of chance that do not allow children, fundraising events, tobacco promotional events, and that is just a few. Mr. Speaker, do you have any numbers with respect to the number of employees in all of these establishments who would be subject to this exception if it became law?

Mr. EACHUS. Mr. Speaker, I think that is impossible to determine at this point, because clearly someone, some business, some casino, some tavern, some facility, some bingo game is going to have to determine whether they wish that to be a smoking environment or not. My belief on this is, Mr. Speaker, that many businesses will wish to go nonsmoking and trend that way, and this law allows for that framework. So I think if you were to determine it today, it would be very, very hard to get our arms around the aggregate number of employees who would be included in that population.

Mr. FRANKEL. Mr. Speaker, thank you.

Well, let me ask you, I mean, virtually all of the casino facilities have indicated their objection to a smoking ban, so I will presuppose that most of them would like to allow smoking in these casinos. Do you have any idea how many employees, when the casinos, slot casinos, are all full up and running, would be—

Mr. EACHUS. Mr. Speaker, if I might answer.

Mr. FRANKEL. Yes, sir?

Mr. EACHUS. Did I interrupt you? Excuse me. May I interrupt you?

Mr. FRANKEL. Yes; sure.

Mr. EACHUS. Okay. At this moment in time, we have only got a small number of casinos built and operated. While I might be able to estimate it today, there are facilities in Philadelphia, Pittsburgh, and around the Commonwealth which have not yet even been put under roof, so once again, it would be very hard for me to tell you exactly what is the impact to the employees. But once again, as I said earlier, the site would make a determination whether they wish to have smoking on that casino floor or not, so that prior to employment, the individual would have to make a conscious decision that this is where they wanted to work.

Mr. FRANKEL. I mean, what do you think we are talking about, hundreds of employees? Thousands of employees? 10,000? 100,000? I mean, there must be some idea how many people. If, say, 50 percent of these establishments chose to be exempt, do you have a ballpark? I mean, we certainly know that, for instance, casinos, the employment at casinos is projected to be in the thousands, tens of thousands of people. I mean, there has got to be some idea of how many people might, might possibly work in an establishment that would be available for an exemption. I mean, they may not all take it, but what is that universal, what is it, is it hundreds, thousands, tens of thousands, hundreds of thousands of potential employees?

Mr. EACHUS. Well, you know, I know that you are looking for a numerical answer, Mr. Speaker, and I am not intentionally trying to be evasive. I really do not know. It may be in the hundreds, but by the end of the day, what we also did inside the indoor clean air act was to put a nonretaliation provision so that no person or employer shall discharge or refuse to hire in any manner or retaliate against any employee or applicant for employment because the employee or the applicant, he exercises the right to smoke in an environment required under this act. So we try and put some provisions in to protect the employee from an employee-employer standpoint, but I wish I could tell you the aggregate number; I cannot.

Mr. FRANKEL. Thank you, Mr. Speaker.

I am completed with my interrogation. I would like to speak to the amendment.

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

Mr. FRANKEL. Thank you, Mr. Speaker.

I rise in opposition to this. I mean, clearly the possibility of thousands and tens of thousands and maybe hundreds of thousands of Pennsylvania workers, from casinos to taverns to restaurants to folks working as volunteers at bingo games and other kinds of fundraising facilities, could fall under this exemption, and while the maker of this amendment talked about moving the ball forward here, moving the issue forward, that this is a clean-indoor-air amendment, I would say quite the

opposite. This amendment eviscerates, eviscerates this great piece of legislation.

And again, as I have said on a number of other occasions, you know, Pennsylvania sometimes is not the leader on some of these issues, particularly with respect to public health, and again, we are not leading the way, we are following, because virtually all the States that surround us have a much more comprehensive smoking ban. In fact, even in New Jersey, New Jersey just voted, the Senate, 35 to nothing last week for a comprehensive ban in their gaming facilities. So I do not think, Mr. Speaker, to contradict my good friend from Luzerne County, whom I have enormous respect for, I do not think this bill moves this issue for clean air forward in Pennsylvania at all. This is an attempt basically to weaken this legislation to a level that even dwarfs what happened in the Senate.

The Pennsylvania Constitution speaks to this. I mean, this Pennsylvania Constitution grants us a right for clean air. The Pennsylvania Constitution does not grant us a right to smoke, and I know of no other Constitution in the United States that grants a right to smoke.

So, Mr. Speaker, this issue has been talked about for a very long time. The facts are known. We know that secondhand smoke has terrible effects on people who are subjected to it, and particularly our workers, and to say that we are going to protect some workers, some employees, in the State of Pennsylvania and not others does not seem right to me, Mr. Speaker. If we are going to protect our work force, we need to do it in a very comprehensive way. It cannot be, this establishment is exempt; this employee is going to be subject to secondhand smoke but this one is not. That is not right. This is a public health issue, and while other States are leading the way, corporate America is leading the way. The corporate world, particularly in the hospitality area, understands this issue. The Restaurant Association supports a complete ban. We have the largest hotel chains in the United States, Marriott Hotels and Hilton Hotels, on their own volition recognize the public health crisis that is here because of secondhand smoke and have banned smoking from their establishments.

And, Mr. Speaker, as we deal with this budget and we deal with the cost of health care that is rising all the time, whether it is for our Medicaid population, whether it is for the folks buying health insurance through the private sector, we know that smoking and secondhand smoke creates millions, tens of millions, hundreds of millions of dollars of costs to the health-care system, and if we are serious about controlling health-care costs, we need to be serious about a comprehensive smoking ban.

Mr. Speaker, again, I rise in opposition to this. I do not believe that we can in the General Assembly decide who gets sick and who does not get sick. We need to say that every employee in the State of Pennsylvania deserves the same exact protections, and that is at issue here, and it is not simply that, oh well, I can go find another job. Unfortunately, we do not live in the most vibrant economy, and somebody who has a great job, whether it is a casino or a restaurant or a tavern, does not necessarily have the mobility to just find another job. And by the way, quite frankly, many of these establishments do not even provide health-care coverage to their employees. So we need to reject this amendment and pass this piece of legislation without any other amendments.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

PARLIAMENTARY INQUIRY

The SPEAKER pro tempore. For what purpose does the gentleman, Mr. Steil, rise?

Mr. STEIL. Thank you, Mr. Speaker.

A parliamentary inquiry.

The SPEAKER pro tempore. Please state your inquiry.

Mr. STEIL. If this amendment were adopted, would it bring into play rule 21(d), which would, because so many other amendments would now be out of order, all of the offerers of those amendments would be eligible to have their amendments refiled with the Chief Clerk and it would prevent the action or at least movement of this bill from second to third consideration today? Is that correct?

The SPEAKER pro tempore. The gentleman is correct. There may be amendments that could be affected if this amendment is adopted. That is correct.

Mr. STEIL. Thank you, Mr. Speaker.

The SPEAKER pro tempore. Okay; on the question, the Chair recognizes the gentleman, Mr. Leach, who has now moved to the left, or the right, depending upon your perspective.

Mr. LEACH. I try to keep people guessing, Mr. Speaker.

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

Mr. EACHUS. Yes, sir, you may.

Mr. LEACH. Mr. Speaker, it is a little awkward for me to interrogate my good friend, Representative Eachus, with whom I agree on so many issues, but here it is, so let me start out by asking the gentleman, Mr. Eachus – if that is your name – the following question.

Mr. EACHUS. As a matter of fact, as far as I know, it is my name.

Mr. LEACH. Okay. First of all, in your amendment I notice that a bar is exempted if less than 20 percent of the gross profits for that bar or tavern are food. Can you tell me, Mr. Speaker, where that figure comes from? How did you get the 20-percent figure?

