

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

SATURDAY, JULY 14, 2007

SESSION OF 2007

191ST OF THE GENERAL ASSEMBLY

No. 74

### HOUSE OF REPRESENTATIVES

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

#### THE SPEAKER (DENNIS M. O'BRIEN) 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 begin this session day, we pause to thank You for the many gifts and blessings that You have given to each of us. We thank You for the gift of life and for those in our lives – our families and friends who love us and whom we love. Thank You, Father, for each of them.

Thank You for giving to the members of this House the opportunity to serve the people of our respective districts. Help us to act wisely on their behalf and to reach for that which is good for them in the long term. Prevent us from pandering to base, short-term interests which only cause pain over time.

Father, as members of this House, we do grow somewhat weary as we pursue the finalized budget bills for our Commonwealth, but in Your holy Word, You promise a renewal of strength to those who wait upon You, for we read that those who wait upon the Lord shall renew their strength; they shall mount up with wings as eagles; they shall run and not grow weary; they shall walk and not faint. Lord, help us to find our renewal in You and in the eternal truths that we read in Your holy Word.

And beyond our own needs, Father, we do bring before You those who serve our nation in foreign lands in our Armed Forces. We again pray for their safety and for their speedy return to us here at home. Father, thank You for them and for the courage they display in their willingness to risk all in the defense of this nation, a nation which Lincoln accurately called "the last, best hope of man on earth."

Father, we submit these, our petitions, in a spirit of humility, and we do so in Your most holy name. Amen.

#### PLEDGE OF ALLEGIANCE

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

### JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal of Friday, July 13, 2007, will be postponed until printed. The Chair hears no objection.

### LEAVES OF ABSENCE

The SPEAKER. The Chair turns to requests for leaves of absence.

The Chair recognizes the majority whip, who requests that Representative SHIMKUS from Lackawanna and Representative WOJNAROSKI from Cambria be placed on leave for today. The Chair hears no objection.

The Chair turns to the minority whip, who requests that Representative BASTIAN from Somerset and Representative PETRI from Bucks County be placed on leave for today. The Chair hears no objection.

The minority whip is recognized for a request to place Representative O'NEILL, Bernie O'Neill from Bucks County, on leave for the day. The Chair hears no objection.

These leaves will be granted.

Members will report to the floor.

### MASTER ROLL CALL

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

The following roll call was recorded:

#### PRESENT—198

Adolph	Freeman	Mann	Roebuck
Argall	Gabig	Mantz	Rohrer
Baker	Galloway	Markosek	Ross
Barrar	Geist	Marshall	Rubley
Bear	George	Marsico	Sabatina
Belfanti	Gerber	McCall	Sainato
Benninghoff	Gergely	McGeehan	Samuelson
Bennington	Gibbons	McI. Smith	Santoni
Beyer	Gillespie	McIlhattan	Saylor
Bianucci	Gingrich	Melio	Scavello
Bishop	Godshall	Mensch	Schroder
Blackwell	Goodman	Metcalfe	Seip
Boback	Grell	Micozzie	Shapiro
Boyd	Grucela	Millard	Siproth
Brennan	Haluska	Miller	Smith, K.
Brooks	Hanna	Milne	Smith, M.
Buxton	Harhai	Moul	Smith, S.
Caltagirone	Harhart	Moyer	Solobay
Cappelli	Harkins	Mundy	Sonney

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—5

Bastian	Petri	Shimkus	Wojnaroski
O'Neill			

LEAVES ADDED—6

George	Murt	Yewcic	Yudichak
Haluska	Tangretti		

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

VOTE CORRECTION

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

Mr. GABIG. Thank you, Mr. Speaker.

I would like to correct the record on SB 246, amendment A2970. I am recorded as a "yes," and I want to be recorded with the Speaker as a "no." I want to vote with the Speaker and I want to vote with Jerry Nailor as a "no" and Glen Grell and all the other "noes." I want to be a "no" on A2970, Mr. Speaker.

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

SENATE MESSAGE

HOUSE AMENDMENTS  
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 704, PN 1272**.

CALENDAR

RESOLUTION PURSUANT TO RULE 35

Mr. MUSTIO called up **HR 340, PN 2023**, entitled:

A Resolution designating the month of October 2007 as "Fire Prevention Month" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—198

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

Fabrizio	Maher	Reed	Yudichak
Fairchild	Mahoney	Reichley	
Fleck	Major	Roae	O'Brien, D.,
Frankel	Manderino	Rock	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

Bastian	Petri	Shimkus	Wojnaroski
O'Neill			

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

### FILMING PERMISSION

The SPEAKER. The Chair advises the members he has given permission to Jason Kardisco of the Democratic Communications staff to videotape with audio.

If the members will please take their seats. Members will clear the aisles and take their seats, please.

### GUESTS INTRODUCED

The SPEAKER. The Chair would like to take this opportunity again to wish Representative Tim Seip and his wife, Maj. Starr Seip, a very happy anniversary. It is wonderful that they are here, and if you recall, they could not celebrate their anniversary together because she was in Iraq at the time.

So I would like to welcome Maj. Starr Seip, wife of Representative Seip, who just returned from her tour of duty; Elisa Seip, daughter of Representative Seip; Eugene Seip, the father of Representative Seip, and his friend, Doris McClain; and Capt. Cara Walters, who served with Mrs. Seip in Iraq.

Please join us in welcoming our special guests here today. Would you please stand and be recognized.

### STATEMENT BY MR. SEIP

The SPEAKER. The Chair recognizes Representative Seip for some remarks.

Mr. SEIP. Thank you, Mr. Speaker.

I rise to speak under unanimous consent.

The SPEAKER. I do not think anyone will object. You may proceed.

Mr. SEIP. Thank you, Mr. Speaker.

This is the first time that I have had the opportunity to address this body under unanimous consent since I became a member in January. I could find no better time to take advantage of this privilege.

I had, just minutes ago, an opportunity to welcome my wife back, not so far from here, right over at the Headquarters building near the State Farm Show Complex. She came back with her unit, the 28th Infantry Division Support Command, to the Headquarters in Harrisburg. She joins us here today after returning from war in Iraq.

Mr. Speaker, I am proud to be the spouse of a Pennsylvania Army National Guard soldier. It was over 1 year ago today that she left on orders that took effect on Mother's Day. She went to Fort Dix, New Jersey. She completed some training there. She returned home for a brief 2-day leave, and then she rejoined her unit right here in Harrisburg in time to deploy for an overseas mission on Memorial Day of 2006.

Now that the deployment is over, and I would not have said this until the deployment was over, because I did not want to distract her from her missions or her obligations or other tasks at hand, but it was difficult to have her away. But any selfish reason that I have for wanting her to be home with me instead of overseas is greatly overshadowed and tremendously outweighed by the service that she has provided to our Commonwealth and our nation. She served with distinction as the adjudication officer and the mayor of the Ocean Cliffs section of Baghdad in the International Zone of Iraq.

Mr. Speaker, my family, who is sitting right over here in the Speaker's well, is very proud to be here today, and I am very much proud to have them here as well. My wife, Starr, whom you have already met, is seated right there. If you could put your hand up. My daughter, Elisa, who is 9, but I have to say that she exhibited maturity far beyond those 9 years over the last year or so of the deployment and other exciting things that were going on in the Seip family's life. If you could put your hand up, Elisa. And I do want to recognize my dad, who is seated right next to my daughter. He was a tremendous help with child care and other duties that we needed assistance with while my wife was overseas, so I do thank my dad and Doris McClain, his friend, right behind my dad, for their assistance during this time.

Mr. Speaker, my daughter and I are overjoyed to have Major Mom home again with us in this great Commonwealth. Thank you, Mr. Speaker.

### STATEMENT BY MRS. SWANGER

The SPEAKER. The Chair recognizes Representative Swanger for an introduction.

Mrs. SWANGER. Thank you, Mr. Speaker.

I also rise on unanimous consent this morning to introduce a neighbor of mine in Union Township, Lebanon County, whom I just met this morning – Capt. Cara Walters. She also served her country with Maj. Starr Seip in Iraq, and I am so proud to know this wonderful woman, these two wonderful women, who have been so brave this past more than a year, have served their country well, and have gone over there and risked their very lives to protect our freedoms.

So I would like to say welcome home to my neighbor as well as to Major Seip, and we are proud of you and we thank you. We are so grateful for what you do for our country. Thank you.

The SPEAKER. For what purpose does Representative DiGirolamo rise?

Mr. DiGIROLAMO. Unanimous consent, Mr. Speaker.

The SPEAKER. If the gentleman will postpone for one moment, the leaders are not here.

**STATEMENT BY MR. DIGIROLAMO**

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

Mr. DIGIROLAMO. On unanimous consent, Mr. Speaker.

The SPEAKER. The gentleman has the permission of the majority and minority leaders. The gentleman is in order and may proceed.

Mr. DIGIROLAMO. Thank you, Mr. Speaker. If I could have the attention of the members.

Last July—

The SPEAKER. Will the gentleman suspend.

Will the members please hold their conversations to a minimum.

The gentleman is in order.

Mr. DIGIROLAMO. Thank you, Mr. Speaker.

Last July 14, I did not have the opportunity to stand here on the House floor, because we were not in session, and announce the birth of my first grandchild, a little girl – thank you – so today I would like to very proudly announce her first birthday. She was born last year to my oldest boy, Gene, and his wife, Mary Kay, who reside in Florida, and I just would like to let the members know and wish Mave DiGirolamo a very happy first birthday.

Thank you, Mr. Speaker.

The SPEAKER. The Chair and the House congratulate the new grandfather.

**PARLIAMENTARY INQUIRY**

The SPEAKER. For what purpose does Representative Thomas rise?

Mr. THOMAS. Mr. Speaker, a parliamentary inquiry.

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

Mr. THOMAS. Mr. Speaker, I have not seen the kind of smile that I have seen on Representative Seip's face this morning, and I know why he is smiling, I support why he is smiling, and I wanted to ask you as the Speaker, is there anything that we can do in the House to make sure that his wife does not have to go back, that she is able to stay here in Pennsylvania?

The SPEAKER. You are giving me too much credit, Representative Thomas.

**PARLIAMENTARY INQUIRY**

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

Mr. EACHUS. Mr. Speaker, a point of parliamentary inquiry.

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

Mr. EACHUS. Mr. Speaker, I wish to submit written comments for the record on clarifying a section of SB 704.

The SPEAKER. The gentleman is in order.

**REMARKS SUBMITTED FOR THE RECORD**

Mr. EACHUS. Thank you, Mr. Speaker.

First of all, compliments to the majority chairman of the Aging Committee and the minority chairman of the Aging Committee on marshaling a bill forward, SB 704, that is essential to senior citizens across the Commonwealth. After years of hard work, I am thrilled that SB 704 is only a signature from the Governor, is going onto the Governor's desk and will become law.

This bill, which establishes a system of licenses and regulations for assisted living residences, will ensure accountability and availability of institutional, home-based, and community-based long-term care for Pennsylvania adults who need that vital care. We anticipate the required regulations will further clarify some of the questions many of you have raised as SB 704 has moved through the legislative process. However, before we see the final regulations, I would like to clarify one section for the official record: SB 704 permits an assisted living residence to use an informed consent agreement to reduce their exposure to potential liability when a resident wants to direct their care.

Mr. Speaker, I will submit this to the record, but let me just say one more time that this took real leadership in a bipartisan way here in the House from our chairman and chairlady of the Aging Committee. I submit this for the record.

The SPEAKER. The Chair thanks the gentleman.

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

After years of hard work, I am thrilled SB 704 is only the Governor's signature away from becoming law. This bill, which establishes a system of licensures and regulations for assisted living residences, will ensure accountability and availability of institutional, home-based, and community-based long-term care for Pennsylvania adults who need this vital care.

We anticipate the required regulations will further clarify some of the questions many of you have raised as SB 704 has moved through the legislative process. However, before we see the final regulations, I would like to clarify one section for the official record. SB 704 permits an assisted living residence to use an "informed consent agreement" to reduce their exposure to potential liability when a resident wants to direct their own care. Section 1021(2)(VII) requires the department to adopt minimum standards for the informed consent subsection. In that subsection, the term "facility" was used. While the word "facility" has a broad definition in SB 704, it was the intent of the prime sponsor and the legislature to only require standards for assisted living residences and exclude skilled nursing facilities and any other facility licensed pursuant to the Health Care Facilities Act.

I hope this will be noted for the record and printed in the House Journal.

**LETTERS SUBMITTED FOR THE RECORD**

Mr. EACHUS submitted letters for the Legislative Journal.

(For letters, see Appendix.)

## RULES AND APPROPRIATIONS COMMITTEE MEETINGS

The SPEAKER. The Chair recognizes Representative Eachus for an announcement.

Mr. EACHUS. Mr. Speaker, just an announcement.

There will be an immediate meeting of the Rules Committee in the majority caucus room; right after that, at a quarter to 12, the Appropriations Committee will meet; and we will be back on the floor at noon, Mr. Speaker.

The SPEAKER. The Chair grants permission for the committees to meet.

The Rules Committee will meet immediately in the majority caucus room, and the Appropriations Committee will meet at a quarter to 12.

## BILL SIGNED BY SPEAKER

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

### SB 704, PN 1272

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.

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

## RECESS

The SPEAKER. The House will stand in recess until 12 o'clock.

## AFTER RECESS

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

## LEAVE OF ABSENCE

The SPEAKER. The Chair returns to requests for leaves of absence.

The Chair recognizes the majority whip, who requests that Representative TANGRETTI be placed on leave for the remainder of the day. The Chair hears no objection. The leave is granted.

## BILLS ON CONCURRENCE REPORTED FROM COMMITTEE

### HB 1253, PN 2296

By Rep. DeWEESE

An Act amending the act of May 22, 1951 (P.L.317, No.69), known as The Professional Nursing Law, further providing for scope of practice for certified registered nurse practitioners; and providing for professional liability.

## RULES.

### HB 1254, PN 2295

By Rep. DeWEESE

An Act amending the act of May 22, 1951 (P.L.317, No.69), known as The Professional Nursing Law, providing for the definition of "clinical nurse specialist"; and providing for clinical nurse specialists.

## RULES.

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

## BILLS REREPORTED FROM COMMITTEE

### HB 1150, PN 2326

By Rep. D. EVANS

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.

## APPROPRIATIONS.

### SB 968, PN 1298

By Rep. D. EVANS

An Act amending the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, providing for reduction and prevention of health care-associated infection and for long-term care nursing facilities.

## APPROPRIATIONS.

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

## LEAVE OF ABSENCE

The SPEAKER. The Chair returns to requests for leaves of absence.

The Chair recognizes the majority whip, who requests that Representative YEWCIC be placed on leave for the remainder of the day. The Chair hears no objection. The leave is granted.

For what purpose does the gentleman, Representative Scavello, rise?

Mr. SCAVELLO. Unanimous consent, Mr. Speaker.

The SPEAKER. The Chair will remind the gentleman that he has to consult with the majority and minority leaders, and they will affix the time for the gentleman to be recognized for unanimous consent.

## LEAVES OF ABSENCE

The SPEAKER. The Chair returns to requests for leaves of absence.

The Chair recognizes the majority whip, who requests that Representative YUDICHAK and Representative HALUSKA be placed on leave for the remainder of the day. The Chair hears no objection. The leaves will be granted.

Members will report to the floor.

SUPPLEMENTAL CALENDAR B

BILLS ON CONCURRENCE IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to HB 1253, PN 2296, entitled:

An Act amending the act of May 22, 1951 (P.L.317, No.69), known as The Professional Nursing Law, further providing for scope of practice for certified registered nurse practitioners; and providing for professional liability.

On the question, Will the House concur in Senate amendments?

The SPEAKER. The Chair recognizes Representative Vitali, on the question.

Mr. VITALI. Yes; just looking for a more full explanation of the changes made in the Senate to this bill.

The SPEAKER. Is there a member that will stand for interrogation? Representative Solobay indicates he will offer a brief explanation.

Mr. SOLOBAY. Thank you, Mr. Speaker.

From what I have been told, they are just technical in nature and just cleans up some language, but nothing from how it left the House.

Mr. VITALI. Okay. Is this a Fiscal Code bill?

Mr. SOLOBAY. No, this was one of the scope-of-practice bills in the Governor's health-care package - the nurse practitioners.

Mr. VITALI. Thank you.

PARLIAMENTARY INQUIRY

The SPEAKER. Representative Scavello.

Mr. SCAVELLO. Mr. Speaker, I would like to make a parliamentary inquiry.

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

Mr. SCAVELLO. HB 1717 that we tried to suspend the rules yesterday, I would like to make a motion to suspend the rules today in order to bring 1717 up to the floor.

The SPEAKER. The gentleman is not in order. The motion on concurrence is the only thing before the House.

On the question recurring, Will the House concur in Senate amendments?

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

Table listing names of members who voted 'Yeas' (194 total): Adolph, Argall, Baker, Barrar, Bear, Belfanti, Benninghoff, Bennington, Beyer, Frankel, Freeman, Gabig, Galloway, Geist, George, Gerber, Gergely, Gibbons, Manderino, Mann, Mantz, Markosek, Marshall, Marsico, McCall, McGeehan, McI. Smith, Roae, Rock, Roebuck, Rohrer, Ross, Rubley, Sabatina, Sainato, Samuelson.

Table listing names of members who voted 'Nays' (0 total): Bianucci, Bishop, Blackwell, Boback, Boyd, Brennan, Brooks, Buxton, Caltagirone, Cappelli, Carroll, Casorio, Causer, Civera, Clymer, Cohen, Conklin, Costa, Cox, Creighton, Cruz, Curry, Cutler, Daley, Dally, DeLuca, Denlinger, DePasquale, Dermody, DeWeese, DiGirolamo, Donatucci, Eachus, Ellis, Evans, D., Evans, J., Everett, Fabrizio, Fairchild, Fleck, Gillespie, Gingrich, Godshall, Goodman, Grell, Grucela, Hanna, Harhai, Harhart, Harkins, Harper, Harris, Helm, Hennessey, Hershey, Hess, Hickernell, Hornaman, Hutchinson, James, Josephs, Kauffman, Keller, M., Keller, W., Kenney, Kessler, Killion, King, Kirkland, Kortz, Kotik, Kula, Leach, Lentz, Levdansky, Longietti, Mackereth, Maher, Mahoney, Major, McIlhattan, Melio, Mensch, Metcalfe, Micozzie, Millard, Miller, Milne, Moul, Moyer, Mundy, Murt, Mustio, Myers, Nailor, Nickol, O'Brien, M., Oliver, Pallone, Parker, Pashinski, Payne, Payton, Peifer, Perry, Perzel, Petrarca, Petrone, Phillips, Pickett, Preston, Pyle, Quigley, Quinn, Ramaley, Rapp, Raymond, Readshaw, Reed, Reichley, Santoni, Saylor, Scavello, Schroder, Seip, Shapiro, Siptroth, Smith, K., Smith, M., Smith, S., Solobay, Sonney, Staback, Stairs, Steil, Stern, Stevenson, Sturla, Surra, Swanger, Taylor, J., Taylor, R., Thomas, True, Turzai, Vereb, Vitali, Vulakovich, Wagner, Walko, Wansacz, Waters, Watson, Wheatley, White, Williams, Youngblood, O'Brien, D., Speaker.

NAYS-0

NOT VOTING-0

EXCUSED-9

Table listing names of members who were 'Excused' (9 total): Bastian, Haluska, O'Neill, Petri, Shimkus, Tangretti, Wojnaroski, Yewcic, Yudichak.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

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The House proceeded to consideration of concurrence in Senate amendments to HB 1254, PN 2295, entitled:

An Act amending the act of May 22, 1951 (P.L.317, No.69), known as The Professional Nursing Law, providing for the definition of "clinical nurse specialist"; and providing for clinical nurse specialists.

On the question, Will the House concur in Senate amendments?

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

NAYS—0

NOT VOTING—0

EXCUSED—9

Bastian	Petri	Tangretti	Yewcic
Haluska	Shimkus	Wojnaroski	Yudichak
O'Neill			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

**THE SPEAKER PRO TEMPORE  
(JENNIFER L. MANN) PRESIDING**

**SUPPLEMENTAL CALENDAR A**

**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 1150, PN 2326**, entitled:

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.

