

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, OCTOBER 16, 2007

SESSION OF 2007

191ST OF THE GENERAL ASSEMBLY

No. 89

HOUSE OF REPRESENTATIVES

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

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

PRAYER

REV. JULIANN V. WHIPPLE, Chaplain of the House of Representatives, offered the following prayer:

Let us pray:

We come to You, O Lord, on this morning in October. We attempt to keep our minds focused on the tasks at hand, but we are beginning to feel the demands surrounding the coming holidays. Already the stores are beckoning us to enter and spend what You have given us on things that will not make our lives any better or our souls more at peace; only You can do that. But we are too distracted to make time for You. Between work, home, and holidays, where do You fit in? O God, it seems we can lose sight of You in anything we do, including prayer. Our distractions rob us from the one and only thing we need, which is You, my God. Though, if it is true that we can lose You in everything, it must also be true that we can find You in anything.

It is my prayer this morning that each of us here finds You in the ordinary, that we see the miracle in the changing colors of fall, that we see the beauty in the smile of a friend, that we marvel at the magnificence of the stars as they twinkle above in the crisp, clear evenings, and that many joys throughout our long days cause us to laugh – enjoying the very sensation of that simple act.

"Almighty God, give us wisdom to perceive you, intellect to understand you, diligence to seek you, patience to wait for you, eyes to behold you, a heart to meditate upon you, and life to proclaim you." 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 Monday, October 15, 2007, will be postponed until printed. The Chair hears no objection.

LEAVES OF ABSENCE

The SPEAKER. Turning to leaves of absence, the Chair recognizes the majority whip, who indicates there are no requests for leaves for today.

The Chair recognizes the minority whip, who indicates there are no requests for leaves.

Representative PALLONE remains on leave for the remainder of the week.

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—202

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

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—1

Pallone

LEAVES ADDED—6

Adolph	Cappelli	Rohrer	Tangretti
Benninghoff	Conklin		

LEAVES CANCELED—1

Tangretti

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

RESOLUTION REPORTED FROM COMMITTEE

HR 410, PN 2503

By Rep. GEORGE

A Concurrent Resolution designating December 19, 2007, as "Coal Miner's Day" in Pennsylvania in appreciation, honor and remembrance of the accomplishments and sacrifices of coal miners in this Commonwealth.

ENVIRONMENTAL RESOURCES AND ENERGY.

GUESTS INTRODUCED

The SPEAKER. The Chair would like to welcome to the hall of the House Karen Wagner and Nathan Via, who are the guests of Representative Jim Marshall. They are seated to the left of the Speaker. Would you please rise and be recognized.

INDEPENDENT COLLEGE STUDENTS INTRODUCED

The SPEAKER. We are happy to introduce to our members today faculty and students from 10 of Pennsylvania's outstanding independent colleges and universities. They are here today representing the value and excellence of independent higher education and demonstrating the enormous contributions that these institutions provide to the Commonwealth. They are also here to show their support of the gentleman from Northampton County, Representative Craig Dally's HR 406,

designating today, October 16, 2007, as "Independent College and University Day" in Pennsylvania.

This outstanding group of faculty and students, this outstanding group of faculty and students has displays for us to see in the East Wing Rotunda. We encourage all members to observe this display. The exhibit speaks to the impact of independent institutions on the areas of science and technology, our communities and economic development.

I also invite House members and visitors to the Capitol to stop by the East Wing at noon to see and hear another influence of independent colleges and universities. The Opera Group of Westminster College will perform.

Seated in the rear of the chamber are students and faculty from – and please stand when your college is called – Allegheny College, Alvernia College, Bucknell University, Elizabethtown College, King's College, Lehigh University, St. Joseph's University, Waynesburg College, Westminster College, Widener University.

Now, please join me in a warm House welcome.

The Chair would ask all members and guests to please take their seats. The Chair would ask all conferences in the middle and side aisles to break up.

SGT. SCOT REYNOLDS INTRODUCED

The SPEAKER. The Chair would like to recognize Representative Murt and invite him to come to the rostrum for an introduction.

Mr. MURT. Thank you, Mr. Speaker.

Mr. Speaker, along with Representative Causer, Mr. Speaker, along with Representative Causer, I rise today to welcome Sgt. Scot Reynolds of Coudersport to the floor of the House. I thank Representative Causer for allowing me to introduce his constituent.

Mr. Speaker, Sergeant Reynolds has just returned to Pennsylvania from the battlefield in Iraq. This was his second tour of duty in Iraq. He is an Army reservist and served both tours with the elite 442d Quartermaster Company, an Army Reserve unit based in Bellefonte, Centre County.

Mr. Speaker, Mr. Speaker, I had the honor of serving with Sergeant Reynolds in Iraq in 2003-2004 when we were both deployed together in the early part of the war. We were both assigned to the 4th Infantry Division and were garrisoned in Tikrit, Iraq, Saddam Hussein's hometown. During that time Sergeant Reynolds protected me and the other soldiers in my unit while we carried out our civil affairs missions in the Sunni Triangle of northern Iraq. For Sergeant Reynolds' dedication to keeping me safe and for protecting all of our soldiers, I will be eternally grateful.

Mr. Speaker, I recently read a quote from a young man currently serving in Iraq. I think his words sum up the closeness – indeed, the brotherhood – that our brave military men and women feel for one another. Referring to his soldiers, the young man said, and I quote: "That person means more to you than anybody. You will die if he dies. That is why I think we protect each other in any situation. I know that if he dies and it was my fault, it would be worse than death to me," end of quote.

Mr. Speaker, that kind of dedication to protecting the lives of the people with whom you serve has made America's military the finest in the world, and it will continue to ensure that

America's military is up to whatever challenges it faces. It also epitomizes the selfless service that Sgt. Scot Reynolds has courageously and bravely given to our nation.

Mr. Speaker, it is with great pride and warm personal gratitude that I welcome Sgt. Scot Reynolds to the floor today, and I respectfully ask everyone to join me in welcoming him and thanking him for his service to our nation.

Thank you, Mr. Speaker.

GUESTS INTRODUCED

The SPEAKER. The Chair welcomes Alison Nemeth, a Lafayette College student interning with Representative Robert Freeman's office. She is seated in the balcony. Would you please rise and be recognized.

The Chair would like to welcome, as the guests of Representative Matt Smith, Carol Galasco and Cheryl Walsh from Bethel Park, and they are chaperoning students who are here attending the Seventh Annual Youth Rally and Training. They are Matt Galasco, Lexi Intihar, Marissa Benson, Kaylee McCallian, Heather Stempler, Jessa Koch, and Colleen Wockley. Would you please rise and be recognized. They are seated in the balcony.

The Chair would also welcome, as the guest of Representative Neal Goodman, Sarah Guzinski, a senior at Marian Catholic High School. She is seated to the left of the Speaker. Would you please rise and be recognized. Welcome to the House.

The Chair would like to recognize, as the guests of Representative Michele Brooks, Gwen Phleger and Hannah O'Malley, eighth graders from the St. Michael's School in Greenville, Pennsylvania. They are guest pages of Michele Brooks, and would they please rise and be recognized. They are in the well of the House.

CENTRAL BUCKS HIGH SCHOOL WEST GIRLS SOCCER TEAM INTRODUCED

The SPEAKER. The Chair would invite Representative Marguerite Quinn to the podium for the purpose of an introduction.

Ms. QUINN. Thank you, Mr. Speaker.

The House is privileged today to receive an outstanding group of young athletes. The ladies of Central Bucks West High School Soccer Team battled for the PA Interscholastic Athletic Association AAA Soccer Championship in June. As a result of that match, they are co-State champions with Central Dauphin High School. Their success at the State level is proof of their talent, dedication, physical prowess, and drive. The team finished the regular season with the record of 16 wins and 5 losses and can claim an overall record of 21 wins and only 5 losses.

It is no surprise that with the expert guidance with coaches Chris Freudig, George Barris, Mike Koch, Kim Gerhart, and Ankine Andekian, that this team is ranked 10th in the nation.

With me here in the front of the House are Chris Freudig, George Barris, Ashley Klun, Liz McGeoy, and Rachel Sheridan. Please stand to be recognized with the rest of your teammates in the back of the House.

Your applause is appropriate. This is the sixth time that this team has made it to the State, has won the State championship.

In 2006 they won their sixth State championship, in 2007 they won their seventh State championship, and in 2008, well, we hope to be here this time next year congratulating them on their eighth win.

Members of the House, thank you for joining me in congratulating this team.

GUESTS INTRODUCED

The SPEAKER. Joining us today, as the guests of Representative David Hickernell, are Nancy Reymer of Mount Joy and Ulrike Schron from Wachtersbach, Germany. Please join me in welcoming them here today. They are seated to the left of the Speaker.

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 523, PN 2634 (Amended) By Rep. CALTAGIRONE

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

JUDICIARY.

HB 1189, PN 2635 (Amended) By Rep. CALTAGIRONE

An Act establishing and providing for the administration of the Commonwealth Officer Program and the Commonwealth Officer Fund; providing for duties of the Office of Attorney General; lapsing certain funds; and making an appropriation.

JUDICIARY.

HB 1716, PN 2636 (Amended) By Rep. PRESTON

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

CONSUMER AFFAIRS.

SB 256, PN 294 By Rep. CALTAGIRONE

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for right to bail.

JUDICIARY.

CALENDAR

RESOLUTIONS PURSUANT TO RULE 35

Mr. BUXTON called up **HR 440, PN 2604**, entitled:

A Resolution designating October 17, 2007, as "Harrisburg FIRST Robotics Day" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—202

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

NAYS—0

NOT VOTING—0

EXCUSED—1

Pallone

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

* * *

Mr. CRUZ called up **HR 443, PN 2607**, entitled:

A Resolution urging Major League Baseball to retire jersey number 21 in honor of the lifetime achievements of the late Roberto Clemente.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—202

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

NAYS—0

NOT VOTING—0

EXCUSED—1

Pallone

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

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Mr. COHEN called up **HR 444, PN 2608**, entitled:

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

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—202

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

Evans, D.	Longietti	Raymond	Wojnaroski
Evans, J.	Mackereth	Readshaw	Yewcic
Everett	Maher	Reed	Youngblood
Fabrizio	Mahoney	Reichley	Yudichak
Fairchild	Major	Roae	
Fleck	Manderino	Rock	O'Brien, D., Speaker
Frankel	Mann	Roebuck	

NAYS—0

NOT VOTING—0

EXCUSED—1

Pallone

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

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader, who moves that the following bills be removed from the tabled bill calendar: HB 763 and HB 1025.

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

BILLS RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 763 and HB 1025 be recommitted to the Appropriations Committee.

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

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **SB 648, PN 1283**, entitled:

An Act authorizing the Department of General Services, with the approval of the Department of Military and Veterans Affairs and the Governor, to grant and convey, at a price to be determined through a competitive bid process, certain lands, buildings and improvements situate in the Borough of Ligonier, Westmoreland County; authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Military and Veterans Affairs, to grant and convey certain lands situate in the City of Connellsville, a third class city, Fayette County, to the City of Connellsville; and authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to the Allentown Commercial Industrial Authority, or their assigns, certain lands situate in the City of Allentown and the City of Bethlehem, Lehigh County, Pennsylvania.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader, who moves that SB 648 be removed from the active calendar and recommitted to the Appropriations Committee.

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

RESOLUTION PURSUANT TO RULE 35

Mr. KESSLER called up **HR 454, PN 2633**, entitled:

A Resolution applauding the Pennsylvania State Agricultural Land Preservation Board for its record of approving the preservation of 50,000 acres of Berks County farmland.

On the question,
Will the House adopt the resolution?

The SPEAKER. The Chair recognizes Representative Kessler.

Mr. KESSLER. Thank you, Mr. Speaker.

This Friday Berks County will be celebrating preserving 50,000 acres of farmland through the State program, which ranks number one in the State and fourth in the country as far as preserving farmland is concerned. Fifty thousand acres of farmland has been preserved through the State program as well as the county commissioners floating some bonds to put money into it as well.

I would like to thank the county commissioners of Berks County, the local governments in Oley Township, where I have been a supervisor for 13 years. We have preserved approximately 7,000 acres in our township alone.

In order to continue to preserve farmland, we need to do two things: We need to still continue to set aside moneys to preserve farmland, and we also need to make farming more profitable. Organic farming has the potential of making farming more profitable, and everybody will be receiving a memo tomorrow from me on some legislation that I am working on to promote organic farming throughout the State.

So I ask everybody to vote for HR 454 honoring Berks County ranking number one in Pennsylvania and fourth in the country for preserving 50,000 acres of farmland.