Mr. EACHUS. Well, we looked at some industry trends, Mr. Speaker, of, you know, what the tavern industry, how their business model was put together. In many circumstances, taverns that traditionally cater to beer and alcohol sales have a fairly small percentage of food sales. So looking at that, many times those who wish to frequent taverns – you may have done that occasionally yourself—

Mr. LEACH. Once.

Mr. EACHUS. I understand. —that sometimes people who wish to go out and have a libation also would like to have a cigarette. The industry supports that position, and it looked to me, from looking at the business plans, that the modeling was about the correct percentage.

Mr. LEACH. Okay. Now, let me ask you about your preemption provision, Mr. Speaker, because I want to make sure I understand that. Would your bill affect any smoking ban currently in effect in any municipality of Pennsylvania?

Mr. EACHUS. I do not believe there are 100-percent smoking bans in any city in Pennsylvania currently, 100-percent smoking bans, so let us be clear about that, Mr. Speaker. But under this provision, I felt it necessary to try and find some

continuity in the law, because as I said earlier, Mr. Speaker, protecting children is a preeminent issue in this amendment. So, you know, if we have variability from municipality to municipality, you know, we could end up with a situation where we just do not have as much protection under the law that this indoor clean air act has currently.

Mr. LEACH. So is that a yes, Mr. Speaker?

Mr. EACHUS. It is as close to a yes as I can give you.

Mr. LEACH. Okay. So for example, the city of Philadelphia has a partial smoking ban, indoor smoking ban. Would this amendment, if adopted and passed into law, in any way affect Philadelphia's ability to enforce their current smoking ban?

Mr. EACHUS. I have to tell you, Mr. Speaker, I have focused specifically on State law in this amendment. I am not at liberty to try and do a comparative analysis between any smoking ban that is currently under way in Pennsylvania. I can tell you that it would not surprise me if it had some net effect. But as I said, this moves the bar forward. Currently there are no antismoking provisions anywhere in the Commonwealth – nowhere. So this indoor clean air act modernizes our ability and moves us forward, but it still does allow for, as I said earlier, for indoor smoking for adults who – adults, not children – who wish to smoke.

Mr. LEACH. So again, it was my understanding, Mr. Speaker, that Philadelphia has a clean-air ordinance where they prohibit smoking in all restaurants in the city of Philadelphia. Is it fair to say that under this amendment, if that is true, that there would be more people allowed to smoke in more indoor facilities with more employees than there are without passing any law currently?

Mr. EACHUS. As I said, Mr. Speaker, I did not do an analysis on any local municipality's current smoking prohibitions, so I can tell you clearly that I cannot give you a definitive answer. All I can tell you is that I felt that the issue of preemption allowed for continuity of the law across every local government, every city. Whether you are in Erie, Sharon, whether you are in Uniontown, Hazleton, Scranton, or Wilkes-Barre, this allows for continuity of enforcement.

Mr. LEACH. Acknowledging the gentleman may not have analyzed every law, is it the gentleman's intent that if Philadelphia has a more restrictive law, that this law would make it less restrictive?

Mr. EACHUS. My intention is to try and create continuity in State law to protect all citizens in Pennsylvania, Mr. Speaker.

Mr. LEACH. Mr. Speaker, I believe Representative Frankel asked you some questions about how many employees would be affected. I believe your answer was you do not know how many employees will be affected.

Mr. EACHUS. No; my answer was, Mr. Speaker, that he asked a specific question regarding casino employees. While you may be able to estimate that, today there is only a small population of employees at – four locations that are open currently? Do we have more gaming facilities that are open? – five facilities that are open currently in Pennsylvania. By the time the entire build-out happens, there would be more, but I have no ability, Mr. Speaker, to be able to estimate what that would be, and that is what I answered when the gentleman asked the question.

Mr. LEACH. Okay. Well, then let me ask you a more specific question: Just taking your exemption for bars and taverns, do you know how many waitresses and bartenders would be affected under the number of bars and taverns that

there currently are in Pennsylvania? How many of them, Mr. Speaker, would be required to go to work in a smoke environment?

Mr. EACHUS. Well, let me tell you, today, Mr. Speaker, every single bar and tavern that chooses to can smoke. You can smoke anywhere you want when you are indoors.

Mr. LEACH. That is true.

Mr. EACHUS. My bill advances the bar and allows for some to make a choice under the provisions of this exemption to allow for smoking establishments, and my guess is, Mr. Speaker, that there is also going to be a population of taverns that will become nonsmoking establishments to cater to those who do not wish to smoke.

Mr. LEACH. Now, you said earlier that you agree with the studies, the scientific studies about the effects of secondhand smoke. Did I get that correct?

Mr. EACHUS. As a member of the Health and Human Services Committee, I would think it would be like ignoring data on global warming, Mr. Speaker.

Mr. LEACH. Okay. One of the studies that I saw said, for example, just on the one exemption we are talking about, bartenders have a 200 to 300 times higher rate of lung cancer. Bartenders who work in bars where there is smoking have a 200 to 300 times higher rate of lung cancer than those who do not, than the population at large. Is that one of the studies that you agree with the legitimacy of?

Mr. EACHUS. Well, Mr. Speaker, let me say again, today Pennsylvania's law is to allow smoking in every single tavern, every single diner, every single restaurant in Pennsylvania. I think what you are going to see is a slow winnowing away of options where people can smoke and very focused markets under these provisions where adults can determine now to smoke. Now, the employees in those settings, I can tell you, you may not have been a member of the committee at the time, but we had a number of proprietors from restaurants and taverns come in, and bartenders also were part of that as well as owners of those taverns. Many of those individuals understand that, you know, they understand that they smoke, that they are in a smoking environment. There is going to be now, after we get this passed today, there will be options for employees to choose between nonsmoking service employee jobs in restaurants and taverns that choose not to smoke as well as places that will smoke. My guess is, those folks who are adults who bartend, because you have to be an adult, over 18 in Pennsylvania, that those adults will choose to go and gravitate to either a smoking or nonsmoking based on what their belief system is about smoking.

Mr. LEACH. Mr. Speaker, I am sorry. I think I just asked the gentleman if he agreed with the study.

Mr. EACHUS. I told you before, like global warming, I look at all the studies, and I do not think you can ignore the data.

Mr. LEACH. A final question, Mr. Speaker: You indicated employees would, prior to being employed, would be informed of whether the bar was smoking or nonsmoking or whether the casino was smoking or nonsmoking and could make a choice, and I am wondering, since this law deals with a lot of establishments that are already in existence with already existing employees, would they be given the choice, because they are not going to apply again for employment, would they be given the choice of either quitting their job or staying in a facility that chooses to smoke if their facility chooses to smoke?

Mr. EACHUS. Let us use the casino as an example under this provision. I think the gentleman makes a good point. Under the casino provisions, what you have got as you build out these casinos are casino floors and then ancillary service businesses that will be cropping up as part of the complex. Under the provisions of this law, if there is a restaurant or there is some other service opportunity, maybe there is retail, a club, for example, those would be in many, many cases nonsmoking environments. So that employee of the casino can decide whether within that complex, under this provision, they can move to a smoking or nonsmoking environment.

Mr. LEACH. May I ask a question just on that point? You raise a good point.

Mr. EACHUS. I mean, I think that, you know, that is a rational approach; of course.

Mr. LEACH. Under your amendment, would the casino be required to respect the wishes of an employee? If an employee said, I do not want to work in a smoking area where I am currently— I am currently working on the floor in the slot pit, or whatever they call it, and I do not want to work where there is going to be smoking; I would prefer to work in the dress shop where there is not going to be smoking. Would a casino be required to respect that and move that employee, or could a casino say, tough luck, you either stay in the smoking area or you are out of here?