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.

(Bill analysis was read.)

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

The Chair recognizes the Speaker, Representative Dennis O'Brien.

Mr. D. O'BRIEN. Thank you, Madam Speaker.

Periodically, as members of the House, we are called upon to listen and lead and to stand and speak with a voice that attends to the interests of this body as a whole, our great Commonwealth. This, my friends, is one of those moments.

This historic legislation will further three important goals. First, this bill will help end insurance discrimination against autism and will open doors to service. HB 1150 will open the doors to medical care, accurate diagnosis, and intervention and support services for Pennsylvanians with autism. The human toll brought by the refusal of insurers to provide coverage is immense. Families are under stress, finances are under attack, and futures are slipping away and fractured because early diagnosis and early intervention are not occurring.

Now is the time to act and require insurance companies to cover medical care that can bring about a new day. HB 1150 will open doors of hope and development for those with autism. It will redefine the future through access to medical care and accurate diagnosis and intervention services. It will pierce the darkness of the autism avalanche and bring the dawn of a new day for those with autism, a new day emblematic of people bound as Pennsylvanians in "common wealth."

Second, this bill will grow the Commonwealth's network of medical research and clinical expertise. Pennsylvania's medical and research communities are poised to be leaders in the response to autism, not only in the United States but also in the world. By voting for HB 1150, we celebrate Pennsylvania's first-rate autism research and enhance the position of our finest researchers as they work to unlock the mysteries of autism. Pennsylvania educates 20 percent of the nation's physicians and is a leader in medical education, research, and health care.

HB 1150 unties the hands of our outstanding physicians and scientists so they can use their hands to solve this autism puzzle.

Third, this bill ensures medical assistance is the safety net intended, not the sole provider. HB 1150 is the responsible thing to do on behalf of taxpayers and for good government. The closed door to insurance coverage for those with autism is straining the medical assistance network, depriving the most vulnerable among us of the medical safety net which medical assistance is intended to provide.

And you may remember me promising to take the kids from 3 X 5 cards to 8 X 10 glossies. Madam Speaker, on April 18 many of you stood with me in the Capitol Rotunda as we proclaimed April "Autism Awareness Month." This is the photo of Gabriel Craig, who sat on my lap as I signed the proclamation. Gabriel is the son of Philip and Dawn Craig and brother to Thomas, Allison, and Josiah of Wilson Borough, Easton, Pennsylvania. Gabriel has autism, but with extensive early intervention, Gabriel is making unbelievable progress. When we sat in my office, we had a staring contest, and many of you know that one of the difficulties with children is making eye contact. He won that staring contest, Madam Speaker, because of early intervention.

Gabriel. How wonderfully appropriate and encouraging that a child named "Gabriel" would help me proclaim the good news of a new day dawning for Pennsylvanians with autism. Stand with me and vote "yes" on HB 1150. Once we do, this photo will accompany HB 1150 and trumpet its arrival in the Senate.

I would like to thank Ed Pashinski and Chairman DeLuca and Chairman Micozzie and all the members of the House Insurance Committee for their courage to bring this important issue to the floor, and I would like to thank my colleagues for your wonderful support. Thank you.

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

Mr. DALLY. Thank you, Madam Speaker.

I rise to support this legislation. I am a cosponsor and certainly applaud the Speaker for addressing this issue. I do, however, have some concerns about some language in the bill, and this is PN 2326 for this bill. Is that correct?

The SPEAKER pro tempore. The gentleman is correct.

Mr. DALLY. Thank you, Madam Speaker.

If that is the case, then I am going to be referring to some lines in this printer's number version, and I would like to interrogate the maker of the bill, please.

The SPEAKER pro tempore. Is the gentleman asking to interrogate the maker of the bill?

Mr. DALLY. Yeah; that is correct, Madam Speaker.

The SPEAKER pro tempore. The maker agrees; he will stand for interrogation. The gentleman is in order.

Mr. DALLY. Thank you, Madam Speaker.

The language starting on page 7, lines 14 through 30, requires the Department of Public Welfare to promulgate regulations regarding payments for the treatment of autism spectrum disorders covered under this act, and payment for such services shall be made to autism service providers who meet the standards set forth in the regulations. Now, my concern, Madam Speaker, is with the language starting on page 7 and starting at the end of line 20 which provides the Secretary of the Department of Public Welfare, that is, the Secretary shall implement rules without the IRRC (Independent Regulatory Review Commission) process, which is exempt from the Commonwealth Documents Law and the Commonwealth

Attorneys Act, and these rules shall be in effect for 120 days from the effective date of the act. So we have a 120-day period where the Secretary of DPW (Department of Public Welfare) will make the call as to who is a qualified provider. My concern, Madam Speaker, is that current providers who are providing these needed services could see their payments arbitrarily cut off without notice or recourse if the Secretary sets standards which current providers cannot meet, and these are providers that families have chosen to take their children to for services.

So, Madam Speaker, what my inquiry is to the maker of the bill, if he has had any conversations or communications with the Secretary of the Department of Public Welfare regarding her intention to implement these temporary regulations, particularly as to how they will treat existing providers who are currently receiving payment for providing treatment for autism disorders?

Mr. D. O'BRIEN. It is not the intention, I believe, of Secretary Richman or the Department of Welfare or, frankly, my intention through this bill to eliminate service. The purpose of this legislation is to enhance the provider network so that underserved areas in the Commonwealth, those families will have access to care. The purpose of the regulations is simply to promote best practices and standards that all providers will be expected to follow, and through this legislation, there will be, hopefully, new providers coming to Pennsylvania. There will be providers expanding their levels of service and the quality of service.

Mr. DALLY. Thank you, Madam Speaker.

So, Madam Speaker, do I understand the maker of the bill correctly that within that 120-day period, those providers in the Commonwealth that are providing services to families throughout Pennsylvania will continue to provide those services and be paid for those services pending the adoption of formal regulations?

Mr. D. O'BRIEN. That is my understanding.

Mr. DALLY. Thank you, Madam Speaker.

I have no further questions. Thanks.

The SPEAKER pro tempore. Thank you.

The Chair recognizes the gentleman, Representative Murt.

Mr. MURT. Madam Speaker, I rise today to add my voice to those speaking in support of HB 1150, which would provide coverage for the diagnosis and treatment of autism spectrum disorders for those special members of our families and our communities who are under the age of 21.

Madam Speaker, autism is a complex developmental disability. It is the result of a neurological disorder that affects normal brain function. Autism typically appears in the first 3 years of life. Madam Speaker, those special members of our families and our communities with autism often show difficulties with verbal and nonverbal communication, social interaction, and play activity. However, autism affects each individual differently and at varying degrees. Madam Speaker, that is why it is so critical that autism be diagnosed as early as possible, so specialized intervention programs can begin. We owe this to the members of our families and our communities who suffer from autism and also to the loving families who patiently and compassionately care for these individuals.

Sadly, Madam Speaker, these special therapies can literally cost families thousands of dollars. That is a burden many families across our Commonwealth simply cannot bear. As a result, many families are forced to take second mortgages on their homes or face the real prospect of filing for bankruptcy in order to pay for the intervention and the special care their

children need. Often, Madam Speaker, these families are forced to place their children in group homes or in institutions, and oftentimes the waiting list for these facilities can be several years in duration. HB 1150 would help deal with this problem by requiring coverage for the diagnosis and treatment of autism spectrum disorders by group health insurance policies, Medicaid, adultBasic, and CHIP (Children's Health Insurance Program).

Madam Speaker, I believe HB 1150 could save our State millions of dollars in the long run. An autistic child who receives insufficient treatment can sometimes end up being cared for in an institution which could cost taxpayers millions of dollars, sometimes per patient. Intensive therapy undertaken as early as possible will keep these children from being placed in these institutions and instead allow them to remain where they belong – at home, with parents and families who love them.

Madam Speaker, in conclusion, the late Vice President Hubert H. Humphrey once said, "The moral test of government is how that government treats those who are in the dawn of life – our children; those who are in the twilight of life – our elderly; and those who are in the shadows of life – our sick – our needy – and our handicapped." I will be voting for HB 1150 today, Madam Speaker, and I hope my colleagues will join me so we can say that we passed that moral test.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

### GUEST INTRODUCED

The SPEAKER pro tempore. The Chair would like to welcome a special guest today. Peter Sturla, the son of Representative Mike Sturla, is here today. Peter is serving as a guest page, and we welcome him back to the hall of the House.

### CONSIDERATION OF HB 1150 CONTINUED

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

Mr. BAKER. Thank you, Madam Speaker.

Madam Speaker, I rise to support HB 1150. The prime sponsor of this legislation should be applauded for his long suffering, for his passion, for his hard work in advancing the noble cause of those less fortunate than ourselves – those with autism. His long pilgrimage as being the standard-bearer of this issue is well known, and I do not think there is any doubt in anyone's mind that everything that he has tried to do with this legislation is well intentioned.

So, Madam Speaker, I rise to encourage all the members, if at all possible, to vote with unanimity in passage of this bill. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentlelady, Representative Boback.

Ms. BOBACK. Thank you, Madam Speaker.

Madam Speaker, may I interrogate the maker of the bill?

The SPEAKER pro tempore. The gentleman agrees to stand for interrogation. The lady is in order.

Ms. BOBACK. Thank you.

Madam Speaker, am I correct in saying that just as children with allergies, asthma, or a plethora of other conditions can be

covered under the Insurance Company Law, this bill, if passed into law, would now include autism spectrum disorder? In other words, would this ensure parity?

Mr. D. O'BRIEN. Yes; it will.

Ms. BOBACK. Thank you, sir.

This concludes my interrogation. May I speak on the bill?

The SPEAKER pro tempore. The gentlelady is in order.

Ms. BOBACK. Thank you.

This bill was a long time in coming. Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentlelady and recognizes the gentleman, Representative Mensch.

Mr. MENSCH. Thank you, Madam Speaker.

I rise today as a parent of a child who has many disorders, and I also rise as a fiscal conservative. I am in favor of any legislation that will benefit the children of our State. However, I have this competing interest within myself that talks about the fiscal conservatism, and as Mr. Speaker knows, we have had some discussions and I do have a concern or two about some of the fiscal pieces of the legislation. I would like to just comment on those, if I may.

And then to illustrate the point, yesterday there was a fiscal note that was filed by the majority Appropriations Committee speaking to Representative Nickol's amendment, which was A2813. In there they cite that "the adoption of this amendment could have substantial impact on Commonwealth funds. At this time, there is insufficient information...." It goes on; I will not belabor the point. But my point, Madam Speaker, is that there still remains, in my feeling, some insufficient information. Based on the information available, the Appropriations Committee cannot estimate what the cost to employers will actually be.

If we turn to the fiscal note that was prepared by the Department of Public Welfare regarding the savings that would be incurred from this bill, they suggest that there is a \$20 million savings in medical assistance. I would suggest that that is a shift of savings onto the small businesses who are going to now have to increase their premium rates for the insurance coverage, and I would have liked some additional detail and investigation of that.

Last, I read from the Autism Task Force report, and it is a task force that was convened by the Department of Public Welfare and chaired by the Speaker. The task force was comprised of not only experts in the field of autism but representatives from DPW, the Department of Education, and school districts, and the executive summary of the autism task force report includes this paragraph: "Services are provided to individuals with autism in multiple systems, including Medicaid, Education, Child Welfare, Vocational Services, Housing Services, and even Criminal Justice. Currently, there is no centralized entity to coordinate services and promote cooperation among the various agencies involved with a particular individual."

Madam Speaker, as a parent, as I have said, of a child with multiple disorders, I know how difficult it is, and I also appreciate the duplicity, or the duplication rather, of services and the difficulty that there is with trying to work your way through the various agencies and secure the right services. I applaud you, Madam Speaker, for your effort, your concern, your passion for these children. I would have hoped that we

could have had more time to work some of the financials and all the logistical issues. We did not have that time.

I will support this legislation, Madam Speaker, but I would ask that as we work through the final drafting, we continue to consider the various fiscal aspects of such broad legislation as this. Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentledady, Representative Youngblood.

Ms. YOUNGBLOOD. Madam Speaker, I rise to applaud Speaker O'Brien for the work that he has done in autism and ask everyone in this House to support him. My first cousin has autism, and he is 40 years old. At that time people were not aware of autism. I know from personal experience, having to babysit him, as well as my other siblings had to take care of him, I know the grief his parents went through. I know the expense they had to pay to try to get their child help, and I think with this wonderful legislation that is presented before us today, it will help children, our children of today, and also help people have a better understanding of what autism is about.

So I commend Speaker O'Brien on his efforts in helping this and putting it into place and I ask everyone in this House to support him, and I am doing this because of my cousin, who is now 40, and sometimes we wonder if his parents died because this was not in place as he was growing up: What will happen to him? What will become of him in the future? This is a chance that other parents will not have to worry about: If something should happen to me, what will happen to my child?

Once again, thank you, Speaker O'Brien.

The SPEAKER pro tempore. The Chair thanks the lady and recognizes the gentledady, Representative Kula.

Mrs. KULA. Thank you, Madam Speaker.

I rise today in support of HB 1150 to end the discrimination in insurance coverage against children with autism and their families.

Today, 1 in 150 individuals is diagnosed with autism, making it more common than pediatric cancer, diabetes, and AIDS (acquired immune deficiency syndrome) combined. When people with autism receive appropriate services, they can make great gains and improve significantly. However, without such services, the prognosis is not as good.

Some people claim that school districts are already providing these services. In fact, while Pennsylvania schools do provide some services, if diagnosis is delayed until school age, it is often too late for children to make real progress.

Currently families who have private health insurance are forced to depend upon medical assistance to pay for the critical treatments that their children need. This legislation will allow all Pennsylvanians to see a reduction in medical expenses, a reduction in the need for special education programs, and a reduction in long-term-care costs for the most severely impacted.

HB 1150 is a commonsense and fiscally responsible way of helping families to access health-care services that they are currently excluded from receiving due to their autism diagnosis. I respectfully ask for an affirmative vote on HB 1150 and end this blatant discrimination.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentledady and recognizes the gentleman, Representative Thomas.

Mr. THOMAS. Thank you, Madam Speaker.

Madam Speaker, I rise to join the bipartisan list of stellar advocates who support HB 1150. I also rise to extend my personal thanks and appreciation to Speaker O'Brien for his vision, for his determination, and for staying the course in making sure that 1150 becomes a reality.

As most of you know, I am the proud parent of twin boys. One of my sons was born with special needs, and the challenges, I am very familiar with: in and out of court, in and out of hospitals, in and out of different schools, constantly fighting with administrators to try and make sure that, one, there was early intervention; two, that he had access to both the breadth and depth of services that were available, and also with an eye towards making sure at some point that the world becomes a better place for children with special needs.

Children with autism spectrum disorders need to have access to the same, if not greater, coverage than each and every one of us, and so Speaker O'Brien has drawn the line in the sand and has outlined the foundation that will eliminate discrimination and that will make sure that children with this special need have access to the services that they need.

And as I close, Madam Speaker, I remind each and every one of us of that telling moment by Franklin Delano Roosevelt when he said that the test, the test of a nation's progress, is not measured by whether we add more to the abundance of those who have much but whether we provide for those who have very little. Children with autism spectrum disorders have been shut out, but there is a light that can shine on this and other communities if we put up an affirmative vote for HB 1150. The question is not why we should do it; the question is we have to do it. It has gone on too long.

Again, thank you, Speaker O'Brien.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Representative Pashinski.

Mr. PASHINSKI. Thank you, Madam Speaker.

I rise in complete support of HB 1150 and thank the dedication of Speaker O'Brien, his long and ardent journey.

Members of this historic hall, I ask you to join Speaker O'Brien in helping those thousands of Pennsylvanians that were afflicted and are afflicted with autism. I ask you to recognize the need to attack this problem with the same fervor and conviction that was displayed by so many caring and loving people years ago dedicated to finding cures and treatments for so many human afflictions like polio, leukemia, and tuberculosis. We are in a historic moment.

The exciting thing today about autism is that when it is diagnosed early – and I repeat "early" – the positive results are uplifting. Nearly 50 percent of those with ASD (autism spectrum disorder) that receive the proper treatment and medication become productive citizens and maintain a worthwhile life. Another 35 to 40 percent can be educated to be able to navigate the activities of life with limited help and guidance.

In health care today, the new paradigm is educating people to the facts that prevention and wellness programs not only make sense and improve our quality of life, it saves money as well. We can all agree that we must provide treatment and rehabilitation techniques early to reap the benefits in the end, and the old adage "An ounce of prevention is worth a pound of cure" was never so evident than now. Autism can be conquered,

it can be controlled, and with the proper treatment, this bill will improve the lives of so many Pennsylvanians.

I ask all of you to join Speaker O'Brien and myself in taking this giant step toward helping thousands of Pennsylvanians afflicted with autism and the tens of thousands of Pennsylvanians which represent the family members of those afflicted. I ask you all to vote "yes" on HB 1150.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Representative Cohen.

Mr. COHEN. Thank you, Madam Speaker.

Madam Speaker, I join with others in praise of Speaker O'Brien and his outstanding efforts here. I can give two personal testimonies of the significance of this legislation.

First, my nephew is the case of a young man who had a serious autism problem and, because of the tenacious advocacy of his mother and the personal financial resources of his mother and father, was able to overcome it. He is now a student at West Chester State University and is likely to pursue a very successful teaching career.

Secondly, my wife has been teaching autistic kids for the last 3 years, and I have learned from her the enormous amount of difficulty many autistic kids have in accessing adequate services. She spends a very considerable amount of her time as a social worker, in effect, getting these kids the services they need.

In addition, I have learned from her that children with autism, when they go to public school, often need aides, two forms of aides – extra teaching aides provided by the school district, which the taxpayers pay for, and personal aides provided for by the insurance companies. The effect of this legislation will be to see that more kids get the treatments they need, and the treatments save money. So the treatments not only will improve the lives of many of the kids but will also save taxpayers a lot of money.

I strongly support passage of this bill and once again commend the Speaker for his outstanding leadership in this area.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentelady, Representative Rapp.

Ms. RAPP. Thank you, Madam Speaker.

I rise today to applaud Speaker O'Brien on HB 1150, and I also commend him for his dedication and hard work in putting the language that he has in this bill, not just the insurance language, but also other language in the bill, specifically the diagnostic standards. Having worked with many families across this State who have children with disabilities, I cannot stress to you enough how critical it is for parents to have diagnosticians in the field who properly can diagnose a child's disability and how important that diagnosis is at the earliest moment possible, and along with that diagnosis comes recommendations for that child's program for special education and for services that will help that child become in the long run a productive citizen.

I believe and I am sure that all of the members here believe and the people of Pennsylvania believe that our children are our future. These children as well are part of our future, and this bill will go a long way in helping these children become productive members of our society, and I again applaud the Speaker for the language in this bill, and I encourage everyone to vote affirmative for this bill.

Thank you, Mr. Speaker; thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentelady and recognizes the gentleman, Representative Markosek.

Mr. MARKOSEK. Thank you, Madam Speaker.

Madam Speaker, years ago when I was first elected to the legislature, I had a constituent, a gentleman by the name Dan Torisky, that called me on the phone and said, Representative, I would like to meet you, and in particular, I would like you to meet my son, my son, Eddie. Eddie has autism. And at that time – this was over 20 years ago – I was not 100 percent sure even what autism was, but Mr. Torisky certainly told me, and I got to meet Eddie, and through his advocacy, I became an advocate for the autistic.

In fact, way back in the late 1980s, I introduced a resolution that passed to form a special committee, an ad hoc committee of the House, to study autism and the problems facing the autistic population in Pennsylvania. I was assisted by the Republican chairman at that time, Mr. George Saurman – and some of the veterans may remember George – and then later Representative Russ Fairchild. Also on the Democratic side, Todd Eachus was very supportive. And this committee lasted several sessions, actually. And one of the things we learned at that time from the hearings that we did throughout the Commonwealth was that the autistic in Pennsylvania did not have services geared and customized towards them. In fact – and this is one of the things that totally shocked me – we had parents that said, told us that they had to actually lie about the diagnosis of their own child to get them into some, some program that was fitting for the disabled, for the developmentally disabled.

