

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

MONDAY, OCTOBER 29, 2007

SESSION OF 2007

191ST OF THE GENERAL ASSEMBLY

No. 96

HOUSE OF REPRESENTATIVES

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

THE SPEAKER PRO TEMPORE (CAMILLE GEORGE) PRESIDING

PRAYER

The SPEAKER pro tempore. The prayer will be offered by Pastor M. Moses Andradé, guest of the Speaker.

REV. M. MOSES ANDRADÉ, Guest Chaplain of the House of Representatives, offered the following prayer:

Will you reverently bow your heads with me as we address the almighty God in prayer.

Merciful God, we recognize Your transcendence over time, eternity, and over us. We acknowledge that You desire to share righteous counsel with those called to the governing of others. We therefore request earnestly for Your wisdom to be imparted to these leaders who gather here today in these great halls of justice and are given to the premeditation of good, for they are not called to be arbitrary but to balance the call of patriotic duty and the expectation of godly righteousness.

Almighty God, Your wisdom has guided leaders of this nation in the past who have leaned on Your counsel and not pure human rationale. We recognize that those who rule over others must be rulers who are just, ruling in the fear of almighty God. Then their governing will be as the light of the morning when the sun shines brilliantly after rain. Therefore, almighty God, may justice, peace, and mercy be the experience resulting from the diligence of those appointed to this body of leaders. We seek and ask for Your blessings to this end. O God, bless America. Amen.

PLEDGE OF ALLEGIANCE

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

GUESTS INTRODUCED

The SPEAKER pro tempore. We would like to introduce, if we may, the guests of the Chaplain and the Speaker – Angelisa Andradé, Tirzah Andradé, and Arielle Andradé. Welcome to the House of Representatives. Would the guests of the Speaker please rise.

JOURNALS APPROVED

The SPEAKER pro tempore. The Journals of Wednesday, June 20; Thursday, June 21; Friday, June 22; and Saturday, June 23 of 2007 are now in print. Will the House approve those Journals?

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

JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. Without objection, approval of the Journal of Thursday, October 25, 2007, will be postponed until printed. The Chair hears no objection.

LEAVES OF ABSENCE

The SPEAKER pro tempore. Turning to leaves of absence, the Chair recognizes the majority whip. Are there any other leaves on the Democratic side? The leaves as posted are the gentleman, Mr. WHEATLEY, of Allegheny for the week; the gentleman, Mr. SOLOBAY, of Washington for the week; the gentleman, Mr. GRUCELA, of Northampton for today; the gentleman, Mr. Bill KELLER, from Philadelphia for today; the gentleman, Mr. BELFANTI, from Northampton for today; the gentleman, Mr. KOTIK, from Allegheny for today. Hearing no objection, the leaves are granted.

We turn to the minority. The Chair recognizes the minority whip. The gentleman, Mr. MUSTIO, of Allegheny for the week; the gentleman, Mr. O'NEILL, from Bucks for the day; and the gentleman, Mr. REICHLEY, from Lehigh for the day. Hearing no objections, the leaves will be granted.

The members will please report to the floor. The Chair is about to take the master roll.

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair returns to leaves of absence and turns to the majority whip. The gentleman, Mr. PALLONE, from Allegheny is placed on leave for the day.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—193

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—10

Belfanti	Kotik	Pallone	Solobay
Grucela	Mustio	Reichley	Wheatley
Keller, W.	O'Neill		

LEAVES ADDED—6

Bishop	Eachus	Steil	O'Brien, D., Speaker
Donatucci	Petri		

LEAVES CANCELED—5

Belfanti	O'Neill	Pallone	Reichley
Eachus			

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

SUPPLEMENTAL CALENDAR A

RESOLUTION PURSUANT TO RULE 35

Ms. QUINN called up **HR 482, PN 2751**, entitled:

A Resolution commending Lenape Middle School in Doylestown, Pine-Richland Middle School in Gibsonia and DuBois Area Middle School for receiving State and national recognition as a Pennsylvania School to Watch.

On the question,
Will the House adopt the resolution?

The SPEAKER pro tempore. The Chair recognizes the kind lady from Bucks County, Representative Quinn.

Ms. QUINN. Thank you, Mr. Speaker.

Good afternoon.

The House is privileged today to honor three schools in Pennsylvania that have received State and national recognition as a Pennsylvania School to Watch. The Pennsylvania Don Eichhorn Schools: Schools to Watch initiative is part of a nationwide effort to recognize high-performing middle-level schools that demonstrate academic excellence, developmental responsiveness, social equity, and organizational structures and processes. There are 35 different criteria that the schools are judged on by a team of top educators from around Pennsylvania. Only three middle schools in the State of Pennsylvania have proven to be among these top schools.

GUESTS INTRODUCED

Ms. QUINN. I am pleased today, along with Representative Turzai and Representative Surra, to have ambassadors from each of these winning schools here on the House floor.

Lenape Middle School, located in my district, has been recognized as a School to Watch. Representing Lenape Middle School today, to the left of the Speaker, are Stephen Albert, assistant principal and chairperson of the Application Committee; and Lou White, former assistant principal and currently serving on the Pennsylvania School to Watch Committee.

Pine-Richland Middle School is located in Representative Turzai's district and was one of the top winners. Representing Pine-Richland Middle School today, to the left of the Speaker and at the back of the House, are Dr. Kathy Harrington, principal of Pine-Richland Middle School; and three students, Kathryn Rausch, Helen Loughead, and Karissa Febert.

DuBois Middle School is located in Representative Surra's district and is the third school to receive this top honor. Representing DuBois Middle School today, to the left of the Speaker, is Dan Hawkins, the principal.

Also, I am pleased to have with us, to the left of the Speaker, the Pennsylvania director of the Schools to Watch program, Paul Meck.

In addition to these individuals, we are lucky to have other professionals from these three schools and the Schools to Watch program here with us in the hall of the House. They have played

a crucial role in helping the schools to receive this designation and are happy to help other schools in this State reach the same level. They are seated in the back of the House.

Please, everyone, stand and be recognized for all of your hard work.

The SPEAKER pro tempore. The Chair thanks the lady.

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

The following roll call was recorded:

YEAS—193

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

NAYS—0

NOT VOTING—0

EXCUSED—10

Belfanti	Kotik	Pallone	Solobay
Gruclla	Mustio	Reichley	Wheatley
Keller, W.	O'Neill		

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 pro tempore. The Chair recognizes the gentleman from Elk, Mr. Surra, for announcements.

Mr. SURRA. Thank you, Mr. Speaker.

Mr. Speaker, the House Democrats will go back to caucus immediately and begin caucusing the Right-to-Know legislation.

There will be an Appropriations Committee meeting at 2 o'clock in room 245, and we plan on coming back to the House floor at 4 o'clock for a late voting schedule.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Appropriations Committee will be meeting at 2 o'clock in room 245.

REPUBLICAN CAUCUS

The SPEAKER pro tempore. The Chair recognizes the gentleman, the minority leader, Mr. Smith.

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

Just as an announcement since the caucus chair is not here at this second and for those that were not in caucus earlier this afternoon, when we break here, we will be in caucus, and I would urge all the members to attend as there are a number of amendments and questions that need to be answered in everyone's minds relative to the legislation that we are dealing with this week. So if you were not up there earlier, I would encourage you, as soon as we break, to come back to caucus for this afternoon.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Are there any committee announcements?

RECESS

The SPEAKER pro tempore. The House stands in recess until 4 p.m.

AFTER RECESS

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

THE SPEAKER PRO TEMPORE (MATTHEW E. BAKER) PRESIDING

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 481 By Representatives LEACH, BELFANTI, BENNINGTON, BOBACK, BRENNAN, DePASQUALE, DONATUCCI, FRANKEL, GALLOWAY, GEORGE, GERGELY, GRUCELA, HARKINS, MAHONEY, MANN, MANTZ, McCALL, McGEEHAN, M. O'BRIEN, PARKER, PASHINSKI, RAMALEY, ROEBUCK, SAINATO, SANTONI, SCAVELLO, SIPTROTH, STURLA, SURRA, TANGRETTI, R. TAYLOR, WALKO, WANSACZ, J. WHITE and LEVDANSKY

A Resolution recognizing Al Gore as the recipient of the 2007 Nobel Peace Prize.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, October 26, 2007.

No. 484 By Representatives J. WHITE, BENNINGTON, M. SMITH, BRENNAN, CONKLIN, KORTZ, CRUZ, READSHAW, GEORGE, MAHONEY, SHIMKUS, SOLOBAY, PASHINSKI, RUBLEY, KOTIK, HENNESSEY, THOMAS, JAMES, WALKO, YOUNGBLOOD, HORNAMAN, PETRONE, SIPTROTH, K. SMITH, MUNDY, FABRIZIO, GERGELY and GABIG

A Resolution directing the Joint State Government Commission to study the Uniform Power of Attorney Act and Pennsylvania's current power of attorney statute to determine whether any amendments should be made to Pennsylvania's current statute.

Referred to Committee on JUDICIARY, October 26, 2007.

No. 485 By Representatives DePASQUALE, BELFANTI, BENNINGHOFF, BEYER, BIANCUCCI, BOBACK, BRENNAN, CAUSER, DALEY, FABRIZIO, FRANKEL, GEORGE, GOODMAN, HENNESSEY, HORNAMAN, JAMES, JOSEPHS, KENNEY, KORTZ, KULA, MURT, NAILOR, PALLONE, PARKER, PETRONE, RAMALEY, SAYLOR, SCAVELLO, SCHRODER, SHIMKUS, SIPTROTH, THOMAS and VEREB

A Resolution urging the Department of Health to require the reporting of cases of hydrocephalus by health care professionals and urging the department to transmit the collected data to the Hydrocephalus Association for its national database project.