Mr. EACHUS. As I mentioned earlier, Mr. Speaker, in the indoor clean air act, there is a retaliation provision that protects employees. Would you like me to read it again, Mr. Speaker? It allows for "No person or employer shall discharge, refuse to hire or in any manner retaliate against any employee or applicant for employment because the employer or applicant exercises any right to a smoke-free environment required by this act," which if you use my casino example, Mr. Speaker, they would be able to choose a nonsmoking opportunity within that complex, and the employer could not retaliate against that employee under the law.

Mr. LEACH. And is it your understanding of the law that merely saying, no, I am not moving you, would be considered retaliation?

Mr. EACHUS. I mean, that is a definitional split, Mr. Speaker. My point to you is that under this law, there would be no ability for the employer just to push folks around or fire them if they wanted to be in a smoke-free environment.

Mr. LEACH. I am sorry; one more question on this: Would they be required to move an employee to a nonsmoking area if they requested it?

Mr. EACHUS. I would think that would be a reasonable assumption, that that employee would be moved to a nonsmoking area of the facility. Yes, Mr. Speaker.

Mr. LEACH. Okay. Thank you, Mr. Speaker.

I have concluded my interrogation. May I just speak on the amendment?

The SPEAKER pro tempore. The gentleman may proceed.

Mr. LEACH. Mr. Speaker, I rise in opposition to this amendment, and I say this: This amendment, in my view, completely guts and eviscerates the intent of the Gerber bill, and I have no desire, the Gerber bill is not a bill about stopping people from smoking; this is a bill about stopping people from forcing smoke on other people. There is nothing in here that prevents anyone from smoking. As I said before, I voted many times against my own party and against, you know, some of my very good friends on legislation that took away individual

choice from people. I am a big believer in individual choice. If there was a bill here today to ban cigarette smoking, to prohibit people from smoking, I would be standing on the floor passionately opposing that bill. But the old saying is that your right to swing your fist ends at my nose, and I think your right to smoke also ends at my nose. You have no right to inflict this poison on other people.

We talked about, even the maker of the amendment said that he supports, that he agrees with the science behind this. Let us just talk about that for a second, the dangers of smoke. Cigarette smoke contains 4,000 chemical compounds. Two hundred of them are considered poisonous. Eighty are considered to be carcinogenic, including things like arsenic and formaldehyde. An additional 3,000 people a year die of lung cancer, nonsmokers die of lung cancer, simply due to secondhand smoke. From 35,000 to 62,000, depending on which study methodology you look at, additional heart attacks are caused among nonsmokers simply by secondhand smoke. When we debate other issues in this chamber, Mr. Speaker, we frequently talk about the sanctity of life, from conception through birth and beyond. Well, what does smoking do to a fetus and a child? Studies specifically link cigarette—

The SPEAKER pro tempore. Will the gentleman please suspend.

Could you please just keep your comments to the amendment itself, and a lot of this argument could be saved for final passage, I believe.

Mr. LEACH. But it goes to the exposure of people, Mr. Speaker. I think it is germane to the amendment. I am not sure who objected, but I will try to do that.

The SPEAKER pro tempore. All right. Thank you.

Mr. LEACH. Just to finish that point: increase in SIDS; low birth weight; 200,000 kids a year have their asthma exacerbated; everything from bronchitis to tooth cavities. Cigarette smoke lingers in the air for hours.

Now, let me talk about the specifics of this amendment. Number one, there are the exemptions, and I understand people want to smoke, but the people who are exempted from this under the bar exemption are small taverns, as I understand it. These are, if anyone has ever been to a small tavern, the areas where it is the easiest to just walk outside and have a cigarette. Now, I understand some people would prefer to sit at the bar and have a cigarette, but is that small inconvenience worth all of the death and destruction that this is going to cause and allowing people to be subjected to this smoke is going to cause?

Now, there was the argument made, customers can choose where they want to go, but that is not true of employees, Mr. Speaker. I believe the law does not allow an employee to dictate where the employer is going to move him to; it only prevents retaliation. Simply saying no is not retaliation, and if you are a bartender working in a bar, there is nowhere else to go; you are going to be exposed to that smoke. And, you know, the people who work at these establishments are often low-income people, and to require them to quit the only job they may be able to find and not be able to support their families, to avoid, you know, either quit or choose between that, between quitting or getting sick or being exposed to poison, is not doing right by the people of Pennsylvania. It is not doing what other States do.

I would also say on the preemption clause, this bill will make Philadelphia, I do not know what other cities have anti-indoor smoking laws, but this bill will make Philadelphia much dirtier.

It will create a situation where lots of places where people cannot be subjected to smoke now, they will be able to be subjected to smoke under this amendment.

I just want to read a couple of things, Mr. Speaker, because there was some talk about the economics of this. The fact is that where we have prohibited indoor smoking – small taverns, restaurants, all of the places we are talking about prohibiting them, and including casinos – have flourished. Their business has increased. This is from a Zagat Survey from New York City: "...the city's recent smoking ban, far from curbing restaurant traffic, has given it a major lift. Meanwhile, openings are perking up, closings dropping, and service complaints continue to trend downward. And on the way is the best crop of new restaurants that the city has seen in many years." I can read similar quotes from studies in California, Delaware, Florida, and Massachusetts. Everywhere that we have introduced an indoor smoking ban, people who do not want their families exposed to indoor smoke are going to restaurants where they were not before. The restaurants and bars are doing booming business.

It is interesting; there was some talk earlier about the percentage of people in Pennsylvania who smoke. Only 20 percent of people in Pennsylvania smoke, and two-thirds of them are trying to quit and 60 percent of them do not want their families exposed to secondhand smoke. So even smokers get this, Mr. Speaker.

Business improves. The fact is that bars can declare themselves to be smoke-free today; we do not need a law to do that, but what we do need a law to do is to protect the people of Pennsylvania who should not be forced to breathe in poison in order to stay employed, and I would urge a "no" vote on the Eachus amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

For the information of the members, there are 15 members who have sought recognition to speak on this amendment, so you can judge yourself accordingly.

On the question, the Chair recognizes the gentelady, Representative Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I rise also in opposition to this amendment, which could be more appropriately called the filthy indoor air act, or maybe we should call it the tobacco industry protection act. There are just too many exceptions in this amendment that make the underlying bill, if it should unfortunately pass, absolutely unacceptable to public health activists and also to the Governor.

As was mentioned, this amendment violates Article I, section 27, of the Pennsylvania Constitution, which states, "The people have a right to clean air..." – "The people have a right to clean air..." There is no court opinion that I am familiar with that says that there is any constitutional right to pollute the air with cigarettes – none. Eighty-four percent of Pennsylvanians polled said all employees in Pennsylvania have a right to a smoke-free workplace – 84 percent. That is not a small margin, Mr. Speaker; that is a mandate.

This filthy indoor air act is not good for our State. It is not good for our tourist industry. It is not good for our gaming facilities. It is not good for our children. It is not good for our State health insurance budgets. It is not good for anyone. This amendment is not good for anyone.

I ask everyone for a "no" vote on amendment 2733. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentledady.

On the question, the Chair recognizes the gentleman, Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, will the author of the amendment stand for interrogation?

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

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, would you share with me your understanding of home rule?

Mr. EACHUS. Mr. Speaker, I am not from a home-rule community myself, and I understand that there are municipalities and local governments in Pennsylvania that have adopted home rule, sir, but I am not an expert on home rule.

Mr. THOMAS. So, Mr. Speaker, you have no interpretation of home-rule authority?

Mr. EACHUS. I am not sure what your question is, Mr. Speaker. Could you repeat it?