One of the things that I did back then with a number of cosponsors, we introduced a bill to establish special standards in Pennsylvania through the Department of Education for autism and for autistic services and training programs. One of the things that came out from that is, that bill never did pass, but the Department of Ed, I would like to think through the efforts of that bill, instituted their own regulations that provided those autism standards in Pennsylvania, which we had not had before then. It was, I think, a great victory for this legislature and this House that we were able to get the Department of Ed to do that, and I think many autistic individuals since then have been served by that.

But as we move forward, we understood that there were a lot of other problems facing the autistic, and one of them, of course, was health care, and Representative, Speaker O'Brien's bill here very well addresses that. But I would like to remind everybody here that there are other problems facing not only the autistic but the developmentally disabled throughout the Commonwealth. We have problems in transportation, for example. It is a very significant part of serving the disabled community. If they cannot get to programs, then these programs do them no good. Respite care, respite care for the families. We have many families that are very much impacted by a developmentally disabled individual in their family who need help, and as a result, the rest of the family has a great deal of pressure on it to serve these people.

So I would certainly stand here today to really applaud Speaker O'Brien for the great, great effort that he has made. He has become the champion for the autistic here in Pennsylvania. I am happy to serve him in this endeavor. I am happy to vote for this. This bill is a long time in coming, and I would urge our colleagues to keep in mind that we have a

great deal more to do for the developmentally disabled in Pennsylvania.

Thank you very much.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Representative Pallone.

Mr. PALLONE. Thank you, Madam Speaker.

I rise today to applaud not the Speaker but all of the young boys and girls and young men and women across Pennsylvania who fall under the umbrella of the autism spectrum disorders. These young men and young women and boys and girls across our Commonwealth wake up each and every day, some of them not able to do some of the most simplest and common tasks that we do each day and take for granted. Many of them contained under the spectrum are far more advanced than any one of us on specific disciplines. However, the families that deal with these young boys and young girls and young men and young women that fall under this spectrum deal with these issues on a day-to-day basis. They are both time-consuming and financially expensive for these families to have to deal with on a daily basis.

These young men and these young children and young girls that are working to help these families and the programs that will be more readily available to these families for these children because of HB 1150 are innumerable. We cannot even imagine what these families deal with on a day-to-day basis. And while Speaker O'Brien certainly has led the charge and has been our champion for this cause, we also have to acknowledge that these families need our support. And while I stand proud in this chamber for some of the accomplishments that we have enjoyed for the last several years, today we should all stand proud as we vote to support HB 1150 and to help these boys and girls, young men and young girls, families, mothers and fathers, grandparents, brothers and sisters, aunts and uncles, the entire family network, as we assist them to be able to provide the services and provide for the needs of these individuals who fall under this autism spectrum.

Madam Speaker, I implore all of you to support this and cast your vote in the affirmative. Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Representative Blackwell.

Mr. BLACKWELL. Thank you, Madam Speaker.

Madam Speaker, I stood here and I listened to all these speeches, and for 3 1/2 years I worked for a nonprofit organization called Community Interactions in Delaware County, and I worked with all types of people who had disabilities. Madam Speaker, I actually stand here ashamed because I have not spoken up yet, because I have seen the effect that a misdiagnosis can have on not only the individual but the individual's family.

This is what I think legislators on any level should be about. This is about improving the quality of life for people. Some of our most vulnerable people we tend to forget, but for the grace of God, there go I. For whatever reason, some people go through this life with disabilities that are no fault of their own. I remember, Madam Speaker, taking people on vacation with me, and I worked with some people, I was a supervisor in community housing. We were in a restaurant, and the individual that actually worked under me – we went in the restaurant – wanted to go straight to the back because she was embarrassed, and I came out and I said, why are you going to the back?

She said, because the way these people act. I said, no; we are going to sit up front because we are paying customers, too, and so are they.

Through no fault of their own, Madam Speaker, I realized then what really a tough life they have not only in terms of their abilities but the financial drain or strain that is on their families. This is good legislation, and this is what I hope that this legislature would be about – improving the quality of life for all people, especially the most vulnerable. Madam Speaker, there is none more vulnerable than kids who have autism or whatever disability they may have through no fault of their own. I believe that this is our mission to help people no matter what the cost, because as I stated, this is something we do not know why these things happen, but they do, and those people who are in a position to help should help. We are obligated to help.

I am proud of the sponsor of this legislation. Henceforth, from now on, I will not stay silent, because these are the people that need me. Rich folks do not need me, but people who are vulnerable, people who cannot speak for themselves need people like us to do these things. That is what we are supposed to be all about, and I pray that we continue this type of legislation because that is what government is all about – improving the quality of life for all people.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentledady, Representative Bishop.

Ms. BISHOP. Thank you, Madam Speaker.

I rise for a twofold purpose today. Firstly, I would like to say on behalf of the thousands of parents across the Commonwealth of Pennsylvania who have struggled for years with children who have Alzheimer's or autistic children, I want to say thank you to Speaker O'Brien, who has worked this issue for a long time, and he reminds me and this whole issue reminds me of the late Dr. Martin Luther King, who subscribed to the theory of an old hymnodist who said, "If I can help somebody as I pass along...then my living shall not be in vain."

This bill speaks volumes not only to how the sponsor feels and those who cosponsored it, but it speaks volumes for this House of Representatives, for every one of us who are here. It tells the Commonwealth of Pennsylvania that we are concerned about those who are less fortunate, those who are underprivileged, those who are unable to help themselves, and those of us who sign on by saying yes today to this philosophy will greatly benefit someday within ourselves because we have helped someone as we travel this way, and our living shall not be in vain.

Please vote "yes." All of us can join together so we, too, can become a part of that wheel of justice for the Commonwealth of Pennsylvania, to the children who are less fortunate. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentledady and recognizes the gentleman, Representative Harhai.

Mr. HARHAI. Thank you, Madam Speaker.

I rise to concur with the two former speakers and also to support HB 1150. Although I thoroughly enjoy being a member of this House and being here to serve the people, the greatest gratification in my lifetime was working 17 years ago with people with special needs – mental health/mental retardation, autism, which was not really clarified at the point, and also traumatic brain injury.

I just rise to lend my support to Speaker O'Brien for a great, great job, a great leader in this cause, and others, and I lend my support to HB 1150, and I would appreciate if all of us can vote in a unanimous fashion on a very worthy cause. Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and asks if anyone else seeks recognition on final passage.

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—194

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

NAYS—0

NOT VOTING—0

EXCUSED—9

Bastian	Petri	Tangretti	Yewcic
Haluska	Shimkus	Wojnarowski	Yudichak
O'Neill			

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 968, PN 1298**, entitled:

An Act amending the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, providing for reduction and prevention of health care-associated infection and for long-term care nursing facilities.

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.

(Bill analysis was read.)

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

The Chair recognizes the gentleman, Representative DeLuca. Mr. DeLUCA. Thank you, Madam Speaker.

Once again, I would like to thank the members of this House and also members on the other side of the aisle, especially my good friend, Scott Boyd, who worked hard along with us. And I also want to thank the Governor of the Commonwealth of Pennsylvania, Governor Rendell, for bringing this issue to the forefront with his health-care initiative. Because of the fact that I was working on it for 7 years and being the fact that he had brought it before the public and we had 10 hearings throughout this Commonwealth, we were able to achieve a compromise with all the parties, and I want to thank all the stakeholders who also participated and were willing to give. Everybody did not get what they wanted, certainly, but they were willing to work together on behalf of the 12 million Pennsylvanians in the Commonwealth of Pennsylvania.

And I have statements that I would like to submit for the record, but one I would like to read here today, and this comes from Dr. Lloyd, who is the prevention coordinator for hospital-acquired infections for the VA Pittsburgh Healthcare System, and I would like to read to you what Dr. Lloyd has said:

"This is a major breakthrough that will give Pennsylvania a powerful database that no other state has. Hospital infection control professionals will be able to extract meaningful data which they can customize into reports..." that they can take action on – "reports that enable health care professionals to

make immediate improvements that will prevent transmission and eliminate infections. Along with this significant change, the Pennsylvania Health Care Cost Containment Council will be able to use the National Healthcare Safety Network system to track progress and present accurate and timely information on the costs of health care-associated infections."

This is just one of a bunch of correspondence that we received, which I am going to submit for the record, and again, I would like to thank this body for working together, certainly on this bipartisan piece of legislation, and I would appreciate an affirmative vote on this.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

### REMARKS SUBMITTED FOR THE RECORD

Mr. DeLUCA submitted remarks for the Legislative Journal.

(For remarks, see Appendix.)

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—194

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

DiGirolamo	Kotik	Preston	Wansacz
Donatucci	Kula	Pyle	Waters
Eachus	Leach	Quigley	Watson
Ellis	Lentz	Quinn	Wheatley
Evans, D.	Levdansky	Ramaley	White
Evans, J.	Longiatti	Rapp	Williams
Everett	Mackereth	Raymond	Youngblood
Fabrizio	Maher	Readshaw	
Fairchild	Mahoney	Reed	O'Brien, D., Speaker
Fleck	Major	Reichley	

NAYS—0

NOT VOTING—0

EXCUSED—9

Bastian	Petri	Tangretti	Yewcic
Haluska	Shimkus	Wojnaroski	Yudichak
O'Neill			

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.

### LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair recognizes the majority whip, who requests that leave be granted to Representative GEORGE for the remainder of the day. Without objection, the leave will be granted.

### CALENDAR CONTINUED

#### BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **SB 246, PN 1286**, 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 recurring,

Will the House agree to the bill on second consideration?

The SPEAKER pro tempore. When we broke yesterday, there was a motion that had been made by the gentleman, Mr. Ross.

The Chair recognizes the gentleman, Representative Ross.

#### MOTION WITHDRAWN

Mr. ROSS. Thank you, Madam Speaker.

I would like at this time to withdraw my motion to revert to the prior printer's number 25.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

Mr. **REICHLEY** offered the following amendment No. **A02892**:

Amend Sec. 3, page 12, by inserting between lines 26 and 27  
"Private club." Any reputable group of individuals associated together as a not-for-profit organization for legitimate purposes of mutual benefit, entertainment, fellowship or lawful convenience which regularly and exclusively occupies, as owner or lessee, a clubhouse or quarters for the use of its members and which holds regular meetings, conducts business through officers regularly elected, admits members by written application, investigation and ballot, and charges and collects dues from elected members. The club shall either be incorporated or, if unincorporated, provide proof of continuous existence for the past ten years in a manner deemed sufficient by the Department of Health.

Amend Sec. 4, page 15, by inserting between lines 29 and 30  
(6) A private club.

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

The **SPEAKER** pro tempore. On the amendment, the Chair recognizes the gentleman, Representative Reichley.

Mr. **REICHLEY**. Madam Speaker, may the House just be at ease for a moment? I have to get the amendment folder out of my desk, so just one minute.

The **SPEAKER** pro tempore. The House will be momentarily at ease.

### PARLIAMENTARY INQUIRY

The **SPEAKER** pro tempore. The Chair recognizes the gentleman, Representative Reichley. Please proceed.

Mr. **REICHLEY**. Thank you, Madam Speaker.

Just as a point of parliamentary inquiry, by calling up amendment A02892, is the Chair for some reason not calling up A02891?

The **SPEAKER** pro tempore. The Chair intends to call that amendment up at a later time.

Mr. **REICHLEY**. Okay. As long as the Chair is not under the impression I was withdrawing that amendment.

The **SPEAKER** pro tempore. No.

Mr. **REICHLEY**. Okay. All right.

The **SPEAKER** pro tempore. That is not the case. Thank you.

The gentleman may proceed.

Mr. **REICHLEY**. All right. Thank you, Madam Speaker.

The amendment before the House, A02892, is an attempt to address a concern which I think was expressed at a number of points yesterday during the debate on the Eachus amendment, which is the issue of private clubs. This language is substantially similar to that which was in the Eachus amendment. I am thinking it is similar to what was originally in the Senate bill, but I cannot state that to the House on a word-for-word basis.

There is a clarification on what would be regarded as a private club, as a not-for-profit organization with a regular and identifiable physical premises which is leased or owned by the organization, which holds regular meetings. So this would be a situation in which I think a number of us have expressed

concerns about; VFWs (Veterans of Foreign Wars), American Legion posts, and other private organizations, that by their own discretion, after a vote by the membership, would choose to allow smoking.

This is not meant to in any way prevent the uniformity of a ban within bars and restaurants, and I think this amendment would attempt to address those concerns by some individuals who feel that there should be some organizations who by their own discretion, if they want to allow smoking, may do that, and therefore people who belong to that organization would be allowed to make a decision whether they want to continue to patronize that establishment or if they want to end their membership with that organization.

Thank you very much, Madam Speaker.

The **SPEAKER** pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Representative Ross.

Mr. **ROSS**. Thank you, Madam Speaker.

I would urge a "no" vote on this amendment. There are two major problems. One is that there is no limit to the size of the clubs, so it could be a very large facility with many, many workers and perhaps many guests, so there is a substantial risk of workplace exposure. We are trying to make this as even and fair across the board as possible. We should not protect some workers in some venues and not others in others. And then secondly, many private clubs wind up being in effect, at some level, in competition with other forms of private business. So again, there is a fairness and competition issue here that should be considered.

We made a fairly strong statement last night in regards to the Eachus amendment. I think that if we stay consistent and have a broad, across-the-board standard that is uniformly applied to deal with workplaces, that we will have a better bill to send back to the Senate.

I urge a "no" vote on the Reichley amendment.

### GUESTS INTRODUCED

The **SPEAKER** pro tempore. The Chair thanks the gentleman and would like to pause briefly to welcome some special guests this afternoon to the hall of the House: Stella Ann and Andrew Fine; Mike, Nick, and Amanda Williams are family of Sandy Williams, who works in the Speaker's Office. They are here today as guests of Representative Glen Grell as well as guests of Speaker Dennis O'Brien. They are here to my left. Please stand and be recognized. Let us welcome them to the hall of the House.

We additionally have some special guests with us today, the Coulsons of Belle Vernon: Chuck; Irene; Chuck, Jr.; and Cindy. They are also to my left. They are here today as guests of Representative Ted Harhai and Speaker O'Brien as well. Welcome to the House.

### CONSIDERATION OF SB 246 CONTINUED

The **SPEAKER** pro tempore. Returning to the amendment, the Chair recognizes the gentlelady from Philadelphia, Representative Josephs.

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

I rise in opposition to the Reichley amendment. If we are going to be consistent and true to ourselves, what we did last night, we cannot pick away piece by piece language which is

closest to what we want to get to make clean indoor air available to everybody. If we vote for this amendment, several thousand not-for-profit organizations will be redefined as private clubs, and that will include for exemptions from clean indoor air charitable, civic, fraternal, scientific, educational, trained health welfare, social, and religious organizations. We will be exposing thousands, if not tens of thousands of workers and members and guests of not-for-profit organizations to tobacco smoke pollution and all of its attendant ills. This is inconsistent with the reason why most people get a tax exemption, and that is to promote human welfare.

If we redefine not-for-profit organizations as private clubs, we will have confused the public into believing that these organizations are already exempt from other laws and regulations, but in fact, they are not. These not-for-profit organizations, like other employers and other organizations, must comply with virtually all of the other public health and safety laws and regulations, including the Crimes Code, Building Code, zoning, food safety, water safety, fire safety. Imagine if the private club you went to was situated in a building where there was no fire escape and they said to you, oh, we do not have to have one; we are not-for-profit.

The SPEAKER pro tempore. Will the gentledady please suspend.

There is entirely too much noise in the hall. Members are unable to hear what the lady has to say, and she deserves to be heard.

### PARLIAMENTARY INQUIRY

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

Mr. METCALFE. A parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will please state his point of inquiry.

Mr. METCALFE. I would like to know what motion would be available during this budget season, while we are waiting to pass the budget, to stop all the redundant arguments that we continue to hear and actually just vote, a motion that would be available to stop the big government, nanny government speeches and get on and just vote the amendment so we can get to the budget, Madam Speaker?

The SPEAKER pro tempore. The Chair thanks the gentleman.

Please state your point of inquiry.

Mr. METCALFE. Madam Speaker, I would like to make a motion to table SB 246 with all amendments.

The SPEAKER pro tempore. The gentleman's motion is in order— The gentleman's motion will be in order, but we cannot interrupt the gentledady from Philadelphia who was speaking. So once Representative Josephs has concluded her remarks on the amendment, the gentleman's motion will be in order.

Will the gentledady please proceed.

Ms. JOSEPHS. Thank you, Madam Speaker.

The SPEAKER pro tempore. For what purpose does Representative Pallone rise?

Mr. PALLONE. Thank you, Madam Speaker.

I was under the impression that a motion to table would take precedence over all other pending business.

The SPEAKER pro tempore. The Chair asks that we recognize rule 11, "Interruption of a Member Who Has the Floor. A member who has the floor may not be interrupted, except for questions of order or by a motion for the previous question.

"A member may yield the floor for questions related to the subject before the House."

Mr. PALLONE. Thank you, Madam Speaker, for that clarification.

### MOTION FOR PREVIOUS QUESTION

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

Mr. METCALFE. Madam Speaker, I think that there are more than 25 members that would agree we have heard some of these same arguments, are ready to vote the budget to ensure that we do not have thousands of people being furloughed next week. So I would make a motion that we move the previous question, Madam Speaker.

The SPEAKER pro tempore. Once again, the gentledady has the floor, and we need for her remarks to conclude. The gentleman's motion will be in order at that time.

Mr. METCALFE. Would not the previous question stop all debate and move to the question that is in order?

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

The SPEAKER. Members will take their seats.

### MOTION WITHDRAWN

The SPEAKER. The Chair has been informed the gentleman withdraws his motion.

The Chair recognizes Representative Josephs on the amendment.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I am sorry, Mr. Speaker, if the truth is painful, but I am going to go ahead with it, and you can never tell, I may say something like I said last night and entertain you all, but I am not promising.

If we redefine not-for-profit organizations as private clubs, we are misleading the public into believing that not-for-profit organizations do not have to follow the same rules as profit organizations. They have to adhere to fire and safety codes, building codes, all the other kinds of statutes that every for-profit organization must adhere to as well. The difference between nonprofit and profit is really a legal distinction. It does not really carry very much into the public sector, nor should it. Tens of thousands of Pennsylvanians are employed by not-for-profit organizations. Hundreds of thousands, perhaps millions of Pennsylvanians are members or guests at not-for-profit organizations, including members who volunteer to do volunteer work for the organization as a condition of membership.

Volunteers are workers, too. They just are not paid, and on top of not being paid, they do not need to be exposed to a carcinogen every time they take a breath. Many, if not most, of the exempted, proposed exempted, not-for-profit organizations

that have employees do not provide health-care insurance or they do not provide very good health-care insurance for their employees or for their volunteers. So taxpayers, you and I and the little guy I keep hearing about from the folks on the other side of the aisle, are the ones that would be picking up the medical bills for the people who are going to be injured in these so-called private clubs because they cannot be under this amendment protected from inhaling a toxic substance, which will make them sick and eventually kill them.

Workers of not-for-profit organizations should not be exempted from occupational health and safety laws, and besides which, if we vote for this amendment, which I really hope we do not, we are denying the people of Pennsylvania their constitutional right. Article I, section 27, of the Pennsylvania Constitution states, "The people have a right to clean air...."

Thank you, Mr. Speaker.

### **THE SPEAKER PRO TEMPORE (JENNIFER L. MANN) PRESIDING**

The SPEAKER pro tempore. The Chair thanks the gentledady.

### **PARLIAMENTARY INQUIRY**

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

Mr. COSTA. Thank you, Madam Speaker.

For a parliamentary question.

The SPEAKER pro tempore. Please state your inquiry.

Mr. COSTA. Thank you.