Thank you.

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

The following roll call was recorded:

YEAS—202

Adolph	Freeman	Mantz	Rohrer
Argall	Gabig	Markosek	Ross
Baker	Galloway	Marshall	Rubley
Barrar	Geist	Marsico	Sabatina
Bastian	George	McCall	Sainato
Bear	Gerber	McGeehan	Samuelson
Belfanti	Gergely	McI. Smith	Santoni
Benninghoff	Gibbons	McIlhattan	Saylor
Bennington	Gillespie	Melio	Scavello
Beyer	Gingrich	Mensch	Schroder
Bianucci	Godshall	Metcalfe	Seip

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

NAYS—0

NOT VOTING—0

EXCUSED—1

Pallone

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

DEMOCRATIC CAUCUS

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. Are there any announcements?

The Chair recognizes Representative Surra.

Mr. SURRA. Thank you, Mr. Speaker.

The Democrats will caucus immediately at the break in the majority caucus room. There will be an Appropriations Committee meeting at 1:45 in the majority caucus room, and we plan on being back on the floor at 2 p.m.

Thank you, Mr. Speaker.

The SPEAKER. At 1:45 in the majority caucus room, there will be an Appropriations Committee meeting.

REPUBLICAN CAUCUS

The SPEAKER. Representative Major.
Miss MAJOR. Thank you, Mr. Speaker.
Republicans will caucus immediately at the call of the recess.
So I would like all Republicans to please report to the caucus room.

Thank you.

The SPEAKER. The Chair thanks the lady.

**HEALTH AND HUMAN SERVICES
COMMITTEE MEETING**

The SPEAKER. Are there any other announcements?
Representative Oliver.

Mr. OLIVER. Mr. Speaker, at 1:45 there will be a meeting of the Health and Human Services Committee in room 205 of the Ryan Building.

The SPEAKER. The Chair thanks the gentleman.

The Health and Human Services Committee will meet in room 205 of the Ryan Building at 1:45.

STATEMENT BY MR. CRUZ

The SPEAKER. Representative Cruz.

Mr. CRUZ. Mr. Speaker, I just wanted to make a comment. I do not know if I need personal privilege on HR 443?

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

Mr. CRUZ. I just want to take the opportunity to thank members of the House for voting unanimously for the Roberto Clemente resolution. As we close the "Hispanic Heritage Month" today—

The SPEAKER. If the gentleman will suspend.

The noise level is entirely too loud. If members will please take their seats. The gentleman is entitled to be heard.

The gentleman is in order and may proceed.

Mr. CRUZ. So I wanted to take the opportunity to thank both sides of the aisle for voting unanimously for the Roberto Clemente resolution today. As we close the "Hispanic Heritage Month," not only was he a Hispanic, he was also a baseball player for the Pittsburgh Pirates, as everyone knows, but a great humanitarian who died going to save some people's lives over at Nicaragua when they had the earthquake.

So I wanted to take the opportunity to thank you, Mr. Speaker, and the members of the House.

The SPEAKER. The Chair thanks the gentleman for his remarks.

Are there any further announcements?

Any other business?

RECESS

The SPEAKER. This House will stand in recess until 2 p.m.

RECESS EXTENDED

The time of recess was extended until 2:30 p.m.

AFTER RECESS

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

**THE SPEAKER PRO TEMPORE
(MATTHEW E. BAKER) PRESIDING**

The SPEAKER pro tempore. Will all members kindly report to the floor. All members, please report to the floor.

PARLIAMENTARY INQUIRY

The SPEAKER pro tempore. For what purpose does the gentleman, Mr. Kauffman, rise? The gentleman is reminded we are not technically in session at the current time.

For what purpose does the gentleman, Mr. Metcalfe, rise, reminding we are about to start session, but we are not technically in session yet.

Mr. METCALFE. Just a question for the Speaker, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his question.

Mr. METCALFE. Mr. Speaker, I am curious as to what our standing is, majority/minority today, if it is 101 to 101 or 102 to 101? Yesterday we heard one of our members say that he resigned, and I want to know if that was stricken from the record or if he had resigned his seat and there was going to be a special election called or what was actually happening with that seat, Mr. Speaker?

The SPEAKER pro tempore. We are not in session yet, Mr. Metcalfe, so I do not know if you want to have a sidebar discussion with Mr. George about that or not.

Mr. METCALFE. Well, Mr. Speaker, of course, I did not mention any names, but I do see that there are still 203 members listed on the board and was curious if a resignation took place or not or if the record was altered to change that resignation, Mr. Speaker.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. Thank you, Mr. Metcalfe.

Mr. George?

Mr. GEORGE. There is no inquiry.

The SPEAKER pro tempore. The Chair has been advised by the Parliamentarian that we would be better off moving along.

Mr. George, would you like to speak with the Parliamentarian?

Mr. GEORGE. Oh, I just wanted to ask you, Mr. Pro Tem, if the gentleman was unhappy, we would be glad to make it 102 to 100 if he keeps that up.

The SPEAKER pro tempore. The House will come to order.

BILLS REREPORTED FROM COMMITTEE

HB 31, PN 56

By Rep. D. EVANS

An Act amending the act of August 6, 1941 (P.L.861, No.323), referred to as the Pennsylvania Board of Probation and Parole Law, further providing for supervision by county probation and parole officers.

APPROPRIATIONS.

HB 1094, PN 1325

By Rep. D. EVANS

An Act designating March 19 of each year as "Pennsylvania Military Heroes Day."

APPROPRIATIONS.

HB 1226, PN 2587

By Rep. D. EVANS

An Act amending the act of May 3, 1933 (P.L.242, No.86), referred to as the Cosmetology Law, amending the title of the act; providing for the definitions of "electrologist," "electrology," "electrology salon" and "electrology teacher"; further providing for membership of the State Board of Cosmetology; providing for scope of practice of electrology, for practice of electrology without a license, for qualifications, for eligibility requirements for the teaching of electrology, for licensure of electrology salons, for licensure reciprocity, for examinations, for continuing education for individuals licensed to practice or teach electrology and for electrology salon inspections; further providing for sanitary rules, for fees, for duration and renewal of licenses, for penalties and for regulations.

APPROPRIATIONS.

HB 1324, PN 2586

By Rep. D. EVANS

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for educational leave of absence.

APPROPRIATIONS.

HB 1511, PN 2559

By Rep. D. EVANS

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for notice and hearing in juvenile matters.

APPROPRIATIONS.

HB 1612, PN 2534

By Rep. D. EVANS

An Act providing for testing standards for cigarette fire safety, for certification of compliance by manufacturers, for package markings and for enforcement and penalties; establishing special funds; and providing for sale of existing inventory, for manufacturers' sale to other states or foreign countries and for regulations and preemptions.

APPROPRIATIONS.

HB 1664, PN 2199

By Rep. D. EVANS

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

APPROPRIATIONS.

HB 1830, PN 2585

By Rep. D. EVANS

An Act amending the act of December 19, 1990 (P.L.1234, No.204), known as the Family Caregiver Support Act, further providing for intent, for definitions, for caregiver support program, for reimbursements and for entitlement.

APPROPRIATIONS.

The SPEAKER pro tempore. These bills will be reported to the supplemental calendar.

BILLS REREPORTED FROM COMMITTEE**HB 690, PN 2637 (Amended)**

By Rep. D. EVANS

An Act establishing the Plug-in Hybrid Task Force; and providing for its powers and duties.

APPROPRIATIONS.

HB 1109, PN 2638 (Amended)

By Rep. D. EVANS

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing, in fishing licenses, for nonresident and tourist licenses, for one-day resident fishing licenses, for issuing agents and for license, permit and issuing agent fees.

APPROPRIATIONS.

HB 1192, PN 1496

By Rep. D. EVANS

An Act providing for the designation of the building referred to as the Keystone Building in the City of Harrisburg as the Speaker James J. Manderino Office Building.

APPROPRIATIONS.

SB 638, PN 1411

By Rep. D. EVANS

An Act establishing the Cancer Drug Repository Program for accepting donated cancer drugs and dispensing cancer drugs; and providing for the powers and duties of the State Board of Pharmacy.

APPROPRIATIONS.

The SPEAKER pro tempore. The aforementioned bills will be reported to the active calendar.

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair recognizes the minority whip, who requests a leave of absence for the remainder of the day for the gentleman from Lycoming County, Mr. CAPPELLI. Without objection, the leave is so granted.

**HOUSE RESOLUTION
INTRODUCED AND REFERRED**

No. 449 By Representatives FAIRCHILD, RAPP, STABACK, SIPTROTH, CLYMER, ARGALL, BARRAR, BASTIAN, BENNINGHOFF, BEYER, CAPPELLI, CREIGHTON, CUTLER, EVERETT, FLECK, GEORGE, GINGRICH, HARRIS, HENNESSEY, HERSHEY, HESS, KAUFFMAN, KENNEY, MAJOR, MANN, MANTZ, MARKOSEK, MARSICO, METCALFE, MILLARD, R. MILLER, MURT, NAILOR, O'NEILL, PAYNE, PERZEL, PHILLIPS, PICKETT, ROHRER, ROSS, SCAVELLO, S. H. SMITH, SONNEY, STEIL, STERN, R. STEVENSON, SWANGER, TRUE and TURZAI

A Resolution reaffirming support for the United States Armed Forces and condemning recent personal attacks upon General David H. Petraeus by MoveOn.org.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, October 16, 2007.

**HOUSE BILLS
INTRODUCED AND REFERRED**

No. 1911 By Representatives CLYMER, ARGALL, BAKER, BASTIAN, BENNINGHOFF, BRENNAN, CALTAGIRONE, CARROLL, CIVERA, CREIGHTON, DALLY, DENLINGER, FLECK, FRANKEL, GEIST, HARPER, HENNESSEY, HERSHEY, KAUFFMAN, McILHATTAN, R. MILLER, MILNE, O'NEILL, PHILLIPS, RAPP, REICHLEY, ROHRER, SCHRODER, SIPTROTH, SONNEY, STERN, SWANGER, THOMAS, TRUE, WATSON and YOUNGBLOOD

An Act amending the act of December 3, 2002 (P.L.1144, No.141), entitled "An act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for purchase, consumption, possession or transportation of liquor or malt or brewed beverages and for inducement of minors to buy liquor or malt or brewed beverages," extending the expiration provision.

Referred to Committee on LIQUOR CONTROL, October 16, 2007.

No. 1912 By Representatives SURRA, SOLOBAY, STURLA, PALLONE, BARRAR, BELFANTI, BIANCUCCI, CALTAGIRONE, CARROLL, DALLY, GOODMAN, HALUSKA, HARKINS, HORNAMAN, JAMES, KORTZ, KOTIK, LONGIETTI, MAHONEY, MANN, McILHATTAN, PETRONE, PICKETT, SHIMKUS, SIPTROTH, STABACK, WOJNAROSKI and YOUNGBLOOD

An Act amending the act of June 1, 1945 (P.L.1242, No.428), known as the State Highway Law, further providing for restrictions and limitations upon powers and obligations of State; and providing for partial obligation of State for drainage structures.

Referred to Committee on TRANSPORTATION, October 16, 2007.

No. 1913 By Representatives SHIMKUS, BRENNAN, CARROLL, CONKLIN, CUTLER, DALLY, DePASQUALE, EVERETT, GRUCELA, HARKINS, HORNAMAN, KENNEY, KESSLER, MANN, McCALL, McGEEHAN, PALLONE, PETRONE, READSHAW, ROAE, SIPTROTH, K. SMITH, M. SMITH, SOLOBAY, STABACK, R. STEVENSON, WANSACZ, WOJNAROSKI, YOUNGBLOOD, YUDICHAK, LONGIETTI, PASHINSKI and KING

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for sex offender registration procedures and applicability.

Referred to Committee on JUDICIARY, October 16, 2007.

No. 1914 By Representatives STABACK, BARRAR, BELFANTI, BIANCUCCI, BRENNAN, CALTAGIRONE, CAPPELLI, CARROLL, CAUSER, COHEN, CONKLIN, CREIGHTON, DALLY, D. EVANS, EVERETT, FRANKEL, FREEMAN, GEORGE, GODSHALL, GOODMAN, GRUCELA, HARHAI, HARKINS, HARRIS, HERSHEY, HESS, HICKERNELL, JOSEPHS, KAUFFMAN, KORTZ, KOTIK, KULA, LENTZ, LONGIETTI, MANN, MARKOSEK, MARSICO, McGEEHAN, McILHATTAN, MILLARD, R. MILLER, MURT, NAILOR, PETRARCA, PETRONE, PHILLIPS, PICKETT, PYLE, QUINN, READSHAW,

SCAVELLO, SHIMKUS, SIPTROTH, K. SMITH, SOLOBAY, R. STEVENSON, SURRA, J. TAYLOR, WHEATLEY, WOJNAROSKI, ROHRER, GIBBONS and HORNAMAN

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, in hunting and furtaking licenses, further providing for resident license and fee exemptions.