Mr. THOMAS. My question, I am trying to understand, as I look at your amendment I am trying to get an understanding of your understanding of home rule, because your amendment provides for blanket preemption, and so the question is whether or not the blanket preemption tramples on home-rule control or home-rule authority?

Mr. EACHUS. Here is what I can tell you about why I included preemption in this provision. I can come at it that way for you. I really felt that continuity in State law, when it came to prohibition and where those areas would be where people cannot smoke, that it would be consistent from local government to local government.

I think this is an incredibly important public policy issue, and I take it very seriously. You know, currently right now, Mr. Speaker, you can, in many places across Pennsylvania, you can smoke almost everywhere. Now, I understand that, as I said to the gentleman from Montgomery County earlier, I understand that there are places in Pennsylvania that have some prohibition on smoking, but I felt strongly that in this indoor clean air act, that we would have continuity from municipality to municipality so that families and citizens and people who live across Pennsylvania would have the ability to understand the law no matter where they went, whether it was Philadelphia or Erie.

Mr. THOMAS. Well, Mr. Speaker, in drafting your amendment, did you take any time to talk to the people from the county that you represent?

Mr. EACHUS. In Luzerne County, Mr. Speaker?

Mr. THOMAS. Yes.

Mr. EACHUS. Yes, I spoke to tavern owners, a number of tavern owners from my own community, as well as other folks who, you know, both for and against. I have a district office like you do, so I have gotten dozens of calls. As you know, Mr. Speaker, we served together for a time on the Health and Human Services Committee, and I can tell you this, that I have done a pretty thorough analysis of where the people of my legislative district stand on this. I have been very consistent in my belief that adults should have, adults in a free society should have the right to exercise indoor smoking since smoking is a legal activity.

Once again, I oppose the ability for children to be exposed to smoking. I oppose public places like this beautiful building at

the State capital, like a place where you would find a football stadium, places – schools, day-care centers. Those are prohibited under this Clean Air Act, but I still believe strongly that, number one, there needs to be continuity in the law from local municipality to local municipality; and number two, since it is a legal activity, that adults should be able to do it somewhere inside, and I believe this amendment accomplishes that.

Mr. THOMAS. And so, Mr. Speaker, I will assume that your comments, your comments specifically state that you talked to your constituents—

Mr. EACHUS. Yes, sir.

Mr. THOMAS. —and that you had conversation with your county commissioners and those people who are charged with local control?

Mr. EACHUS. May I restate what I said, Mr. Speaker? I can actually tell you, I do not believe that I spoke to my county commissioners about this. I do not think I said that. What I did is I spoke to—

Mr. THOMAS. When you talk about Luzerne County—

Mr. EACHUS. Yes, sir.

Mr. THOMAS. —and your representation of Luzerne County, does that just include the residents of Luzerne County or does that include residents plus county administrators and the people who have responsibility for local control?

Mr. EACHUS. Well, like you, Mr. Speaker, I represent just over 60,000 people in southern Luzerne County. I cannot actually tell you that I traveled the county asking from place to place what people's opinions were, but I have to tell you, as someone who really tries to stay close to the listening curve in my district – I try and listen acutely to the people I represent – I think that this amendment is reflective of the values of a place like Hazleton, Pennsylvania.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, do you accept the conclusions that have been shared with the consequences of secondhand smoke?

Mr. EACHUS. Yes, sir, Mr. Speaker. As I said to the gentleman from Montgomery who gave me an inquiry earlier, I was a member of the Health and Human Services Committee, and the data relating to secondhand smoke and the risks were spread upon the record. I would have to tell you that I believe that secondhand smoke is risky, and this amendment right here allows for us to be able to focus on reducing smoking across an array of areas in Pennsylvania.

Mr. THOMAS. So, Mr. Speaker, you believe that those consequences, if you accept those consequences as a matter of fact, then you believe that they should be more applied to children than they should be to adults. Is that correct, Mr. Speaker?

Mr. EACHUS. If you go right to the amendment, Mr. Speaker, you will find that on page 2, we actually attest to the data in this amendment. I want to tell you, I am not a revisionist. I am not trying to rewrite history. I believe that on the side of every cigarette pack, it says the Surgeon General says that this creates, if you smoke, you might get cancer, and I also believe that the data relating to secondhand smoke is correct and relevant, and this amendment reflects that.

I am not trying to revise or fool the public; all I am saying is that today in Pennsylvania, currently under the law, you can smoke everywhere. When you go into a family restaurant in Pennsylvania, you have no choice. There is no division between smoking and nonsmoking. Families who have children with

asthma, like I have, my wife has asthma, she does not like to go to places that smoke, Mr. Speaker. But I also say that in a society that is currently allowing 100-percent smoking pretty much in all areas except public areas, we need to have a law that moves the bar forward but is fair to adults who currently smoke and also clear to those who do not want to smoke.

Every single establishment under this provision will be posted as a smoking establishment, and the adult who wants to go into that – because remember, kids cannot go in smoking establishments under this provision – the adult will be able to make an economic decision to take their business elsewhere. I personally think that that is the right approach, and I really believe that this advances the bar for indoor clean air in Pennsylvania.

Mr. THOMAS. Mr. Speaker, I heard that and I accepted that from you. I was just somewhat confused with, if you accept the data that has been presented and you are passionate or sensitive to the natural consequences of secondhand smoke, that I was just concerned with why we have so many exceptions, because the number of exceptions seem to suggest that you do not have a problem with the consequences in some cases but you do have a problem with the consequences in other cases. It is almost like, I want children to live, but I do not care if adults die.

Mr. EACHUS. Oh, Mr. Speaker, I am not sure that is fair.

Mr. THOMAS. Was that being kind of—

Mr. EACHUS. I think that is unfair.

Mr. THOMAS. If that is harsh, then I will pull back.

The SPEAKER pro tempore. Will the gentleman suspend, please.

Mr. EACHUS. Let me also just say—

The SPEAKER pro tempore. Will the gentleman suspend, please.

Mr. EACHUS. Of course.

The SPEAKER pro tempore. The gentleman is reminded that the purpose of interrogation is to ask questions which you do not have an answer to, so if you could confine your questions to those items, it would be appreciated.

Mr. THOMAS. But, Mr. Speaker, I am just trying to get some clarification, and maybe I should just ask, why so many exceptions?

Mr. EACHUS. Well, let me read the list of places where you are not going to be able to smoke under this provision. You are not going to be able to— Excuse me; I did not bring my glasses. You are not going to be able to go to any public meeting anywhere in Pennsylvania, school facilities, government housing, a health facility, an auditorium, an arena, a theater, a museum, a restaurant, bar and taverns that have over 20 percent of food sales, a concert hall, a commercial establishment, a retail store, a service line, a grocery line, a zoo, a waiting area in any public facility, a hallway, a polling place, a restroom – no restroom smoking, Mr. Speaker – a sports arena, a convention hall, an elevator, public transit, a place where public food assistance programs might be facilitated, a shopping mall, an exhibition hall, a rotunda or any lobby—

Mr. THOMAS. Mr. Speaker—

Mr. EACHUS. Let me finish. —an underground subway station, Mr. Speaker, an underground train station, and also at least 75 percent of the total sleeping quarters that are available as hotels and guest rooms in Pennsylvania would also be prohibited from smoking inside Pennsylvania, Mr. Speaker. But let me be clear—

Mr. THOMAS. Mr. Speaker, I accept that, and I am familiar with those places where you cannot smoke. I was just concerned about why the exceptions or why was it not possible to accept the prescription provided by the author of the bill, because I think his bill provides for some exceptions and provides for an environment that I think both of you can accept.