I am just trying to understand all the new rules and procedures. If the previous gentleman's motion was agreed to, to move the question, being that we are on second consideration, would that not have taken it to third consideration and then we would have had to wait 24 hours, or could we have gone right to final passage? Is that correct, it would have just moved the amendment and not the bill?

The SPEAKER pro tempore. At the time the gentleman stated the motion, we were not completely clear on his motion as to whether we were tabling the bill, the amendment, and that would factor into the answer of your question.

Mr. COSTA. So then I bring another question to you. I have no intentions to do this, but if I brought a question up now and said to move the bill, would it move it to third consideration and we would have to wait 24 hours, or could we vote on final passage? I am just trying to understand the new procedures.

The SPEAKER pro tempore. If the intention was to the motion to the question, the question right now is second consideration, and that is what would be in order, if that is what you were asking.

Mr. COSTA. Sort of. I am trying to find out, like I said, to learn the new rules. I am not fully aware and I am learning as we are going along, and I was trying to understand where we were going if the gentleman did move that motion. I think I have a good idea.

Thank you for clarifying it.

### **MOTION TO TABLE**

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

Mr. METCALFE. I had withdrawn the motion to move the previous question, and you had said at the end of the debate of the previous speaker, then we would have the motion to table in order.

The SPEAKER pro tempore. The gentleman is in order.

Mr. METCALFE. I would like to make a motion to table so that we can move on to actually doing the budget bill that we are here for here in this late day in July, Madam Speaker. So I would like to make a motion to table this bill with all amendments so that we can move on to make sure that we do not have thousands, tens of thousands of workers being furloughed next week, Madam Speaker; that we could actually pass the budget the Governor declared finished last Monday, or that the deal was done but we are here a week later and no deal has happened yet, Madam Speaker.

Madam Speaker, I think the primary concern is moving on to the budget vote, Madam Speaker.

The SPEAKER pro tempore. The gentleman's motion is in order, and we will proceed on the motion.

The motion to table is debatable by everyone. Debate must be limited to reasons for or against placing the bill on the table.

On the question,

Will the House agree to the motion?

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

Mr. STURLA. A parliamentary inquiry.

The SPEAKER pro tempore. Please state your inquiry.

Mr. STURLA. Does cutting off debate on this bill and tabling this bill automatically get us to a budget vote? Does a budget vote come up automatically if we do not do this bill?

The SPEAKER pro tempore. The gentleman is not asking a point of parliamentary inquiry.

Mr. STURLA. Oh; I am just trying to determine, because we were told that the reason that we want to stop debate on this bill is because that gets us to—

The SPEAKER pro tempore. Will the gentleman cease momentarily. It sounds that you are arguing reasons for or against the motion to table and not stating a point of parliamentary inquiry.

Mr. STURLA. Madam Speaker, I guess what I am trying to determine is, would not a motion to move to a budget bill be the appropriate—

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

The SPEAKER. Will the gentleman suspend. The gentleman's point of parliamentary inquiry is not in order.

The motion before the House is to table the amendment, which would have the effect of tabling the bill and all the amendments. Members, members, all members are entitled to speak on the motion to table and are limited to two times on the motion.

The Chair recognizes Representative Preston.

Mr. PRESTON. First an inquiry on the motion, Mr. Speaker.  
The SPEAKER. The gentleman will suspend.

The House will be at ease.

#### MOTION WITHDRAWN

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

Mr. METCALFE. Mr. Speaker, I would like to withdraw my motion until 2:30.

The SPEAKER. The Chair thanks the gentleman. I will see what I can do about that.

The Chair returns to the amendment.

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

#### PARLIAMENTARY INQUIRY

Mr. S. SMITH. Mr. Speaker? Mr. Speaker?

The SPEAKER. The Chair recognizes Representative Smith.

Mr. S. SMITH. I mean, what the heck. If you cannot enjoy life even in times of turmoil.

The gentleman just said, I want to withdraw my motion till 2:30. Just by a point of parliamentary inquiry, is it possible to say, I am moving to table this at a certain time if we are not done with debate?

The SPEAKER. No. The Chair believes that if the gentleman wants to reassert that motion, he can at 2:30, or whatever time he chooses.

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

The SPEAKER. The Chair thanks the gentleman.

Representative Micozzie, on the amendment.

Mr. MICOZZIE. Thank you, Mr. Speaker.

There seems to be some confusion on the definition of a private club.

The SPEAKER. The gentleman will suspend for one moment.

The Chair will ask all members to take their seats.

The Chair thanks the gentleman, and Representative Micozzie is in order. He may proceed.

Mr. MICOZZIE. There are two types of club licenses in Pennsylvania. There is a club license and then there is a catering club license. I happen to be the president of a Knights of Columbus organization that has 1800 members, and we have a home association, which is a separate corporation, that has about 500 members. It is a very active organization, and we have on weekends – Fridays, Saturdays, and Sundays – whether we have a wedding, whether we have a banquet, or music, where the public is invited to come. Now, on a plain club license, it is a license where the members, the American Legion, those types of organizations, may not have a catering license, where they go, they play cards, they play pool, and that type thing.

So in the amendment, 2892, he is including all private clubs. Even though my organization is a private club, it does have the facilities where the public is invited to come, and we are talking about a facility that has something like 7200 square feet,

where the organization, or the Knights of Columbus, meets in a separate room. Of course the members— It is only a room about 2 feet outside the main club.

So I am opposing amendment 2892, and if we are going to try to clear up the smoking, public smoking in Pennsylvania, I think we should defeat this amendment. Thank you, Mr. Speaker.

The SPEAKER. Representative Frankel.

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

Last night this chamber spoke in a bipartisan way to protect all Pennsylvanians without any exception. We have before us another amendment, and we are going to see several more today that are going to try and pick a group of entities to exempt. And while private clubs sound like a benign issue, there are hundreds, if not thousands of them, and they employ tens of thousands of people who will be subjected to this. They will have guests coming to these places.

So I do not see how this is any different from the debate we had last night where we ended up deciding that we were going to protect every single Pennsylvanian. Now, again, we are faced with an amendment that would pick a group of institutions and their employees and guests and say they should not have a healthy working environment or a healthy place to be entertained. We cannot be in this business of picking which Pennsylvanians are going to be healthy and which Pennsylvanians are not going to be healthy. It is like playing God. That is not our role. Our role is to protect every single Pennsylvanian equally, and this amendment does not do that.

Please vote "no" on the Reichley amendment.

The SPEAKER. Representative Pyle. The gentleman will suspend for one second.

The Chair again will ask members to please take their seats. Conversations in the back of the House will cease. The aisles will be cleared. The Chair thanks the members.

Representative Pyle is in order.

Mr. PYLE. Thank you, Mr. Speaker.

As I did last night on the Eachus amendment, I have got to draw a fine distinction between public and private. Private club implies that you have a choice as to whether or not you want to offer your money to gain acceptance to an organization. On the other hand, you can choose not to join that club. This amendment preserves a little bit of the private aspect of a private club. It is a matter of choice, Mr. Speaker.

To disallow somebody by their own volition to join a club for which others have the opportunity but choose not to because of the presence of smoke is a sound issue. Mr. Speaker, I could go into political theory. Do we want to talk about John Locke? Do we want to talk about Lord North? Is our job to represent the wishes of our constituents or to impose our will? Without the Reichley amendment, frankly, Mr. Speaker, my people have sounded off very clearly: It is egregious, it is heavy-handed, and it is just plain too much government.

Private clubs, you are free to either choose or not choose. Those who do not want to be exposed to smoke can choose not to join the club, but to unilaterally impose this kind of ban and, as the previous speaker said, play God – which, by the way, is somewhat offensive, but I can handle that – is just not right for Pennsylvanians. At some point we have to ask, what are we going to favor, personal responsibility or the State stepping in and demanding that people do certain things?

Now, Mr. Speaker, this session and in the past few sessions, we have moved to cover all kids; great legislation. We have

moved to put insurance for people that cannot afford it; also great legislation. But to step in to a private entity and tell them what they can and cannot do with their membership is too much government, Mr. Speaker.

I encourage support of the Reichley amendment. Thank you.

The SPEAKER. Representative Cappelli.

Mr. CAPPELLI. Thank you, Mr. Speaker.

Mr. Speaker, would the maker of the amendment stand for brief interrogation?

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

Mr. CAPPELLI. Thank you, Mr. Speaker.

Mr. Speaker, I share a similar concern raised by the gentleman from Delaware County a few moments ago regarding the definition of a private club. In reading your amendment, it indicates that it is an organization that has been recognized for at least 10 years. They have a membership, collect dues, may or may not be incorporated, and are not-for-profit. Your amendment does not indicate that they would be the holder of a liquor license duly obtained through the Commonwealth. Is that an accurate assessment?

Mr. REICHLEY. Mr. Speaker, that is an accurate reflection of the reading of the language of the amendment, yes.

Mr. CAPPELLI. Mr. Speaker, would it be wrong for me to then extrapolate my thinking to suggest that your amendment could apply to a Masonic Lodge, to a hunting club, or some other organization of that nature?

Mr. REICHLEY. Mr. Speaker, I do not know that it is necessarily incorrect to take that interpretation. This language is similar to what has been in previous incarnations of this issue as we have gone through this session, and I should mention that it does not somehow obligate a private club to allow smoking. This would be a decision by the membership of the club, so that any organization that said, you know what, for the purposes of our membership we do not want to have smoking in here, they can make that decision, too. This is an optional situation. It does not mandate that any private club of any type have to allow smoking on its premises.

Mr. CAPPELLI. Mr. Speaker, do such organizations currently have the internal prerogative to determine that policy now?

Mr. REICHLEY. I believe they would. I was concerned that within the language of the bill as it is amended currently, that that prerogative would not continue to exist, though.

Mr. CAPPELLI. Thank you, Mr. Speaker. That ends my interrogation.

On the amendment?

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

Mr. CAPPELLI. Thank you, Mr. Speaker.

Mr. Speaker, I appreciate what the gentleman from Lehigh County is attempting to do with amendment A02892. I am concerned, however, that we may be opening up a new avenue that will certainly permeate organizations and clubs that heretofore I do not believe were to be a part of this debate or to be impacted by this legislative issue. This would be encroachment that I think goes too far. Let us allow those organizations the flexibility that they are entitled to, and let us try and keep this debate focused on this issue and this legislation focused more in the public realm.

Thank you, Mr. Speaker.

The SPEAKER. Representative Samuelson.

Mr. SAMUELSON. Thank you, Mr. Speaker.

The Reichley amendment starts off with the words, talking about "Any reputable group of individuals associated together...." I just think back to a reputable group of individuals who gathered in Philadelphia in 1776, 56 people who wrote the words "all men are created equal," and if we are going to adopt the clean indoor air act for Pennsylvania, if we are going to protect the citizens of Pennsylvania from the dangers of secondhand smoke, it should be self-evident to us that all Pennsylvanians are created equal, and we should not pick and choose which workers have that protection and which workers do not, which citizens have that protection and which citizens do not. Clean indoor air should be for all of Pennsylvania.

Thank you.

The SPEAKER. Representative Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

Just as yesterday, some of you folks really crack me up.

The law right now does not disallow anyone from banning smoking in their facility, whether it be public or private. The law allows for any organization, any VFW, any fire company to ban smoking in their facility should their home association or board of directors choose.

And for all of those of you who patted each other's backs after the vote yesterday on the Eachus amendment, I have some news for you as well. There are many members on this floor who indicated to me that they voted against the Eachus amendment because they do not want anything to happen. They plan on voting "no" on final passage on this bill, and they believe that the Eachus amendment and, quite likely, the Reichley amendment would make it too easy for people to vote "yes," and those mostly were comments from my friends on the other side of the aisle.

So be careful what you wish for. I am going to support the Reichley amendment, as I did the Eachus amendment, even though it might make it easier for some people to vote "yes" and send legislation to the Governor's desk, or to the Senate first, I should say, and then to the Governor's desk, but, Mr. Speaker, as I said yesterday, individuals have a right to work where or not they want to work today.

People kept talking about being forced into areas where their health is put at risk. This is America. As far as I remember, the State of Pennsylvania is still one of the 50 States. I do not know of anybody who is forced to work anywhere, and I believe that most of the organizations out there today would have long ago banned cigarette smoking if it was good for their business and perhaps the only way they can stay in business and perhaps the only way they could fight that fire next week and perhaps the only way they can sponsor that Little League team, that VFW Little League team.

So, Mr. Speaker, these organizations have always had the right. Why are we taking rights away from civic organizations, civic organizations, charitable organizations, fraternal organizations, people who fought for our country, people who fight fires?

As I said, some of you folks give me a real good chuckle some of the time. And again, this legislation I think on final passage is going to surprise you, if it ever gets that far, because some of the people who voted "no" yesterday are going to vote "no" on final passage.

I am taking a risk, I guess, by supporting the Reichley amendment because some of those folks also told me that they would prefer to see the Schroder amendment pass to ban

cigarette smoking, ban the sale of cigarettes in the State, be the poison pill, if you will, and then figure out how you pay for those doctors' Mcare (Medical Care Availability and Reduction of Error) abatements and the CHIP program (Children's Health Insurance Program). That might be the amendment we ought to move to next, Mr. Speaker, but I am going to support the Reichley amendment as of now.

Thank you very much.

The SPEAKER. The Chair recognizes Representative Cohen on the amendment.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I would oppose the Reichley amendment.

What the Reichley amendment would do, if indeed there are significant numbers of people out there who are looking to form organizations or have organizations that allow smoking, what it would do is it would lead to many new nonprofit organizations being formed.

A few blocks from my house is a restaurant which functions effectively as an Italian social club. It is not an organization; it is a business, but it has got a whole regular bunch of clientele that are there for a lot of hours of a day. You know, that is the kind of thing that they could smoke if they just could form a social club and then they are exempt from this bill.

Mr. Speaker, I think it is inevitable that just as the private clubs in this Commonwealth today virtually never or absolutely never engage in racial discrimination despite a battle 40 years ago and 35 years ago over whether they should be banned from engaging in racial discrimination, I think it is similarly inevitable that in the not too distant future there is not going to be any smoking in private clubs whether we pass this amendment or not.

I strongly believe that people who are exposed to secondhand smoke are much more likely to get cancer and a whole host of other diseases, and the real issue here is who has got the guts to tell people no.

A few nights ago in Harrisburg, I went to a restaurant that I frequent from time to time, and the owner of it and several of the wait staff pleaded with me to pass this bill, and the owner said, you know, we do not allow smoking at dinner right now and we have got plenty of people who come for dinner. We do allow smoking at breakfast and lunch and we have a tough time filling up people at breakfast and lunch, and we have got some regular customers who come at breakfast and lunch, and I do not want to be the one to tell them they have got to stop smoking. What I want to do is say, you forced me to tell them to stop smoking. So please, please pass this legislation so it is not my fault that they do not have to stop smoking. And this conversation went on for about 10 minutes. He felt deeply, strongly that he wanted to stop smoking in his restaurant, but he did not want to tell them that.

I think that is the reason why the Restaurant Association is so strongly in support of this legislation. They want smoking to be stopped. They do not want to have the blame for it. All this is going to do is just create endless fights within various clubs. There are going to be prosmoking and antismoking factions as they battle it out. The inevitable result is that we are not going to have smoking in private clubs because smoking is dangerous to the lives of private club members. We are just postponing the inevitable here.

I would strongly urge a "no" vote on the Reichley amendment.

## PARLIAMENTARY INQUIRY

The SPEAKER. Representative Bennington.

Ms. BENNINGTON. Mr. Speaker, as I am new here, I have a point of parliamentary inquiry.

The SPEAKER. The lady will state her point of parliamentary inquiry.

Ms. BENNINGTON. I did not know if there was a procedure by which, Mr. Speaker, there would be a possibility to limit debate on these amendments to 2 or 3 minutes per amendment so that we could move the business of the House along.

The SPEAKER. The Chair suggests to the House they would have to adopt a temporary rule in that regard.

The Chair recognizes the majority leader, Representative DeWeese.

Mr. DeWEESE. Mr. Speaker, notwithstanding the fact that I embrace the gentlelady's point of view 100 percent, I believe that in lieu of a temporary rule, a polite and smiling admonition from the Chair to urge our members to 2 or 3 or 4 minutes each rather than 8 or 10 minutes each would be helpful. The only time historically that we have adopted that temporary rule on a regular basis, to the best of my recollection, is during the budget debate.

So notwithstanding the fact that she is right, I would hesitate to put any parameters at this juncture on this room, this chamber, which is the debating room for 12 million Pennsylvanians. But this debate has gone on for quite some time. Very few new points can be conjured up. So therefore, if her admonition is embraced by the Chair, promulgated by the Chair, maybe our debate will go forward more expeditiously.

The SPEAKER. Perhaps the gentleman can inform the Chair as to what a smiling admonition would be.

## PARLIAMENTARY INQUIRY

The SPEAKER. Representative Vitali.

Mr. VITALI. Just a parliamentary inquiry.

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

Mr. VITALI. I just want to double-check.

Now, my notes show that there is a motion to limit debate in House rule 10, a nondebatable motion, that you can simply make without adopting temporary rules, so if one wanted to limit debate to 1, 2, 3, whatever, it would simply be a nondebatable motion. I just want to double-check if I was correct or not.

The SPEAKER. The Chair is having difficulty finding that. If the House will be at ease for a moment.

The Chair would like to proffer a suggestion to the members. Informally in the past the Chair has posted a 3-minute clock or 2 minutes so that members can judiciously review the time that their peers are using during debate.

The Chair would ask our employees in the front row to post a 3-minute time limit. That is not enforceable. It is merely suggestive as the majority leader proffered a moment ago.

We are now starting on recognizing members for the second time.

The Chair recognizes Representative Ross. The gentleman waives off.

### POINT OF ORDER

The SPEAKER. Representative Jewell Williams.

Mr. WILLIAMS. Point of order.

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

Mr. WILLIAMS. Mr. Speaker, I just want for the record that we have to wait for unanimous consent—

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

Mr. WILLIAMS. My point of order is to this process of the 3 minutes. We have to wait for unanimous consent, we have to wait to be recognized unless the leadership is on the floor, and now we have got to wait, and now we are only told that we could only have 3 minutes to debate.

The SPEAKER. The gentleman will suspend.

The Chair has instructed the members that this is not a binding 3 minutes. Members can speak as long as they want. It is just a suggestion so that members can monitor how long they are speaking respective to the amendment before the House. It is not binding on the members.

Mr. WILLIAMS. Okay.

The SPEAKER. The Chair thanks the gentleman.

Are there any other members seeking recognition?  
Representative Gerber.

Mr. GERBER. May I interrogate the maker of the amendment, Mr. Speaker?

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

Mr. GERBER. Mr. Speaker, with respect to this amendment and reading its language, is there anything about the language of the amendment that would prevent a Boy Scout troop that has been in existence for 10 years and has a clubhouse for allowing smoking to take place in that clubhouse?

Mr. REICHLEY. Mr. Speaker, as an Eagle Scout, I would probably advise you that that would be something which would violate the Boy Scouts of America's tenets. So one can throw out more and more ridiculous scenarios if you want, but I think we really need to address the issue at hand, which is the ability of private clubs to have some degree of discretion over their own physical premises.

Next question, please.

Mr. GERBER. And, Mr. Speaker, if you would just answer my question. Regardless of what type of youth organization, I am asking you if there is anything in this language that would prevent a club, a youth club, that has a clubhouse that has been in existence for 10 years from allowing smoking in the club beyond their own personal or internal institutional rules, just from your language in this amendment, Mr. Speaker?

Mr. REICHLEY. I think, Mr. Speaker, under the language that you yourself introduced in the Health Committee, there would be a prohibition on people under the age of 18 being allowed within a smoking premises. So not only would the organizers of an association, such as a youth association, I am sure be watching out for the interests of their younger members, their minor members, but I think the gentleman himself had introduced language to that effect within the bill.

Mr. GERBER. Mr. Speaker, I am not familiar with that language. If you could instruct us, that would be terrific, but in the interest of time, I will move on to another question.

Mr. Speaker, is there anything with respect to this language that would prevent a country club that has a full-service dining room from having smoking?