Referred to Committee on GAME AND FISHERIES, October 16, 2007.

No. 1915 By Representatives STABACK, BARRAR, BELFANTI, BIANCUCCI, BRENNAN, CALTAGIRONE, CAPPELLI, CARROLL, CAUSER, COHEN, CONKLIN, CREIGHTON, DALLY, D. EVANS, EVERETT, FRANKEL, FREEMAN, GEORGE, GODSHALL, GOODMAN, GRUCELA, HARHAI, HARKINS, HARRIS, HERSHEY, HESS, HICKERNELL, JOSEPHS, KAUFFMAN, KORTZ, KOTIK, KULA, LENTZ, LONGIETTI, MANN, MARKOSEK, MARSICO, McGEEHAN, McILHATTAN, MILLARD, R. MILLER, MURT, NAILOR, PETRARCA, PETRONE, PHILLIPS, PICKETT, PYLE, QUINN, READSHAW, SCAVELLO, SHIMKUS, SIPTROTH, K. SMITH, SOLOBAY, R. STEVENSON, SURRA, J. TAYLOR, WHEATLEY, WOJNAROSKI, ROHRER, HORNAMAN and GIBBONS

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, in fishing licenses, further providing for deployed Pennsylvania National Guard members and for reserve component of armed forces members.

Referred to Committee on GAME AND FISHERIES, October 16, 2007.

No. 1916 By Representatives JAMES, M. O'BRIEN, YOUNGBLOOD, GEORGE, BELFANTI, BLACKWELL, BRENNAN, CALTAGIRONE, COHEN, DePASQUALE, FRANKEL, GIBBONS, HENNESSEY, KULA, LONGIETTI, MURT, PARKER, PETRONE, RAMALEY, SHIMKUS, SIPTROTH, SOLOBAY, STURLA, SURRA, WANSACZ, WHEATLEY, J. WHITE and WILLIAMS

An Act amending Title 25 (Elections) of the Pennsylvania Consolidated Statutes, further providing for application by mail relating to registration.

Referred to Committee on STATE GOVERNMENT, October 16, 2007.

No. 1917 By Representatives JAMES, YOUNGBLOOD, GOODMAN, SOLOBAY, CRUZ, FRANKEL, FREEMAN, LEACH, PARKER, PETRONE and SHIMKUS

An Act providing for election day registration; and imposing penalties.

Referred to Committee on STATE GOVERNMENT, October 16, 2007.

No. 1918 By Representatives STURLA, GEORGE, JOSEPHS, BASTIAN, BELFANTI, BENNINGTON, CONKLIN, DALEY, DALLY, DePASQUALE, FAIRCHILD, FRANKEL, FREEMAN, GEIST, HERSHEY, HORNAMAN, KING, KOTIK, LENTZ, LONGIETTI, R. MILLER, MURT, M. O'BRIEN, PETRONE, SANTONI, SCAVELLO,

SHIMKUS, SOLOBAY, SURRA, THOMAS, WALKO, YOUNGBLOOD, YUDICHAK and WANSACZ

An Act amending Title 27 (Environmental Resources) of the Pennsylvania Consolidated Statutes, providing for use of the Growing Greener Bond Fund to support the installation of small wind energy systems; and establishing the Small Wind Energy Assistance Fund.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, October 16, 2007.

No. 1919 By Representatives GILLESPIE, THOMAS, BASTIAN, BOYD, BROOKS, CREIGHTON, DePASQUALE, GINGRICH, GRELL, HARPER, HARRIS, HENNESSEY, M. KELLER, KIRKLAND, MACKERETH, R. MILLER, MILNE, MOUL, MURT, PALLONE, PAYNE, ROHRER, SAYLOR, SCAVELLO, SCHRODER, SIPTROTH, K. SMITH, SWANGER and TRUE

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

Referred to Committee on CHILDREN AND YOUTH, October 16, 2007.

No. 1920 By Representatives HICKERNELL, PAYNE, CUTLER, FLECK, GINGRICH, HARRIS, HENNESSEY, HERSHEY, McILHATTAN, NAILOR, NICKOL, SAYLOR, SWANGER and YOUNGBLOOD

An Act amending the act of August 5, 1941 (P.L.752, No.286), known as the Civil Service Act, further providing for political activity.

Referred to Committee on STATE GOVERNMENT, October 16, 2007.

No. 1921 By Representatives NAILOR, MARSICO, SHAPIRO, SWANGER, BENNINGHOFF, CAUSER, EVERETT, GABIG, GEIST, GILLESPIE, GOODMAN, HELM, HORNAMAN, ROAE and VULAKOVICH

An Act amending the act of September 30, 1983 (P.L.160, No.39), known as the Public Official Compensation Law, further providing for compensation of Governor and Lieutenant Governor, the Secretary of the Budget and certain other Executive Department officials and for the compensation of members of the General Assembly.

Referred to Committee on RULES, October 16, 2007.

No. 1922 By Representatives NAILOR, MARSICO, SOLOBAY, CALTAGIRONE, BRENNAN, CAPPELLI, CLYMER, CRUZ, GABIG, GEIST, GINGRICH, HENNESSEY, KAUFFMAN, M. KELLER, KOTIK, McILHATTAN, MURT, RUBLEY, SAYLOR, SIPTROTH, SONNEY, SWANGER, YOUNGBLOOD and GOODMAN

An Act amending the act of December 19, 1988 (P.L.1262, No.156), known as the Local Option Small Games of Chance Act, further providing for enforcement.

Referred to Committee on GAMING OVERSIGHT, October 16, 2007.

No. 1923 By Representatives CREIGHTON, BARRAR, BENNINGHOFF, DENLINGER, EVERETT, GEIST,

HARHART, HORNAMAN, McILHATTAN, METCALFE, MUSTIO, REICHLEY, ROAE and ROHRER

An Act prohibiting government competition with private enterprise.

Referred to Committee on COMMERCE, October 16, 2007.

SENATE MESSAGE

RECESS RESOLUTION FOR CONCURRENCE

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

In the Senate,
October 15, 2007

RESOLVED, (the House of Representatives concurring), Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the Regular Session of the Senate recesses this week, it reconvene on Monday, October 22, 2007, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the Regular Session of the House of Representatives recesses this week, it reconvene on Monday, October 22, 2007, unless sooner recalled by the Speaker of the House of Representatives.

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

On the question,

Will the House concur in the resolution of the Senate?

Resolution was concurred in.

Ordered, That the clerk inform the Senate accordingly.

SUPPLEMENTAL CALENDAR A

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1830, PN 2585**, entitled:

An Act amending the act of December 19, 1990 (P.L.1234, No.204), known as the Family Caregiver Support Act, further providing for intent, for definitions, for caregiver support program, for reimbursements and for entitlement.

On the question,

Will the House agree to the bill on second consideration?

Mr. COX offered the following amendment No. **A03495**:

Amend Sec. 1 (Sec. 2), page 1, line 15, by striking out "those" and inserting

adult family members and other individuals

Amend Sec. 1 (Sec. 3), page 2, by inserting between lines 22 and 23

"Adult family member." A person who is at least 18 years of age and who is a spouse or parent, child, stepparent, stepchild, grandparent, grandchild, brother, sister, half-brother, half-sister, aunt, great aunt, uncle, great uncle, niece or nephew by blood, marriage or adoption.

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

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman, Mr. Cox. Mr. Cox, please suspend.

Members, kindly take your seats. Deliberations will begin. Members are entitled to be heard.

Mr. COX. Thank you, Mr. Speaker.

My amendment simply clarifies that primary caregivers are adult family members and other individuals, and it defines "adult family member."

The SPEAKER pro tempore. The Chair thanks the gentleman.

PARLIAMENTARY INQUIRY

AMENDMENT DIVIDED

The SPEAKER pro tempore. The Chair recognizes the gentledady, Ms. Mundy.

Ms. MUNDY. Thank you, Mr. Speaker.

I would like to request that we divide this amendment between lines 3 and 4, and if we can, I do not know the procedure for doing that beyond asking, but—

The SPEAKER pro tempore. The lady is in order. The Parliamentarian has advised the Chair that it is possible to divide between the lines 3 and 4, and she is in order to make such a motion.

Ms. MUNDY. I so move, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the lady.

On the motion to divide the amendment between lines 3 and 4, the amendment is so divided.

On the question,
Will the House agree to part 1 of the amendment?

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Cox.

Mr. COX. Thank you.

I am opposed to a division of that nature, and I would respectfully request that the gentledady from Luzerne County explain why she would not want the term "adult family member" defined in the law when this definition is identical to the definition of "relative" that is currently in our law.

The SPEAKER pro tempore. Ms. Mundy, will you be so kind as to explain the rationale for dividing the amendment?

Ms. MUNDY. Certainly.

Mr. Speaker, the whole purpose of the underlying act, the underlying bill, is to expand the Family Caregiver Program and allow people other than family members to get reimbursed for the care or for the expenses that they incur as a result of caring for an older person. That is the purpose behind the underlying bill.

In lines 1 through 3, what the gentleman is doing is replacing the word "those," meaning those people who would be providing the care— Mr. Speaker, may I have some order, please?

The SPEAKER pro tempore. The gentledady is in order.

Members, please take your seats. Members, please clear the aisles. The lady is entitled to be heard, and the noise is very disruptive.

Ms. MUNDY. Thank you, Mr. Speaker.

What the gentleman is doing in lines 1 through 3 is fine with me. He is further explaining what the word "those" meant. It means adult family members and other individuals. I have no problem with that whatsoever. But what he has done in the second half of the amendment is list those, he has basically defined what a family is, and he has left some people out. For example, I do not see the word "cousins" mentioned in the list. I do not see "great-niece" or "great-nephew." And I think there is some question about whether those individuals if they are not explicitly listed in the definition of "adult family member," whether they would then be, automatically become "other individuals" or whether because they are not included in that list, they would be excluded from providing the care and being reimbursed for their expenses. So that is why I am asking for the division. I would heartily support lines 1 through 3 and very much oppose the General Assembly trying to define what a family is.

And also, I would just point out, the gentleman said it mirrors what is in existing law. We are changing existing law. We are taking out the word "relative" and expanding this to other people besides family, because in today's society, obviously, others do provide care to their friends and neighbors who live down the street or whom they have had a long association with. It is no longer just family members who provide this type of care.

Thank you, Mr. Speaker.

Mr. COX. Mr. Speaker, if I may?

The SPEAKER pro tempore. Just for the information of the members, the gentledady has requested that we divide this amendment and that there be two separate votes. The first vote would be accepting 1 through 3 of the amendment, and then the second vote would be lines 4 through 10.

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

Mr. MAHER. Mr. Speaker, the board indicates that we are currently considering the Cox amendment, 3495. Is that the matter that is before the House?

The SPEAKER pro tempore. Mr. Maher, we are going to do parts 1 and 2.

Mr. MAHER. But, Mr. Speaker, it is my understanding that the gentledady asked if the question was divisible. It was advised that it could be divided but that the gentleman who offered this amendment declined to divide his amendment. So if the question before the House is the gentleman's amendment, I believe the gentleman, under our rules, has a right to have his amendment considered as he introduced it, and if the gentledady would like to introduce some other amendment, she is certainly welcome to do that. But this is Mr. Cox's amendment, and I do not— If we are going to enter a practice where any member can get up and divide another member's question just by saying so, I think there is going to be a lot of entertainment in the months ahead that maybe will not be considered desirable by every member of this chamber.

The SPEAKER pro tempore. The Chair has once again been advised that this is the House practice, that a member can rise and ask that an amendment be divided and that the Chair makes the ruling, and after it has been so ruled, then there is a vote on the respective divisibility, if you will, of the amendment.

Mr. Maher.

Ms. MUNDY. Mr. Speaker?

Mr. MAHER. Just to be clear, Mr. Speaker, for the sake of posterity, if I understand your ruling, if let us say I were to jump

up on some amendment that was offered from the other side and ask that it be divided, that would be treated as a division of an amendment from that side, because I— The gentelady did not actually make any motion, and the gentelady has now spoken twice on this amendment. There was no motion by the gentelady. She asked if it could be divided. The maker of the amendment declined to divide his amendment. But if we are establishing a precedent where any member can divide amendments just because they choose to, I think we are going to have a lot of interesting developments in the months ahead.