Referred to Committee on HEALTH AND HUMAN SERVICES, October 26, 2007.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1974 By Representatives STEIL, SHAPIRO, BARRAR, BEAR, BENNINGTON, BRENNAN, CAPPELLI, CARROLL, DALLY, DePASQUALE, FRANKEL, GINGRICH, GOODMAN, GRELL, HARHAI, HARPER, HERSHEY, HORNAMAN, KILLION, KING, KULA, LENTZ, LEVDANSKY, MACKERETH, MANDERINO, MARKOSEK, MARSHALL, MUSTIO, NAILOR, PETRARCA, REED, ROAE, SCHRODER, SHIMKUS, SIPTROTH, R. STEVENSON, SWANGER, WANSACZ, WOJNAROSKI and YUDICHAK

An Act amending the act of July 17, 2007 (P.L. , No.8A), known as the General Appropriation Act of 2007, providing for a transfer to the Hazardous Sites Cleanup Fund and reducing certain State appropriations to the Senate and the House of Representatives.

Referred to Committee on APPROPRIATIONS, October 26, 2007.

No. 1975 By Representatives BENNINGHOFF, CLYMER, COX, GABIG, GINGRICH, HUTCHINSON, JOSEPHS, R. MILLER, MURT, MUSTIO, RAPP, ROAE, ROCK, SCAVELLO, STERN and YOUNGBLOOD

An Act amending Title 4 (Amusements) of the Pennsylvania Consolidated Statutes, further providing for Pennsylvania Gaming Economic Development and Tourism Fund and for compulsive and problem gambling program.

Referred to Committee on GAMING OVERSIGHT, October 26, 2007.

No. 1976 By Representatives MARSICO, BEYER, BRENNAN, FABRIZIO, GRELL, HARPER, HELM, KAUFFMAN, R. MILLER, MOUL, MOYER, NICKOL, REICHLLEY, SIPTROTH and YOUNGBLOOD

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the number of judges in the courts of common pleas.

Referred to Committee on JUDICIARY, October 26, 2007.

No. 1977 By Representatives BOYD, BEAR, CREIGHTON, CUTLER, ELLIS, EVERETT, FAIRCHILD, GINGRICH, HANNA, HICKERNELL, HORNAMAN, HUTCHINSON, KAUFFMAN, KILLION, MARSHALL, McILHATTAN, MENSCH, MOUL, MUSTIO, NAILOR, PICKETT, ROAE, ROHRER, RUBLEY, SCHRODER, SONNEY, REICHLLEY, STEIL, SWANGER, THOMAS, TRUE, WATSON and MACKERETH

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, providing for a unified retirement system for employees of the Commonwealth and its political subdivisions and other employers.

Referred to Committee on FINANCE, October 26, 2007.

No. 1978 By Representatives BOYD, BEAR, CUTLER, DALLY, DENLINGER, EVERETT, FAIRCHILD, GEIST, GINGRICH, GOODMAN, HALUSKA, HARRIS, HENNESSEY, HORNAMAN, KAUFFMAN, MARSHALL, MARSICO, McILHATTAN, MUSTIO, NAILOR, O'NEILL, PICKETT, PYLE, QUINN, REED, ROAE, SAYLOR, SONNEY, STEIL, TRUE, WANSACZ and YOUNGBLOOD

An Act providing for passage of general appropriation acts.

Referred to Committee on APPROPRIATIONS, October 26, 2007.

No. 1979 By Representatives BOYD, CUTLER, BENNINGHOFF, CARROLL, CLYMER, DENLINGER, GINGRICH, HENNESSEY, HERSHEY, HICKERNELL, HUTCHINSON, KAUFFMAN, MACKERETH, METCALFE, MURT, NAILOR, PYLE, RAPP, REED, ROAE, SCHRODER,

STEIL, STERN, SWANGER, TRUE, TURZAI and YUDICHAK

An Act providing for enumeration of earmarks contained in appropriations and for requirements for public disclosure.

Referred to Committee on APPROPRIATIONS, October 26, 2007.

No. 1981 By Representatives BOYD, BAKER, BELFANTI, CLYMER, CUTLER, DeLUCA, FRANKEL, GEIST, GRELL, HENNESSEY, HICKERNELL, HUTCHINSON, LONGIETTI, MICOZZIE, MUSTIO, NICKOL, RAPP, READSHAW, REICHLEY, SAYLOR, VULAKOVICH, WANSACZ, WATSON and YOUNGBLOOD

An Act amending the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, providing for Machinery and Equipment Loan Fund eligibility; and making an appropriation.

Referred to Committee on INSURANCE, October 26, 2007.

No. 1982 By Representatives BOYD, BRENNAN, CALTAGIRONE, EVERETT, FRANKEL, GEIST, GINGRICH, HARPER, HENNESSEY, HORNAMAN, MACKERETH, MOYER, PETRI, PETRONE, SAYLOR, SIPTROTH, SOLOBAY and YOUNGBLOOD

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in municipal authorities, further providing for purposes and powers.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, October 26, 2007.

No. 1983 By Representatives BROOKS, BELFANTI, BEYER, BOYD, BRENNAN, CALTAGIRONE, CAUSER, COHEN, CRUZ, DALLY, FABRIZIO, FLECK, FREEMAN, GEIST, GINGRICH, HARPER, HENNESSEY, HUTCHINSON, KAUFFMAN, M. KELLER, KENNEY, KOTIK, KULA, MAJOR, MICOZZIE, MILNE, MOYER, MURT, NAILOR, M. O'BRIEN, PETRARCA, PETRONE, PHILLIPS, PICKETT, PYLE, QUINN, RAPP, REICHLEY, SAYLOR, SCAVELLO, SOLOBAY, SIPTROTH, SONNEY, STERN, R. STEVENSON, SWANGER, J. TAYLOR, WATSON, YOUNGBLOOD and YUDICHAK

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, further providing for the Pharmaceutical Assistance Contract for the Elderly Needs Enhancement Tier.

Referred to Committee on FINANCE, October 29, 2007.

No. 1984 By Representatives GEORGE, BENNINGTON, BLACKWELL, CURRY, DALEY, DeLUCA, DeWEESE, FABRIZIO, FREEMAN, GINGRICH, GOODMAN, HANNA, HARKINS, HENNESSEY, HORNAMAN, JAMES, JOSEPHS, KORTZ, KULA, MAHONEY, McGEEHAN, McILVAINE SMITH, MOUL, MYERS, M. O'BRIEN, PALLONE, PASHINSKI, PETRONE, SCHRODER, SHIMKUS, SOLOBAY, STABACK, SURRA, WALKO, WANSACZ, WATERS, WHEATLEY, J. WHITE, WOJNAROSKI, YOUNGBLOOD, YUDICHAK and MELIO

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for an extension of rate caps and for an implementation of a least-cost portfolio approach at the end of rate cap period.

Referred to Committee on CONSUMER AFFAIRS, October 29, 2007.

No. 1985 By Representatives REICHLEY, PEIFER, BAKER, BEAR, BEYER, CAPPELLI, DALLY, DePASQUALE, FLECK, GINGRICH, GODSHALL, HARHART, HARPER, HENNESSEY, HORNAMAN, M. KELLER, KILLION, LONGIETTI, MACKERETH, MAJOR, MANN, MILNE, NAILOR, O'NEILL, PYLE, RAPP, READSHAW, ROSS, SAYLOR, SCAVELLO, SIPTROTH, SONNEY, SWANGER, VEREB, WANSACZ and WATERS

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

Referred to Committee on JUDICIARY, October 29, 2007.

No. 1986 By Representatives REICHLEY, MANTZ, BAKER, BEYER, DALLY, FAIRCHILD, GINGRICH, GODSHALL, GOODMAN, GRUCELA, HARHART, HENNESSEY, HERSHEY, HORNAMAN, MANN, R. MILLER, MOYER, MURT, NICKOL, RAPP, READSHAW, ROHRER, RUBLEY, SIPTROTH, SONNEY, SWANGER, TRUE, WANSACZ, WATERS and YOUNGBLOOD

An Act amending Title 65 (Public Officers) of the Pennsylvania Consolidated Statutes, further providing for penalties.

Referred to Committee on STATE GOVERNMENT, October 29, 2007.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 259, PN 291

By Rep. D. EVANS

An Act establishing the Pennsylvania Performance Evaluation Commission and providing for its powers and duties.

APPROPRIATIONS.

HB 260, PN 2771 (Amended)

By Rep. D. EVANS

An Act requiring executive agencies to prepare and submit strategic plans, performance plans and performance reports; and imposing additional powers and duties on the Office of the Budget.

APPROPRIATIONS.

HB 261, PN 2772 (Amended)

By Rep. D. EVANS

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, further providing, in budget procedures, for revenue estimates, for transmission of budget information to legislature, for budget implementation data and for electronic access to information; and establishing the Independent Fiscal Review Board.

APPROPRIATIONS.

BILLS REREPORTED FROM COMMITTEE**HB 443, PN 2688**

By Rep. D. EVANS

An Act requiring certain records of the Commonwealth and its political subdivisions, authorities and agencies and other public bodies to be open for examination, inspection and copying for denial or refusal of access under certain circumstances, for final agency determinations, for appeals, for court costs and attorney fees, for penalties and for immunity; establishing the Pennsylvania Public Records Office and providing for its powers and duties; and making a related repeal.

APPROPRIATIONS.**HB 1129, PN 2773** (Amended)

By Rep. D. EVANS

An Act providing for sexual violence awareness education programs for new students matriculating to institutions of higher education or private licensed schools that receive public funding and for duties of the Department of Education.

APPROPRIATIONS.

The SPEAKER pro tempore. These bills will be placed on the calendar.

LEAVE OF ABSENCE CANCELED

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Pallone, on the floor of the House and asks that the clerk add his name to the master roll.

LEAVES OF ABSENCE

The SPEAKER pro tempore. The Chair recognizes the minority whip, who requests a leave of absence for the gentleman from Bucks County, Mr. STEIL, and the gentleman from Bucks County, Mr. PETRI. Without objection, the leaves of absence will be granted.

COMMUNICATIONS

The SPEAKER pro tempore. The Speaker acknowledges communications, which the clerk will read.

The following communications were read:

A communication dated October 24, 2007, from the Public Employee Retirement Commission providing an actuarial cost impact of amendment No. 02972 to HB 475, PN 585.