Mr. EACHUS. Well, I am happy to answer questions on my amendment, Mr. Speaker, but I am not going to take questions on Mr. Gerber's proposal.

Mr. THOMAS. Well, my last question, my last question is, when you drafted your amendment, did you have a chance to talk with the author of the bill?

Mr. EACHUS. Almost every 15-minute increment, Mr. Speaker, for the last 26 days.

Mr. THOMAS. And so, Mr. Speaker, did you accept that by introducing your amendment, you in effect run—

The SPEAKER pro tempore. Will the gentleman suspend, please.

You are going way beyond the bounds of acceptable interrogation. If you want to speak on the amendment, you can speak on the amendment, but if you can stick to the questions for which you do not have the answer to.

Mr. THOMAS. Thank you, Mr. Speaker.

The SPEAKER pro tempore. Thank you.

Mr. THOMAS. I am just trying to find out why we have two proposals that could have been worked out. But be as it may, let me thank the Speaker for his answers, and let me speak on the amendment.

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

Mr. THOMAS. Mr. Speaker, I applaud the maker of the amendment and the author of the bill for wanting to create a smoke-free Pennsylvania. I support some of the recommendations contained in both legislative prescriptions and would have been real excited if the two legislative prescriptions could have been combined in a way to really achieve smoke-free Pennsylvania. But, Mr. Speaker, my fundamental problem, and I have been here a long time, and, Mr. Speaker, everybody here knows that Philadelphia County is the only first-class county in the Commonwealth of Pennsylvania. Everybody knows that Philadelphia County has taken affirmative steps to provide for a smoke ban. And, Mr. Speaker, I have sat through and fought, jumped up and down, when Philadelphia was preempted from controlling guns in the municipality, when Philadelphia was preempted from operating the parking authority, when Philadelphia was preempted from having a predatory lending statute ordinance, when Philadelphia was preempted from operating its schools, when Philadelphia— And I can go on and on and on, and here we go again. I would have liked to have seen somebody, especially the author of the amendment, call the president of city council in Philadelphia County, talk to the mayor of Philadelphia County, talk to some of the members of city council, the lawmaking body in Philadelphia County, and just find out how we could come up with a legislative prescription that did not preempt the hard work and time that went into this smoking ban in Philadelphia County or talked to some of the other counties, because, Mr. Speaker, people speak through us. We represent the people of our municipality, of our county, and I do not think that we should be trampling on home rule or preempting local authorities without at least giving them the respect of having some input on it, without at least giving them

the respect, talking to them about what do you think about this proposal, or will this proposal make it difficult if not impossible for you to carry out the business of your municipality or your county?

Mr. Speaker, enough is enough, and we need to draw the line in the sand now. Let us stop trampling on the rights and responsibilities of local officials. If we are going to have local officials, then let us support them or either get rid of them, but let us stop trampling on local authorities without at least giving them the respect of having some say-so in what it is that we do.

And so, Mr. Speaker, because of the preemption provision contained in the Eachus amendment, which in my opinion destroys the good provisions of this amendment and because the Eachus amendment almost flies in the face of the Gerber bill, HB 1541, I have no other choice but to vote in opposition to the Eachus amendment, and I ask my colleagues, both sides of the aisle, to do likewise. You cannot support HB 1541 and also support the Eachus amendment. They are counterproductive to one another. You cannot support local control and support the Eachus amendment. You cannot say I want a smoke-free Pennsylvania and create 100 different exceptions, and you cannot have a smoke-free Pennsylvania where you look out for children but say adults can do what they want to do. You know, you just cannot have it both ways.

And so to that end, you must put up a "no" vote for the Eachus amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

For the information of the members, there are 14 members that are remaining to speak on this amendment. The Chair will now recognize Representative Maher, followed by Representatives Ross, Clymer, and Payton.

Representative Maher waives off. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Ross.

Mr. ROSS. Thank you, Mr. Speaker.

Would the maker of the amendment stand for brief interrogation?

The SPEAKER pro tempore. He indicates he will. You may proceed.

Mr. ROSS. Mr. Speaker, it is my understanding that your intent is to make restaurants which would be accommodating children generally a smoke-free environment. Is that correct?

Mr. EACHUS. Absolutely, Mr. Speaker.

Mr. ROSS. I would like then to ask you to refer to the definitions of "cigar bar" and "tobacco shop," please. Is it correct in my understanding, is my understanding correct that the cigar bar is an establishment which is operating pursuant to a restaurant liquor license which is physically connected to a tobacco shop?

Mr. EACHUS. Under that definition, Mr. Speaker, in the law, yes; correct.

Mr. ROSS. Now, when we look at the definition of "tobacco shop," am I understanding it correctly that there is no size restriction on the tobacco shop, that it is merely a store that primarily sells tobacco products?

Mr. EACHUS. There is no square footage requirement in the law for the size of a tobacco shop, correct.

Mr. ROSS. Would I be correct in understanding that a large restaurant that had a space inside where tobacco products were primarily sold, a kiosk or a small section of that restaurant would therefore be able to declare itself to be a cigar bar?

Mr. EACHUS. Mr. Speaker, under the definition in this law, the main purpose of a tobacco establishment is to sell tobacco and no other issue.

Mr. ROSS. I understand that, but to further my question a little bit, if there is a section of that restaurant where you are primarily selling tobacco and it is declared as to be a tobacco shop, it is internally or attached to the restaurant, then would I be correct in assuming that the remaining restaurant could therefore declare itself to be a cigar bar because it has an attached tobacco shop and it has a restaurant liquor license?

Mr. EACHUS. That would not be the definition that I would adhere to, Mr. Speaker, and obviously, if there is a technical issue, I am happy to discuss it with you on the side.

Mr. ROSS. Well, I would ask you then to please point to the language in the "cigar bar" definition which prevents the scenario that I have just described to you.

Mr. EACHUS. Yes, Mr. Speaker. It is the percentage of food sales that prohibits this. A restaurant would have a greater than 20 percent food sales, so they would not be able to be defined as a tavern under this indoor clean air act, so that you would not end up with a situation where you would be able to have a restaurant wrapped around some cigar-smoking establishment and then have the ability to call it a cigar bar. I think that would be absolutely incorrect.

Mr. ROSS. Thank you, Mr. Speaker.

I would like to speak on the amendment.

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

Mr. ROSS. Despite the strong efforts by the maker of the amendment, I am not sure that I follow his logic completely. A cigar bar does not limit the amount of food served in the definition. A cigar bar merely indicates that it is a restaurant or bar license which has a tobacco-related establishment attached to it. This, Mr. Speaker, is a huge loophole for every single restaurant in the State of Pennsylvania to go through to allow any one of these restaurants where children may be served to declare themselves a cigar bar and maintain themselves as a smoking environment. If you are at all concerned about restricting smoking, this is such a large loophole that I think it is a fatal flaw.

So I would therefore strongly urge the members to turn down amendment A02733, and I urge a negative vote on it.

The SPEAKER pro tempore. The Chair thanks the gentleman.

BILL PASSED OVER

The SPEAKER pro tempore. HB 1541 is over for the day.

HOUSE SCHEDULE

DEMOCRATIC CAUCUS

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. McCall, for announcements on scheduling.

Will the House please come to order for these announcements.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, the leaders will be in further negotiations starting at 9 o'clock. I would ask that we recess the House and

that we convene tomorrow morning, 12 o'clock for caucus and 1 o'clock on the floor.

The SPEAKER pro tempore. Are there any further announcements?

STATEMENT BY MR. BUXTON

The SPEAKER pro tempore. The Chair recognizes Representative Buxton. For what purpose does the gentleman rise?