So I would encourage that the Speaker and the Parliamentarian be very careful about establishing precedent.

Ms. MUNDY. Mr. Speaker?

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Cox.

Mr. COX. Thank you, Mr. Speaker.

I think what—

The SPEAKER pro tempore. Will the gentleman please suspend.

Mr. Cox, on the floor now for debate are lines 1 through 3 of your amendment.

PARLIAMENTARY INQUIRY

The SPEAKER pro tempore. Mr. Cox?

Mr. COX. Mr. Speaker, a point of parliamentary procedure here. If I could just have clarified for me what just happened. I explicitly opposed the splitting of this amendment, and yet it appears that we are going to be voting on the first portion of my amendment. I believe the correct procedure should have been that we vote on a motion to split the amendment, if I am correct? I would like an explanation of how we ended up splitting it.

The SPEAKER pro tempore. Okay. Just to say this again – I have said this twice; I will say this for a third time – the Chair makes the decision as to whether it is divisible. The Parliamentarian advised, and it was actually reaffirmed by the second Parliamentarian, that this is in order, this is a practice of the House, and that once a decision has been made that an amendment has been divided, you then proceed to vote on the divisibility, yes.

Mr. Cox.

Mr. COX. So for clarification, I would like to— Like I said, it appears that we are voting on the first portion of this amendment, when in fact what we should be voting on at this point should be whether to divide the amendment. Am I correct in that statement?

The SPEAKER pro tempore. No. The decision by the Chair that it is divisible has already been made.

Mr. COX. Okay. So the fact that it is divisible, does that automatically divide it, because that appears to be what has happened here?

The SPEAKER pro tempore. Yes. And then what we proceed with are the actual votes on the two separate pieces.

Mr. COX. I would like a few moments, if I could, please.

RULING OF CHAIR APPEALED

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

Mr. COX. Thank you, Mr. Speaker.

I would like to appeal the ruling of the Chair on the divisibility.

The SPEAKER pro tempore. The gentleman is in order. The gentleman is appealing the ruling of the Chair as to whether the amendment is divisible.

Mr. Cox.

Mr. COX. Mr. Speaker, for clarification, I would like to just note that I am appealing the ruling of the Chair on the actual division of the amendment.

The SPEAKER pro tempore. The Chair understands that and thanks the gentleman.

The gentleman, Representative Cox, has appealed the decision of the Chair. The decision is that the amendment is divisible.

On the question,

Shall the decision of the Chair stand as the judgment of the House?

The SPEAKER pro tempore. On the appeal, the Chair recognizes the gentleman, Mr. Cox.

Mr. COX. Mr. Speaker, there is really no reason to divide this. It is a clarifying amendment. In most other bill situations, this would be considered a technical amendment, and I am not sure why it is trying to be divided.

But I would ask for a "no" vote on this division.

The SPEAKER pro tempore. The Chair thanks the gentleman.

REQUEST TO DIVIDE AMENDMENT WITHDRAWN

Ms. MUNDY. Mr. Speaker?

The SPEAKER pro tempore. The Chair recognizes the gentelady, Ms. Mundy.

Ms. MUNDY. Mr. Speaker, I apologize for trying to do what I thought was the right thing here, and I am withdrawing my motion to divide the amendment and asking for a "no" vote on the entire thing.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the lady.

APPEAL WITHDRAWN

The SPEAKER pro tempore. And, Mr. Cox, I assume you are withdrawing your appeal since she has withdrawn her divisibility motion?

Mr. COX. I am sorry, Mr. Speaker. Could you repeat that?

The SPEAKER pro tempore. You have withdrawn your appeal of the Chair?

Mr. COX. Correct.

The SPEAKER pro tempore. The Chairs thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The SPEAKER pro tempore. On the amendment, Mr. Cox.

Mr. COX. As I mentioned in my previous remarks, this amendment simply clarifies that primary caregivers are adult family members and other individuals, and it defines "adult family member." While I am not sure why the prime sponsor

does not want "adult family member" defined in the law, "relative" is currently defined as the definition that I provide under "adult family member."

"Adult family member or other individual" in HB 1830 replaces the use of the word "relative," yet HB 1830 failed to define "adult family member." And in discussions with the Department of Aging's chief counsel, it became glaringly clear that a void was created when the definition of the word "relative" was removed.

All this amendment does is to define "adult family member" using the exact wording from our existing definition of "relative." It does nothing to further limit who can receive this assistance. It merely replaces the word "relative" with "adult family member," which is a word choice of the prime sponsor of this bill. This same language currently appears in Department of Aging regulations. The phrasing "adult family member" is used repeatedly, and so this is just making it consistent with the current use by the department.

This amendment is clearly consistent with all of the other changes that HB 1830 makes to the Family Caregiver Support Act. This amendment also is consistent with and reinforces the Department of Aging's mission to enhance the quality of life of older Pennsylvanians by empowering the community, the family, and the individual. That is taken directly from the Governor's executive budget, the heading page for the Department of Aging.

This amendment further acknowledges what the Pennsylvania Association of Area Agencies on Aging stated in a letter from September 25 of this year. They state, "There is a preponderance of evidence that highlights the fact that the primary source of long term living supports comes from 'families.' " These 52 area agencies on aging are the primary gatekeepers of home- and community-based services for older adults.

The gentlelady from Luzerne County has taken issue with the fact that I do not define, I do not list cousins and other potential family members in this amendment. I simply took the existing language that defines "relative" and inserted it using a new heading called adult family member. I am not creating anything out of thin air. I am just using an existing definition. So this is simply a clarification.

I should also note that this amendment is in fact supported by the chief counsel of the Department of Aging, who stated in our conversations with them that this makes the bill more complete and provides some needed clarification. As I mentioned earlier, when we discussed this with them initially, we spotted a potential hole in the law there and asked if it created a problem, and they said that it did, so we are trying to fill that void.

The Alzheimer's Association also supports this clarifying amendment, and as I mentioned earlier, the area agencies on aging support the amendment.

If the gentlelady from Luzerne County is in fact opposed to a focus on the phrase "family member" and she would like to sponsor an amendment to change the title and the intent of the language to remove the word "family" altogether, then she could certainly propose such an amendment.

I would ask for an affirmative vote on this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the minority chairman, Mr. Hennessey.

Mr. HENNESSEY. Thank you, Mr. Speaker.

I rise to support the Cox amendment. It seems to me that the reason, the need for the Cox amendment comes from the removal by the gentlelady from Luzerne County from the existing statute by striking the term "relative" as it appears in the existing statute. She substitutes for the word, where "relative" appears in the existing statute, she substitutes the term "adult family member or other individual," leaving— And I should also point out that we also in the bill itself strike out the definition of the term "relative." So we use the term "relative" at least twice in the statute and define it. We substitute "adult family member" and do not define it in HB 1830 as it stands.

It seems to me that this fills out the definition, clarifies the language of the bill, and as mentioned by Mr. Cox, also it has the support of the Department of Aging, the department of, or, I am sorry, the Alzheimer's Association, and has been vetted by a number of other groups who see no problem with the bill, with the amendment as it is proposed.

So I ask for the members' support for the amendment as it stands.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Eachus.

Mr. EACHUS. Thank you, Mr. Speaker.

Will the gentleman stand for a very brief interrogation?

The SPEAKER pro tempore. Mr. Eachus, are you requesting interrogation of Mr. Cox or of Mr. Hennessey?

Mr. EACHUS. The author of the amendment, Mr. Speaker.

The SPEAKER pro tempore. Mr. Cox, do you agree to interrogation?

The gentleman has agreed, and you may proceed.

Mr. EACHUS. Thank you, Mr. Speaker.

Mr. Speaker, I heard the minority chairman and the architect of this amendment say that the Department of Aging supports this amendment. Do you have something to that effect in writing from the department that you can provide both myself and the chairwoman of the committee, in writing, Mr. Speaker?

Mr. COX. Mr. Speaker, I do not have any such statement in writing. However, I would ask for the reverse of that if the sponsor of the bill has opposition of this amendment in writing from these same parties.

Mr. EACHUS. Well, it is traditional— Mr. Speaker, I am finished with my interrogation. Mr. Speaker, I have completed my interrogation.

The SPEAKER pro tempore. The Chair thanks the gentleman, and you may proceed with your remarks.

Mr. EACHUS. Usually, Mr. Speaker, it is the tradition of this chamber when there is support from a department to say very clearly in writing that there is support. So I understand that the gentleman cannot produce anything in writing, and I have no—I think there may be a lack of clarity about the department's position.

Let me say as a former member of the Aging Committee for 10 years, what this policy expansion is trying to do and what the gentleman's amendment does is it narrows the ability for family members who are caring for their loved ones in homes across the Commonwealth to be properly reimbursed for the things that make their family member well. What the gentleman is doing is excepting the definition that has been part of the tradition of aging law with respect to the definition of who is family and how that family can be reimbursed. What the net effect of that is is that families inside this Commonwealth will be prohibited by this narrow definition from a fair reimbursement because they are taking the time to care for their loved one, taking

responsibility for the people who are part of their family, and the net effect is that this amendment continues the trend of making it difficult for those family members to get a fair shake.

I will talk on the gentlelady's amendment after this is completed, but as a member of the committee, one of the most daunting challenges is to figure out how people can be properly reimbursed for caring for a generation of people. I am 45 years old this past month, September. Many people my age – thank you. I am halfway to 90, and then when I am 90, somebody will care for me and be properly reimbursed. But my point is that at 45 many of us are caring for mothers and fathers who are elderly, and part of the challenge is to get a reimbursement for the things that you need and to keep people out of nursing homes. The whole strategy of aging in place and trying to make— So many in my generation are taking responsibility for their loved ones and do not want them to go into long-term-care facilities and nursing homes, and what this whole attempt in HB 1830 is, is to expand that definition to give that family member a fair shake and to allow us to keep our family aging in place. And let me say, this definition is narrow. What you will see later is a broader definition of "family," allowing for a fair reimbursement.

I ask very clearly that this chamber consider those family members, most of whom are frankly women, who are caring for loved ones across this Commonwealth to get a fair reimbursement, and I rise to oppose the Cox amendment because it continues a narrow tradition in aging law and prohibits a fair shake for those who are caring for loved ones in their homes responsibly.

Thank you. I rise once again to oppose the Cox amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Mr. Rohrer, are you seeking recognition? The gentleman is so recognized.

Mr. ROHRER. Thank you, Mr. Speaker.

Mr. Speaker, it appears to me, as I am looking at this, I am having to struggle a little bit as to why the opposition to the amendment. If I understood right from the interrogation, the definition which is a part of this amendment, which is a normal thing we do when we pass bills and insert words, we define them, unlike the comment that we just heard that the definition that is in the amendment is unnecessarily narrow or the inference that the maker of the amendment was seeking to narrow the definition and therefore limit the number of people, in fact it is not the case because it is the definition that is already in law. That is an inaccurate statement and I think is misleading.

Also, if the maker of the amendment was wanting to inordinately for some reason narrow the definition, he would not have included as a part of the first half the usage of the words "other individuals." The fact that "other individuals" are included in that line clearly indicates that the maker of the amendment is wanting to make good law and encourage as comprehensive involvement as possible, but for the sake of enforcement of the bill, the definition becomes necessary.

I fail to understand the opposition that I am hearing from the other side. This is appropriately what ought to be done and is done, and I think that the folks in the House ought to support the amendment as in fact written.

Thank you, Mr. Speaker.

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

Ms. BOBACK. Thank you, Mr. Speaker.

I apologize. I do not know whom I can address this question to. I want this to be a very strong bill for our elderly, and my concern is the verbiage. What will make this a clean and a thorough and a good bill for the elderly? To define everything relative and nonrelative, relative or noncustodial? I am in a quandary, and I need some assistance.

The SPEAKER pro tempore. Does the gentlelady seek to interrogate?

Ms. BOBACK. May I please ask the Honorable Representative Mundy and then the Honorable Mr. Cox. Can you please—

The SPEAKER pro tempore. The gentlelady, Ms. Boback, has requested a brief period of interrogation for the gentlelady, Ms. Mundy. She has agreed, and you may proceed.

Ms. MUNDY. If I understand your question correctly, from my perspective what creates the best situation for people who are receiving care from either family members or other individuals, and my answer to that would be that under the Federal definition, let me read to you what the term "family caregiver" means in the Federal law that set up the— It is from the Older Americans Act of 2006, and it sets up the Family Caregiver Program at the Federal level. It says, "The term 'family caregiver' means an adult family member, or another individual"—

The SPEAKER pro tempore. Will the gentlelady please suspend.