Mr. REICHLEY. Mr. Speaker, a country club, as you have called it, like any other club which would be described within the language of this, could make a discretionary choice by the directors of the club whether to allow smoking in a portion of the premises or the entire premises, I guess, for that matter.

Mr. GERBER. So it would be—

Mr. REICHLEY. Hold on. I am trying to answer your question.

That would be something which would be up to the club itself. This amendment does not mandate that private clubs are required to allow smoking. It would be a discretionary decision by the organizers of the club.

Mr. GERBER. Thank you, Mr. Speaker.

Is there anything with your language that would prevent an organization selling its organization to a— Is there anything, Mr. Speaker, that would prevent a private club or organization from selling its—

Excuse me, Mr. Speaker. May I please have—

The SPEAKER. The Chair would like to inform the members, hopefully we are down to the last two speakers, Representative Gerber and the prime sponsor of the amendment, Representative Reichley.

Mr. GERBER. Thank you.

Mr. Speaker, in the interest of time, I would just like to make a point.

I respect the effort being made here by the maker of the amendment, and I know that it is a belief widely held in this chamber that certain types of private clubs should be allowed to have smoking – for example, VFWs and American Legions – and I myself would not oppose an amendment that was narrowly tailored to allow that type of organization. My concern with this language, while well-intended, is that it is drafted in a manner that creates loopholes that would enable all sorts of clubs that are in existence now to become smoking establishments and therefore create an unlevel playing field for bars and restaurants that would otherwise be banned from having smoking and also would permit smoking in environments where children will be present. If there was language that restricted these types of clubs to clubs that are adult in nature and that will not put restaurants and bars at an unlevel playing field, then I could be supportive of the language, but as drafted with the loopholes that are contained within this language, I have to urge my colleagues for a "no" vote.

Thank you, Mr. Speaker.

The SPEAKER. Representative Seip.

Mr. SEIP. Thank you, Mr. Speaker.

Mr. Speaker, I heard the gentleman from Philadelphia County say that a businessman did not want to make a business decision. I would have to say that that seems odd to me. I am not a businessman, but I find it very odd, almost ludicrous that a businessman would not want to make a business decision involving his own business. That just seemed odd to me.

Mr. Speaker, I have also heard a lot of discussion about protection, and I would have to say that some organizations do not want this protection. I have to concur with the remarks of my colleague from Armstrong County. We have to let these organizations run the organizations the way they want to run the organizations.

Mr. Speaker, I would urge an affirmative vote on the Reichley amendment.

Thank you, Mr. Speaker.

The SPEAKER. Are there any other members seeking recognition before we recognize the prime sponsor of the amendment? The Chair sees none.

The Chair recognizes Representative Reichley.

Mr. REICHLEY. Thank you, Mr. Speaker, and I will try to address in order some of the assertions that were made.

I certainly appreciated the comments of the gentleman from Schuylkill and Berks, the previous speaker, who in refuting the comments from the gentleman from Philadelphia as to the restaurateur who wanted us to force him to ban smoking on his premises, when did we take away the God-given right of the owner to make that decision on his own?

You know, the gentleman from Northampton said that a few men gathered in Philadelphia some 200 years ago. They gathered there for independence from a centralized government forcing something down on those colonists.

And the comments from people on the other side of this issue, including the lady from Philadelphia who would like the long, cold hand of Rittenhouse Square to reach into every private organization within Pennsylvania and tell them you are immoral for having tobacco on the premises, are ludicrous.

We are an organization of people who are making well-informed decisions, and the purpose of this amendment is to try to provide a degree of flexibility. If I was on the side of the restaurateurs, I would think you may want this amendment to go through, because then the people who may hazard an attempt to go into a restaurant or a bar and smoke would have the location to go to, the private club which they joined of their own free will, which allows them to smoke on its premises.

This is a matter of individual choice and individual rights to a certain degree, and we are trying to provide an atmosphere in which the interest of those who want to be free from confronting secondhand smoke in a restaurant, in a bar, in a public place, they are protected as well as those who say, I want to be able to go to an organization which allows me to have that freedom of choice.

There is nothing within this legislation – and I want to direct this comment to the gentleman from Lycoming who felt that perhaps we are encroaching upon the discretion of private clubs – nothing in the language of this amendment forces a private club to either ban smoking or to allow smoking. It is to carve out an exception for that organization which of its own decision and own discretion decides it wants to afford that to the membership of that organization.

For those who say, well, bars are now going to be imposing a cover charge and having to sign a membership card, look at the last sentence of the amendment. It says that "the club shall either be incorporated or, if unincorporated," meaning it had not been in existence before, "provide proof of continuous existence for the past ten years in a manner...sufficient by the Department of Health."

So I think we are preventing the fly-by-night, the last-minute club that all of a sudden wants to become a smoking establishment, we are trying to encourage those who want to have a smoking-free establishment to do that, and yet if there is that small group of individuals that say they want to continue to engage in what by all accounts would be a dangerous and bad habit, you may have a place to go and do that of your own free choice.

But again, I would emphasize that this is a matter of allowing our organizations and our citizens to make that decision of their own free will.

Thank you very much, Mr. Speaker.  
The SPEAKER. Good job.

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

The following roll call was recorded:

YEAS—114

Barrar	Fleck	Mantz	Readshaw
Bear	Gabig	Marshall	Reichley
Belfanti	Galloway	Marsico	Roae
Benninghoff	Gergely	McCall	Rock
Beyer	Gibbons	McGeehan	Rohrer
Biancucci	Godshall	Mensch	Sabatina
Brooks	Goodman	Metcalfe	Sainato
Buxton	Grell	Millard	Santoni
Caltagirone	Harhai	Miller	Saylor
Cappelli	Harhart	Moul	Scavello
Casorio	Harkins	Mustio	Schroder
Causer	Harper	Myers	Seip
Conklin	Hennessey	Nailor	Shapiro
Costa	Hershey	Pallone	Siptroth
Cox	Hess	Pashinski	Smith, M.
Creighton	Hornaman	Payne	Smith, S.
Cruz	Hutchinson	Peifer	Solobay
Cutler	James	Perry	Sonney
Daley	Keller, M.	Perzel	Staback
Dally	Keller, W.	Petrarca	Stairs
Denlinger	Kortz	Petrone	Stern
Dermody	Kotik	Pickett	Stevenson
DeWeese	Kula	Preston	Sturla
Donatucci	Levdansky	Pyle	Taylor, J.
Eachus	Longiatti	Quigley	Taylor, R.
Ellis	Maher	Quinn	Watson
Evans, D.	Mahoney	Ramaley	White
Fabrizio	Major	Rapp	Williams
Fairchild	Mann		

NAYS—78

Adolph	Freeman	Manderino	Rubley
Argall	Geist	Markosek	Samuelson
Baker	Gerber	McI. Smith	Smith, K.
Bennington	Gillespie	McIlhattan	Steil
Bishop	Gingrich	Melio	Surra
Blackwell	Grucela	Micozzie	Swanger
Boback	Hanna	Milne	True
Boyd	Harris	Moyer	Turzai
Brennan	Helm	Mundy	Vereb
Carroll	Hickernell	Murt	Vitali
Civera	Josephs	Nickol	Vulakovich
Clymer	Kauffman	O'Brien, M.	Wagner
Cohen	Kenney	Oliver	Walko
Curry	Kessler	Parker	Wansacz
DeLuca	Killion	Payton	Waters
DePasquale	King	Phillips	Wheatley
DiGirolo	Kirkland	Raymond	Youngblood
Evans, J.	Leach	Reed	
Everett	Lentz	Roebuck	O'Brien, D., Speaker
Frankel	Mackereth	Ross	

NOT VOTING—1

Thomas

EXCUSED—10

Bastian	O'Neill	Tangretti	Yewcic
George	Petri	Wojnaroski	Yudichak
Haluska	Shimkus		

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. **MILLER** offered the following amendment No. **A02889**:

Amend Title, page 1, line 6, by inserting after "AREAS;" providing for identification of certain establishments which permit smoking on the premises;

Amend Sec. 3, page 11, by inserting between lines 24 and 25

"Adult-only establishment." Any public place or workplace in which the proprietor or the proprietor's agent or employee restricts access and refuses service or accommodation of any kind to persons under 18 years of age who are not accompanied by a parent or legal guardian.

Amend Sec. 4, page 15, line 20, by striking out "section 4(a)(7)," and inserting

subsection (a)(7),

Amend Sec. 4, page 15, by inserting between lines 29 and 30

(6) An adult-only establishment in which the proprietor of such establishment has complied with the requirements of section 5.

Amend Bill, page 17, by inserting between lines 27 and 28

Section 5. Posting of notice.

The proprietor of an adult-only establishment who permits smoking on the premises shall post a notice on the exterior of each entrance to the establishment identifying it as an establishment in which smoking is permitted and persons under 18 years of age are not permitted without parental or adult supervision. The notice shall be of sufficient size as to be readable from a distance of 15 feet from the entrance of the establishment.

Amend Sec. 5, page 17, line 28, by striking out "5" and inserting 6

Amend Bill, page 18, by inserting between lines 2 and 3

Section 7. Eligibility for unemployment compensation.

An employee of an adult-only establishment that permits smoking on premises may leave employment within 60 days of the proprietor posting the notice required under section 5 and such action shall be deemed as leaving employment with cause of a necessitous and compelling nature under the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law.

Amend Sec. 6, page 18, line 3, by striking out "6" and inserting 8

Amend Sec. 7, page 18, line 14, by striking out "7" and inserting 9

Amend Sec. 8, page 18, line 20, by striking out "8" and inserting 10

Amend Sec. 9, page 18, line 24, by striking out "9" and inserting 11

On the question,

Will the House agree to the amendment?

The **SPEAKER**. On the amendment, the Chair recognizes Representative Miller.

Mr. **MILLER**. Thank you, Mr. Speaker.

I have long believed that the most insulting question I am asked is when I go into a restaurant and they ask me if I want smoking or nonsmoking, and then they proceed to seat me in an

area where there is no wall. I might have to, even if there is a separate room, I might have to walk through the smoking area to get to the restroom, or I might have to walk through the smoking area to get to the nonsmoking section. This is what our constituents are upset about, Mr. Speaker. This strange way that we have allowed this to occur that we have nonsmoking sections and smoking sections in a restaurant and people are exposed to secondhand smoke against their will.

With that said, I have always struggled with personal rights because I believe a business owner should have the right to determine what type of establishment they wish to have and whether they want to ban smoking or allow smoking in their establishment. It is a business decision, Mr. Speaker.

I have also been concerned about individual rights. So I came to a conclusion, and my conclusion was that everyone in this Commonwealth should be able to expect that they go to an establishment and it will be smoke-free unless that establishment posts signs visible from at least 15 feet away that advises that person that they are going to a smoking establishment. I believe that this would allow the free market to decide what Pennsylvanians really want.

Now, as I developed this concept and as I worked with it, I was talking to another member of the House who serves on the House Health and Human Services Committee, and she raised a whole bunch of interesting questions for me, and one of them was, well, then how about people under 18? And I thought that was a valid point. So in working on this amendment and prior legislation, we banned people under the age of 18 from entering such an establishment. Now, please note, this is not just entering as a consumer or as a customer, this is also entering as a bus boy or any other type of occupation. So nobody under 18 would be allowed to enter unless they are accompanied by a parent or legal guardian.

Mr. Speaker, we cannot protect people under 18 from secondhand smoke if their parents smoke, and that is the reason for that concession. I want families to be able to go out together and go to places and have dinner together.

But there was another issue raised, and the other issue dealt with the workers, and I thought that was a valid point. I listened to the points of one of my Democratic colleagues, and I thought that she made a valid point on this issue. So we put into this amendment that within 60 days of a proprietor posting a facility as a smoking establishment, an adult-only establishment, those workers could leave and they would be leaving employment with a cause of a necessitous and compelling reason. Mr. Speaker, what this means is that within 60 days of posting those doors, those employees can leave and they are eligible for unemployment compensation until they can find another job. I believe that this will protect the employees well enough to allow those employees that wish to leave to do so without harm.

Mr. Speaker, I believe this amendment is common sense, allowing adults to make adult decisions. It protects those under 18. It helps to protect the workers. It is not perfect that way; I recognize that, but it gives them an option and it is not a bad option.

I would ask that the members of the House vote for A02889. Thank you.

The **SPEAKER**. Representative Ross, on the amendment.

Mr. **ROSS**. Thank you, Mr. Speaker.

There are two problems with this amendment. First of all, the workers. Although the prime sponsor of the amendment does say that the worker can go on unemployment comp, the issue

still arises, if it is very difficult for you to find a job, you are still stuck, both the current workers and future workers, with a tough decision, whether risk your health and get a job where you know you can feed your family or give that up. We should not be asking employees in Pennsylvania to be facing that kind of a decision. We do not do it with other occupational health issues. We should not do it here.

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

The SPEAKER. Representative Frankel.

Mr. FRANKEL. Thank you, Mr. Speaker.

I rise to oppose the Miller amendment.

For all the reasons Representative Ross just spoke about, I am not going to repeat it, but at the end of the day, we are sitting here debating these issues like this is some draconian approach to circumventing people's rights, individual rights. The rest of the world is way ahead of us on this. Every State that surrounds us, other than West Virginia, has a comprehensive smoking ban. They are being proactive about protecting workers, about people who use different venues. They are taking up and championing the rights and the public health of their citizens. Our responsibility here in Pennsylvania is absolutely no less, and this amendment basically guts all the great work we did last night by asserting we were not going to make any exceptions.

We need to stand up for that principle. We need to make sure that we are going to protect every Pennsylvanian, and we should not have to make them choose whether they can work here or there or take 60 days and go on unemployment. That is not fair. Jobs are tough in Pennsylvania. It is not easy to move around or relocate.

This is not a fair way to approach this. Let us stand up for the public health. Let us stand up and protect all Pennsylvanians and stop trying to carve out pieces for its exceptions, and this is just another one of them that goes a long way to destroying the success that we had last night. Please reject the Miller amendment.

The SPEAKER. Representative Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I also rise to ask that we vote "no" to the Miller amendment.

I will not repeat all of the arguments just made which are unfair to workers, but I want to point out that this strategy to make the use of tobacco, to make smoking an adult-only activity is exactly what the tobacco industry wants. They want adults to be doing something that adolescents want to do. Adolescents are naturally rebellious, as they should be. Adolescents want to do things that are pleasurable that adults do. Adolescents will want more to smoke if we say, yes, adults can do it; it is for adults; it is good for adults. It is going to be good for you, adolescent. You should try it, too.

This is a tobacco industry protection amendment. As the gentleman from Allegheny said, we did great work last night, Mr. Speaker. Let us not take it back this morning. Not a good idea.

Vote "no." Thank you, Mr. Speaker.

The SPEAKER. Representative Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

You guys are still cracking me up. It is unbelievable. Here we have an amendment to protect everyone under 18, and yesterday during my comments I said I was for limitations on the use of tobacco in this State, and in particular, any of those that would directly impact those children under 18, those that are mentally handicapped or challenged, those that cannot act or

think for themselves and keep them out of harm's way of secondhand tobacco.

Now, the gentlelady from Philadelphia would like everyone to believe this is a tobacco industry amendment. Mr. Speaker, not one person, not one person from the tobacco industry has talked to me about this legislation at all. Maybe they felt they did not have to. But it just galls me that people are referring to the great work we did last night. They forgot about the great work we did 20 minutes ago with the Reichley amendment, and now we are talking about protecting children 18 and under from the effects or even being around secondhand smoke.

Please, Mr. Speaker, let us quit the gamesmanship. This battle is going to be going on and on for, I predict, more than just today. Vote "yes" for the Miller amendment. Vote "yes" on all the amendments that are going to protect kids. Thank you.

The SPEAKER. Representative Roebuck.

Mr. ROEBUCK. Thank you, Mr. Speaker.

I rise to oppose this amendment. I think there are two things about this amendment that concern me. I am clear it is not the intention of the amendment maker, but I find it very strange that we want to post signs in front of facilities that say certain categories of individuals are not allowed in those facilities. It harkens back to patterns of behavior that are based in racial discrimination that still are very offensive, at least to me, and I know it is not the intention of the maker of the amendment, but this certainly is very similar to that kind of behavior when we start identifying facilities in that way.

But there is also something else about this amendment that I find strange in that it says that it is an amendment where smoking is permitted and that children are not allowed unless they are accompanied by their parents or an adult. Does that somehow make them then not vulnerable to secondhand smoke? Does that make them immune to the cancer effect of secondhand smoke because their parents say they can go into a smoke-filled room to do whatever? What kind of sense does that make, Mr. Speaker, that somehow we say children should not be exposed to smoke, as the gentleman who spoke before me said that he is for protecting children, yet they are somehow given immunity because their parents or an adult says that is all right? That is pure nonsense, Mr. Speaker, and we ought to not allow this to be written into this bill.

The principle we have here is that everyone is entitled to clean air. You do not get immunity from cancer-effecting ingredients because your mother or your father says it is okay or an adult says it is okay.

Let us keep this bill where it should be. Let us have a strong bill that does not water down the protections for young people or create some sort of false sense that we give them immunity because some adult says, ignore the cancer effect; you will be fine.

Thank you, Mr. Speaker.

The SPEAKER. Representative Waters.

Mr. WATERS. Thank you, Mr. Speaker.

Mr. Speaker, I rise to speak in behalf of the nonsmokers that make up the majority of the population of the State of Pennsylvania, and what I want to talk about are the unfair advantages that exist when we have a law that is not totally inclusive.

People who smoke – and people have a right to smoke; adults have a right to smoke – according to the law, you have to be a certain age to smoke, and if you choose to smoke, that is your prerogative. But what happens to the people who do not

smoke is that they, because of health reasons, will not be able to go to every facility that will exist in the State of Pennsylvania; for instance, they want to go to a certain store or they want to go to a certain bar or they want to go to a certain restaurant where we have these exemptions, and because of maybe health reasons, perhaps they might have a slight case of emphysema and they have been told by their medical physician that they should not visit or be in the company of smoke. That is a conscious health decision that they are going to have to make to separate themselves or not go into a facility that they might otherwise like to go into because they allow smoking inside of that facility. Now, because of their health, they will not go there, but people who smoke – and I have no problem with people who smoke; I want to make sure you understand that; if you smoke, you smoke – but people who do smoke will not have that same problem. For instance, people who do smoke could come on this House floor and enjoy the air and the atmosphere here on this floor and it does not bother their health at all, but if we allow smoking on this floor, then we would also be endangering the health of people who do not smoke by bringing them into an environment that is not conducive to their health.

So that is what I mean about an unfair advantage that people will have if they are a nonsmoker versus people who are smokers. So we want to have a level playing field, and we want all Pennsylvanians to enjoy the same freedoms and liberties equally to all other Pennsylvanians according to the law. So we as lawmakers should be trying our best to make sure that we guarantee equal law, equal protection under the law.

And also, it kind of reminds me of something else, too, and just bear with me on this. It kind of reminds me of an old practice – well, I hope it is old – of Jim Crow, whereas if you had certain facilities, you could not go inside for your own health; you could not go inside of these places that you knew where the Jim Crow law was being in practice, and if you valued your health and you valued your safety and you knew that these stipulations existed, you probably would not cross the line. So what we are doing today by establishing places for those who do and those who do not, we are establishing something similar that reminds me of the old practice of Jim Crow.

And I just want to say if a person smokes, they smoke, but for us in the best interest of our public and in the best interest of all constituents that make up the 12 million people in the State of Pennsylvania, I would say, let us have equal protection under the law. We as lawmakers should be making sure that we protect every citizen's right and making sure that we do not limit anyone's availability to go anyplace they want to go if they are a smoker or a nonsmoker.

Thank you, Mr. Speaker.

The SPEAKER. Representative Wheatley.

Mr. WHEATLEY. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the amendment, but, Mr. Speaker, I originally intended not to say anything on these amendments after last night because I thought we had discussed all these prevalent points, and generally speaking, I think, as I have heard earlier, there are not too many new points you can make.