A communication dated October 24, 2007, from the Public Employee Retirement Commission providing an actuarial cost impact of HB 1042, PN 1219.

A communication dated October 24, 2007, from the Public Employee Retirement Commission providing an actuarial cost impact of HB 561, PN 628.

A communication dated October 24, 2007, from the Public Employee Retirement Commission providing an actuarial cost impact of SB 381, PN 429.

A communication dated October 22, 2007, from the Department of Community and Economic Development providing a copy of the fiscal year 2006-2007 Annual Machinery and Equipment Loan Fund Report pursuant to Title 12 of the Consolidated Statutes.

(Copies of communications are on file with the Journal clerk.)

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair recognizes the majority whip, who requests a leave of absence for the gentlelady, Ms. BISHOP. Without objection, the leave will be so granted.

LEAVE OF ABSENCE CANCELED

The SPEAKER pro tempore. The Chair recognizes the minority whip, who requests that the gentleman, Mr. Reichley, be added to the master roll. The Chair recognizes the gentleman, Mr. Reichley. Without objection, the leave of absence is so canceled.

CALENDAR**RESOLUTIONS PURSUANT TO RULE 35**

Mr. SIPTROTH called up **HR 384, PN 2406**, entitled:

A Resolution commemorating the month of November 2007 as "National Adoption Awareness Month" in Pennsylvania.

On the question,
Will the House adopt the resolution?

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

Members, please be seated. Members, there is entirely too much noise on the floor of the House. The gentleman, Mr. Siptroth, seeks recognition.

Mr. SIPTROTH. Thank you, Mr. Speaker.

National Adoption Awareness Month is an annual tradition to encourage loving homes to adopt young people in need of a home. It is also a time dedicated to recognize, honor, and thank adoptive and foster families who have offered themselves and their homes to love and support a child. Adoptive families are an illustration of the best Pennsylvania and America has to offer. Parents and families have the greatest influence on a child's life. Families help their children to thrive by encouraging them to aim high, work hard, and make good choices that will lead to a healthy, satisfying life. By recognizing this annual celebration, together we can contribute to these efforts to help loving families connect with the children who need them and present them opportunities they would otherwise be unable to have.

So I ask all of you today to join me and pay tribute to the parents who have opened their hearts and homes and helped to provide love and stability for young people and recognize November as National Adoption Awareness Month.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—192

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

NAYS—0

NOT VOTING—0

EXCUSED—11

Belfanti	Keller, W.	O'Neill	Steil
Bishop	Kotik	Petri	Wheatley
Grucela	Mustio	Solobay	

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

* * *

Miss MANN called up **HR 405, PN 2480**, entitled:

A Resolution designating the month of November 2007 as "National Search and Rescue Awareness Month" in Pennsylvania.

On the question,
Will the House adopt the resolution?

(Members proceeded to vote.)

LEAVE OF ABSENCE CANCELED

The SPEAKER pro tempore. The Chair notes the presence of the gentleman, Mr. Belfanti, on the floor of the House. His name will be added to the master roll.

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair is in receipt of a request from the majority whip for a leave of absence for the gentleman, Mr. DONATUCCI. Without objection, the leave will be so granted.

CONSIDERATION OF HR 405 CONTINUED

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

The following roll call was recorded:

YEAS—192

Adolph	Freeman	Markosek	Rohrer
Argall	Gabig	Marshall	Ross
Baker	Galloway	Marsico	Rubley
Barrar	Geist	McCall	Sabatina
Bastian	George	McGeehan	Sainato
Bear	Gerber	McI. Smith	Samuelson
Belfanti	Gergely	McIlhattan	Santoni
Benninghoff	Gibbons	Melio	Saylor
Bennington	Gillespie	Mensch	Scavello
Beyer	Gingrich	Metcalfe	Schroder
Biancucci	Godshall	Micozzie	Seip
Blackwell	Goodman	Millard	Shapiro
Boback	Grell	Miller	Shimkus
Boyd	Haluska	Milne	Siptroth
Brennan	Hanna	Moul	Smith, K.
Brooks	Harhai	Moyer	Smith, M.
Buxton	Harhart	Mundy	Smith, S.
Caltagirone	Harkins	Murt	Sonney
Cappelli	Harper	Myers	Staback
Carroll	Harris	Nailor	Stairs
Casorio	Helm	Nickol	Stern
Causer	Hennessey	O'Brien, M.	Stevenson
Civera	Hershey	Oliver	Sturla
Clymer	Hess	Pallone	Surra
Cohen	Hickernell	Parker	Swanger
Conklin	Hornaman	Pashinski	Tangretti
Costa	Hutchinson	Payne	Taylor, J.
Cox	James	Payton	Taylor, R.
Creighton	Josephs	Peifer	Thomas

Cruz	Kauffman	Perry	True
Curry	Keller, M.	Perzel	Turzai
Cutler	Kenney	Petrarca	Vereb
Daley	Kessler	Petrone	Vitali
Dally	Killion	Phillips	Vulakovich
DeLuca	King	Pickett	Wagner
Denlinger	Kirkland	Preston	Walko
DePasquale	Kortz	Pyle	Wansacz
Dermody	Kula	Quigley	Waters
DeWeese	Leach	Quinn	Watson
DiGirolamo	Lentz	Ramaley	White
Eachus	Levdansky	Rapp	Williams
Ellis	Longietti	Raymond	Wojnaroski
Evans, D.	Mackereth	Readshaw	Yewcic
Evans, J.	Maher	Reed	Youngblood
Everett	Mahoney	Reichley	Yudichak
Fabrizio	Major	Roae	
Fairchild	Manderino	Rock	O'Brien, D.,
Fleck	Mann	Roebuck	Speaker
Frankel	Mantz		

NAYS—0

NOT VOTING—0

EXCUSED—11

Bishop	Keller, W.	O'Neill	Steil
Donatucci	Kotik	Petri	Wheatley
Grucela	Mustio	Solobay	

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

* * *

Mrs. WATSON called up **HR 446, PN 2609**, entitled:

A Resolution designating the month of November 2007 as "Home Care Month" in Pennsylvania.

On the question,
Will the House adopt the resolution?

(Members proceeded to vote.)

LEAVE OF ABSENCE CANCELED

The SPEAKER pro tempore. The Chair notes the presence of the gentleman, Mr. O'Neill, on the floor of the House, and he will be added to the master roll.

CONSIDERATION OF HR 446 CONTINUED

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

The following roll call was recorded:

YEAS—193

Adolph	Freeman	Markosek	Rohrer
Argall	Gabig	Marshall	Ross
Baker	Galloway	Marsico	Rubley
Barrar	Geist	McCall	Sabatina
Bastian	George	McGeehan	Sainato

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

NAYS—0

NOT VOTING—0

EXCUSED—10

Bishop	Keller, W.	Petri	Steil
Donatucci	Kotik	Solobay	Wheatley
Grucela	Mustio		

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

* * *

Mr. ADOLPH called up **HR 464, PN 2689**, entitled:

A Resolution designating the month of November 2007 as "Pennsylvania Epilepsy Awareness Month."

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—193

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

NAYS—0

NOT VOTING—0

EXCUSED—10

Bishop	Keller, W.	Petri	Steil
Donatucci	Kotik	Solobay	Wheatley
Grucela	Mustio		

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

* * *

Miss MANN called up **HR 471, PN 2696**, entitled:

A Resolution designating the month of November 2007 as "Pulmonary Hypertension Awareness Month" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—193

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

NAYS—0

NOT VOTING—0

EXCUSED—10

Bishop	Keller, W.	Petri	Steil
Donatucci	Kotik	Solobay	Wheatley
Grucela	Mustio		

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

* * *

Mr. WOJNAROSKI called up **HR 474, PN 2729**, entitled:

A Resolution designating the month of November 2007 as "Alzheimer's Disease Awareness Month" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—193

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

NAYS—0

NOT VOTING—0

EXCUSED—10

Bishop	Keller, W.	Petri	Steil
Donatucci	Kotik	Solobay	Wheatley
Grucela	Mustio		

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

LEAVE OF ABSENCE

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

RESOLUTION PURSUANT TO RULE 35

Mr. CLYMER called up **HR 477, PN 2738**, entitled:

A Resolution designating the month of November as "Hunting and Fishing Heritage Month" in Pennsylvania.

On the question,
Will the House adopt the resolution?

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

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, the reason I am—

The SPEAKER pro tempore. Members, kindly take your seats. Members, kindly afford your attention to the gentleman, Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, the reason I am speaking on this resolution, the resolution is the genesis of Tyler Tomkins, who served on the Governor's Youth Council for Hunting, Fishing and Conservation.

Tyler is a student at Penridge High School. He came in to see me and said he would like to encourage people to think about conservation, hunting, and fishing, and so this resolution was born. And I just mention that because it may be an encouragement to other young people who have ideas that they would like to submit to their legislators, and it shows that we do listen, that we care, and that we are willing to vote on these kinds of issues.

So thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—192

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

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

NAYS—0

NOT VOTING—0

EXCUSED—11

Bishop	Grucela	Mustio	Steil
Donatucci	Keller, W.	Petri	Wheatley
Eachus	Kotik	Solobay	

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

GUEST INTRODUCED

The SPEAKER pro tempore. Located to the left of the Speaker, please welcome Carolyn Kuhl. She is the guest of Flo Fabrizio, Bill DeWeese, and the entire Erie delegation. Please rise and be recognized.

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 110, PN 2721**, entitled:

An Act providing for a report on potential global warming impacts and economic opportunities for the Commonwealth, for duties of the Department of Environmental Protection, for an inventory of greenhouse gases, for creation of stakeholder process, for a voluntary registry of greenhouse gas emissions and for a climate change action plan.

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

Mr. **REED** offered the following amendment No. **A03815**:

Amend Sec. 3, page 3, by inserting between lines 13 and 14
(4) The report shall fairly reflect the diversity of opinions among various stakeholders.

(5) Each economic opportunity identified shall include an analysis demonstrating how the opportunity may positively or negatively affect the economy of this Commonwealth.

(6) The projected future energy demand within this Commonwealth.