The Chair has been reminded there is entirely too much noise on the floor. Members cannot hear the interrogation or the answers. Members, kindly take your seats. Members, please clear the aisles. We will not begin until there is some order.

Staff, please be seated except those assisting the members with the interrogation and the debate.

The gentlelady may proceed.

Ms. MUNDY. Thank you, Mr. Speaker.

Again, the language in the underlying bill mirrors the language in the Federal law, and this is what the Federal law says about family caregiver: "The term 'family caregiver' means an adult family member, or another individual, who is an informal provider of in-home and community care to an older individual or to an individual with Alzheimer's disease or a related disorder with neurological and organic brain dysfunction."

The Area Agencies on Aging, let me read to you what they say about families: "Today's families are not confined to the traditional definition of relatives by blood, marriage, or adoption." The National Family Caregivers Association says, "America's family caregivers are family friends...and neighbors." The Pennsylvania AARP: "Informal unpaid caregiving is the backbone of our long-term care system. These caregivers help prevent or delay the use of costly nursing home care with important implications for the budgets of both Medicare and Medicaid, saving money for all of us taxpayers."

Again, my bill expands those who are able to get reimbursement to include family friends and neighbors. The amendment that Representative Cox has put forth narrows what is considered family because it does not include cousins, it does not include great-nieces and nephews, and I am sure if I thought a little longer, I could come up with other family members, other relatives who are not listed here.

So I do not frankly know or care where he got this definition. It just is not expansive enough to do what the bill is intended to

do. It narrows who can be eligible for this reimbursement instead of expanding it, which is what my bill is intended to do.

Ms. BOBACK. Thank you. Thank you.

And, Mr. Speaker, your language, would you consider—

The SPEAKER pro tempore. Ms. Boback—

Ms. BOBACK. Sorry.

The SPEAKER pro tempore. —have you concluded your interrogation of Ms. Mundy?

Ms. BOBACK. I am sorry. I have, and I thank you.

The SPEAKER pro tempore. And do you now seek to interrogate the gentleman, Mr. Cox?

Ms. BOBACK. I do. Thank you.

The SPEAKER pro tempore. The gentleman has agreed, and you may proceed.

Ms. BOBACK. And, Mr. Speaker, I cannot understand how we cannot come up with a great consensus on this. Would you be willing to expand the language then of "family" in your amendment if that seems to be the debacle that it does not go far enough to define "family members"?

Mr. COX. Mr. Speaker, my response to that would be as follows: In numerous places in HB 1830, the phrase "adult family member and other individuals" is used. I do not attempt to define "other individuals" either narrowly or broadly. I leave that to the clear, virile construction that the court would have it read.

What I do in my amendment is simply to define the phrase "adult family member" consistent with what the prime sponsor has read from the Federal regulations, consistent with what the existing Pennsylvania regulations state. They also reflect that same language that essentially says – and I am looking to find it here. The regulations currently say, "Services shall be provided to the following: Family caregivers defined as adult family members, or another individual,..." and that language that is included in the bill is very similar to that, "adult family members or other individuals." Those two mirror each other very closely, and so she has included, the prime sponsor has included that phrasing. All my amendment does is make a technical change, replacing the word "relative" with "adult family member" and thereby defining what an adult family member is. Otherwise, everybody will fall under "other individuals," and I just think that is poor construction for a law that we are trying to improve.

The SPEAKER pro tempore. Ms. Boback.

Ms. BOBACK. Thank you, Mr. Speaker.

One more question, if I may. Why are we not consistent with the Federal government on this?

Mr. COX. This language actually makes it more consistent, because we are using a term repeatedly in the change of this law that says "adult family member" yet we fail to define it. All this does is define "adult family member" using the existing language that is currently tagged under the term "relative." We are not inventing new language. We are not restricting how relatives are currently defined. We are simply putting the definition of "relative" with a new heading of "adult family member."

Ms. BOBACK. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the lady.

Do you have concluding remarks, Ms. Boback? You have concluded. Thank you.

The Chair at this time recognizes the gentleman, Mr. Kessler.

Mr. KESSLER. Thank you, Mr. Speaker.

Would the maker of the amendment stand for interrogation, please?

The SPEAKER pro tempore. The gentleman, Mr. Cox, agreed to interrogation. He has agreed, and you may proceed, Mr. Kessler.

Mr. KESSLER. Mr. Speaker, if the bill was to stand as it was without these amendments, would it include caregivers being family members and nonfamily members?

Mr. COX. Mr. Speaker, without this amendment, the courts would be forced to define what they believe an adult family member is because it is nowhere defined. Adult family member would be determined by whatever our courts say it is, and I believe it is incumbent upon us as a legislature to define terms when we use them repeatedly in changes to the law. And again, this is simply a technical change that takes a definition and defines it, and I am not creating anything new. I am using existing language for the term "relative."

Mr. KESSLER. Mr. Speaker, I am sorry. I could not understand everything. Can you just give me a yes-or-no answer?

Mr. COX. Would you be so kind as to repeat your question. I am having trouble hearing.

The SPEAKER pro tempore. Will the gentleman suspend.

Mr. KESSLER. As the bill stands—

The SPEAKER pro tempore. Will the gentleman please suspend.

Both of the debaters have already indicated they cannot hear each other. They cannot hear the questions; they cannot hear the answers. Members, please be seated. The Sergeants at Arms will kindly clear the aisles.

Mr. KESSLER. Thank you, Mr. Speaker.

As the bill stands without your amendment, does the bill include family members and nonfamily members as caregivers? Yes or no.

Mr. COX. Absolutely. The existing language "adult family members and other individuals" clearly allows those who are not family members, however that may be defined. It clearly allows other individuals. If I were opposed to other individuals receiving assistance under this act, my amendment would strike the term and the phrasing "other individuals." That is not my intent. My intent is to simply pass the best law possible by defining a term "adult family member" that is used numerous times throughout not only this bill but also the existing law.

Mr. KESSLER. Mr. Speaker, I think the purpose of the bill is to include family members and nonfamily members to qualify to get reimbursed as a caregiver equally, and if the bill in fact does allow that, which I read it to be, then I see no need for amendment.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Pashinski, at this time.

Mr. PASHINSKI. Thank you, Mr. Speaker.

Would the maker of the motion please rise for interrogation, please, the gentelady from Luzerne County?

The SPEAKER pro tempore. The gentelady, Ms. Mundy?

Mr. PASHINSKI. Yes.

The SPEAKER pro tempore. Do you seek her to answer your questions?

Mr. PASHINSKI. Yes.

The SPEAKER pro tempore. The gentelady, Ms. Mundy, has agreed, and you may proceed.

Mr. PASHINSKI. My question is, do you have any knowledge the position of the Department of Aging with regards to this particular amendment?

Ms. MUNDY. It is my understanding that the department does not see any harm in the amendment but they do not support it. We just received an e-mail from Alan Cohn expressing that, that they really do not support the amendment or think it is necessary.

Mr. PASHINSKI. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Does the gentelady, Mrs. Brooks, seek recognition? She does. You may proceed.

Mrs. BROOKS. I have a question for the maker of the amendment.

The SPEAKER pro tempore. The gentleman, Mr. Cox, has agreed, and you may proceed.

Mrs. BROOKS. First of all, as a cosponsor of this piece of legislation, I fully support the expansion to other residents or people to care for our elderly, since oftentimes family members are not available.

My question is, on page 4, on line 3, where it lists " 'Primary caregiver.' The one identified...adult family member or other individual who has assumed the primary responsibility for the provision of care needed...." In any way is your amendment taking away from that expansion, adult family member or other individual?

Mr. COX. Mr. Speaker, as I mentioned in my previous responses, this language that I am incorporating in this amendment actually, I believe, strengthens the use of the phrasing "adult family member or other individual." Had I had the intent to narrow this, I would have removed the phrasing "other individual" with my amendment. However, I saw this as a void. Adult family member is nowhere defined; other individuals, common sense, but adult family member is nowhere defined.

I felt it prudent, and the Chief Counsel's Office with the Department of Aging, which is different from the Governor's Office, which we just heard from a moment ago, they said that this fills a void that was left when we removed the word "relative."

Mrs. BROOKS. Okay. Thank you.

May I speak on the amendment, Mr. Speaker?

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

Mrs. BROOKS. Thank you, Mr. Speaker.

The critical piece of this legislation in expanding these services to other members of the community is the phrase on page 4, line 4, "other individual." This amendment does not touch or delete or detract from "other individual," which is what is expanding these services.

The amendment, whether it is actually necessary, is debatable, but I feel as a cosponsor of this piece of legislation, it does not detract from expanding this service to our older citizens of Pennsylvania.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the lady.

The Chair recognizes the gentleman, Mr. Hennessey, for the second time.

Mr. HENNESSEY. Thank you, Mr. Speaker.

The Cox amendment, a simple reading of the Cox amendment will contradict some of the arguments that have been made against it. It seeks to define the term "adult family member," which has been inserted into the bill which would become law, a term that the bill's prime sponsor has inserted into that bill and leaves it undefined. It does not take away the phrase "or other individual." If it were to strike those three words "or other individual," then the arguments that have been propounded against this amendment would be accurate, but the fact of the matter is, it does not strike that. It simply defines a term that the bill's sponsor has put into the bill, and it defines it consistent with Federal law. It seems to me that it is an entirely appropriate amendment and should be supported by the House.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

PARLIAMENTARY INQUIRY

The SPEAKER pro tempore. The Chair recognizes Ms. Mundy for the second time.

Ms. MUNDY. Thank you, Mr. Speaker.

May I ask a question, please, of you?

The SPEAKER pro tempore. A point of parliamentary inquiry?

Ms. MUNDY. Yes. Thank you.

The SPEAKER pro tempore. The gentelady may proceed.

Ms. MUNDY. If I begin my remarks with an interrogation of the sponsor of the amendment, does that count as number two and then may I speak on the amendment as well?

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

Ms. MUNDY. I may interrogate and then speak on the amendment?

The SPEAKER pro tempore. That is correct.

Ms. MUNDY. Thank you.

Will the gentleman stand for brief interrogation?

The SPEAKER pro tempore. The gentleman has agreed, and you may proceed, Ms. Mundy.

Ms. MUNDY. Mr. Speaker, do you not consider cousins family members?

Mr. COX. I consider cousins family members. However, as I was looking to define "adult family member," I thought the path of least resistance and the most commonsense approach to defining "adult family member" would be to use a term that has been in law for at least 17 years. "Relative" is defined exactly the way I define "adult family member" and has been that way since the Family Caregiver Support Act was passed in 1990. So whether I believe cousin, you know, whether they are family members or not is irrelevant. I thought the most prudent way to do this was to take an existing term, "relative," and use "adult family member" as you have used it in your bill; I thought it was a commonsense replacement, and I believe that "other individuals" covers cousins, great-nieces, great-nephews, or any other family member that might be listed in some other person's definition of a family member.

Ms. MUNDY. Well, then I guess my question is, if cousins then become "other individuals," then what is the point in defining who is a member of the family? What is the point of the second half of your amendment? There does not appear to

be any point to that if everybody not on that list simply then becomes "other individuals."

Mr. COX. I guess I would answer that with a question, which is, why are you so opposed, why is the prime sponsor of this bill so opposed to having a definition of "family" in law?

Ms. MUNDY. Mr. Speaker, is the gentleman seeking to interrogate me?

Mr. COX. Mr. Speaker, I have not concluded my response. I have not yet concluded my response.

Thank you.

In fact, the act is entitled the Family Caregiver Support Act. As I mentioned in previous remarks, if the prime sponsor would like to have the bill called something else, the other individuals caregiver support act, the prime sponsor would certainly be welcome to propose an amendment or a future bill that accomplishes that goal.

My question in response to your question, though, is, why are we so opposed to defining "family members" as policymakers in this Commonwealth?

The SPEAKER pro tempore. Has the gentelady concluded her interrogation?

Ms. MUNDY. I have concluded my interrogation. I was not clear as to whether the gentleman was interrogating me or not. That was my question of the Chair, but he appears to have concluded. So I will say that I have concluded my interrogation and would like to speak on the amendment.

The SPEAKER pro tempore. The Chair thanks the lady, and you may proceed.