But, Mr. Speaker, what I wanted to do and what made me rise today is because I think some of the previous speakers or at least one that I heard kind of offended me, and I am speaking on the fact that this is not a game, this is not a game between us

and others who want smoking or do not want smoking. This is a real serious issue for a lot of people in this Commonwealth, a real serious issue.

We have heard before hundreds and hundreds of thousands of people who are dying because of the exposure to secondhand smoke and we have hundreds upon hundreds of thousands of other people who are living with the conditions of smoking and secondhand smoke and the effects on their health. This is not about us patting each other on the back, who won last night, who wins today. For me, this is not that issue. This is not an issue to be hailed as some type of Harrisburg trap to be discussed as if this is trivial. This is a real serious issue.

And for those of you who want me to be quiet and sit down, you will probably want to be quiet and sit down while I am talking right now.

The SPEAKER. The gentleman is correct. Members will take their seats. Conversations in the back of the House will cease. Members will clear the aisles and take their seats.

Mr. WHEATLEY. It is unfortunate, Mr. Speaker, that we get caught in Harrisburg. It is like a different world from where we come from, because where I come from, Mr. Speaker, this is a public health issue to a degree that I cannot even speak to you on this floor about.

The reason why I am passionate about this, because I know there are so many of our citizens, many of them are either unaware of what is being the cause of some of their health issues. They are unaware to what they are being exposed to, and us sitting in these walls of power in Harrisburg, we take it as if this is our personal game. This is no game. If you care about this issue, let us discuss it on the merits. We do not have to make a mockery of this situation. There is common ground for us to be here.

But to be honest, Mr. Speaker, this amendment and all of these amendments that we are talking about today, they are a conversation around public health, and where do we as lawmakers sit in that conversation? How do we protect citizens of this Commonwealth from a toxin and poison that we know is killing them? How do we do it? We do not go around here running around trying to act like, oh, I have got one up on this one, or we have got 20 more people; we can defeat it because we do not like this person. That is not what this is about. It is offensive to me and to the people who are dying behind this.

The SPEAKER. The gentleman may continue. There is a technical error on the board.

Mr. WHEATLEY. My purpose for standing up, Mr. Speaker, and again, I am going to vote "no" to all the amendments because I believe that we need to have a true clean indoor air act that provides some safety for people and also allows for our businesses to compete on a fair ground. I believe in that. I do not believe I have got to get up on every one of these amendments and speak against it, but I do feel like some people in this chamber are taking this the wrong way. We are fighting, all of us, on the right side of this issue. We are fighting to try to get to a balanced public health policy. This is not about making fun of somebody who lost last night, because do you know at the end of the day, do you know who wins if we do this right? Twelve point five million Pennsylvanians. If we do it wrong, do you know who loses? Twelve point five million Pennsylvanians.

So all I am asking is for us to take this seriously, to engage in this conversation in a real way. Mr. Speaker, I am going to say and ask for all of our colleagues here, no matter where you fall

on this issue, let us debate it, let us give it its just due, and whatever happens, let us continue to make good policy for the citizens of Pennsylvania. So, Mr. Speaker, I am going to ask my colleagues to vote against this amendment and all other amendments that follow.

Thank you, Mr. Speaker.

### LEAVE OF ABSENCE

The SPEAKER. The Chair returns to request for leaves of absence. The Chair recognizes the minority whip, who requests that the gentleman, Representative MURT, be placed on leave for the remainder of the day. The Chair hears no objection. The leave is granted.

### CONSIDERATION OF SB 246 CONTINUED

The SPEAKER. Representative Gerber.

Mr. GERBER. Thank you, Mr. Speaker.

This amendment that is being offered right now is probably the most onerous of all. It would create the largest loophole that we will be considering in this debate at least thus far. For those of you that were concerned with the loopholes included in the Eachus amendment last night, this should give you even greater concern.

Under this language, every restaurant and every bar in this Commonwealth would be exempted. Under this language, kids would be exposed to secondhand smoke so long as they are accompanied by an adult. I have three kids. They do not go to restaurants without mom or dad or their grandparents. Kids do not go out to bars and restaurants alone, unless maybe they are in their teen years. So this would render a smoking ban totally ineffective, and I urge a "no" vote on this amendment.

Thank you, Mr. Speaker.

The SPEAKER. Representative Sainato.

Mr. SAINATO. Thank you, Mr. Speaker.

I was not going to get up, but after listening to this debate yesterday and today, I believe I need to get up.

I support Representative Miller's amendment. Whatever happened to private business, private business making their own decisions? Many restaurants in my area are smoke-free. I believe restaurants should be smoke-free, but I believe it is their decision to make it smoke-free. It should not be Big Brother, the State of Pennsylvania, mandating on these restaurants to be smoke-free.

Representative Miller is saying we will post that facility and those who do not want to smell and inhale secondhand smoke will not go in that facility. That is a decision they will make. By posting it, I do not see where that offends anybody because you are supposed to be able to know that there is smoking, it is an adult-oriented establishment. I think that is the private businessman's decision.

As my friend, Representative Seip, said yesterday, in his district a local bowling alley went smoke-free. They did it on their own. They did not need the State to have to tell you what to do.

Many places are going smoke-free. That is their decision. Let the customers tell the owner of that facility. It is not the government's role and responsibility. As one prior speaker says, you guys do it because I do not want to take the blame. That is a

businessman's decision to make a businessman's decision, not Big Brother, State Representatives, to do that.

And I am tired. I listened to this debate over and over and over and over. Mr. Speaker, I am sorry, but sometimes we have to allow businesses to do the right thing. Should restaurants be smoke-free? Yes, they should; yes, they should, Mr. Speaker, but a VFW, a private club, a small neighborhood tavern, that is a decision that owner should make. And under this amendment, there is going to be a sign out there that says this is a smoking facility, and when they see that sign, if you are offended by smoke, you will not go in that facility. There are going to be facilities, Mr. Speaker, that are smoke-free. That may be the facility you want to patronize. A smoker can go in that smoke-free as long as they are not smoking in there, the same as a nonsmoker can go in a smoking facility.

I think this is a commonsense proposal. You are trying to show people, and they should not have to inhale secondhand smoke. I agree with that, but it still comes down to local businesses making that decision, Mr. Speaker.

And in conclusion, Mr. Speaker, we need to be fair to everybody; we have to be fair to everybody, and our small businesses in Pennsylvania, Mr. Speaker, cannot take any more mandates, cannot take any more restrictions and hurting their business. They are taxpayers, too, Mr. Speaker. Many of these neighborhood taverns, they are people; they pay taxes. And as my friend from up in Schuylkill said, they are the first group that everyone comes to in a community for the Little Leagues, for the donations, and they all have big hearts, Mr. Speaker, but why do we keep trying to hurt their business and trying for us to dictate to them.

I support this amendment. I encourage my colleagues to do the same.

The SPEAKER. Representative Frankel, for the second time.

Mr. FRANKEL. I rise for the second time only because this is so important and that we need to defeat this amendment.

With all due respect to my colleagues, when does it become the right of a business to subject all of their employees and guests to a carcinogen, to a health hazard? When has that become a right?

You can no longer smoke on an airplane. That was not done voluntarily. That is because flight attendants sued because they were dying and getting cancer. It is not the right of a business to subject their guests and their employees to a health hazard. It never has been, never will be, and we should not accept this amendment because that is exactly what we will be saying to the citizens of Pennsylvania today, that it is the right of a business to subject their employees and guests to a known health hazard. That is wrong. Vote this down.

The SPEAKER. Representative Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, would the maker of the amendment stand for brief interrogation?

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

Mr. CLYMER. Mr. Speaker, would restaurants in casinos be exempt from your legislation?

Mr. MILLER. No.

Mr. CLYMER. So they would be able to have smoking in restaurants in casinos. Would that be correct?

Mr. MILLER. As long as they post every means of entrance with a sign saying they allow smoking, yes, you are correct.

Mr. CLYMER. Okay. Mr. Speaker, that ends my interrogation.

My remarks are this—

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

Mr. CLYMER. We heard mentioned this afternoon that free enterprise should be able to do the things that they should do freely, without Big Brother looking over their shoulder. I advise the members that the casinos are the creation of this General Assembly. They did not come to this Commonwealth of Pennsylvania freely and establish themselves. It took legislation; it took oversight. And the very fact that they have some of the great benefits, as I mentioned last night – I am not going to go into all those wonderful things that we provided for them – to say that we should not have the ability to tell them whether or not they should be smoke-free or not is just absolutely wrong. We have that ability to do that because we have given them the wonderful economic benefits that they have today.

So I stand here and I oppose this amendment.

Thank you, Mr. Speaker.

The SPEAKER. Is there any other member seeking recognition before the Chair recognizes the prime sponsor of the amendment? The Chair sees none.

Representative Miller.

Mr. MILLER. Thank you, Mr. Speaker.

I do not want to prolong this too long. I just need to respond to one remark that was made about the signage.

In our society, we post signs all the time. We post signs in our grocery stores and in our convenience stores telling people that they cannot buy cigarettes unless they are 18, we post signs at our movies saying that you may not go to a certain movie unless you are accompanied by a parent or legal guardian, and we post signage at our casinos telling a certain age people that they cannot gamble. This is not an issue that has anything to do with the negative impact of posting a sign. It is not meant to infringe on anyone's rights. It is just to advise of what that establishment is, that it is an adult-only establishment.

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

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-64

Belfanti	Everett	Marsico	Reichley
Benninghoff	Fairchild	McCall	Roae
Beyer	Gergely	Mensch	Rock
Brooks	Godshall	Metcalfe	Rohrer
Buxton	Hennessey	Miller	Sabatina
Caltagirone	Hershey	Moul	Sainato
Casorio	Hutchinson	Nickol	Schroder
Causer	Keller, M.	Pallone	Seip
Civera	Keller, W.	Pashinski	Smith, S.
Cox	Kortz	Perry	Solobay
Creighton	Kula	Perzel	Sonney
Cruz	Mackereth	Petrarca	Staback
Denlinger	Maher	Petrone	Stevenson
DeWeese	Mahoney	Pickett	Taylor, J.
Eachus	Major	Pyle	White
Ellis	Mantz	Rapp	Youngblood

NAYS-128

Adolph	Gabig	Manderino	Rubley
Argall	Galloway	Mann	Samuelson
Baker	Geist	Markosek	Santoni
Barrar	Gerber	Marshall	Saylor
Bear	Gibbons	McGeehan	Scavello
Bennington	Gillespie	McI. Smith	Shapiro
Bianucci	Gingrich	McIlhattan	Siptroth
Bishop	Goodman	Melio	Smith, K.
Blackwell	Grell	Micozzie	Smith, M.
Boback	Grucela	Millard	Stairs
Boyd	Hanna	Milne	Steil
Brennan	Harhai	Moyer	Stern
Cappelli	Harhart	Mundy	Sturla
Carroll	Harkins	Mustio	Surra
Clymer	Harper	Myers	Swanger
Cohen	Harris	Nailor	Taylor, R.
Conklin	Helm	O'Brien, M.	Thomas
Costa	Hess	Oliver	True
Curry	Hickernell	Parker	Turzai
Cutler	Hornaman	Payne	Vereb
Daley	James	Payton	Vitali
Dally	Josephs	Peifer	Vulakovich
DeLuca	Kauffman	Phillips	Wagner
DePasquale	Kenney	Preston	Walko
Dermody	Kessler	Quigley	Wansacz
DiGirolo	Killion	Quinn	Waters
Donatucci	King	Ramaley	Watson
Evans, D.	Kirkland	Raymond	Wheatley
Evans, J.	Kotik	Readshaw	Williams
Fabrizio	Leach	Reed	
Fleck	Lentz	Roebuck	O'Brien, D., Speaker
Frankel	Levdansky	Ross	
Freeman	Longietti		

NOT VOTING-0

EXCUSED-11

Bastian	Murt	Shimkus	Yewcic
George	O'Neill	Tangretti	Yudichak
Haluska	Petri	Wojnaroski	

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

On the question recurring,

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

MOTION TO TABLE

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

Mr. BELFANTI. Mr. Speaker, to make a motion.

The SPEAKER. The gentleman will state his motion.

Mr. BELFANTI. Mr. Speaker, I would like to make a motion to table this legislation.

The SPEAKER. The gentleman moves—

Mr. BELFANTI. Along with all the amendments.

The SPEAKER. The gentleman moves that SB 246 be tabled.

On the question,

Will the House agree to the motion?

The SPEAKER. On the motion, Representative Frankel.

Mr. FRANKEL. Mr. Speaker, I rise to oppose the motion to table. It is not the time to table the health of Pennsylvanians. The rest of the country is moving forward, and we are going to table something that is going to, for who knows how long, prevent us from doing what we need to do to protect the public health. This is not an opportunity to just say, let us wait; let us think about it; let us put it aside. We have waited too long to get to this moment. We have made great progress in the last 2 days in putting this piece of legislation together.

We voted down two very troubling amendments. We are now putting together a bill that is hopefully going to pass and go back to the Senate that will protect the public health of every Pennsylvanian. We should not dally. We need to act. Every newspaper in this State, every newspaper in this State has virtually called us to action. Every newspaper in the State has said, do not wait; we are waiting too long. We need to act. Our citizens want us to act. If this thing pulls off the charts, people want this. In every region of the State, they say they want clean air.

So I ask you, let us continue with the work we need to do here today. Let us move a bill to the Senate. Please vote not to table.

The SPEAKER. Representative Ross.

Mr. ROSS. Thank you, Mr. Speaker.

I also urge a negative vote on the motion to table. We have been working on this legislation for 3 years. We have had extensive hearings on it. The Senate has acted already. We are not ready to vote the budget today. We do have the time to finish. We have a few more amendments, many of which were originally filed or have been withdrawn. We are near the end of this debate. I, for one, will promise to keep my comments extremely short from here on out.

I urge the members to complete this. It will not go away. It will come back again. We will have a longer debate later if we do not finish tonight. Thank you.

The SPEAKER. Representative McIlhattan.

Mr. McILHATTAN. Mr. Speaker, I rise to oppose the motion to table.

As the previous speaker said, we have had numerous discussions on this. I sit on the Health and Human Services Committee, and we have had hours of debate and discussion on this. The Senate has passed the bill. They sent it over here, and we have spent the last 3 or 4 days; we have had hours of debate on this issue. And I realize good people are on both sides of this issue and they have a right to a difference of opinion, Mr. Speaker, but the people of Pennsylvania want to know what their House member is going to do with this legislation. They do not want to see us cut and run and hide behind some parliamentary maneuver. Let us stand up like good men and women and tell the people of Pennsylvania how we are going to vote on this bill.

Let us not cut and run. Let us vote "no."

The SPEAKER. Representative Daley. The gentleman waives off.

Representative Everett.

Mr. EVERETT. Mr. Speaker, I rise to support the motion to table this legislation, and not because I have anything against this legislation, but again, I rise because we have an impending budget problem and government shutdown, and I would to table this—

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

His motion will be limited to the motion to table this bill.

Mr. EVERETT. And I am limiting to table and explain why I think we should table this motion, so that we can move on to other business that will stop this government shutdown. This bill is important, but our budget and the fact that 80,000 people are going to be laid off next week unless we do something today I believe is more important than passing this bill and discussing this bill today. Thank you.

The SPEAKER. Representative Metcalfe.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, I rise to agree with the former speaker that the business at hand on July 14 should be the budget, Mr. Speaker, and I think the motion to table, the motion to table this legislation, Mr. Speaker, would help us to move on to the business of protecting Pennsylvania taxpayers, putting a budget together, ensuring that we pass the budget to prevent 80,000 workers from being laid off next week, Mr. Speaker.

Mr. Speaker, I agree with what one of the gentlemen from Allegheny County said earlier, that part of his quote was that we have waited too long. I think we have waited too long to pass the budget, Mr. Speaker. It is 2 weeks into the month of July, Mr. Speaker.

Mr. Speaker, I would urge for everyone to support the gentleman's motion to table this legislation, Mr. Speaker, so that we can move on and deal with the budget issues to protect Pennsylvania taxpayers and settle the budget.

Thank you, Mr. Speaker.

The SPEAKER. Representative Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, this is an extraordinarily rare situation where we have a bill that is being voted on over the objections of the leaders of both of the parties. This bill is being voted on because the Governor wants it voted on. This bill is an essential part of the budget deal. I think, Mr. Speaker, we can sit around and play games with this bill, but we are going to be here a lot longer if this bill goes down than if some version of this passes.

I strongly urge a "no" vote on the motion to table.

The SPEAKER. The House will come to order. Members will take their seats. The House will come to order. The House will come to order. Members will take their seats.

On the motion, the Chair recognizes Representative DeLuca.

Mr. DeLUCA. Thank you, Mr. Speaker.

I rise to oppose this amendment, not because the Governor wants it. It has nothing to do with the Governor. It has to do with what 12 million people of the Commonwealth of Pennsylvania want, and the fact is, as other speakers on the other side have said, we need to get down to the budget. The budget is being put in place. We have been up here long enough to know that the line items have to go through. They are working on it. The budget is not ready to go right now, and if we do table this motion right now, we will recess today without doing the people's business.

Let us get this done.

The SPEAKER. Representative Metcalfe, for the second time on the motion.

Mr. METCALFE. Mr. Speaker, just a question for one of the prior speakers. If I heard right, he had said that this legislation is running in opposition to the leaders of both parties in this chamber and it is only running because of the Governor? Mr. Speaker, I think that is part of the problem, that legislation

like this has held the budget hostage to actually being done, Mr. Speaker, puts tens of thousands of jobs in the situation, people, families, in the situation of being laid off, Mr. Speaker.

The SPEAKER. Is the gentleman—

Mr. METCALFE. It is time to bring this budget to a conclusion, Mr. Speaker.

The SPEAKER. Is the gentleman—

Mr. METCALFE. It is time to support this motion to table, Mr. Speaker, which I am rising to talk about.

The SPEAKER. The Chair thanks the gentleman. You got in right under the wire.

Mr. METCALFE. Mr. Speaker, I rise in support of the motion to table, because the Governor of this State, no matter who it is, should not be allowed to hold the budget hostage to this legislation or anything else, Mr. Speaker.

Let us table this bill and get the budget done.

The SPEAKER. Representative Buxton, on the motion to table.

Mr. BUXTON. Mr. Speaker, I rise to support the motion to table. I believe that we should be exercising our time in this House of Representatives to avert another State layoff.

The SPEAKER. Representative McIlhattan, for the second time.

Mr. McILHATTAN. Thank you, Mr. Speaker.

I hear the maker of the motion talk so much about he cares so much about the employees of the Commonwealth; he cares about workers; he wants them to get paid. I would hope he would care just as much about the health care of the other workers in the Commonwealth of Pennsylvania, and let us vote "no" on this motion, Mr. Speaker.

The SPEAKER. Are there any other members seeking recognition on the motion to suspend? The Chair recognizes the majority leader, Representative DeWeese. Oh, I am sorry; the motion to table.