Amend Sec. 3, page 3, line 19, by striking out "six" and inserting 12

Amend Sec. 4, page 3, line 30, by inserting after "sectors."

The inventory shall also include the effects of greenhouse gas sinks and other offsets which include technology, techniques or naturally occurring activities or phenomena that demonstrate the ability to sequester various greenhouse gases. The department shall also use as a basis for the inventory research, reports and any updated inventory of greenhouse gases within this Commonwealth completed by The Pennsylvania State University and the Pennsylvania Environmental Council as part of its Climate Change Roadmap Working Group Initiative.

Amend Sec. 4, page 4, line 5, by inserting after "Governor"
, General Assembly

Amend Sec. 5, page 4, by inserting between lines 22 and 23

(c) Residency requirement.—All members of the stakeholder group shall be residents of this Commonwealth and shall advise the department about implementation of the provisions of this act.

(d) Composition of stakeholder group.—The stakeholder group shall be composed of the following 23 members:

(1) The Secretary of Environmental Protection.

(2) The chairman and minority chairman of the Environmental Resources and Energy Committee of the Senate.

(3) The chairman and minority chairman of the Environmental Resources and Energy Committee of the House of Representatives.

(4) Twelve members appointed by the Governor which shall include:

(i) Four members of the business community.

(ii) Four members from environmental organizations.

(iii) Four members from the scientific community or from institutions of higher education within this Commonwealth.

(5) There shall be appointed six at-large members selected from the general public as follows:

(i) One member shall be appointed by the President pro tempore of the Senate.

(ii) One member shall be appointed by the Majority Leader of the Senate.

(iii) One member shall be appointed by the Minority Leader of the Senate.

(iv) One member shall be appointed by the Speaker of the House of Representatives.

(v) One at-large member shall be appointed by the Majority Leader of the House of Representatives.

(vi) One at-large member shall be appointed by the Minority Leader of the House of Representatives.

(e) Chairperson.—The chairperson shall be the Secretary of Environmental Protection.

(f) Consideration of advice.—The department shall obtain and consider the advice of the stakeholder group in connection with taking the actions required under this act.

Amend Sec. 7, page 5, by inserting between lines 20 and 21

(7) Reviews Federal law relating to climate change and

greenhouse gas emissions to determine the effect upon any recommendations contained in the plan. The review shall describe current Federal laws, their impact on applicable State law and where any plan recommendations exceed Federal law.

Amend Sec. 7, page 5, line 22, by inserting after "Governor" and General Assembly

Amend Sec. 7, page 5, line 24, by inserting after "plan."

Upon the Governor's approval of the Green House Gas Action Plan, the Governor shall submit the plan to the General Assembly for final approval.

Amend Sec. 7, page 5, line 26, by striking out "published and distributed to the General Assembly and"

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

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman, Mr. Reed, for a brief description.

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

This amendment, amendment A03815, would seek to amend HB 110, which deals with the issue of climate change in the State of Pennsylvania and looking to put together an advisory commission that would issue a report 1 year from the date of its inception. This amendment would seek to make a number of changes to HB 110 in a number of different areas. It would increasingly focus on the stakeholder group that would make up the actual task force that would be commissioned to make up the report that would be issued both to the Governor's Office and to this General Assembly. And in addition, it would expand the scope of the report to ensure that we look at not only the environmental impact of any additional State regulations or State statutes that may be implemented in excess of the Federal regulations, any impact those regulations would have on the environment of the Commonwealth, as well as the economic impact it would have on the economy of the Commonwealth in the years ahead.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the amendment, Mr. Vitali. Mr. VITALI. Thank you, Mr. Speaker.

I would like to thank Representative Reed for his work on this amendment. I think it improves the bill, and I would ask for an affirmative vote.

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-192

Table listing names of members who voted 'YEAS' (192 total): Adolph, Argall, Baker, Barrar, Bastian, Bear, Belfanti, Benninghoff, Bennington, Beyer, Biancucci, Gabig, Galloway, Geist, George, Gerber, Gergely, Gibbons, Gillespie, Gingrich, Godshall, Goodman, Marshall, Marsico, McCall, McGeehan, McI. Smith, McIlhattan, Melio, Mensch, Metcalfe, Micozzie, Millard, Rohrer, Ross, Rubley, Sabatina, Sainato, Samuelson, Santoni, Saylor, Scavello, Schroder, Seip.

Table listing names of members who did not vote 'YEAS': Blackwell, Boback, Boyd, Brennan, Brooks, Buxton, Caltagirone, Cappelli, Carroll, Casorio, Causer, Civera, Clymer, Cohen, Conklin, Costa, Cox, Creighton, Cruz, Curry, Cutler, Daley, Dally, DeLuca, Denlinger, DePasquale, Dermody, DeWeese, DiGirolamo, Ellis, Evans, D., Evans, J., Everett, Fabrizio, Fairchild, Fleck, Frankel, Freeman, Grell, Haluska, Hanna, Harhai, Harhart, Harkins, Harper, Harris, Helm, Hennessey, Hershey, Hess, Hickernell, Hornaman, Hutchinson, James, Josephs, Kauffman, Keller, M., Kenney, Kessler, Killion, King, Kirkland, Kortz, Kula, Leach, Lentz, Levdansky, Longietti, Mackereth, Maher, Mahoney, Major, Manderino, Mann, Mantz, Markosek, Miller, Milne, Moul, Moyer, Mundy, Murt, Myers, Nailor, Nickol, O'Brien, M., O'Neill, Oliver, Pallone, Parker, Pashinski, Payne, Payton, Peifer, Perry, Perzel, Petrarca, Petrone, Phillips, Pickett, Preston, Pyle, Quigley, Quinn, Ramaley, Rapp, Raymond, Readshaw, Reed, Reichley, Roae, Rock, Roebuck, Shapiro, Shimkus, Siproth, Smith, K., Smith, M., Smith, S., Sonney, Staback, Stairs, Stern, Stevenson, Sturla, Surra, Swanger, Tangretti, Taylor, J., Taylor, R., Thomas, True, Turzai, Vereb, Vitali, Vulakovich, Wagner, Walko, Wansacz, Waters, Watson, White, Williams, Wojnaroski, Yewcic, Youngblood, Yudichak, O'Brien, D., Speaker.

NAYS-0

NOT VOTING-0

EXCUSED-11

Table listing names of members who were 'EXCUSED' (11 total): Bishop, Donatucci, Eachus, Grucela, Keller, W., Kotik, Mustio, Petri, Solobay, Steil, Wheatley.

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.)

ANNOUNCEMENT BY SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair takes particular note of one of our members on the floor of the House today, who is celebrating his 50th birthday. It was a good year - Pennsylvania had backed voting at the age of 18, Elvis was doing his thing, the '57 Chevy was the car of choice, Hank Aaron was the National League's MVP (Most Valuable

Player), Dr. Seuss wrote "The Cat in the Hat," and George Kenney, Jr., was born October 29, 1957. Happy Birthday, George.

The Chair recognizes the honored, Mr. Kenney.

Mr. KENNEY. Brevity has been my success, so I am not going to give any speech, but Representative Quinn is also celebrating a birthday today. So Marguerite Quinn is also, well short of 50, Mr. Speaker.

The SPEAKER pro tempore. Happy birthday to her as well.

Mr. KENNEY. And since we are at it, Mr. Speaker, Representative Manderino celebrated a birthday yesterday. Thank you.

The SPEAKER pro tempore. Happy birthday, Kathy, and thank you for the chocolate bar.

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1716**, **PN 2636**, entitled:

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.

On the question,

Will the House agree to the bill on second consideration?

Mr. **PAYTON** offered the following amendment No. **A03860**:

Amend Sec. 1 (Sec. 3926), page 7, lines 19 and 20, by striking out "**FELONY OF THE SECOND**" and inserting misdemeanor of the first

On the question,

Will the House agree to the amendment?

AMENDMENT PASSED OVER TEMPORARILY

The SPEAKER pro tempore. We will be going over that amendment temporarily.

On the question recurring,

Will the House agree to the bill on second consideration?

Mr. **GEORGE** offered the following amendment No. **A03895**:

Amend Bill, page 13, by inserting between lines 4 and 5

Section 2. Title 18 is amended by adding a section to read:

§ 4121. Violations of Telemarketer Registration Act.

(a) Offense defined.—Telemarketers, as defined in section 2 of the act of December 4, 1996 (P.L.911, No.147), known as the Telemarketer Registration Act, committing an unlawful act under section 5 of the Telemarketer Registration Act commit a summary offense.

(b) Separate offenses.—Each time a person commits an unlawful act in violation of subsection (a) constitutes a separate offense under this section.

Amend Sec. 2, page 13, line 5, by striking out "2" and inserting

On the question,

Will the House agree to the amendment?

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

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, if we are going to get tough on people who steal utility services, should we not get equally as tough on telemarketers who harass our citizens? Currently under the Telemarketer Registration Act, it is not a crime for telemarketers to call your home after 9 p.m. An aggrieved person may sue for damages but there is no hammer. By making such a call a crime, then we are providing this hammer.

Under this bill, HB 1716, it would be a second-degree felony carrying up to 10 years in prison for stealing phone service, but, Mr. Speaker, if a telemarketer calls your house after 9 p.m., no crime has been committed. It is about time, Mr. Speaker, that the Telemarketer Registration Act got some teeth. My amendment does just that, and I ask that you support it.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Montgomery County, the gentleman, Mr. Godshall.

Mr. GODSHALL. Thank you, Mr. Speaker.

This bill, the Sainato bill, is a very important bill to the energy community. It is an extremely important bill. It should be run free. I have absolutely no problem with the gentleman from Clearfield's telemarketing operation or his bill. It should be run as a separate bill, not as part of this situation. We have annual theft of energy, about \$6 billion, just behind auto theft and credit card theft. It is important to all of us. It has got to stop. This bill increases the penalties, and it should be a freestanding bill. I would urge a "no" vote on the gentleman from Clearfield's amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

Mr. SAINATO. Thank you, Mr. Speaker.