Ms. MUNDY. May I say, first of all, that this bill had a thorough airing in committee. We even held the bill over. Those of you who serve on the committee will remember that we even held the bill over for an additional week to try to resolve differences, and we thought we had accomplished that because the bill came out of committee unanimously with the gentleman's vote and there was never any discussion of whether we should define what a family is or not. This amendment was never put forth in committee where it should have been thoroughly vetted, in my humble opinion.

Secondly, I just see absolutely no need to put in law a definition that excludes family members. Cousins are currently providing care. Great-nieces and great-nephews are currently providing care. What is the point if the gentleman clearly supports other individuals as caregivers, and he clearly does because it is in his own amendment, why do we then need to go further than that and make a list of whom the family entails and leave out individuals like cousins and great-nieces and great-nephews, and I am sure I could find other people who are currently providing care who are not on this list but whom I would certainly consider members of my family.

Mr. Speaker, the whole purpose of the underlying bill is to expand those individuals who are currently providing care the opportunity to get reimbursement, to get respite, to get adaptive home equipment and home modifications so that people can stay out of nursing homes. That is the whole point of the underlying bill.

We certainly do not want to put in law an amendment that narrows who can provide that care, and that is exactly what the Cox amendment does, and I would ask you very urgently to reject the Cox amendment.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the lady.

Mr. Cox, I have been advised that you have spoken twice on this amendment, and the rules preclude third recognition.

PARLIAMENTARY INQUIRY

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

Mr. COX. Mr. Speaker, I have a point of parliamentary procedure.

The SPEAKER pro tempore. The gentleman will state his point.

Mr. COX. Can you clarify for me, if you would, Mr. Speaker. I am only permitted to speak twice. I was under the impression I was able to provide concluding remarks much the same way that the prime sponsor of a bill would be permitted to offer concluding remarks prior to the vote taken on a bill.

The SPEAKER pro tempore. Normally that is correct, but since you did seek recognition twice previously, the House rules technically do not permit a third recognition. However, the Chair has given latitude to allow it but in fairness would have to allow Ms. Mundy another opportunity as well.

Mr. COX. Mr. Speaker, the gentelady from Luzerne County did in fact offer concluding remarks. In addition, she responded to multiple interrogation. She also provided comments that were not in response to interrogation, and then she offered concluding remarks. So I would simply ask for the fairness of concluding remarks in the interest of fair play.

The SPEAKER pro tempore. I understand your feelings, Mr. Cox, but the rules of the House preclude that from happening. You have been recognized twice, you have been interrogated, and I am sorry, but the rules do not permit that.

Mr. COX. I would simply ask for support of the amendment then.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—94

Adolph	Gillespie	Millard	Roae
Argall	Gingrich	Miller	Rock
Baker	Godshall	Milne	Rohrer
Barrar	Grell	Moul	Ross
Bastian	Harhart	Moyer	Rubley
Bear	Harper	Murt	Saylor
Benninghoff	Harris	Mustio	Scavello
Boback	Helm	Nailor	Schroder
Boyd	Hennessey	Nickol	Smith, S.
Brooks	Hershey	O'Neill	Sonney
Causar	Hickernell	Payne	Stairs
Civera	Hutchinson	Peifer	Steil
Clymer	Kauffman	Perry	Stern
Cox	Keller, M.	Perzel	Swanger
Creighton	Kenney	Petri	Taylor, J.
Cutler	Killion	Phillips	True
Dally	Mackereth	Pickett	Turzai
Denlinger	Maher	Pyle	Vereb
DiGirolo	Major	Quigley	Vulakovich
Ellis	Mantz	Quinn	Watson
Everett	Marsico	Rapp	Yewcic
Fairchild	McIlhattan	Raymond	

Fleck	Mensch	Reed	O'Brien, D.,
Gabig	Metcalfe	Reichley	Speaker

NAYS—107

Belfanti	Freeman	Longiotti	Santoni
Bennington	Galloway	Mahoney	Seip
Beyer	Geist	Manderino	Shapiro
Biancucci	George	Mann	Shimkus
Bishop	Gerber	Markosek	Siptroth
Blackwell	Gergely	Marshall	Smith, K.
Brennan	Gibbons	McCall	Smith, M.
Buxton	Goodman	McGeehan	Solobay
Caltagirone	Grucela	McI. Smith	Staback
Carroll	Haluska	Melio	Stevenson
Casorio	Hanna	Micozzie	Sturla
Cohen	Harhai	Mundy	Surra
Conklin	Harkins	Myers	Tangretti
Costa	Hess	O'Brien, M.	Taylor, R.
Cruz	Hornaman	Oliver	Thomas
Curry	James	Parker	Vitali
Daley	Josephs	Pashinski	Wagner
DeLuca	Keller, W.	Payton	Walko
DePasquale	Kessler	Petrarca	Wansacz
Dermody	King	Petrone	Waters
DeWeese	Kirkland	Preston	Wheatley
Donatucci	Kortz	Ramaley	White
Eachus	Kotik	Readshaw	Williams
Evans, D.	Kula	Roebuck	Wojnaroski
Evans, J.	Leach	Sabatina	Youngblood
Fabrizio	Lentz	Sainato	Yudichak
Frankel	Levdansky	Samuelson	

NOT VOTING—0

EXCUSED—2

Cappelli	Pallone
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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?

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

Mr. MAHER. Mr. Speaker, I rise on the bill on second consideration and would hope to gain some information from the sponsor of the bill through questions.

The SPEAKER pro tempore. The gentleman, Mr. Maher, seeks to interrogate the gentlelady, Ms. Mundy, and the gentlelady, Ms. Mundy, has agreed, and you may proceed, Mr. Maher.

Mr. MAHER. Thanks very much.

As I understand this legislation, it increases amounts that are available for a variety of needs for any given individual. Is that correct?

Ms. MUNDY. It increases the cap on the reimbursement for expenses, yes, and increases the cap on assistive devices and home modification grants.

Mr. MAHER. Now, does this bill provide for any new funds for this program?

Ms. MUNDY. No. In fact, there are hundreds of thousands of dollars each year that go unutilized because our definition of who qualifies for these grants and this funding is more narrow

than that of the Federal government, and the very last section of my bill says that this is not an entitlement. So the bottom line is, whatever is appropriated is all that can be spent, and it is up to us each year as to how much we appropriate for this program.

Mr. MAHER. So is your representation then that this administration has failed to get these funds out to the community over the years. Is that correct?

Ms. MUNDY. The administration has been unable to distribute the money because our law did not permit them to. That is what I am trying to change. I am trying to change the law so that we can use all of the funds that we have available by expanding the definition of who is eligible to get these reimbursements. They are already providing care in the communities, but they are not qualifying for the reimbursements because of existing law, which is what I am trying to change.

Mr. MAHER. So then you believe that every eligible Pennsylvanian actually received these funds in the past? You are indicating that there is an eligibility issue and that is why funds were not distributed. Is it your view that every eligible family actually received these funds?

Ms. MUNDY. I do not understand the question.

Mr. MAHER. My question is, under the status quo, if a family were eligible for these funds to take care of a loved one who has Alzheimer's or other profound challenges, did every family that was entitled to this help receive this help?

Ms. MUNDY. There is no entitlement here, Mr. Speaker. There never has been.

Mr. MAHER. Was every family who was eligible for this program, have they received aid under this program?

Ms. MUNDY. I cannot say whether there are family members who are currently providing care who have applied. I do not know whether everyone has applied.

Mr. MAHER. Are you taking any steps to get the administration to actually pay attention to this needy part of the population and to make these funds, get these funds into the hands that they are intended for? Is there anything in this bill that would cause the administration to actually become more effective at delivering grants to these families?

Ms. MUNDY. Mr. Speaker, I will reiterate, the reason that there are excess funds in the program is because State law as it exists today and as it has existed since 1990, long before this administration took office, does not allow us to use all the money based on the current qualifications to get the grants and to get the reimbursements. That is why we are changing the law, and I would not have even been aware of all this had it not been for the Department of Aging, the Department of Public Welfare, and the administration pointing this out to me that every year money goes unspent and needs go unmet because, by the current definition in the law, we are unable to spend all of it. I do not know how I can be more plain.

Mr. MAHER. Thank you, Mr. Speaker.

That concludes my interrogation. I do want to offer a couple of brief remarks.

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

Mr. MAHER. This is really quite an interesting bill as it currently stands. It is a bill that is called family caregiver, for which the maker of the bill is scared to death about defining what constitutes a family. It is a bill that proposes to increase the amounts of money available to any given individual without putting more money into the pot. We are to believe that every eligible family in Pennsylvania actually receives these funds,

and if the maker of the bill believes that to be true, then I would ask the question, why in the tough budget battles that we have engaged in is money that has never got any designs of being spent included? I do not buy that.

What I see is that there is an appropriation – and I do not think any of us intended to appropriate funds that would serve no purpose – there is an appropriation here that instead of being divided among the current number of eligible families, they will actually see fewer families receiving any support whatsoever to take care of loved ones, because the amount per family eligibility is being doubled or more but the money that is in the pot is not being changed. And you do not have to be very good at arithmetic to understand that if you are taking the same pie and dividing it into bigger pieces, there are fewer pieces, which means there will be fewer families that get help. And of course, I should not say family, I suppose, because there are people in this chamber who want to call this a family bill but are scared to death to say what they mean by that.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Seeing no other members seeking recognition, will the House agree to the bill?

On the question recurring,

Will the House agree to the bill on second consideration?

Bill was agreed to.

GUESTS INTRODUCED

The SPEAKER pro tempore. We are pleased to introduce and welcome to the floor of the House guests of Representative Eachus: Nicholas Barnes, Lauren Lomando, Steva Danish, and Marisa Lagana. Please rise and be recognized.

RESOLUTION REPORTED FROM COMMITTEE

HR 447, PN 2610

By Rep. OLIVER

A Resolution condemning the veto by the President of the United States of the Children's Health Insurance Program Reauthorization Act of 2007 and urging the Congress of the United States to override the veto.

HEALTH AND HUMAN SERVICES.

The SPEAKER pro tempore. This bill will be referred to the active calendar.

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 31, PN 56**, entitled:

An Act amending the act of August 6, 1941 (P.L.861, No.323), referred to as the Pennsylvania Board of Probation and Parole Law, further providing for supervision by county probation and parole officers.

On the question,

Will the House agree to the bill on second consideration?

Mr. **GEORGE** offered the following amendment
No. **A03547**:

Amend Title, page 1, line 17, by inserting after "providing"
for the release of parolees and

Amend Bill, page 1, lines 21 through 24, by striking out all of said lines and inserting

Section 1. Section 21 of the act of August 6, 1941 (P.L.861, No.323), referred to as the Pennsylvania Board of Probation and Parole Law, amended December 21, 1998 (P.L.1077, No.143), is amended to read:

Section 21. (a) The board is hereby authorized to release on parole any convict confined in any penal institution of this Commonwealth as to whom power to parole is herein granted to the board, except convicts condemned to death or serving life imprisonment, whenever in its opinion the best interests of the convict justify or require his being paroled and it does not appear that the interests of the Commonwealth will be injured thereby. Parole shall be subject in every instance to the Commonwealth's right to immediately retake and hold in custody without further proceedings any parolee charged after his parole with an additional offense until a determination can be made whether to continue his parole status. The power to parole herein granted to the Board of Parole may not be exercised in the board's discretion at any time before, but only after, the expiration of the minimum term of imprisonment fixed by the court in its sentence or by the Pardon Board in a sentence which has been reduced by commutation.

(b) The board may not release a person on parole unless the person achieves a negative result within forty-five days prior to the date of release in a screening test approved by the Department of Health for the detection of the presence of controlled substances or designer drugs under the act of April 14, 1972 (P.L.233, No.64), known as "The Controlled Substance, Drug, Device and Cosmetic Act." The cost of these pre-parole drug screening tests for inmates subject to the parole release jurisdiction of the board, whether confined in a State or local correctional facility, shall be paid by the board. The board shall establish rules and regulations for the payment of these costs and may limit the types and cost of these screening tests that would be subject to payment by the board. The board shall establish, as a condition of continued parole for a parolee who, as an inmate, tested positive for the presence of a controlled substance or a designer drug or who was paroled from a sentence arising from a conviction under "The Controlled Substance, Drug, Device and Cosmetic Act," or from a drug-related crime, the parolee's achievement of negative results in such screening tests randomly applied. The random screening tests shall be performed at the discretion of the board, and the parolee undergoing the tests shall be responsible for the costs of the tests. The funds collected for the tests shall be applied against the contract for such testing between the board and a testing laboratory approved by the Department of Health.