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

The following roll call was recorded:

YEAS—75

Bear	Ellis	Maher	Roae
Belfanti	Evans, D.	Mahoney	Rock
Benninghoff	Everett	Major	Rohrer
Beyer	Fabrizio	Mantz	Sabatina
Boback	Fairchild	Marsico	Sainato
Brooks	Gabig	McCall	Schroder
Buxton	Gergely	Metcalfe	Seip
Caltagirone	Gingrich	Millard	Smith, S.
Casorio	Godshall	Miller	Solobay
Causar	Harhai	Moul	Sonney
Civera	Harhart	Pallone	Staback
Cox	Harkins	Pashinski	Stevenson
Cruz	Hershey	Payton	Taylor, J.
Cutler	Hess	Perzel	Thomas
Dally	Kauffman	Petrarca	Vitali
Denlinger	Keller, M.	Petrone	Wansacz
Dermody	Keller, W.	Pyle	White
DeWeese	Kula	Rapp	Williams
Eachus	Longietti	Reichley	

NAYS—117

Adolph	Gibbons	McGeehan	Rubley
Argall	Gillespie	McI. Smith	Samuelson

Baker	Goodman	McIlhattan	Santoni
Barrar	Grell	Melio	Saylor
Bennington	Grucela	Mensch	Scavello
Biancucci	Hanna	Micozzie	Shapiro
Bishop	Harper	Milne	Siptroth
Blackwell	Harris	Moyer	Smith, K.
Boyd	Helm	Mundy	Smith, M.
Brennan	Hennessey	Mustio	Stairs
Cappelli	Hickernell	Myers	Steil
Carroll	Hornaman	Nailor	Stern
Clymer	Hutchinson	Nickol	Sturla
Cohen	James	O'Brien, M.	Surra
Conklin	Josephs	Oliver	Swanger
Costa	Kenney	Parker	Taylor, R.
Creighton	Kessler	Payne	True
Curry	Killion	Peifer	Turzai
Daley	King	Perry	Vereb
DeLuca	Kirkland	Phillips	Vulakovich
DePasquale	Kortz	Pickett	Wagner
DiGirolamo	Kotik	Preston	Walko
Donatucci	Leach	Quigley	Waters
Evans, J.	Lentz	Quinn	Watson
Fleck	Levdansky	Ramaley	Wheatley
Frankel	Mackereth	Raymond	Youngblood
Freeman	Manderino	Readshaw	
Galloway	Mann	Reed	O'Brien, D., Speaker
Geist	Markosek	Roebuck	
Gerber	Marshall	Ross	

NOT VOTING—0

EXCUSED—11

Bastian	Murt	Shimkus	Yewcic
George	O'Neill	Tangretti	Yudichak
Haluska	Petri	Wojnaroski	

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

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

Mr. DALEY offered the following amendment No. A02902:

Amend Sec. 3, page 13, by inserting between lines 16 and 17 "Vehicle." As defined in 75 Pa.C.S. § 102 (relating to definitions).

Amend Sec. 4, page 16, by inserting between lines 29 and 30 (3) For an individual to smoke in a vehicle in which there is a child under eight years of age.

Amend Sec. 4, page 17, line 2, by striking out "(E)" and inserting (e)(1) or (2)

Amend Sec. 4, page 17, by inserting between lines 15 and 16 (3) A violation of subsection (e)(3) constitutes a summary offense subject to a fine of not more than \$100 for an initial violation and to a fine of not more than \$250 for each subsequent violation. This paragraph shall be enforced in the same manner as other criminal offenses.

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

The SPEAKER. The Chair recognizes Representative Daley on the amendment.

Mr. DALEY. Thank you, Mr. Speaker.

Let the games begin again. I rise to ask the House to consider amendment 02902. We discussed this issue before about having children in the car and smoking with children in the car under the age of 8 years old. Some of your concerns were the enforcement provision, and we made substantive changes to our previous amendment wherein that we make this a summary offense with a fine of no more than \$100 for the initial citation and \$250 for each subsequent violation in this. We added the language that "this paragraph shall be enforced in the same manner as other criminal offenses."

Mr. Speaker, it is my understanding that there are no other amendments that are going to be in order this afternoon or germane to this particular subject. I believe this will be your opportunity to vote on this issue.

The SPEAKER. The gentleman will suspend.

### PARLIAMENTARY INQUIRY

The SPEAKER. For what purpose does Representative Cruz rise?

Mr. CRUZ. Point of order, Mr. Speaker.

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

Mr. CRUZ. Or rather I am going to say a parliamentary inquiry, Mr. Speaker.

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

Mr. CRUZ. I also had the same amendment as Representative Daley. Will that be ruled out of order if Mr. Daley's amendment is passed?

The SPEAKER. It is the understanding of the Chair that Representative Cruz's amendment was already voted on and was defeated. Representative Daley changed his amendment, so it is a different amendment than the amendment that was offered by Representative Cruz.

### POINT OF ORDER

Mr. CRUZ. Point of order, Mr. Speaker.

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

Mr. CRUZ. Would I be in order to make a motion to suspend the rules, or do I have to wait until Representative Daley's amendment is voted on?

The SPEAKER. The gentleman will have to wait until this amendment is disposed of.

Mr. CRUZ. Thank you, Mr. Speaker. I will wait.

The SPEAKER. The Chair thanks the gentleman.

Representative Daley may continue.

Mr. DALEY. Thank you, Mr. Speaker.

I will just withhold all my other comments until the final vote.

The SPEAKER. Representative Ross.

Mr. ROSS. Thank you, Mr. Speaker.

I would just point out that we had addressed this issue earlier at another time. At that time the House voted "no." I urge a negative vote once again.

Thank you.

The SPEAKER. Representative Vereb.

Mr. VEREB. Thank you, Mr. Speaker.

Will the maker of the amendment rise for interrogation, please?

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

Mr. VEREB. Can you define for me the changes that you made which would now give probable cause for a police officer to pull the vehicle— You mentioned to pull the vehicle over, you mentioned summary offense. Can you further define in detail exactly what Vehicle Code or Crimes Code section this would potentially be?

Mr. DALEY. Yeah; you are asking me two questions. This language is not included in the Vehicle Code. If it was in this bill, included in the Vehicle Code, identified the Vehicle Code, this amendment would not be germane to this bill. If it was in the Crimes Code, we identified the Crimes Code, it would not be germane to this bill. What we have indicated in this amendment, by its language it creates the probable cause on sight by the officer. We added the language that it is by anyone, any police officer that enforces, any law enforcement official that enforces criminal offenses. If you look then as a cross-reference to the Crimes Code, it will indicate who can enforce criminal offenses. That is all police officers sworn under the laws of the Commonwealth of Pennsylvania.

Mr. VEREB. Would this be considered a primary or a secondary offense?

Mr. DALEY. That can only be considered if we had amended Title 75. If we had amended Title 75 and listed it as a primary and secondary offense, therein it would create this amendment to be not germane to this legislation. We are not identifying anything in this language of this amendment as a primary or a secondary offense. Therefore, this is an offense.

Mr. VEREB. Mr. Speaker, thank you for that clarification. If I may comment on the amendment at this time?

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

Mr. VEREB. As I had said previously, I certainly would support an initiative such as this, because I think it is a good idea. However, I would urge a "no" vote on this amendment, because the fact of the matter is, a number of years in law enforcement will tell you that the police officers are not going to go out and make all the motor vehicle stops on health code or other types of code issues unless it is Crimes Code or Vehicle Code violations. While they may have that right and they may have that ability, I think this type of a section would be more positive to the community if it were put into the Vehicle Code or a Crimes Code in a later amendment or law in the future.

Thank you, Mr. Speaker.

The SPEAKER. Representative Reichley.

Mr. REICHLEY. Thank you, Mr. Speaker.

May I briefly interrogate the maker of the amendment?

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

Mr. REICHLEY. Thank you, Mr. Speaker.

Mr. Speaker, would the gentleman be able to describe the last sentence in his amendment, which I believe states that this offense could be enforced in the same manner as other criminal offenses.

Mr. DALEY. When we approached the Reference Bureau and asked them to draft the necessary language, which was of concern of the previous speaker and I think you also articulated that concern on the floor, they said that this is the language that

would be necessary, so any law enforcement officer that is sworn under the laws of the Commonwealth of Pennsylvania to enforce any summary offenses will then have, by this language, the authority, although not be it in Title 18 or Title 75, the authority to offer a citation under this particular provision of this particular act.

Mr. REICHLEY. But does not that language of the amendment, Mr. Speaker, in your own explanation, therefore mean that a police officer could pull over a motorist for no other reason than suspicion that a child within the vehicle is under the age of 8 years and an officer sees someone smoking in that vehicle?

Mr. DALEY. I do not know if you are an attorney, sir.

Mr. REICHLEY. Yes.

Mr. DALEY. It is reasonable and articulable suspicion for probable cause. He sees someone smoking in the car with children in the back with car seats, because cross-reference to Title 75, a child 8 and under must be in a restraining seat or a car seat. That is the threshold limit that we have addressed in this issue, in this amendment. Therefore, that officer, by seeing that on-site, will have the ability to be able to pull that motorist over and cite them.

Mr. REICHLEY. Then, Mr. Speaker, you have therefore contradicted yourself in your response to the previous questioner in which you said that it is not going to be a primary offense for which an officer could engage in a stop or subsequent arrest, that if you are articulating that the officer would have the same powers by which to stop an individual for any other criminal offense, either by sight or upon information from another individual, you are therefore indicating that this in fact could be used as a primary offense, not a secondary offense as we have with seat belt violations, where you need to have another criminal action being observed or witnessed by the police officer and then he can cite for the failure of a driver to be using a seat belt in the operation of a motor vehicle. There would not be that situation with this, Mr. Speaker. You would be allowing police officers to stop motorists solely on the basis of a suspicion that smoking is taking place in the vehicle and there is a child under the age of 8, regardless of whether that child is in a car seat properly strapped or whatever. Is that not correct, Mr. Speaker?

Mr. DALEY. Mr. Speaker, I know that you asked me a question in that process of that statement, and I apologize if you did not understand my last answer wherein I was asked if this was a primary or secondary offense identified in the language of this particular amendment, and I said it is neither identified as a primary or a secondary offense; I said it is an offense. If you want to consider that then based upon that statement a primary offense, yes, you are right, but my answer was that I am not confused in my last answer to the previous gentleman.

Mr. REICHLEY. Mr. Speaker, that is the extent of my interrogation. May I speak on the amendment?

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

Mr. REICHLEY. Thank you, Mr. Speaker.

Well, it took a little while, but we finally got the answer out of the maker of the amendment, that in fact the police would be authorized to pull over motorists based upon the observation, the suspicion by a police officer, or as the gentleman has already articulated, that under the Crimes Code an officer can stop upon information from another individual. So a police officer could be responding to an allegation by a separate witness that somehow an action was observed by an

independent party who believes that a child under the age of 8 years old is in a car where smoking is taking place.

Now this, with all due respect to the maker of the amendment, is part and parcel, with this expansionist philosophy, that the State should be able to intervene in every possible situation. I think many of us in the House have heard from the gentleman in very heartfelt terms his own personal experiences with smoking in vehicles, and I understand that is an issue for a number of people, but I think the members have to tread very cautiously when you are now going to create a whole new line of detention by law enforcement officers against motorists on the allegation that a child under the age of 8 years old is within the vehicle. It would not be a situation where it would be a secondary offense, as we have with seat belt violations, where one can only be cited for a seat belt violation if there is another criminal offense that has already been witnessed or alleged by the officer.

So I would urge the members, while I respect the maker of the amendment, his interests in protecting children, I believe Representative Cruz has another amendment which would perhaps be more accurately worded to accomplish the maker of the amendment's intent and would urge a "no" vote on this amendment.

Thank you, Mr. Speaker.

The SPEAKER. Representative Vereb, for the second time.

Mr. VEREB. Thank you, Mr. Speaker.

If I may interrogate the maker one more time, please.

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

Mr. VEREB. I guess I am confused now. Smoking in a vehicle with a 6-year-old child in that vehicle, driving by a police car, committing no other violation, not any crime, not any moving violation or any other type of vehicle violation or local borough or township ordinance, can the police officer pull the car over for the person smoking in a car with someone 8 years old or under in the car?

Mr. DALEY. Mr. Speaker, I am giving you the benefit of the doubt that you know the answer to this question. Therefore, you should not be asking me the—

Mr. VEREB. I do not— Excuse me, Mr. Speaker. In all due respect, if I knew the answer, I would not be wasting the floor's time.

Mr. DALEY. Okay.

Mr. VEREB. I do not know the answer, and the fact of the matter is—

Mr. DALEY. Well, let me finish my—

Mr. VEREB. Excuse me, Mr. Speaker.

Mr. DALEY. You asked me a question. Let me finish my answer.

Mr. VEREB. Well, if you could answer the question, I would be very thankful. Thank you.

I asked you a question; I do not know the answer. I am not a lawyer, but I will—

The SPEAKER. The gentleman will suspend.

Mr. VEREB. I asked—

The SPEAKER. The gentleman will suspend.

The Chair will remind members that they cannot speak over each other. The gentleman will ask a question, and then the responder will respond.

Mr. VEREB. Mr. Speaker, I asked a question, and yes or no would be great, without further comment. Although I do not know the answer, I would really like to hear the legal

interpretation, the legal answer of that question. Would you like me to repeat it?

Mr. DALEY. No. Believe me, I understand the question, and I am sure that you understand the question and all the members of the House understand the question, but let me repeat the question: If a police officer is sitting there and watched a parent ride by that police patrol vehicle and he is not doing anything else but just patrolling or observing, and someone rides by with a cigarette in their mouth and the child is sitting in the car seat in the back and it is a smoke-filled car, and this is 1 of 858,000 children that are exposed to secondhand smoke, and this child is 1 of 150,000 children that are going to get lower respiratory tract infections, and this is 1 of 26,000 new cases of asthma, that police officer, under this amendment, will not only have the right but the duty to arrest that parent that is smoking in the car with that child from the age of birth to 8 years of age. Now, you said 6? That child falls right into that category.

Mr. VEREB. And thank you, Mr. Speaker, but I do not believe my question has been answered, because probable cause in law enforcement happens to be the two most important words that either bring a lawsuit or prevent you from being sued. Probable cause happens to be the two most important words that exist in the law enforcement community, which separates the rights of individuals. So I am asking the question again, does this offense, does this offense stand alone? I do not know the answer, and that is why I am asking. You have an attorney right there, and maybe he can answer it. Is it in fact an offense that a police officer can just initiate a car stop based on this observation? I, frankly, wish it could. I, frankly, wish we would withdraw these amendments and put them in the code which would allow your language to be a primary reason to stop the car. I want to make that very clear. I think the language has great intentions. What I do not want, Mr. Speaker, is some law enforcement officer to have the same confusion and he does not have or she does not have this kind of time to debate it, and this is what happens. Too many times when laws come out of this building at 3:30 in the morning— He went on for a couple minutes, Mr. Speaker. I was expecting the same latitude from the maker.

So my question again, is this or is this not a primary offense in which a police officer can pull a car over, a vehicle over, for just this offense?

Mr. DALEY. Mr. Speaker, here are the elements of this particular amendment: that you have an individual, number one; number two, that there is smoking; number three is operating a vehicle; number four, that there is a child under the age of 8 years of age, which would be, by cross-reference, a child that is either in a car seat or a safety seat and that officer observes that. All those elements going on, he or she then has probable cause.

Mr. VEREB. Mr. Speaker, I do believe you are trying to answer my question, but I just—

Mr. DALEY. No, I am not answering your question.

Mr. VEREB. And I thank you for that. Let me make this comparison in a question: Is this similar to the seat belt— You do not want to answer anymore? Is this similar to the seat belt law?

The SPEAKER. The gentleman will suspend.

The Chair will remind the two gentlemen they are not permitted to speak over each other.

Mr. VEREB. Is this similar, if you could just check, if this law passes, would this have the same standings as our seat belt law? That is, I guess, the easiest way to ask the question.

Mr. DALEY. Yes.

Mr. VEREB. Okay. And would you agree that seat belt— Mr. Speaker, no more questions.

I certainly urge a capital "NO" vote on this. Thank you.

The SPEAKER. The Chair thanks the gentleman.

Does the gentleman, Representative Daley, seek recognition for the second time? The gentleman is in order and may proceed.

Mr. DALEY. This is where the tire hits the road. Some of us want to exempt restaurants from smoking because it is a hazard to the people in the restaurants. Some of us want to exempt bars because we think the owners have a right to make those decisions, those God-given rights that I heard today.

Now, I read the Constitution, and I never read anywhere where it said God gave us that particular right to constitutionally mandate a law. Some of you and I may want to deal with casinos and having smoking so people can smoke in a casino, and there are those that do not want smoking in the casino, and some of us are concerned about private clubs. Now, we just went through two amendments, two amendments dealing with children's health. This is the amendment that really deals with children's health. Why not protect the kids? Why should we protect the casinos' rights? Why should we protect the restaurants' rights? Why should we protect the private clubs' rights? It is time we protect the children's rights.

I ask for an affirmative vote. Thank you, Mr. Speaker.

The SPEAKER. Will the House agree to the amendment? On the question, those in favor will vote "aye"— Representative Gabig.

Mr. GABIG. Thank you, Mr. Speaker.

By the way, I did vote "yes" to table this and move on, so.

I just want to clear up some of what I think was the confusion on some of the interrogatories that I heard — that is all — before we vote on this. The gentleman from Montgomery County, a former police officer, law enforcement, he thinks it should be a primary offense, that if you see somebody smoking, that you should be able to pull them over, not a secondary offense like the seat belt law is. You cannot pull somebody over for not wearing a seat belt; you have to pull them over for something else, and if in the course of that the police officer observes no seat belt, then you can cite him. That was his point. He was asking whether it was a primary offense or a secondary offense, and I do not think that the maker of this amendment understood that question, because he was saying you can arrest him, but then he said it was a secondary offense, which that was the confusion. Was it a primary offense that you can pull somebody over for not committing any other offense or a secondary offense? And the question was not answered; he said it was a secondary offense like seat belts.

So is it a primary — I do not know — is it a primary offense or a secondary offense? I see people shaking their heads yes, no. I still do not know the answer to that question, and so it is hard to vote on. It is hard to vote whether you want to protect children if you do not think it is strong enough. And I think that I heard from Mr. Reichley that Mr. Cruz has an amendment coming up which would really protect children, would make it a primary offense to do this. So that is the confusion over on this

end, just to let everyone know, and we do not know the answer to it. I still do not know the answer to it.

Thank you, Mr. Speaker.

The SPEAKER. Representative Kauffman.

Mr. KAUFFMAN. Mr. Speaker, I apologize for speaking after the prime sponsor of this amendment, but I received a very interesting question and a good question from a constituent of mine, that if the prime sponsor of this amendment would like to answer, that would be wonderful.

He was watching PCN (Pennsylvania Cable Network) and he was watching this debate, and he was just curious—

The SPEAKER. Is the gentleman asking for the sponsor of the amendment to stand for interrogation?

Mr. KAUFFMAN. Yes, absolutely, if he is willing.

The SPEAKER. The gentleman indicates that he will, and the gentleman is in order and may pose his question.

Mr. KAUFFMAN. And the constituent posed the question, would convertibles be exempt from this smoking ban for 8-year-olds in the vehicle?

The SPEAKER. The gentleman will restate his question. I think the gentleman had difficulty hearing it.

Members, members will reduce the noise level in the chamber so the gentleman can be heard.

Mr. KAUFFMAN. The question was, would convertibles be exempt from this smoking ban for 8-year-olds?

Mr. DALEY. First of all, Mr. Speaker, for those that were late in the anteroom but came back to ask questions, I apologize that you did not hear, maybe hear the question or hear the answer. It is a primary, primary, primary offense. I will not say it again. Thank you.

Secondly, would a convertible be exempt? Guess what? No, a convertible would not be exempt the way the language is.