I also urge a "no" vote on this amendment. While I agree with what the gentleman from Clearfield is saying, it is an important issue, but it should stand on its own. This bill is very, very important, as Chairman Godshall said. This is a safety bill first to protect firefighters when they go into a burning blaze because people tamper. They tamper with natural gas or electricity. They do not know that people could die because of these thefts and crimes. That is why the Energy Association is supporting this bill.

Our committee passed this bill out unanimously. Both sides of the aisle are fighting to make sure we can protect those people in public safety who have to go to one of these fires. The day this bill passed the Committee on Consumer Affairs, right across the border in New Jersey there was a fire caused because someone manipulated the natural gas meter and 18 people were displaced out of their homes.

This amendment that the gentleman from Clearfield County does, if it is in this bill, will kill this bill. I am sure that the Consumer Affairs Committee would be happy to take up his standalone provision, but to do this on this very important piece of legislation, which we want to get to the Senate because it is important— This started in the Consumer Affairs Committee in

January or February, and that is a very vital issue. So I would encourage my colleagues to oppose this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

Mr. GEORGE. Mr. Speaker, it is not the intent of this individual or the amendment. This has been ongoing, and I hear that this bill must run clean. And if we adopt the policy where we insist that on our own that we should run a bill clean and then in our own way let the Senate escape good, positive legislation that protects people, then I believe that we do all these things wrong if it was not for the fact that I know for well that the explanation that was given by the sponsor has nothing to do with this amendment. There is nothing in the amendment that should give anybody a problem but the Senate, who seems to find fault with all of our consumer protection matters, and I would ask that we pass this amendment and let the Senate take it on their shoulders.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Mr. Godshall, are you seeking recognition for the second time?

Mr. GODSHALL. I would confer with the sponsor of the bill. People have died – "Woman, 4 children die in West Philadelphia house fire," 2/11/2007, with the manipulation of the meter; "A huge explosion and fire at 3304 Hope Street" in Philadelphia, two women, four children injured seriously; "Raging Inferno Destroys 9 Trenton Homes," and so forth and so on. The manipulation of electrical wiring, meters, and so forth is a serious situation. And again, I would ask for a "no" vote and keep this bill clean. Go over to the Senate, pass it into law, and it will do some good for our communities. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Mr. Sainato, for the second time.

Mr. SAINATO. Thank you, Mr. Speaker.

I just want to clarify one point on the gentleman's amendment. There are penalties for people who abuse telemarketing, a civil penalty not to exceed \$1,000 per violation, and that is in the legislation. So I would encourage my colleagues, let us do something for volunteer fire companies and paid fire companies and all safety responders and reject this amendment so we can get this bill clean to the Senate and get action taken.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Anyone else seeking recognition?

Seeing none, will the House agree to the amendment?

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-67

Belfanti	Freeman	McGeehan	Staback
Bennington	George	Melio	Sturla
Bianucci	Gerber	Mundy	Surra
Blackwell	Gergely	Myers	Tangretti
Brennan	Hanna	O'Brien, M.	Thomas
Caltagirone	Harkins	Oliver	Vitali

Casorio	Hennessey	Pallone	Wagner
Cohen	James	Parker	Wansacz
Conklin	Josephs	Payton	Waters
Cruz	King	Petron	White
Curry	Kirkland	Rubley	Williams
Daley	Kula	Sabatina	Wojnaroski
DeLuca	Levdansky	Samuelson	Yewcic
DePasquale	Mahoney	Scavillo	Youngblood
Dermody	Manderino	Shimkus	
DeWeese	Mann	Siptroth	O'Brien, D., Speaker
Evans, D.	McCall	Smith, K.	
Fabrizio			

NAYS-125

Adolph	Geist	Markosek	Raymond
Argall	Gibbons	Marshall	Readshaw
Baker	Gillespie	Marsico	Reed
Barrar	Gingrich	McI. Smith	Reichley
Bastian	Godshall	McIlhattan	Roae
Bear	Goodman	Mensch	Rock
Benninghoff	Grell	Metcalfe	Roebuck
Beyer	Haluska	Micozzie	Rohrer
Boback	Harhai	Millard	Ross
Boyd	Harhart	Miller	Sainato
Brooks	Harper	Milne	Santoni
Buxton	Harris	Moul	Saylor
Cappelli	Helm	Moyer	Schroder
Carroll	Hershey	Murt	Seip
Causer	Hess	Nailor	Shapiro
Civera	Hickernell	Nickol	Smith, M.
Clymer	Hornaman	O'Neill	Smith, S.
Costa	Hutchinson	Pashinski	Sonney
Cox	Kauffman	Payne	Stairs
Creighton	Keller, M.	Peifer	Stern
Cutler	Kenney	Perry	Stevenson
Dally	Kessler	Perzel	Swanger
Denlinger	Killion	Petrarca	Taylor, J.
DiGirolamo	Kortz	Phillips	Taylor, R.
Ellis	Leach	Pickett	True
Evans, J.	Lentz	Preston	Turzai
Everett	Longiatti	Pyle	Vereb
Fairchild	Mackereth	Quigley	Vulakovich
Fleck	Maher	Quinn	Walko
Frankel	Major	Ramaley	Watson
Gabig	Mantz	Rapp	Yudichak
Galloway			

NOT VOTING-0

EXCUSED-11

Bishop	Grucela	Mustio	Steil
Donatucci	Keller, W.	Petri	Wheatley
Eachus	Kotik	Solobay	

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

LEAVE OF ABSENCE

The SPEAKER pro tempore. Without objection, the gentleman, Mr. O'BRIEN, is placed on leave. Hearing no objection, the gentleman is placed on leave.

Just a point of clarification, the gentleman, Mr. Denny O'BRIEN, from Philadelphia County is placed on leave.

CONSIDERATION OF HB 1716 CONTINUED**BILL PASSED OVER TEMPORARILY**

The SPEAKER pro tempore. This bill will be over temporarily.

CONSIDERATION OF HB 1716 CONTINUED

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

The clerk read the following amendment No. **A03860**:

Amend Sec. 1 (Sec. 3926), page 7, lines 19 and 20, by striking out "FELONY OF THE SECOND" and inserting misdemeanor of the first

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

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

Mr. PAYTON. Thank you, Mr. Speaker.

This amendment is changing the grading from a felony 3 to a misdemeanor 1.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the amendment, the gentleman, Mr. Vitali, is recognized.

AMENDMENT WITHDRAWN

Mr. PAYTON. There is an error in the way the amendment is written. I will withdraw the amendment at this time.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The gentleman, Mr. Payton, withdraws his amendment.

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

PARLIAMENTARY INQUIRY

The SPEAKER pro tempore. Mr. Vitali, I apologize. I did not see you seeking recognition again. You are now recognized.

Mr. VITALI. I have a parliamentary inquiry here, because I have some concerns about the bill in its present form, and now that the Payton amendment is withdrawn, that was a possible way to correct that flaw. Now that it has been withdrawn, I am asking the proper procedure to proceed to perhaps amend in another way. I am thinking perhaps a motion to postpone to Wednesday perhaps. I think the goal is to get this on Wednesday's calendar. So if we could do that, this would give us a chance to file amendments by 2 tomorrow.

The SPEAKER pro tempore. Mr. Vitali, I had apologized to you earlier. I had already read the bill across for second and mentioned it had been agreed to and then recognized you. I would have to rescind that announcement.

Mr. VITALI. Well, my argument in favor of rescinding would be that I was on the floor seeking recognition prior to your doing that.

The SPEAKER pro tempore. The Chair acknowledges the gentleman's presence seeking recognition, Mr. Vitali.

DECISION OF CHAIR RESCINDED

The SPEAKER pro tempore. Without objection, the Chair rescinds its announcement that HB 1716 was agreed to on second consideration.

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

MOTION TO PLACE BILL ON SECOND CONSIDERATION POSTPONED CALENDAR

The SPEAKER pro tempore. The Chair will entertain your motion.

Mr. VITALI. Thank you, Mr. Speaker.

I would move to postpone this until Wednesday at 11. And the reason is I think there is a problem with this bill that needs to be corrected, and the problem, if I am reading it correctly and maybe in the debate it will come out that maybe I have just misunderstood it, but the problem is this bill, although it has very good things of protecting firemen and so forth from jerry-rigging of electrical, which I fully support, it also includes your cable, your cable service. And as I read this bill, if you are convicted of stealing \$200 worth of cable service, which is probably about 3 months of service, that makes you a felon. I think in all the things that come along with being a felon, such as the inability to own a gun, the inability to work in schools, and so forth, I just think that that penalty, felonizing stealing 3 months of cable service—

The SPEAKER pro tempore. Will the gentleman please suspend.

Mr. Vitali, would you like to make a motion then that we postpone the second reading until Wednesday?

Mr. VITALI. That would be my motion. Thank you.

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

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

The SPEAKER pro tempore. On the motion to postpone until Wednesday, the gentleman, Mr. Godshall, is recognized.

Mr. GODSHALL. Mr. Speaker, this is an important bill. It came out of the Consumer Affairs Committee unanimously. There was time. It was on the calendar. The time to take care of any kind of problems that somebody had was a number of days ago.

I would urge a "no" vote against postponing. I would ask for a "no" vote.

The SPEAKER pro tempore. The Chair thanks the gentleman and returns to the gentleman, Mr. Vitali, on the motion to postpone.

Mr. VITALI. I have made the bulk of the argument, but I think this bill needs to be corrected because it needs some tweaking to not only deal with the serious concerns expressed

by the makers but also to sort of make sure there are not unintended consequences. I do not think there are any exigent circumstances here that would require this bill being done today as opposed to Wednesday. So I think by postponing, you give us a chance to clean it up a bit but you are not prejudicing the main intent of the bill.

So I ask for a "yes" vote.

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

Mr. SAINATO. Thank you, Mr. Speaker.

I can address that issue about the cable. It says in statute right now, "A person is not guilty of theft of cable television service under this section who subscribes to and receives service through an authorized connection of a television receiving set at his dwelling and, within his dwelling...." So it is right in the statute as it is now. So this would not affect people in cable as far as making it a felony.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

PARLIAMENTARY INQUIRY

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Pyle, on postponement.