(b.1) The board may not release a person who is serving a sentence for a crime of violence as defined in 42 Pa.C.S. § 9714(g) (relating to sentences for second and subsequent offenses) on parole unless the person has received instruction from the Department of Corrections on the impact of crime on victims and the community, and instruction on employment, housing and budgeting.

(c) The board shall have the power during the period for which a person shall have been sentenced to recommit one paroled for violation of the terms and conditions of his parole and from time to time to reparole and recommit in the same manner and with the same procedure as in the case of an original parole or recommitment, if, in the judgment of the board, there is a reasonable probability that the convict will be benefited by again according him liberty and it does not appear that the interests of the Commonwealth will be injured thereby.

(d) When the board releases a parolee from a State or local correctional facility, the board shall provide written notice to the probation department located in the county where the sentencing order was imposed of the release and new address of the parolee. Prior to

release, the parolee shall obtain housing and employment and shall have a budget in place.

Section 2. Section 27.2(d) of the act is amended by adding paragraphs to read:

Amend Sec. 2, page 2, line 18, by striking out "2" and inserting
3

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

AMENDMENT WITHDRAWN

The SPEAKER pro tempore. The Chair has been informed that the gentleman, Mr. George, has withdrawn the amendment.

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

* * *

The House proceeded to second consideration of **HB 1094**, **PN 1325**, entitled:

An Act designating March 19 of each year as "Pennsylvania Military Heroes Day."

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

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Shimkus, on second consideration.

Mr. SHIMKUS. Thank you, Mr. Speaker.

There are two amendments to this bill that need to be addressed.

The SPEAKER pro tempore. On HB 1094?

Mr. SHIMKUS. My mistake; I apologize. There are no amendments.

The SPEAKER pro tempore. No problem.

Thank you, Mr. Shimkus.

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

* * *

The House proceeded to second consideration of **HB 1226**, **PN 2587**, entitled:

An Act amending the act of May 3, 1933 (P.L.242, No.86), referred to as the Cosmetology Law, amending the title of the act; providing for the definitions of "electrologist," "electrology," "electrology salon" and "electrology teacher"; further providing for membership of the State Board of Cosmetology; providing for scope of practice of electrology, for practice of electrology without a license, for qualifications, for eligibility requirements for the teaching of electrology, for licensure of electrology salons, for licensure reciprocity, for examinations, for continuing education for individuals licensed to practice or teach electrology and for electrology salon

inspections; further providing for sanitary rules, for fees, for duration and renewal of licenses, for penalties and for regulations.

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

* * *

The House proceeded to second consideration of **HB 1324**, **PN 2586**, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for educational leave of absence.

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

THE SPEAKER (DENNIS M. O'BRIEN) PRESIDING

GUESTS INTRODUCED

The SPEAKER. Ladies and gentlemen, I would like you to join the Chair in welcoming from the Vista School, one of our wonderful approved private schools in the Commonwealth of Pennsylvania, the Speaker's friend and the guest of Representative Payne, Mike Jarman, and also another friend of the Speaker and the guest of Representative Creighton, Jim Boudier. Would you please stand and be recognized. They are to the left of the Speaker.

THE SPEAKER PRO TEMPORE (MATTHEW E. BAKER) PRESIDING

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1511**, **PN 2559**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for notice and hearing in juvenile matters.

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

Mr. **DALLY** offered the following amendment No. **A03478**:

Amend Title, page 1, line 2, by inserting after "providing"
for detention of children under certain circumstances,
Amend Title, page 1, line 3, by removing the period after
"matters" and inserting

and for disposition of dependent child.

Amend Sec. 1, page 1, line 8, by inserting after "SECTIONS"
6325,

Amend Sec. 1, page 1, by inserting between lines 9 and 10
§ 6325. Detention of child.

[A] (a) General rule.—Except as otherwise provided for in subsection (b), a child taken into custody shall not be detained or placed in shelter care prior to the hearing on the petition unless his detention or care is required to protect the person or property of others

of the child or because the child may abscond or be removed from the jurisdiction of the court or because he has no parent, guardian, or custodian or other person able to provide supervision and care for him and return him to the court when required, or an order for his detention or shelter care has been made by the court pursuant to this chapter.

(b) Possession of a firearm on school property.—

(1) A child taken into custody for a violation of 18 Pa.C.S. § 912(b) (relating to possession of weapon on school property) when the weapon is a firearm or explosive device shall be detained in the appropriate juvenile justice setting until the court or master conducts an informal hearing pursuant to section 6332 (relating to informal hearing) to determine whether the child's further detention is required to protect the person or property of himself or others.

(2) Prior to the informal hearing, but in no case not later than 72 hours after the child has been placed in detention or shelter care, the court or master shall order the child to undergo a psychological evaluation by a licensed physician or clinical psychologist to determine whether the child is a clear and present danger to himself or others. A report of the evaluation shall be made available to the court prior to the informal hearing.

On the question,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

The SPEAKER pro tempore. Mr. Dally, are you withdrawing that amendment? The Chair thanks the gentleman. The gentleman has agreed to withdraw the amendment.

On the question recurring,

Will the House agree to the bill on second consideration?

Mr. SHIMKUS offered the following amendment No. **A03550**:

Amend Sec. 1 (Sec. 6351), page 4, line 26 through 30; page 5, lines 1 through 4, by striking out all of said lines on said pages and inserting

held with respect to the child, the court shall do one of the following:

(1) Consult with the child regarding the child's permanency plan in a manner appropriate to the child's age and maturity.

(2) Ensure that the views of the child regarding the permanency plan are ascertained and communicated to the court by:

- (i) the guardian ad litem of the child;
- (ii) the child's counsel, as appropriate to the circumstances of the case;
- (iii) the court-appointed special advocate for the child; or
- (iv) another individual designated by the court.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman, Mr. Shimkus.

Mr. SHIMKUS. Thank you, Mr. Speaker, for recognizing me on this amendment.

This amendment is a technical amendment as a result of input from committee members on both sides of the aisle and input that we received while we were discussing this bill.

The amendment simply clarifies language already in the bill requiring that in a permanency hearing, the juvenile court must obtain input from each child concerning the child's permanency plan. This fulfills the Federal requirement that we must meet by January 1 of 2008. We worked with the Department of Public Welfare and the Juvenile Court Judges' Commission to clarify language that is included in the bill, and I ask for support for this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—201

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

NAYS-0

NOT VOTING-0

EXCUSED-2

Cappelli Pallone

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. SHIMKUS offered the following amendment No. A03564:

Amend Sec. 1 (Sec. 6336.1), page 4, line 8, by inserting after "AGENCY"

or a private agency as defined under 23 Pa.C.S. § 6303 (relating to definitions)

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

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman, Mr. Shimkus.

Mr. SHIMKUS. Thank you, Mr. Speaker.

Again, this is something that was worked out in committee with input from both sides of the aisle, and I am grateful for help.

This amendment clarifies that a private agency – that is to say, one that provides foster family care or adoption services to children – cannot take any retaliatory action against a foster parent, preadoptive parent, or relative for any information, comments, or concerns provided in good faith in the foster parent's written report that will go to the court.

And again, I would appreciate the members' support for this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS-201

Table with 4 columns of names: Adolph, Argall, Baker, Barrar, Bastian, Bear, Belfanti, Benninghoff, Bennington, Beyer, Bianucci, Bishop, Blackwell, Gabig, Galloway, Geist, George, Gerber, Gergely, Gibbons, Gillespie, Gingrich, Godshall, Goodman, Grell, Grucela, Markosek, Marshall, Marsico, McCall, McGeehan, McI. Smith, McIlhattan, Melio, Mensch, Metcalfe, Micozzie, Millard, Miller, Ross, Rubley, Sabatina, Sainato, Samuelson, Santoni, Saylor, Scavello, Schroder, Seip, Shapiro, Shimkus, Siptroth

Table with 4 columns of names: Boback, Boyd, Brennan, Brooks, Buxton, Caltagirone, 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, Frankel, Freeman, Haluska, 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, Mahoney, Mahoney, Major, Manderino, Mann, Mantz, Milne, Moul, Moyer, Mundy, Murt, Mustio, Myers, Nailor, Nickol, O'Brien, M., O'Neill, Oliver, Parker, Pashinski, Payne, Payton, Peifer, Perry, Perzel, Petrarca, Petri, Petrone, Phillips, Pickett, Preston, Pyle, Quigley, Quinn, Ramaley, Rapp, Raymond, Readshaw, Reed, Reichley, Roae, Rock, Roebuck, Rohrer, Smith, K., Smith, M., Smith, S., Solobay, Sonney, Staback, Stairs, Steil, Stern, Stevenson, Sturla, Surra, Swanger, Tangretti, Taylor, J., Taylor, R., Thomas, True, Turzai, Vereb, Vitali, Vulakovich, Wagner, Walko, Wansacz, Waters, Watson, Wheatley, White, Williams, Wojnaroski, Yewcic, Youngblood, Yudichak, O'Brien, D., Speaker

NAYS-0

NOT VOTING-0

EXCUSED-2

Cappelli Pallone

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

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

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

* * *

The House proceeded to second consideration of HB 1612, PN 2534, entitled:

An Act providing for testing standards for cigarette fire safety, for certification of compliance by manufacturers, for package markings and for enforcement and penalties; establishing special funds; and providing for sale of existing inventory, for manufacturers' sale to other states or foreign countries and for regulations and preemptions.

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

Mr. **SOLOBAY** offered the following amendment
No. **A03470**:

Amend Sec. 4, page 8, by inserting between lines 14 and 15
(i) Implementation.—This act shall be implemented in accordance with the implementation and substance of the New York Fire Safety Standards for Cigarettes.

Amend Sec. 6, page 10, line 23, by inserting after "offered."
The commissioner shall approve the use of letters "FSC," which signifies Fire Standards Compliant appearing in eight-point type or larger and permanently printed, stamped, engraved or embossed on the package at or near the UPC Code.

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

The **SPEAKER** pro tempore. On the amendment, the Chair recognizes the gentleman, Mr. Solobay.

Mr. **SOLOBAY**. Thank you, Mr. Speaker.

Basically, this amendment just harmonizes the entire bill with the other 20 States that have adopted this language for safe cigarette legislation, and I ask for its adoption.

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

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

The following roll call was recorded:

YEAS—201

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

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

NAYS—0

NOT VOTING—0

EXCUSED—2

Cappelli Pallone

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

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

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

* * *

The House proceeded to second consideration of **HB 1664, PN 2199**, entitled:

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

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

Mr. **REICHLEY** offered the following amendment
No. **A03496**:

Amend Title, page 1, line 2, by inserting after "for"
grading of theft offenses and for

Amend Bill, page 1, lines 6 and 7, by striking out all of said lines and inserting

Section 1. Section 3903(a), (a.1) and (b) of Title 18 of the Pennsylvania Consolidated Statutes are amended and the section is amended by adding a subsection to read:

§ 3903. Grading of theft offenses.

(a) Felony of the second degree.—Theft constitutes a felony of the second degree if:

(1) The offense is committed during a manmade disaster, a natural disaster or a war-caused disaster and constitutes a violation of section 3921 (relating to theft by unlawful taking or disposition), 3925 (relating to receiving stolen property), 3928 (relating to unauthorized use of automobiles and other vehicles)

or 3929 (relating to retail theft).

(2) The property stolen is a firearm.

(3) In the case of theft by receiving stolen property, the property received, retained or disposed of is a firearm [and the receiver is in the business of buying or selling stolen property].

(4) The property stolen is any amount of anhydrous ammonia.

(a.1) Felony of the third degree.—Except as provided in subsection (a) or (a.2), theft constitutes a felony of the third degree if the amount involved exceeds \$2,000, or if the property stolen is an automobile, airplane, motorcycle, motorboat or other motor-propelled vehicle, or in the case of theft by receiving stolen property, if the receiver is in the business of buying or selling stolen property.

(a.2) Felony of the first degree.—Theft constitutes a felony of the first degree if in the case of theft by receiving stolen property, the property received, retained or disposed of is a firearm and the receiver is in the business of buying or selling stolen property.

(b) Other grades.—Theft not within subsection (a) [or] (a.1) [of this section] or (a.2), constitutes a misdemeanor of the first degree, except that if the property was not taken from the person or by threat, or in breach of fiduciary obligation, and:

(1) the amount involved was \$50 or more but less than \$200 the offense constitutes a misdemeanor of the second degree; or

(2) the amount involved was less than \$50 the offense constitutes a misdemeanor of the third degree.

* * *

Section 2. Section 3932(b) and (c)(2) of Title 18 are amended to read:

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

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

AMENDMENT WITHDRAWN

The SPEAKER pro tempore. The Chair has been advised that the amendment has been withdrawn.