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

The following roll call was recorded:

YEAS—47

Bennington	Eachus	Longiotti	Shapiro
Bishop	Evans, D.	Mahoney	Siptroth
Brennan	Frankel	Mann	Smith, K.
Carroll	Freeman	McCall	Smith, M.
Cohen	Galloway	McGeehan	Solobay
Costa	Gerber	Melio	Vitali
Curry	Hanna	Pallone	Wagner
Daley	Hutchinson	Petrarca	Walko
DeLuca	Kessler	Preston	Wansacz
DePasquale	Kotik	Readshaw	Wheatley
DeWeese	Leach	Samuelson	White
DiGirolamo	Lentz	Scavello	

NAYS—145

Adolph	Gergely	Marshall	Roae
Argall	Gibbons	Marsico	Rock
Baker	Gillespie	McI. Smith	Roebuck
Barrar	Gingrich	McIlhattan	Rohrer
Bear	Godshall	Mensch	Ross
Belfanti	Goodman	Metcalfe	Rubley
Benninghoff	Grell	Micozzie	Sabatina
Beyer	Grucela	Millard	Sainato
Bianucci	Harhai	Miller	Santoni
Blackwell	Harhart	Milne	Saylor
Boback	Harkins	Moul	Schroder
Boyd	Harper	Moyer	Seip

Brooks	Harris	Mundy	Smith, S.
Buxton	Helm	Mustio	Sonney
Caltagirone	Hennessey	Myers	Staback
Cappelli	Hershey	Nailor	Stairs
Casorio	Hess	Nickol	Steil
Causer	Hickernell	O'Brien, M.	Stern
Civera	Hornaman	Oliver	Stevenson
Clymer	James	Parker	Sturla
Conklin	Josephs	Pashinski	Surra
Cox	Kauffman	Payne	Swanger
Creighton	Keller, M.	Payton	Taylor, J.
Cruz	Keller, W.	Peifer	Taylor, R.
Cutler	Kenney	Perry	Thomas
Dally	Killion	Perzel	True
Denlinger	King	Petrone	Turzai
Dermody	Kirkland	Phillips	Vereb
Donatucci	Kortz	Pickett	Vulakovich
Ellis	Kula	Pyle	Waters
Evans, J.	Levdansky	Quigley	Watson
Everett	Mackereth	Quinn	Williams
Fabrizio	Maher	Ramaley	Youngblood
Fairchild	Major	Rapp	
Fleck	Manderino	Raymond	O'Brien, D., Speaker
Gabig	Mantz	Reed	
Geist	Markosek	Reichley	

NOT VOTING—0

EXCUSED—11

Bastian	Murt	Shimkus	Yewcic
George	O'Neill	Tangretti	Yudichak
Haluska	Petri	Wojnaroski	

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

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

**BILL PLACED ON  
SECOND CONSIDERATION  
POSTPONED CALENDAR**

The SPEAKER. The Chair recognizes the majority leader, Representative DeWeese.

Mr. DeWEESE. Mr. Speaker, I would like to make a motion to postpone this bill until tomorrow, not to sweep it under the rug but to postpone for a couple of different reasons.

One, I would like to announce an immediate meeting, if the vote to postpone is successful, of the Appropriations Committee. Secondly, I would like to share with the membership that about 95 percent of the Fiscal Code work that our collective caucuses are doing has been ironed out. About 95 percent of the Education Code work that our collective caucuses are doing has been ironed out. Number three, that the budget is being proofread as we debate. We are making substantial progress. We are certainly, number four, hoping that the Senate will send the transportation documents, and the documents that we sent to them have been altered, but we want to see that proposal come back to us today if at all possible.

We are going to caucus tomorrow at 3 and go on the floor at 4, and I am asking that we postpone, and I am trying to buttress my reasons for postponing, because I think that conceivably

with the debate going as it is, we could be here for hours and hours and hours, and I do not think that is necessary. We can come back in tomorrow, pick up right here, and this legislation will be dealt with again tomorrow.

So I would ask for a motion to postpone for the aforesaid reasons.

The SPEAKER. The gentleman moves that SB 246 be postponed.

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

**PARLIAMENTARY INQUIRY**

The SPEAKER. On the motion, Representative Cruz.

Mr. CRUZ. Parliamentary inquiry, Mr. Speaker.

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

Mr. CRUZ. If we table this today, when we come back and I offer my amendment, will I have to suspend the rules or do we go right into voting on—

The SPEAKER. The gentleman can make that motion tomorrow. His motion will be in order at that time.

Mr. CRUZ. Thank you, Mr. Speaker.

The SPEAKER. Representative McIlhattan.

Mr. McILHATTAN. Thank you, Mr. Speaker.

I rise to oppose the motion to postpone, Mr. Speaker. As I said before, we have been working on this for a long time. We are moving along today, and I can write the script. You know what is going to happen tomorrow. We are going to get on the floor and say, oh, the budget is ready; it is all about the budget; we have got to do the budget; we cannot go back and deal with this issue. We know exactly what is going on here, Mr. Speaker.

Let us stand our ground. Let us not cut and run. Let us do the right thing. Let us debate this out and let the people of Pennsylvania know where we stand on this bill. Thank you, Mr. Speaker.

The SPEAKER. Do any other members seek recognition on the motion to postpone? The Chair seeing none, those in favor of postponing SB 246 will vote "aye"; those opposed, "nay."

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

The following roll call was recorded:

**YEAS—105**

Argall	Galloway	McGeehan	Rock
Belfanti	Geist	Melio	Roebuck
Benninghoff	Gergely	Metcalfe	Rubley
Bianucci	Godshall	Micozzie	Sabatina
Bishop	Goodman	Millard	Sainato
Blackwell	Grucela	Miller	Santoni
Brennan	Hanna	Milne	Saylor
Buxton	Harhai	Moul	Seip
Caltagirone	Harkins	Moyer	Shapiro
Cappelli	Helm	Mundy	Smith, M.
Casorio	Hennessey	Myers	Smith, S.
Civera	Hershey	O'Brien, M.	Solobay
Costa	Hess	Oliver	Staback
Cox	James	Pallone	Stern
Curry	Keller, W.	Parker	Surra

Daley	Kirkland	Pashinski	Taylor, J.
Dally	Kortz	Payton	Thomas
DeLuca	Kula	Peifer	Wagner
Dermody	Levdansky	Perry	Wansacz
DeWeese	Longietti	Perzel	Waters
Donatucci	Mackereth	Petrarca	Wheatley
Eachus	Mahoney	Petrone	White
Ellis	Major	Phillips	Williams
Evans, D.	Mann	Preston	
Everett	Mantz	Ramaley	O'Brien, D., Speaker
Fabrizio	Markosek	Raymond	
Fleck	McCall	Reichley	

**NAYS—87**

Adolph	Frankel	Leach	Ross
Baker	Freeman	Lentz	Samuelson
Barrar	Gabig	Maher	Scavello
Bear	Gerber	Manderino	Schroder
Bennington	Gibbons	Marshall	Sipthoth
Beyer	Gillespie	Marsico	Smith, K.
Boback	Gingrich	McI. Smith	Sonney
Boyd	Grell	McIlhattan	Stairs
Brooks	Harhart	Mensch	Steil
Carroll	Harper	Mustio	Stevenson
Causer	Harris	Nailor	Sturla
Clymer	Hickernell	Nickol	Swanger
Cohen	Hornaman	Payne	Taylor, R.
Conklin	Hutchinson	Pickett	True
Creighton	Josephs	Pyle	Turzai
Cruz	Kauffman	Quigley	Vereb
Cutler	Keller, M.	Quinn	Vitali
Denlinger	Kenney	Rapp	Vulakovich
DePasquale	Kessler	Readshaw	Walko
DiGirolamo	Killion	Reed	Watson
Evans, J.	King	Roae	Youngblood
Fairchild	Kotik	Rohrer	

**NOT VOTING—0**

**EXCUSED—11**

Bastian	Murt	Shimkus	Yewcic
George	O'Neill	Tangretti	Yudichak
Haluska	Petri	Wojnarowski	

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

**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:

**HB 1253, PN 2296**

An Act amending the act of May 22, 1951 (P.L.317, No.69), known as The Professional Nursing Law, further providing for scope of practice for certified registered nurse practitioners; and providing for professional liability.

**HB 1254, PN 2295**

An Act amending the act of May 22, 1951 (P.L.317, No.69), known as The Professional Nursing Law, providing for the definition of "clinical nurse specialist"; and providing for clinical nurse specialists.

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

### HOUSE BILLS INTRODUCED AND REFERRED

**No. 1747** By Representatives DeLUCA, BRENNAN, FRANKEL, HORNAMAN, MYERS, THOMAS and YOUNGBLOOD

An Act amending the act of April 3, 1929 (P.L.134, No.136), entitled "An act authorizing treasurers in counties of the second class to sit personally or by deputy, for the purpose of the collection of taxes, in the various municipalities in the county, and imposing expenses in connection therewith upon the county," extending the act to municipal and school taxes.

Referred to Committee on LOCAL GOVERNMENT, July 14, 2007.

**No. 1748** By Representatives DeLUCA, BRENNAN, CURRY, GRUCELA, HORNAMAN, LEACH, MELIO, MYERS, TANGRETTI, THOMAS and YOUNGBLOOD

An Act amending the act of April 6, 1951 (P.L.69, No.20), known as The Landlord and Tenant Act of 1951, requiring monitored security in and about certain tenement buildings and multiple dwelling premises.

Referred to Committee on CONSUMER AFFAIRS, July 14, 2007.

**No. 1749** By Representatives DeLUCA, COHEN, CURRY, FREEMAN, GRUCELA, JOSEPHS, KORTZ, McGEEHAN, MELIO, R. MILLER, MYERS, PETRARCA, SHIMKUS, SWANGER, TANGRETTI, WALKO and YOUNGBLOOD

An Act requiring information about carbon monoxide additives to be placed on packaging labels of meats sold at retail.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, July 14, 2007.

**No. 1750** By Representatives DeLUCA, JOSEPHS, KORTZ, MUNDY, THOMAS, YOUNGBLOOD and WALKO

An Act prohibiting certain referrals of patients by health care providers for health care services; providing for powers and duties of the Department of Health; and imposing penalties.

Referred to Committee on HEALTH AND HUMAN SERVICES, July 14, 2007.

**No. 1751** By Representatives DeLUCA, BELFANTI, BOYD, BRENNAN, GODSHALL, JOSEPHS, KORTZ, LONGIETTI, McGEEHAN, MELIO, MENSCH and REICHLEY

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for de facto relinquishment of parental rights in personal injury actions.

Referred to Committee on JUDICIARY, July 14, 2007.

**No. 1752** By Representatives CURRY, KENNEY, BELFANTI, BOYD, BRENNAN, CALTAGIRONE, CAPPELLI, COHEN, DeLUCA, FRANKEL, FREEMAN,

GOODMAN, HENNESSEY, HESS, JAMES, JOSEPHS, KORTZ, KOTIK, KULA, LEACH, LENTZ, MAHONEY, MANDERINO, McILHATTAN, MELIO, MUNDY, MURT, NAILOR, D. O'BRIEN, M. O'BRIEN, PHILLIPS, RAPP, READSHAW, SANTONI, McILVAINE SMITH, SOLOBAY, SONNEY, STERN, TANGRETTI, THOMAS, TRUE, J. WHITE and YOUNGBLOOD

An Act providing for education for parents relating to sudden infant death syndrome and sudden unexpected death of infants; establishing the Sudden Infant Death Syndrome Education and Prevention Program; and providing for duties of the Department of Health.

Referred to Committee on CHILDREN AND YOUTH, July 14, 2007.

**No. 1753** By Representatives ARGALL, BEYER, BOBACK, BELFANTI, CAPPELLI, DALLY, J. EVANS, GEIST, GEORGE, GINGRICH, GOODMAN, HARHART, M. KELLER, MACKERETH, MANTZ, MENSCH, MURT, NAILOR, PEIFER, PHILLIPS, PICKETT, RUBLEY, SAYLOR, SCAVELLO, SOLOBAY, SONNEY, STEIL, SWANGER, J. TAYLOR, YOUNGBLOOD and YUDICHAK

An Act providing for cooperation between political subdivisions and for the award of grants to recognize such cooperation.

Referred to Committee on LOCAL GOVERNMENT, July 14, 2007.

**No. 1754** By Representatives STABACK, BELFANTI, BRENNAN, CAPPELLI, CARROLL, COHEN, EVERETT, GEORGE, GOODMAN, HALUSKA, HARHAI, HESS, KOTIK, KULA, MAHONEY, MAJOR, McGEEHAN, McILHATTAN, McILVAINE SMITH, MENSCH, MURT, MYERS, PEIFER, PHILLIPS, REICHLEY, ROHRER, SEIP, K. SMITH, SOLOBAY, WANSACZ, WOJNAROSKI and YOUNGBLOOD

An Act amending the act of June 28, 1935 (P.L.477, No.193), referred to as the Enforcement Officer Disability Benefits Law, extending benefits to certain employees of the Pennsylvania Game Commission and the Pennsylvania Fish and Boat Commission; and making editorial changes.

Referred to Committee on GAME AND FISHERIES, July 14, 2007.

**No. 1790** By Representatives TURZAI, BAKER, BARRAR, BEAR, BENNINGHOFF, BOBACK, BOYD, BROOKS, CALTAGIRONE, CAPPELLI, CAUSER, CIVERA, CLYMER, COX, CREIGHTON, CUTLER, DALLY, DENLINGER, DePASQUALE, ELLIS, EVERETT, FLECK, GABIG, GEIST, GEORGE, GIBBONS, GILLESPIE, GINGRICH, GOODMAN, GRELL, HALUSKA, HARHART, HARRIS, HELM, HENNESSEY, HERSHEY, HUTCHINSON, KAUFFMAN, M. KELLER, KENNEY, KILLION, KORTZ, KOTIK, LONGIETTI, MACKERETH, MAJOR, MANN, MANTZ, McGEEHAN, McILHATTAN, MENSCH, METCALFE, R. MILLER, MILNE, MOUL, MOYER, MURT, MESTIO, MYERS, NICKOL, O'NEILL, PAYNE, PEIFER, PERRY, PETRI, PHILLIPS, PICKETT, PYLE, QUIGLEY, RAPP, REED, REICHLEY, ROAE, ROSS, RUBLEY, SAYLOR, SCAVELLO, SCHRODER, SONNEY, STABACK,

STERN, R. STEVENSON, SWANGER, J. TAYLOR, THOMAS, VEREB, VULAKOVICH, WANSACZ, WOJNAROSKI, YOUNGBLOOD and YUDICHAK

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in personal income tax, further providing for classes of income; and in inheritance tax, further providing for transfers not subject to inheritance tax.

Referred to Committee on FINANCE, July 14, 2007.

**No. 1800** By Representatives TURZAI, BAKER, BARRAR, BEAR, BENNINGHOFF, BOBACK, BOYD, BROOKS, CALTAGIRONE, CAPPELLI, CAUSER, CIVERA, CLYMER, COX, CREIGHTON, CUTLER, DALLY, DENLINGER, DePASQUALE, ELLIS, EVERETT, FLECK, GABIG, GEIST, GEORGE, GIBBONS, GILLESPIE, GINGRICH, GOODMAN, GRELL, HALUSKA, HARHART, HARRIS, HELM, HENNESSEY, HERSHEY, HUTCHINSON, KAUFFMAN, M. KELLER, KENNEY, KILLION, KORTZ, KOTIK, LONGIETTI, MACKERETH, MAJOR, MANN, MANTZ, McGEEHAN, McILHATTAN, MENSCH, METCALFE, R. MILLER, MILNE, MOUL, MOYER, MURT, MUSTIO, MYERS, NICKOL, O'NEILL, PAYNE, PEIFER, PERRY, PETRI, PHILLIPS, PICKETT, PYLE, QUIGLEY, RAPP, REED, REICHLEY, ROAE, ROSS, RUBLEY, SAYLOR, SCAVELLO, SCHRODER, SONNEY, STABACK, STERN, R. STEVENSON, SWANGER, J. TAYLOR, THOMAS, VEREB, VULAKOVICH, WANSACZ, WOJNAROSKI, YOUNGBLOOD and YUDICHAK

An Act amending the act of April 3, 1992 (P.L.28, No.11), known as the Tuition Account Programs and College Savings Bond Act, further providing for general provisions governing both tuition account programs.

Referred to Committee on FINANCE, July 14, 2007.

**No. 2121** By Representatives DeWEESE, WANSACZ, CALTAGIRONE, EACHUS, FABRIZIO, FRANKEL, GERBER, HARHAI, HARKINS, HORNAMAN, KULA, OLIVER, PALLONE, PASHINSKI, SANTONI, SHIMKUS, SURRA, J. WHITE, WOJNAROSKI and SIPTROTH

An Act relating to amusement; authorizing table games; imposing powers and duties on the Pennsylvania Gaming Control Board; providing for eligibility to conduct authorized table games, for licensure of table game facilities, for conduct of authorized table games, for statement of compliance, for certificate of operation, for table game employees, for key employees, for service industry employees and for licensure of table game service industries; imposing powers and conferring duties on the Bureau of Investigation and Enforcement, the Pennsylvania State Police and the Attorney General; providing for distribution of gross table game revenue, for property tax relief, for corrupt organizations, for prohibitions, for inspections, for enforcement and for compulsive and problem gambling assistance; providing penalties; making appropriations; and making related repeals.

Referred to Committee on GAMING OVERSIGHT, July 14, 2007.

## REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the minority whip, Representative Argall.

Mr. ARGALL. Thank you, Mr. Speaker.  
Mr. Speaker, just an announcement that tomorrow at 3 o'clock, the House Republicans will meet in caucus.  
The SPEAKER. The Chair thanks the gentleman.

## VOTE CORRECTION

The SPEAKER. Representative Vitali.  
Mr. VITALI. Mr. Speaker, I rise for two reasons. One is to correct the record, and two, to see if my majority leader would stand for interrogation. Perhaps I can correct the record first to get it out of the way real quick?  
The SPEAKER. The gentleman is in order.  
Mr. VITALI. Mr. Speaker, on the motion to table on SB 246, I was recorded in the "yes" and I wish to be recorded in the "no."  
The SPEAKER. The gentleman's remarks will be spread upon the record.

There is no motion before the House. The gentleman is not in order to interrogate the majority leader.  
Mr. VITALI. Mr. Speaker?

## PARLIAMENTARY INQUIRY

The SPEAKER. For what purpose does the gentleman, Representative Dally, rise?  
Mr. DALLY. A parliamentary inquiry, Mr. Speaker.  
The SPEAKER. The gentleman will state his point of parliamentary inquiry.  
Mr. DALLY. Mr. Speaker, I had an amendment, 3083, to the bill that was just tabled until tomorrow, and I believe—  
The SPEAKER. That bill was not tabled. The gentleman was technically incorrect. The bill is postponed until tomorrow.  
Mr. DALLY. Okay, postponed until tomorrow, and I believe that had this amendment been offered today, I would have needed a motion to suspend the rules to offer it, and I wanted to make sure that I know what the status is for tomorrow.  
The SPEAKER. The gentleman's amendment will be in order tomorrow without a suspension of the rules.  
Mr. DALLY. Okay. Thank you, Mr. Speaker.  
The SPEAKER. The Chair thanks the gentleman.

## PARLIAMENTARY INQUIRY

The SPEAKER. Representative Gerber. For what purpose does the gentleman rise?  
Mr. GERBER. Mr. Speaker, a point of parliamentary inquiry, and I believe it was the same question—  
The SPEAKER. The gentleman will state his point of parliamentary inquiry.  
Mr. GERBER. Thank you, Mr. Speaker.  
I was not able to hear that last colloquy, and I just wanted to ask, I think the similar question, but I just want to clarify, amendments that were filed too late to be debated today without a suspension of the rules, will they be in order tomorrow?  
The SPEAKER. They will be timely filed. The gentleman is correct.  
Mr. GERBER. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Representative Vitali, will come to the rostrum.

Are there any other announcements?

### APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Chair gives permission for the Appropriations Committee to meet.

The Appropriations Committee, for the information of the members, is meeting in the majority caucus room immediately, with the permission of the Chair.

### RECESS

The SPEAKER. The House stands in recess until the call of the Chair.

### AFTER RECESS

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

### THE SPEAKER PRO TEMPORE (MARK B. COHEN) PRESIDING

### CALENDAR CONTINUED

### RESOLUTION

Mr. DeWEESE called up **HR 180, PN 2149**, entitled:

A Concurrent Resolution establishing a commission to study the Commonwealth's fragmented system of local governance and identify methods to promote more regional collaboration in the delivery of municipal services and the execution of local government.

On the question,  
Will the House adopt the resolution?

### RESOLUTION TABLED

The SPEAKER pro tempore. The Chair recognizes the majority leader, who moves that HR 180 be placed on the table.

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

### RESOLUTION REMOVED FROM TABLE

The SPEAKER pro tempore. The Chair recognizes the majority leader, who moves that HR 180 be taken from the table and placed on the active calendar.

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

The SPEAKER pro tempore. Are there any further announcements from the majority leader or the minority leader or anyone else?

### 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 from Montgomery County, Mr. Vereb, who moves that this House do now adjourn until Sunday, July 15, 2007, at 4 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 4:05 p.m., e.d.t., the House adjourned.