Mr. PYLE. Thank you, Mr. Speaker.

A point of parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state—

Mr. PYLE. Has the bill been read across the desk for second consideration, Mr. Speaker?

The SPEAKER pro tempore. It has not been agreed to on second.

Mr. PYLE. Thank you, Mr. Speaker.

Mr. Speaker, I have had ample time to read this over, and I am ready to vote it right now. I would argue against postponing. I know Consumer Affairs has worked very hard on this bill, and I would urge a "no" vote on postponing.

Thank you, Mr. Speaker.

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

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

We have had hearings on this bill. There was an in-depth caucus this morning in which I attended in which members had plenty of time to be able to ask relevant questions. Questions were answered. It is time really to move on with the bill. If the person had time to ask the questions, they would have been answered, but this is a good bill and we need to move on. Lives are at stake and the time is needy, and I would oppose the gentleman's motion.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Sainato, for the second time.

Mr. SAINATO. Mr. Speaker, I just also urge my colleagues to vote against postponement because we need to get this bill moving. We need to deal with the problems of people stealing services such as gas, electricity, and putting safety to the people who respond to these incidents.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Mr. Vitali is seeking recognition again.

Mr. Vitali, we have a record here that you have spoken twice on this issue. I am sure you would not want us to break the rules.

Mr. VITALI. Did I really speak twice? Truly, is that what the records reflect, because I am trying to—

The SPEAKER pro tempore. Mr. Vitali, you have spoken twice, so the rules preclude your speaking a third time.

Thank you, Mr. Vitali.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—19

Belfanti	Evans, D.	Manderino	Sturla
Bennington	Freeman	McGeehan	Thomas
Blackwell	Galloway	Parker	Vitali
Caltagirone	James	Payton	Williams
Curry	Kirkland	Samuelson	

NAYS—172

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

NOT VOTING—0

EXCUSED—12

Bishop	Keller, W.	Solobay	
Donatucci	Kotik	Steil	O'Brien, D.,
Eachus	Mustio	Wheatley	Speaker
Grucela	Petri		

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

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

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 523, PN 2634**, entitled:

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

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

RULES SUSPENDED

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Cruz, who moves to suspend the rules for consideration of amendment A03841.

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

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Cruz, for a brief description of his amendment on motion to suspend.

Mr. CRUZ. Mr. Speaker, this amendment that I am introducing, it is similar to the actual bill, but it has more clarification on making sure that we remove any items – medication, children's formula – off the shelves completely. So I am asking to consider suspending the rules to offer this amendment, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

For what purpose does the gentleman, Mr. Caltagirone, rise?
Mr. CALTAGIRONE. Just to support the motion.

The SPEAKER pro tempore. Mr. Caltagirone, the Parliamentarian is instructing me that on motions to suspend, only the leaders shall be recognized or the maker of the motion.

Mr. DeWEESE. Mr. Speaker, I would be very willing to defer to the gentlelady from Philadelphia, Ms. Youngblood, or Chairman Caltagirone, whichever of my good friends wants to debate this. It is up to them.

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

Chairman Marsico and I both agreed, after speaking with Representative Cruz and with the approval of Representative Youngblood, the sponsor of the bill, that we support the motion to suspend.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Marsico, who waives off.

LEAVE OF ABSENCE CANCELED

The SPEAKER pro tempore. The Chair notes the presence of the gentleman, Mr. Eachus, on the floor of the House, and he will be added to the master roll.

CONSIDERATION OF HB 523 CONTINUED

The SPEAKER pro tempore. On suspension, anyone else seeking recognition?

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

YEAS—170

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

NAYS—22

Benninghoff	Galloway	King	Rock
Conklin	Gibbons	Mundy	Schroder
Cox	Grell	Nailor	Shapiro
Cutler	Hutchinson	Perry	Smith, M.
Everett	Kauffman	Roae	Taylor, R.
Gabig	Keller, M.		

NOT VOTING—0

EXCUSED—11

Bishop	Kotik	Solobay	
Donatucci	Mustio	Steil	O'Brien, D.,
Grucela	Petri	Wheatley	Speaker
Keller, W.			

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 agree to the bill on third consideration?

Mr. CRUZ offered the following amendment No. **A03841**:

Amend Title, page 1, line 3, by removing the period after "counterfeiting" and inserting

; prohibiting the sale of food, nonprescription drugs and cosmetics under certain circumstances; and imposing penalties.

Amend Bill, page 6, by inserting after line 30

Section 2. Title 18 is amended by adding a section to read:

§ 7331. Unlawful sale of food, nonprescription drugs and cosmetics.

(a) General rule.—No person shall sell or offer to sell to the public:

(1) any nonprescription drug, infant formula or baby food which is subject to expiration dating requirements issued by the Food and Drug Administration or other food bearing an expiration date on its label or packaging if the date of expiration has passed; or

(2) any infant formula or baby food which is subject to expiration dating requirements issued by the Food and Drug Administration, any nonprescription drug or cosmetic or any other food bearing an expiration date on its label or packaging unless that person presents, within five days of the request, a written record of the purchase of that product, which record or invoice shall:

(i) specifically identify the product being sold by the product name, quantity purchased, that quantity being denoted by item, box, crate, pallet or otherwise, and date of purchase; and

(ii) contain the complete name or business name, address and telephone number of the person from whom that product was purchased.

(b) Applicability.—The provisions of subsection (a) shall not apply to a transaction involving less than \$50 of product between persons selling that product in the same general market area on the same day.

(c) Penalty.—A person who violates this section shall, upon conviction, be sentenced to:

(1) a fine not to exceed \$300, for a first offense;

(2) a fine not to exceed \$300, or a term of imprisonment for not more than 90 days, or both, for a second offense; or

(3) a revocation of any license, including a business privilege license or sales license, held by such person to operate

the business in which the product was sold, for a third or subsequent offense.

Amend Sec. 2, page 7, line 1, by striking out "2" and inserting
3

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

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Cruz, on his amendment.

Mr. CRUZ. Mr. Speaker, once again, this amendment is to remove all sales of cosmetics, baby formula, medication off the counters once they are expired, and I am asking for an affirmative vote from both sides of the aisle.

Thank you, Mr. Speaker.

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

Mr. MARSICO. Thank you, Mr. Speaker.

This amendment is agreed to, and I appreciate an affirmative vote. Thank you.

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

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

It is an agreed-to amendment, and I would ask for an affirmative vote.

Thank you, sir.

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—192

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

Dally	Kessler	Perzel	Turzai
DeLuca	Killion	Petrarca	Vereb
Denlinger	King	Petrone	Vitali
DePasquale	Kirkland	Phillips	Vulakovich
Dermody	Kortz	Pickett	Wagner
DeWeese	Kula	Preston	Walko
DiGirolamo	Leach	Pyle	Wansacz
Eachus	Lentz	Quigley	Waters
Ellis	Levdansky	Quinn	Watson
Evans, D.	Longietti	Ramaley	White
Evans, J.	Mackereth	Rapp	Williams
Everett	Maher	Raymond	Wojnaroski
Fabrizio	Mahoney	Readshaw	Yewcic
Fairchild	Major	Reed	Youngblood
Fleck	Manderino	Reichley	Yudichak

NAYS-0

NOT VOTING-0

EXCUSED-11

Bishop	Kotik	Solobay	
Donatucci	Mustio	Steil	O'Brien, D.,
Grucela	Petri	Wheatley	Speaker
Keller, W.			

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 third consideration as amended?

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

* * *

The House proceeded to third consideration of **HB 948, PN 2723**, entitled:

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, providing for vouchers for licenses.

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-192

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

NAYS-0

NOT VOTING-0

EXCUSED-11

Bishop	Kotik	Solobay	
Donatucci	Mustio	Steil	O'Brien, D.,
Grucela	Petri	Wheatley	Speaker
Keller, W.			

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 1096, PN 2725**, entitled:

An Act amending the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, defining "council"; establishing the Uniform Construction Code Review and Advisory Council; and further providing for revised or successor codes and for training of inspectors.

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—192

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

Ellis	Levdansky	Quinn	Watson
Evans, D.	Longiotti	Ramaley	White
Evans, J.	Mackereth	Rapp	Williams
Everett	Maher	Raymond	Wojnaroski
Fabrizio	Mahoney	Readshaw	Yewcic
Fairchild	Major	Reed	Youngblood
Fleck	Manderino	Reichley	Yudichak

NAYS—0

NOT VOTING—0

EXCUSED—11

Bishop	Kotik	Solobay	
Donatucci	Mustio	Steil	O'Brien, D.,
Grucela	Petri	Wheatley	Speaker
Keller, W.			

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 1548, PN 2726**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for disposition of dependent child.

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?

On that question, the gentleman, Mr. Kortz, is recognized.
Mr. KORTZ. Thank you, Mr. Speaker.

Mr. Speaker, my good friend and colleague, Representative Vulakovich, and I jointly bring this bill to you today. We bring this bill to you because we believe in family structure, we believe in family continuity, and we believe in doing what is in the best interest of the children.

HB 1548 basically gives grandparents standing in the court's eyes for whatever reason the parents become unavailable or incapable of raising the children. It is important to note, Mr. Speaker, that there is still an evaluation process that must be satisfied. Hence, the willing and able grandparents do not automatically take control of the children. They must pass an evaluation and be deemed the appropriate custodian.

Mr. Speaker, the current law, Title 42, states that relatives must be considered. That is true. However, I would submit that the reality of the situation is it simply gives discretion to the

agency and the courts to do what it wishes. Furthermore, Act 25, kinship care, states that "the county agency shall give first consideration to placement with relatives." Mr. Speaker, that provision goes without force. In order for there to be any teeth in this platitude, grandparents must have standing to enforce the right to consideration.

Mr. Speaker, we believe that grandparents should be afforded the opportunity to participate during the entire dependency process so they can be evaluated to provide foster care, and that is precisely why we need this legislation, to explicitly grant standing so that grandparents can participate in the process and so that they can enforce the right to be evaluated.