Thank you, Mr. Reichley.

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

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Reichley, who offers amendment A03497. He has withdrawn that one as well?

Thank you, Mr. Reichley.

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

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair recognizes the minority whip, who requests a leave of absence for the gentleman, Mr. ADOLPH. Without objection, the leave will be so granted.

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1131,PN 1382**, entitled:

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, providing for the establishment of fire and emergency medical services.

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?

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

The following roll call was recorded:

YEAS—200

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

Eachus	Lentz	Ramaley	Wheatley
Ellis	Levdansky	Rapp	White
Evans, D.	Longietti	Raymond	Williams
Evans, J.	Mackereth	Readshaw	Wojnaroski
Everett	Maher	Reed	Yewcic
Fabrizio	Mahoney	Reichley	Youngblood
Fairchild	Major	Roae	Yudichak
Fleck	Manderino	Rock	
Frankel	Mann	Roebuck	O'Brien, D.,
Freeman	Mantz	Rohrer	Speaker
Gabig	Markosek		

NAYS-0

NOT VOTING-0

EXCUSED-3

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

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

* * *

The House proceeded to third consideration of **HB 1133, PN 1384**, entitled:

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, providing for specific powers of boroughs relating to emergency services.

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?

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

The following roll call was recorded:

YEAS-200

Argall	Galloway	Marshall	Ross
Baker	Geist	Marsico	Rubley
Barrar	George	McCall	Sabatina
Bastian	Gerber	McGeehan	Sainato
Bear	Gergely	McI. Smith	Samuelson
Belfanti	Gibbons	McIlhattan	Santoni
Benninghoff	Gillespie	Melio	Saylor
Bennington	Gingrich	Mensch	Scavello

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

NAYS-0

NOT VOTING-0

EXCUSED-3

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

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

* * *

The House proceeded to third consideration of **HB 1134, PN 1385**, entitled:

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, providing for specific powers relating to emergency services.

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?

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

The following roll call was recorded:

YEAS—200

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

NAYS—0

NOT VOTING—0

EXCUSED—3

Adolph Cappelli Pallone

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

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

The SPEAKER pro tempore. Before convening regular recess and moving into special session, we do have a couple resolutions that we need to vote upon.

RESOLUTIONS

Mr. VITALI called up **HR 12, PN 21**, entitled:

A Resolution directing the Pennsylvania Commission on Sentencing to conduct a study on the use and impact of mandatory minimum sentences.

On the question,
Will the House adopt the resolution?

RULES SUSPENDED

The SPEAKER pro tempore. The Chair recognizes the gentleman from Butler County, Representative Metcalfe, who makes a motion to suspend the rules for the purpose of offering amendment A03562, which the clerk will read.

The clerk read the following amendment No. **A03562**:

Amend Resolution, page 1, by inserting between lines 11 and 12
WHEREAS, Criminal recidivism accounts for a substantial percentage of all violent and other serious crimes in this Commonwealth; and

WHEREAS, Mandatory minimum sentences may be particularly effective for repeat offenders to interrupt the life cycle of violent and other serious crimes; and

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

The SPEAKER pro tempore. The Chair recognizes the gentleman from Butler County, Representative Metcalfe, who offers amendment A03562, on the motion to suspend.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, we had attempted to have this filed timely yesterday, and there was some miscommunication between the Reference Bureau and my office, it appears, and I ended up filing it a little bit late, so thus the need for the suspension of the rules.

I believe that the sponsor of the resolution is supporting my motion to suspend and supporting my amendment, from the conversation we had previously. If he could confirm that, I would appreciate it, and I would appreciate his support.

LEAVE OF ABSENCE

The SPEAKER pro tempore. Before moving along, the Chair recognizes the majority whip, who requests a leave of absence for the gentleman, Mr. CONKLIN. Without objection, the leave is so granted.

CONSIDERATION OF HR 12 CONTINUED

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Vitali, on suspension.

Mr. VITALI. Thank you, Mr. Speaker.

That is correct, and in the spirit of bipartisanship and in an effort to extend my hand across the ideological spectrum to my brother from Butler County, I will not be opposing this motion to suspend and in fact will be supporting it. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair recognizes the majority whip, who requests a leave of absence for the gentleman, Mr. TANGRETTI. Without objection, the leave is so granted.

CONSIDERATION OF HR 12 CONTINUED

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

The following roll call was recorded:

YEAS—193

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

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

NAYS—5

Cutler	King	Mundy	Siptroth
Galloway			

NOT VOTING—0

EXCUSED—5

Adolph	Conklin	Pallone	Tangretti
Cappelli			

A majority of the members required by the rules having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

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

Mr. METCALFE offered the following amendment No. **A03562**:

Amend Resolution, page 1, by inserting between lines 11 and 12
WHEREAS, Criminal recidivism accounts for a substantial percentage of all violent and other serious crimes in this Commonwealth; and

WHEREAS, Mandatory minimum sentences may be particularly effective for repeat offenders to interrupt the life cycle of violent and other serious crimes; and

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

The SPEAKER pro tempore. The Chair at this time recognizes the gentleman, Mr. Metcalfe, for his amendment.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, the language that we are proposing to add to this resolution deals with the recidivism of the criminal acts that are committed by violent criminals.

Punishment enhancements or mandatory sentences for the small number of offenders who commit the disproportionate share of the crimes will, by definition, lower crime rates, Mr. Speaker. Efforts by judges and others to avoid these punishment enhancements simply enable continued criminal activity. Mandatory sentences for gun crimes have been recommended by the Governor's Commission to Address Gun Violence as well as the Blueprint for a Safer Philadelphia. Numerous articles in the media reports from Philadelphia cite

the failure to appropriately sentence criminals in the city. Therefore, I believe it is important to consider these causes and effects as part of HR 12, and I would ask for the members' support.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the gentleman, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

I support the amendment. I think the words as far as they go are acceptable, and I would urge my colleagues to support them. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—198

Argall	Galloway	Markosek	Rohrer
Baker	Geist	Marshall	Ross
Barrar	George	Marsico	Rubley
Bastian	Gerber	McCall	Sabatina
Bear	Gergely	McGeehan	Sainato
Belfanti	Gibbons	McI. Smith	Samuelson
Benninghoff	Gillespie	McIlhattan	Santoni
Bennington	Gingrich	Melio	Saylor
Beyer	Godshall	Mensch	Scavello
Bianucci	Goodman	Metcalfe	Schroder
Bishop	Grell	Micozzie	Seip
Blackwell	Grucela	Millard	Shapiro
Boback	Haluska	Miller	Shimkus
Boyd	Hanna	Milne	Siptroth
Brennan	Harhai	Moul	Smith, K.
Brooks	Harhart	Moyer	Smith, M.
Buxton	Harkins	Mundy	Smith, S.
Caltagirone	Harper	Murt	Solobay
Carroll	Harris	Mustio	Sonney
Casorio	Helm	Myers	Staback
Causar	Hennessey	Nailor	Stairs
Civera	Hershey	Nickol	Steil
Clymer	Hess	O'Brien, M.	Stern
Cohen	Hickernell	O'Neill	Stevenson
Costa	Hornaman	Oliver	Sturla
Cox	Hutchinson	Parker	Surra
Creighton	James	Pashinski	Swanger
Cruz	Josephs	Payne	Taylor, J.
Curry	Kauffman	Payton	Taylor, R.
Cutler	Keller, M.	Peifer	Thomas
Daley	Keller, W.	Perry	True
Dally	Kenney	Perzel	Turzai
DeLuca	Kessler	Petrarca	Verbe
Denlinger	Killion	Petri	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	White	White
Evans, J.	Longietti	Rapp	Williams
Everett	Mackereth	Raymond	Wojnarowski
Fabrizio	Maher	Readshaw	Yewcic
Fairchild	Mahoney	Reed	Youngblood
Fleck	Major	Reichley	Yudichak
Frankel	Manderino	Roae	

Freeman	Mann	Rock	O'Brien, D.,
Gabig	Mantz	Roebuck	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

Adolph	Conklin	Pallone	Tangretti
Cappelli			

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

On the question,
Will the House adopt the resolution as amended?

The SPEAKER pro tempore. On the question, those in favor of the resolution will vote "aye"; those opposed, "nay." Members— Pardon me, Mr. Vitali.

Mr. Vitali, are you seeking recognition?

Mr. VITALI. I really hate to bring this point up, but do we need a rules suspension to do this?

The SPEAKER pro tempore. Not that we are aware of.

Mr. VITALI. Great. Roll it.

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

The following roll call was recorded:

YEAS—198

Argall	Galloway	Markosek	Rohrer
Baker	Geist	Marshall	Ross
Barrar	George	Marsico	Rubley
Bastian	Gerber	McCall	Sabatina
Bear	Gergely	McGeehan	Sainato
Belfanti	Gibbons	McI. Smith	Samuelson
Benninghoff	Gillespie	McIlhattan	Santoni
Bennington	Gingrich	Melio	Saylor
Beyer	Godshall	Mensch	Scavello
Bianucci	Goodman	Metcalfe	Schroder
Bishop	Grell	Micozzie	Seip
Blackwell	Grucela	Millard	Shapiro
Boback	Haluska	Miller	Shimkus
Boyd	Hanna	Milne	Siptroth
Brennan	Harhai	Moul	Smith, K.
Brooks	Harhart	Moyer	Smith, M.
Buxton	Harkins	Mundy	Smith, S.
Caltagirone	Harper	Murt	Solobay
Carroll	Harris	Mustio	Sonney
Casorio	Helm	Myers	Staback
Causar	Hennessey	Nailor	Stairs
Civera	Hershey	Nickol	Steil
Clymer	Hess	O'Brien, M.	Stern
Cohen	Hickernell	O'Neill	Stevenson
Costa	Hornaman	Oliver	Sturla
Cox	Hutchinson	Parker	Surra
Creighton	James	Pashinski	Swanger
Cruz	Josephs	Payne	Taylor, J.
Curry	Kauffman	Payton	Taylor, R.
Cutler	Keller, M.	Peifer	Thomas
Daley	Keller, W.	Perry	True
Dally	Kenney	Perzel	Turzai
DeLuca	Kessler	Petrarca	Verbe
Denlinger	Killion	Petri	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	Wojnaroski
Fabrizio	Maher	Readshaw	Yewcic
Fairchild	Mahoney	Reed	Youngblood
Fleck	Major	Reichley	Yudichak
Frankel	Manderino	Roae	
Freeman	Mann	Rock	O'Brien, D.,
Gabig	Mantz	Roebuck	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

Adolph	Conklin	Pallone	Tangretti
Cappelli			

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

* * *

Mr. SANTONI called up **HR 174, PN 2558**, entitled:

A Resolution directing the Legislative Budget and Finance Committee to prepare a report with findings and recommendations on the feasibility of the Pennsylvania State Police using the electronic transmission of fingerprints.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—198

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

Costa	Hornaman	Oliver	Sturla
Cox	Hutchinson	Parker	Surra
Creighton	James	Pashinski	Swanger
Cruz	Josephs	Payne	Taylor, J.
Curry	Kauffman	Payton	Taylor, R.
Cutler	Keller, M.	Peifer	Thomas
Daley	Keller, W.	Perry	True
Dally	Kenney	Perzel	Turzai
DeLuca	Kessler	Petrarca	Vereb
Denlinger	Killion	Petri	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	Wojnaroski
Fabrizio	Maher	Readshaw	Yewcic
Fairchild	Mahoney	Reed	Youngblood
Fleck	Major	Reichley	Yudichak
Frankel	Manderino	Roae	
Freeman	Mann	Rock	O'Brien, D.,
Gabig	Mantz	Roebuck	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

Adolph	Conklin	Pallone	Tangretti
Cappelli			

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

RECESS

The SPEAKER pro tempore. The House now stands in recess in regular session.

AFTER RECESS

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

STATEMENT BY MR. PETRARCA

The SPEAKER pro tempore. Are there any announcements for the good of the order?

The gentleman, Mr. Petrarca, is recognized.

Mr. PETRARCA. Thank you, Mr. Speaker.

A point of personal privilege.

I would like to tell my son back in Westmoreland County, who is turning 6 today, that I am sorry I cannot be there but that his papa wishes him a very happy birthday. Thank you.

The SPEAKER pro tempore. Happy birthday.

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. Seeing no other announcements, Representative Bear of Lancaster County is recognized, who moves that this House do now adjourn until Wednesday, October 17, 2007, until 11 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 5:11 p.m., e.d.t., the House adjourned.