Mr. BUXTON. Unanimous consent.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. BUXTON. Mr. Speaker, I would like to announce to the membership that at 2 o'clock this afternoon I introduced HB 1717, which is a stopgap measure that would provide for the payment of State employees beginning Monday of next week. The bill provides authorization to the administration to pay State employees through the 30th of July. The cosponsorship memo is available at the desk for anyone who wishes to sign on to this stopgap measure that would provide for continued payment of State employees.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Just for the benefit of the members, there will be no further votes this evening.

REPUBLICAN CAUCUS

The SPEAKER pro tempore. I will get to the members who are seeking recognition, but let me first recognize the minority caucus chairman, Representative Major.

Miss MAJOR. Thank you, Mr. Speaker.

I would like to announce a Republican caucus tomorrow at 12 noon. That is a Republican caucus at 12 o'clock noon on Saturday. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentlelady.

PARLIAMENTARY INQUIRY

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Wheatley.

Mr. WHEATLEY. Thank you, Mr. Speaker.

Mr. Speaker, I just wanted to ask a question around the bill being passed over. Is the list of speakers going to be brought over when we bring the bill back up? Is that how it is going to work?

The SPEAKER pro tempore. Yes, it will.

Mr. WHEATLEY. Thank you, Mr. Speaker.

The SPEAKER pro tempore. Thank you.

STATEMENT BY MS. YOUNGBLOOD

The SPEAKER pro tempore. The Chair recognizes Representative Youngblood.

Ms. YOUNGBLOOD. Mr. Speaker, could I have a moment of silence because I think this is important on what I am going to say.

The SPEAKER pro tempore. Will the House please come to order.

Ms. YOUNGBLOOD. Thank you.

The SPEAKER pro tempore. Will the speaker suspend, please.

The gentlelady deserves to be heard, please.

You may proceed, Representative.

Ms. YOUNGBLOOD. Mr. Speaker, around May, my son and my granddaughter had an assignment in school to look at various mountain ranges in the Commonwealth of Pennsylvania. They came back to me and said, Grandmom or Mommy, were you aware that we have a 30-mile mountain range in the Commonwealth of Pennsylvania called Negro Mountain? And I said, no, I was not. And my baby son said, we live in Pennsylvania. How can we have a mountain range named "Negro Mountain"? My granddaughter said, Grandmom, what do you intend to do about this?

I find this disparaging that we have a mountain range in the great Commonwealth of Pennsylvania named "Negro Mountain." The highest point, it is the highest point of any mountain in the Commonwealth, is Negro Mountain. Negro Mountain spans from Somerset County into Maryland. There is a plaque as tourists, I went on the Net, and tourists are surprised that this day and age we have a 30-mile span named "Negro Mountain." We did a little bit more investigation. I found some other derogatory statements, a river in Pennsylvania that was recently stricken with the "N" word.

I think it is time that we form a commission, and the only thing that you will find about the origin of Negro Mountain, it was a large Black man that helped the British when they fought the French and Indians. In helping to save settlers, he died at the top of this mountain. They buried him and decided to name this range Negro Mountain. I think it is incumbent upon us to form a commission so I will not have to answer my granddaughter or my son, that this vast range with the highest peak in Pennsylvania will not be known as Negro Mountain Range.

The commission should find out the name of this individual. I am quite sure there is something in the archives that would delineate the name of the individual that fought and helped the British during the French and Indian turmoil. If we cannot locate a name, I am requesting that schoolchildren take a mission to give this another name besides the Negro Mountain Range of the Commonwealth of Pennsylvania.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentlelady, and your comments will be spread upon the record.

Are there any other members wishing recognition, or are there any other announcements?

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

HB 1685, PN 2260 (Amended)

By Rep. JOSEPHS

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to the Allentown Commercial Industrial Authority, or their assigns, certain

lands situate in the City of Allentown and the City of Bethlehem, Lehigh County, Pennsylvania.

STATE GOVERNMENT.

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

SB 648, PN 1283 (Amended) By Rep. JOSEPHS

An Act authorizing the Department of General Services, with the approval of the Department of Military and Veterans Affairs and the Governor, to grant and convey, at a price to be determined through a competitive bid process, certain lands, buildings and improvements situate in the Borough of Ligonier, Westmoreland County; authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Military and Veterans Affairs, to grant and convey certain lands situate in the City of Connellsville, a third class city, Fayette County, to the City of Connellsville; and authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to the Allentown Commercial Industrial Authority, or their assigns, certain lands situate in the City of Allentown and the City of Bethlehem, Lehigh County, Pennsylvania.

STATE GOVERNMENT.

**HOUSE BILLS
INTRODUCED AND REFERRED**

No. 5 By Representatives MARSICO, BAKER, BASTIAN, BENNINGHOFF, BRENNAN, CAPPELLI, CLYMER, DALLY, DENLINGER, EVERETT, FABRIZIO, FAIRCHILD, GIBBONS, HALUSKA, HARHAI, HARPER, HERSHEY, HICKERNELL, KENNEY, KIRKLAND, KOTIK, KULA, MAHONEY, MANN, McGEEHAN, O'NEILL, RAPP, ROHRER, SABATINA, SCAVELLO, SCHRODER, SHAPIRO, SIPTROTH, SONNEY, STAIRS, THOMAS, TRUE, WANSACZ, WATSON and YUDICHAK

An Act amending the act of July 11, 1923 (P.L.1044, No.425), referred to as the Prisoner Transfer Law, for adult prisoners," further providing for transfer of inmates.

Referred to Committee on JUDICIARY, July 6, 2007.

No. 1525 By Representatives STEIL, FREEMAN, THOMAS, BOYD, CURRY, FABRIZIO, GINGRICH, GRUCELA, HENNESSEY, MARSHALL, R. MILLER, SWANGER, YOUNGBLOOD and BRENNAN

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, further providing for definitions, for comprehensive plans and for compliance by counties; providing for proposed ordinances; and further providing for impact fees and for transportation capital improvement plans.

Referred to Committee on LOCAL GOVERNMENT, July 6, 2007.

No. 1692 By Representatives HALUSKA, READSHAW, GODSHALL, BENNINGHOFF, BRENNAN, DeLUCA, DENLINGER, FABRIZIO, FLECK, GEIST, HARHAI, HENNESSEY, HERSHEY, KENNEY, KORTZ, KOTIK, LONGIETTI, MURT, MYERS, PALLONE, PYLE, WOJNAROSKI and YOUNGBLOOD

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for unlawful devices and methods.

Referred to Committee on GAME AND FISHERIES, July 6, 2007.

No. 1694 By Representatives DeLUCA, BELFANTI, BIANCUCCI, CALTAGIRONE, CURRY, FREEMAN, GIBBONS, HENNESSEY, JAMES, KIRKLAND, MYERS, PASHINSKI, PETRONE, TANGRETTI, WALKO, J. WHITE, YOUNGBLOOD and THOMAS

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, further providing for the powers and duties of the Department of Health.

Referred to Committee on HEALTH AND HUMAN SERVICES, July 6, 2007.

No. 1695 By Representatives MYERS, WALKO, PARKER, BELFANTI, GOODMAN, HERSHEY, YOUNGBLOOD, ARGALL, BRENNAN, HORNAMAN, McGEEHAN, BLACKWELL, ROEBUCK, COHEN, JOSEPHS, THOMAS, REICHLEY, SWANGER, ROHRER and BISHOP

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for required parental notification of certain incidents.

Referred to Committee on EDUCATION, July 6, 2007.

No. 1696 By Representatives JAMES, CASORIO, YOUNGBLOOD, METCALFE, BRENNAN, CALTAGIRONE, HENNESSEY, KIRKLAND, MURT, MYERS, SWANGER, THOMAS and WILLIAMS

An Act specifying the individuals who are entitled to receive autopsy reports and associated medical records prepared by coroners and medical examiners.