A good example of the wrongs that have occurred under the current situation is in the *Baxter* case that was settled in 2001. In that case, Mr. Speaker, Grandmother Baxter fought to gain custody of her 3-month-old grandson. She worked her way through the court system all the way to the Pennsylvania Supreme Court. Four years later, she was successful in that event. However, 4 years went by. That is 4 years of wasted time in that child's life, and that is unacceptable.

Mr. Speaker, we do not want to see another Grandmother Baxter case play out in Pennsylvania. We do not want to see another family ripped apart wrongly, only to be reunited by a Supreme Court case 4 years down the road. We do not want to see another grandchild wrongly taken away from a willing and able and evaluation-deemed capable grandparent, because that is not in the best interest of the child.

To recap, Mr. Speaker, the current law is insufficient to provide consideration and a right to be heard by grandparents who want to be involved up front in the foster-care process. The Kinship Care Act has not been read to give grandparents the standing they need in order to be heard. It puts discretion in the hands of the agency. And even if the current law could do the trick, Mr. Speaker, what is the harm in making it more clear to the court system that they must give consideration to have an evaluation.

The merits of the bill are compelling: It keeps family members intact in relationships, it is good for the psychological health of the child, and it counterbalances the tearing of the family that is already occurring.

Mr. Speaker, HB 1548 is the right thing to do. It is in the best interest of the child, and I would humbly ask all my colleagues to vote in the affirmative. Thank you.

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

Mr. VULAKOVICH. Mr. Speaker, I rise in support of HB 1548. I am a co-prime sponsor of that bill, and my fellow Representative from Allegheny County has stated the case well, but I would like to just add a few things.

As far as background goes, tens of thousands of children need foster parents. Grandparents are often an overlooked resource in meeting this need. Many grandparents wish for the opportunity to be foster parents rather than have their relationship effectively cut off from their grandchildren. A solution: Grandparents should have the right to be heard from in court regarding the foster-care placement. Grandparents should be evaluated to be foster-care parents to their grandchildren, if they request it.

We have recognized as a society that it is not always in the best interest of children to be raised by their birth parents, such as when there is abuse and neglect. Children who are moved out

of dangerous situations after being adjudicated dependent are routinely moved into foster care or into institutional care. However, sometimes the best candidates for caring for dependent children are overlooked – their own grandparents. HB 1548 simply provides a mechanism for grandparents to be evaluated for placement of their dependent grandchildren and gives them the ability to be represented in court when that determination is made.

Typically, there are three stages in the dependency process. There is a dependency hearing, placement in foster care or an institution, and then the custody after foster-care placement. In the case of *Baxter*, which opponents have mentioned, it does not deal with the dependency umbrella at all. Instead, the case makes clear that a child who is placed with a foster parent and a grandparent is simply seeking custody in much the same way divorced parents would seek custody or visitation. The problem is that you do not get to the ultimate custody issue until going through the dependency process, a process that can take a very long time.

Current law is insufficient to provide for consideration and a right to be heard by grandparents who want to be involved in the foster-care process. The Kinship Act has not been read to give grandparents the standing they need in order to be heard. The Kinship Act puts discretion in the hands of the agency rather than the judge. Even if current law could do the trick, what is the harm in making it more clear when courts have not caught on? Besides, we are not seeking any automatic for the grandparents. The merits of the bill are compelling: It keeps family relationships intact, it is good for the psychological health of a child, and it counterbalances the tearing of the family that is already occurring.

While it is great that the grandparent can get involved to seek primary custody after the foster-care process is over – and keep in mind, they are already placed in the care of a preadoptive family – a grandparent should be afforded the opportunity to participate during the entire dependency process so that they can be evaluated to be foster-care parents. That is precisely why we need the proposed legislation, to explicitly grant standing so that grandparents can participate in the process and so that they can enforce a right to be evaluated. And I want to make these points clear: This bill does not change the parameters for adjudicating a child dependent, and this bill does not guarantee that the child will be placed with grandparents.

I urge an affirmative vote for this bill. I think it is a good bill. It is short, to the point, and this will certainly help a lot as far as keeping a family together, because grandparents are a very important part of the family.

I urge an affirmative vote.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentelady from York County, Mrs. Mackereth.

Mrs. MACKERETH. Mr. Speaker, I would like to interrogate the maker of the bill, please.

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

Mrs. MACKERETH. Thank you, Mr. Speaker.

As you know, the Kinship Care Act, which was passed by the General Assembly in 2004, requires the court to consider family members first when placing a dependent child. Can you please tell me how this legislation would impact existing law?

Mr. KORTZ. Yes, Mr. Speaker. The Kinship Act really has no teeth in it to guarantee that the relatives are looked at up

front. Right now, as my colleague mentioned, the kinship care deals with the custody end, and again, there are three phases – dependency, foster care, custody. What we are trying to do is get rid of the gap between custody and dependency. That gap is the high trauma time to the children, okay? That kinship care has not been read to help the families. We are trying to give grandparents standing, only so that they are considered in the mix in the beginning of the process, up front. No one is considered up front. They are not following that, and that is why we wanted to make this change.

Mrs. MACKERETH. Okay. As a follow-up to that, Mr. Speaker, I spoke with my judges; I spoke with the Juvenile Court Judges' Commission; I have spoken to the Department of Public Welfare, just to be sure, because a lot of these issues are very complicated, even though I did work with them for 17 years, and I believe that some of what you are saying may not be accurate, and let me just tell you some of the information that I have been hearing.

What the judges said is the way the Kinship Care Act is written, it is not for custody. It is not for custody; it is for dependency proceedings, and being for dependency proceedings, the way the Kinship Care Act was structured is, the agency does – as my colleague said, the agency is the source that initially places a child in care, in foster care – when the agency makes that determination, under the Kinship Care Act, they must consider all family members first. What your bill does, it says at a later time. Now they have to give the grandparents an evaluation and consider them, correct?

Mr. KORTZ. That is correct.

Mrs. MACKERETH. However, they should have already had that evaluation back at the very beginning, because all family members are considered prior to placement in a foster home. Therefore, my concern is that this— The dependency system is very, very confusing. If anybody has ever walked into a dependency proceeding, there are many attorneys, there are many people, representing everybody. My judges believe that this would only complicate an extremely complicated system already and that kinship care does cover this. So it is not for custody; it is for dependency.

The SPEAKER pro tempore. Will the gentelady please suspend.

The Chair has been advised that the gentelady now is debating rather than interrogating.

Mrs. MACKERETH. Sorry.

The SPEAKER pro tempore. Have you concluded your interrogation?

Mrs. MACKERETH. No, I have not. I will go on to the next question.

The SPEAKER pro tempore. You may proceed.

Mrs. MACKERETH. All right. What would happen if you have, say a mom and dad have a situation where they have an abused child. The father's parents, the grandparents, are living in Florida. They do not know the child, they never had contact with the child, but they fly in because of the situation. You also have, say, mom's sister who has been the stabilizing force for this child and family and has always been there for this child. Under your legislation, what would happen? Who would be given priority to get the children?

Mr. KORTZ. Mr. Speaker, under this legislation, an evaluation process will take place. This bill does not guarantee that the grandparents get the children. I want to make that perfectly clear. What it does, it puts them up front to have an

evaluation in the beginning of the process. It does not mean they are going to get the children. If through the evaluation the officer determines or the agency or whoever does it determines that this aunt or uncle or someone else, some other relative, is the better person for custodian, then that person will obviously take receivership. What we are trying to do is make sure that the grandparents are considered, that they are evaluated, that they are in the mix up front in the dependency stage, not thrown in the back at the custody phase.

Mrs. MACKERETH. Mr. Speaker, my question comes back to, how does this legislation differ from current law? Under 6351, section (2.1), "Subject to conditions and limitations as the court prescribes, transfer permanent legal custody to an individual resident in or outside this Commonwealth, including any relative..." who is "qualified to receive and care for the child." I do not understand how your legislation will be any different than what current law already is, if you can answer that.

Mr. KORTZ. Yes, Mr. Speaker. Title 42, section 6351, states that relatives must be considered, that is true, but again I would submit that the reality of the situation is, the agencies are using their discretion; they are not following that, and we are just trying to make it very clear to them and the court system that we want the grandparents considered and evaluated up front, again, in the dependency stage, not way at the end in the custody phase.

Mrs. MACKERETH. Okay. I would like to make a few comments, Mr. Speaker.

The SPEAKER pro tempore. The gentelady has concluded her interrogation and would like to now speak on the bill.

Mrs. MACKERETH. Yes. Thank you, Mr. Speaker.

The SPEAKER pro tempore. You may proceed. You are in order.

Mrs. MACKERETH. While I appreciate the support that the prime sponsor of the bill has for grandparents, many of whom are providing safe and loving homes for children who can no longer live with their parents, I do, however, believe that the child's best interest, not the grandparents' rights— Mr. Speaker, could I have the members' attention, please?

The SPEAKER pro tempore. The lady is correct. Members, kindly take your seats. Members, kindly, for the gentelady, your attention.

Mrs. MACKERETH. Thank you, Mr. Speaker.

Again, and this is an important part, I do believe that the child's best interest, not the grandparents' rights, should be the driving force behind any placement decision. The Kinship Care Act passed by this General Assembly already gives willing and qualified relatives first consideration when a child must be placed. I understand that the intent behind HB 1548 is to allow grandparents to receive consideration, but this is already occurring. This is already occurring. This statute states this very clearly. It requires that persons related to the parent or stepparent by blood/marriage to the third degree, which includes grandparents, be given first consideration as a placement resource. If a relative is not chosen, documentation must be included in the case record as to why they were not selected. Again, with the argument that was made by my colleague regarding that the children and youth agency is not following the law, that is a different issue that we need to address if that is occurring.

In addition, the Juvenile Act in section 6351 states that relatives must be given consideration by the court for placement

of a child, provided the individual is found qualified to receive and care for that child. My concern is that any provision that insinuates favoritism or gives preference to grandparents over other willing and able relatives is not best practice. If more than one relative or kin is interested and qualified to provide care, the individual with the closest bond and who can provide the best possible home for that child is chosen now – the best possible person is chosen now – and should continue to be chosen.