Referred to Committee on HEALTH AND HUMAN SERVICES, July 6, 2007.

No. 1697 By Representatives COHEN, McCALL, SURRA, LEVDANSKY, JAMES, JOSEPHS, GEORGE, THOMAS, BISHOP, YOUNGBLOOD, WALKO, M. O'BRIEN, KIRKLAND, HARKINS, FABRIZIO, CASORIO, BLACKWELL and SIPTROTH

An Act requiring economic development subsidy recipients to meet minimum standards for job quality.

Referred to Committee on LABOR RELATIONS, July 6, 2007.

No. 1698 By Representative STURLA

An Act providing for a film production tax credit and conferring powers and imposing duties upon the Department of Community and Economic Development and the Department of Revenue.

Referred to Committee on FINANCE, July 6, 2007.

No. 1699 By Representatives DeWEESE, BISHOP, D. O'BRIEN, BENNINGTON, BIANCUCCI, BRENNAN, CALTAGIRONE, CAPPELLI, COHEN, DeLUCA, EACHUS,

FABRIZIO, GEORGE, GIBBONS, GOODMAN, GRUCELA, HALUSKA, HUTCHINSON, JAMES, KORTZ, KOTIK, KULA, MAHONEY, MANN, MENSCH, MYERS, M. O'BRIEN, SHIMKUS, SOLOBAY, THOMAS, WOJNAROSKI, YOUNGBLOOD and SEIP

An Act amending the act of December 12, 1994 (P.L.1023, No.139), known as the Independent Living Services Act, further providing for the composition of the Statewide Independent Living Council.

Referred to Committee on STATE GOVERNMENT, July 6, 2007.

No. 1700 By Representatives MARSICO, TURZAI, GRELL, BOYD, CAPPELLI, CAUSER, CIVERA, CLYMER, COX, CREIGHTON, CUTLER, DALLY, DENLINGER, FAIRCHILD, GEIST, GINGRICH, GODSHALL, HARRIS, HERSHEY, KAUFFMAN, KIRKLAND, MARKOSEK, MARSHALL, McILHATTAN, MENSCH, MOUL, MOYER, MURT, MUSTIO, NAILOR, O'NEILL, PAYNE, PEIFER, PERRY, PHILLIPS, PICKETT, RAPP, ROAE, ROHRER, RUBLEY, SAYLOR, SCHRODER, STAIRS, STERN, R. STEVENSON, SWANGER, TANGRETTI, THOMAS, TRUE, VULAKOVICH and YOUNGBLOOD

An Act establishing the Office of Inspector General; imposing duties upon the Auditor General and the Legislative Reference Bureau; and abolishing an executive office.

Referred to Committee on STATE GOVERNMENT, July 6, 2007.

No. 1701 By Representatives CRUZ, THOMAS, YOUNGBLOOD, M. O'BRIEN, KIRKLAND, BLACKWELL, JOSEPHS, MURT, LEVDANSKY, McGEEHAN, W. KELLER, HERSHEY, SWANGER, WATERS, MYERS and CARROLL

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the offense of carrying a firearm in the Capitol.

Referred to Committee on JUDICIARY, July 6, 2007.

No. 1702 By Representatives FAIRCHILD, HUTCHINSON, ADOLPH, ARGALL, BASTIAN, BELFANTI, BENNINGHOFF, BISHOP, BOYD, BUXTON, CALTAGIRONE, CAPPELLI, CASORIO, CIVERA, CLYMER, COSTA, COX, CREIGHTON, DALEY, DeLUCA, DENLINGER, DERMODY, EACHUS, FABRIZIO, FRANKEL, FREEMAN, GABIG, GEIST, GERGELY, GIBBONS, GINGRICH, GOODMAN, GRELL, GRUCELA, HALUSKA, HARPER, HENNESSEY, HERSHEY, JAMES, M. KELLER, KILLION, KULA, LEACH, LONGIETTI, MAHER, MAJOR, MANN, MARKOSEK, MARSICO, McGEEHAN, McILHATTAN, MELIO, METCALFE, MILLARD, R. MILLER, MOUL, MOYER, MUNDY, MURT, MUSTIO, NAILOR, D. O'BRIEN, O'NEILL, PAYTON, PEIFER, PETRARCA, PETRI, PHILLIPS, PICKETT, PYLE, RAMALEY, RAPP, READSHAW, REICHLEY, ROHRER, RUBLEY, SAINATO, SANTONI, SAYLOR, SIPTROTH, SOLOBAY, STABACK, STERN, R. STEVENSON, STURLA, SURRA, SWANGER, TANGRETTI, TRUE, WALKO,

WHEATLEY, J. WHITE, WOJNAROSKI and YOUNGBLOOD

An Act regulating the closure of State-operated mental health facilities; and providing remedies.

Referred to Committee on HEALTH AND HUMAN SERVICES, July 6, 2007.

No. 1703 By Representatives FAIRCHILD, ADOLPH, BEAR, BELFANTI, BEYER, BISHOP, BUXTON, CALTAGIRONE, CAPPELLI, CARROLL, CLYMER, COHEN, CREIGHTON, CURRY, DALEY, DALLY, DeLUCA, DENLINGER, DePASQUALE, EACHUS, FABRIZIO, FRANKEL, FREEMAN, GEIST, GEORGE, GIBBONS, GINGRICH, GODSHALL, GOODMAN, GRELL, HARRIS, HENNESSEY, HESS, HICKERNELL, HUTCHINSON, JAMES, KILLION, KULA, MACKERETH, MARKOSEK, McGEEHAN, McILHATTAN, MELIO, MENSCH, R. MILLER, MOUL, MOYER, MUNDY, NAILOR, O'NEILL, PAYTON, PHILLIPS, PICKETT, RAPP, READSHAW, RUBLEY, SCAVELLO, SCHRODER, SIPTROTH, SOLOBAY, SONNEY, STABACK, STERN, R. STEVENSON, TRUE, WANSACZ, WATSON and YUDICHAK

An Act establishing a bill of rights for individuals with mental retardation; and conferring powers and duties on the Department of Public Welfare.

Referred to Committee on HEALTH AND HUMAN SERVICES, July 6, 2007.

No. 1704 By Representatives BIANCUCCI, EACHUS, FABRIZIO, McCALL, BRENNAN, CALTAGIRONE, CURRY, DeLUCA, DeWEESE, GERGELY, GIBBONS, GOODMAN, GRUCELA, HARHAI, HENNESSEY, W. KELLER, KOTIK, NAILOR, PETRONE, RAMALEY, SAINATO, SANTONI, SIPTROTH, SOLOBAY, STURLA, SURRA, TANGRETTI, J. TAYLOR, WANSACZ and YOUNGBLOOD

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, providing for legislative intent; further providing for retention of records and for violations and penalties; and providing for property rights and for prompt payment.

Referred to Committee on COMMERCE, July 6, 2007.

No. 1705 By Representatives HARKINS, FABRIZIO, M. O'BRIEN, WALKO, COHEN, GRUCELA, KOTIK, JOSEPHS, GALLOWAY, KULA, MELIO, GEORGE, YOUNGBLOOD, BRENNAN, TANGRETTI, McILHATTAN, MURT, PETRONE, J. EVANS, CARROLL, HORNAMAN, CONKLIN, KING, FREEMAN, LONGIETTI and MILNE

An Act authorizing the Commonwealth of Pennsylvania to join the Great Lakes-St. Lawrence River Basin Water Resources Compact; providing for the form of the compact; and imposing additional powers and duties on the Governor, the Secretary of the Commonwealth and the Compact.

Referred to Committee on INTERGOVERNMENTAL AFFAIRS, July 6, 2007.

No. 1706 By Representatives HARKINS, M. O'BRIEN, MAHONEY, THOMAS, ROAE, FABRIZIO, PALLONE, KORTZ, KIRKLAND and CONKLIN

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for imposition of the liquid fuels and fuels tax.

Referred to Committee on TRANSPORTATION, July 6, 2007.

No. 1707 By Representatives MARSICO, BEAR, CLYMER, CREIGHTON, CUTLER, DENLINGER, EVERETT, FAIRCHILD, GINGRICH, HENNESSEY, HERSHEY, HICKERNELL, KAUFFMAN, M. KELLER, MACKERETH, METCALFE, R. MILLER, MOUL, NAILOR, RAPP, ROAE, ROHRER, SAYLOR, SCHRODER, R. STEVENSON, SWANGER, THOMAS, TRUE and TURZAI

An Act amending the act of August 15, 1961 (P.L.987, No.442), known as the Pennsylvania Prevailing Wage Act, excluding political subdivisions from the act; and authorizing optional prevailing wage ordinances.

Referred to Committee on LABOR RELATIONS, July 6, 2007.

No. 1708 By Representatives KING, MELIO, FAIRCHILD, CONKLIN, BENNINGHOFF, BRENNAN, CALTAGIRONE, CARROLL, CRUZ, CURRY, DALEY, DePASQUALE, EVERETT, FREEMAN, GALLOWAY, GEORGE, GOODMAN, RAPP, RAMALEY, PETRONE, GRUCELA, HARHAL, HARKINS, HORNAMAN, JAMES, KESSLER, KORTZ, LENTZ, MAHONEY, McILVAINE SMITH, MOUL, MURT, PALLONE, PARKER, PASHINSKI, PAYNE, PAYTON, YEWIC, J. WHITE, SHIMKUS, SEIP, SCHRODER, READSHAW, SAINATO, SIPTROTH, K. SMITH, SOLOBAY, STABACK, R. STEVENSON and WANSACZ

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for prisoner of war registration plates.

Referred to Committee on TRANSPORTATION, July 6, 2007.

No. 1717 By Representatives BUXTON, EACHUS, SOLOBAY, J. WHITE, PAYNE, MUSTIO, W. KELLER, YUDICHAK, GOODMAN, RAMALEY, CONKLIN, K. SMITH, SIPTROTH, CARROLL, KING, HELM, HARHART, R. STEVENSON, REICHLEY, HANNA, BROOKS, PALLONE, MARSICO, M. SMITH, BELFANTI, MUNDY, STABACK, McILHATTAN, BIANCUCCI, GRUCELA, PETRONE, FABRIZIO, R. TAYLOR, GINGRICH, HARKINS, CASORIO, GERGELY, BAKER, SCAVELLO, KILLION, TRUE, DiGIROLAMO, NAILOR, KORTZ, McILVAINE SMITH, KENNEY, ADOLPH, SHAPIRO, READSHAW, WOJNAROSKI, KULA, PASHINSKI, COHEN, PETRARCA, REED, KESSLER, BRENNAN, McGEEHAN, ROEBUCK, SHIMKUS, WILLIAMS, GRELL, O'NEILL, COSTA, SABATINA, PAYTON, DALLY, JOSEPHS, GIBBONS, YOUNGBLOOD and CRUZ

A Supplement to the act of July 2, 2006 (P.L. No.2A) entitled "An act to provide from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and for the public schools for the fiscal year July 1, 2006, to June 30, 2007, for certain institutions and organizations, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2006; to provide appropriations from the State Lottery Fund, the Energy Conservation and Assistance Fund, the Hazardous Material Response Fund, The State Stores Fund, the Milk Marketing Fund, the Home Investment Trust Fund, the Emergency Medical Services Operating Fund, the Tuition Payment Fund, the Banking Department Fund, the Firearm Records Check Fund, the Ben Franklin Technology Development Authority Fund, the Tobacco Settlement Fund and the Health Care Provider Retention Account to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department for the fiscal year July 1, 2006, to June 30, 2007; to provide appropriations from the Motor License Fund for the fiscal year July 1, 2006, to June 30, 2007, for the proper operation of the several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund moneys; to provide for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the establishment of restricted receipt accounts for the fiscal year July 1, 2006, to June 30, 2007, and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2006; to provide for the additional appropriation of Federal and State funds from the General Fund, the Motor License Fund and the State Lottery Fund for the Executive, Legislative and Judicial Departments of the Commonwealth for the fiscal year July 1, 2005, to June 30, 2006, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2005," providing for an appropriation for the period from July 1 to July 31, 2007.

Referred to Committee on APPROPRIATIONS, July 6, 2007.

No. 1782 By Representatives CUTLER, MELIO, FAIRCHILD, LENTZ, BAKER, BARRAR, BASTIAN, BEAR, BENNINGHOFF, BEYER, BLACKWELL, BOBACK, BOYD, BRENNAN, BROOKS, CALTAGIRONE, CAPPELLI, CARROLL, CASORIO, CAUSER, CLYMER, CONKLIN, COX, CREIGHTON, CRUZ, CURRY, DALEY, DeLUCA, DENLINGER, DePASQUALE, DERMODY, EVERETT, FLECK, FRANKEL, FREEMAN, GABIG, GALLOWAY, GEORGE, GERBER, GERGELY, GIBBONS, GINGRICH, GODSHALL, GOODMAN, GRUCELA, HALUSKA, HARPER, HARRIS, HELM, HENNESSEY, HERSHEY, HICKERNELL, HORNAMAN, HUTCHINSON, JAMES, JOSEPHS, KAUFFMAN, W. KELLER, KENNEY, KESSLER, KING, KORTZ, KOTIK, KULA, LONGIETTI, MACKERETH, MAHER, MAHONEY, MAJOR, MANN, MANTZ, MARKOSEK, MARSHALL, McILHATTAN, MENSCH, METCALFE, MILLARD, MILNE, MOUL, MOYER, MURT, MUSTIO, MYERS, NICKOL, M. O'BRIEN, PALLONE, PARKER, PASHINSKI, PAYNE, PAYTON, PEIFER, PERZEL, PETRARCA, PETRI, PETRONE, PICKETT, PRESTON, PYLE, QUIGLEY, QUINN, RAMALEY, RAYMOND, READSHAW, REED, REICHLEY, ROAE, ROCK, ROHRER, SABATINA, SAINATO, SANTONI, SAYLOR, SCHRODER, SEIP, SHAPIRO, SHIMKUS, SIPTROTH, McILVAINE SMITH, K. SMITH, SOLOBAY, STAIRS, R. STEVENSON, STURLA, SWANGER, TANGRETTI, R. TAYLOR, TRUE, TURZAI, VEREB, VITALI, VULAKOVICH, WAGNER, WALKO, WANSACZ, WATSON, WHEATLEY, WILLIAMS, YEWIC, YOUNGBLOOD, STERN, RUBLEY and ADOLPH

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

Referred to Committee on FINANCE, July 6, 2007.

BILL RECOMMITTED

The SPEAKER pro tempore. The Chair recognizes the majority leader, who moves that the following bill be recommitted to the Committee on Appropriations: SB 623.

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

The SPEAKER pro tempore. Are there any further announcements to be made? Are there any members wishing to be recognized?

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

The SPEAKER pro tempore. The Chair recognizes the gentleman, Representative Seip, from the county of Schuylkill, who moves that this House do now adjourn until Saturday, July 7, 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 6:56 p.m., e.d.t., the House adjourned.