I urge a "no" vote on this piece of legislation. Thank you.

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

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

The Judiciary Committee, after doing its due diligence and having legal counsel research this and delve into it as best we could, we think this is a good piece of legislation. I would urge the members to support it. I think the two prime sponsors on this bill have done a good job, and I think it is time that we vote this bill and get on to other business.

Thank you, Mr. Speaker.

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

Mr. SIPTROTH. Thank you, Mr. Speaker.

Mr. Speaker, a little more than an hour ago, this chamber took under consideration the awareness issue for adoption, and I do not understand, if this is redundant in any way, why it has any effect on the bill whatsoever – if in fact this piece is redundant. Therefore, I would ask my colleagues to support HB 1548.

Thank you.

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

Ms. YOUNGBLOOD. Mr. Speaker, there are thousands of children that are being raised by their grandparents, but out of fear, out of fear, they do not have these individuals in the system. The grandparents are afraid that the children will be taken away from them, so they struggle and they struggle hard.

I am the prime sponsor of kinship care, and recently I got a rude awakening. I got a rude awakening that the agencies— Can I have quiet for a moment, please, because I think this is important.

The SPEAKER pro tempore. The gentlelady is correct.

Members, the gentlelady is having a difficult time speaking to the members and the members likewise hearing her.

Ms. YOUNGBLOOD. I was under the premise when the Governor signed this into law, kinship care, in October of 2003, that all the children and youth agencies across the State would follow suit and notify a relative or a grandparent when a child is born.

I recently received a letter, and I have not shared this with anybody except for a few people on how furious I am. We received a letter for a permanency hearing in Delaware County, and my son said, "A permanency hearing for what?" I said I had no idea. Come to find out when we got— This was on a Saturday, and Tuesday we had to be at Media Courthouse. Went to Media Courthouse, and they said, "You might be the putative father of 10-month-old identical twins." I asked for the paperwork, and in the first line of this paperwork, when the mother gave birth she said where her children's father lived, in my house in the city of Philadelphia, and also gave the name. But Delaware County Children and Youth decided to apply for an emergency custody hearing and placed them in Pottstown for 10 months. We had to do DNA testing, and what I asked, the

first thing, why did you not check with the State Police, PENNDOT, voter registration, and the registry? There are five things that could have been done. None of it was done. The ball was completely dropped.

It opened my eyes, even though I may have passed this legislation, the children and youth agencies across the State are not following through. Yes, we have them now, after going to court for a custody hearing and visiting my house, but these children could have been lost forever if that notice had not come into my house on a Saturday about a permanency hearing. I am not stupid. They were going to have the foster parents adopt the children and take away the rights that were never given to us. And to say, "Representative, I'm sorry; we dropped the ball," and to say to my son, "I'm sorry; we dropped the ball," that is not good enough for me. How many other children have been placed in this same predicament where the agencies do not follow suit?

The judge in any custody or dependency hearing is only going on what the agency states to them, and in this case, the agency did absolutely nothing. If they had checked through Google or any other search, there are only two James Youngbloods in the city of Philadelphia – my son and my ex-husband. So I think it is important that we pass the Kortz legislation to add some teeth.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentlelady and recognizes the gentleman, Mr. Thomas. Mr. Thomas waives off.

MOTION TO RECOMMIT

The SPEAKER pro tempore. The Chair recognizes the gentlelady, Mrs. Mackereth, for the second time.

Mrs. MACKERETH. Thank you, Mr. Speaker.

I would like to make a motion to refer this bill back to committee, and the reason for that is to hold a hearing so that we can hear from our judges. When I spoke to the Juvenile Court Judges' Commission this week, because they do not have authority over dependency proceedings, they did not get this information. Therefore, your judges do not even know this bill is coming up.

I would recommend that we have a hearing, so I make the motion to refer it back.

The SPEAKER pro tempore. Mrs. Mackereth, to which committee would you like to—

Mrs. MACKERETH. Judiciary.

The SPEAKER pro tempore. Thank you.

The gentlelady, Mrs. Mackereth, has made a motion to recommit this bill to the Judiciary Committee.

On the question,

Will the House agree to the motion?

The SPEAKER pro tempore. On that motion, the gentleman, Mr. Kortz, is recognized.

Mr. KORTZ. Thank you, Mr. Speaker.

I would ask that the members reject this, and I will tell you why. We had this before the Judiciary Committee, held it over, tabled it, talked it over, considered it, talked to the Department of Public Welfare, invited them to come in and modify the language. They chose to leave it the way it is and said, please

do not do anything; we would like the law to stay the way it is, and my good colleague and I differ with that opinion. So it was given a second week. It was vetted fully in the Judiciary process. The committee voted it out 27 to 2, and now here we are, several weeks later, and now we have got to hold it over again.

I would ask that we move this thing forward. It is time that we do what is in the best interest of the children, because this truly is what is in the best interest of the children. It puts them first. It gets them up in the beginning. It puts grandparents up there, up front, to have a hearing to try to stabilize the children in a highly traumatic time.

So I would ask that we move this bill forward today. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the motion to recommit, the Chair recognizes the gentleman, Mr. Marsico.

Mr. MARSICO. Thank you, Mr. Speaker.

I rise to support recommitting the bill to Judiciary. We need more information on this, especially from the agencies, DPW (Department of Public Welfare), as well as our courts.

Just for the members' information, DPW was brought up by the prime sponsor. They actually do not support this bill, and unfortunately, they say, in the case of this bill, they do not believe there is anything that they can do to amend the bill so that they can support it. They have said that when they believe they can improve a bill or suggest a compromise on an issue, they would go and reach out and do that, but in this case they cannot do anything to improve the bill, so unfortunately, they do not support it.

So I think that is important for the members of the House to actually think about, what support you are getting. The support is not from DPW; we have not heard from the legal system, from the courts. And I think that what Representative Mackereth said earlier is very important: It is in current law now, but we need to get some more information, and the best way to do that is to have a hearing.

So I ask for your support. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Mr. Vulakovich, are you seeking recognition on the motion?

Mr. VULAKOVICH. I just ask that we do not recommit the bill and eventually get on to voting on it, up or down.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the majority leader, Mr.—

Mr. McCALL. Whip.

The SPEAKER pro tempore. Excuse me; you just got a promotion. My apologies.

Mr. McCALL. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair retracts that and recognizes the majority whip, Mr. McCall.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, I would ask that we defeat the motion to recommit.

Mr. Speaker, the committee held a number of committee hearings on this issue. They brought in the Department of Public Welfare, received input from the Department of Public Welfare. The bill was moved out of committee by a vote of 27 to 2. There was an ample amount

of time for members to come forward and work out any problems that they had with this legislation.

The motion to recommit is simply a delay tactic. I would ask that we vote "no" on the recommitment motion.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Anyone else seeking recognition on the motion to recommit? Seeing none, those in favor will vote "aye"; those opposed, "no."

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

The following roll call was recorded:

YEAS—62

Argall	Gingrich	Marsico	Raymond
Baker	Godshall	Millard	Reed
Bastian	Harhart	Miller	Reichley
Benninghoff	Harper	Milne	Rock
Cappelli	Harris	Moul	Roebuck
Causar	Helm	Moyer	Rohrer
Clymer	Hennessey	Mundy	Ross
Cox	Hershey	Murt	Rublely
Creighton	Hess	Nailor	Saylor
Ellis	Josephs	Nickol	Smith, S.
Everett	Kauffman	Perry	Stairs
Fairchild	Keller, M.	Perzel	Stern
Fleck	Kenney	Phillips	Stevenson
Gabig	Killion	Pickett	Swanger
Geist	Mackereth	Quinn	Taylor, J.
Gillespie	Major		

NAYS—130

Adolph	Evans, J.	Markosek	Santoni
Barrar	Fabrizio	Marshall	Scavello
Bear	Frankel	McCall	Schroder
Belfanti	Freeman	McGeehan	Seip
Bennington	Galloway	McI. Smith	Shapiro
Beyer	George	McIlhattan	Shimkus
Bianucci	Gerber	Melio	Siproth
Blackwell	Gergely	Mensch	Smith, K.
Boback	Gibbons	Metcalfe	Smith, M.
Boyd	Goodman	Micozzie	Sonney
Brennan	Grell	Myers	Staback
Brooks	Haluska	O'Brien, M.	Sturla
Buxton	Hanna	O'Neill	Surra
Caltagirone	Harhai	Oliver	Tangretti
Carroll	Harkins	Pallone	Taylor, R.
Casorio	Hickernell	Parker	Thomas
Civera	Hornaman	Pashinski	True
Cohen	Hutchinson	Payne	Turzai
Conklin	James	Payton	Vereb
Costa	Kessler	Peifer	Vitali
Cruz	King	Petrarca	Vulakovich
Curry	Kirkland	Petrone	Wagner
Cutler	Kortz	Preston	Walko
Daley	Kula	Pyle	Wansacz
Dally	Leach	Quigley	Waters
DeLuca	Lentz	Ramaley	Watson
Denlinger	Levdansky	Rapp	White
DePasquale	Longietti	Readshaw	Williams
Dermody	Maher	Roae	Wojnaroski
DeWeese	Mahoney	Sabatina	Yewcic
DiGirolo	Manderino	Sainato	Youngblood
Eachus	Mann	Samuelson	Yudichak
Evans, D.	Mantz		

NOT VOTING-0

EXCUSED-11

Bishop	Kotik	Solobay	
Donatucci	Mustio	Steil	O'Brien, D.,
Grucela	Petri	Wheatley	Speaker
Keller, W.			

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

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS-181

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

NAYS-11

Bennington	Miller	Nickol	Rubley
Gillespie	Moul	Perry	Saylor
Mackereth	Mundy	Ross	

NOT VOTING-0

EXCUSED-11

Bishop	Kotik	Solobay	
Donatucci	Mustio	Steil	O'Brien, D.,
Grucela	Petri	Wheatley	Speaker
Keller, W.			

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

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

* * *

The House proceeded to third consideration of **SB 648, PN 1486**, 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; authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to the Allentown Commercial and Industrial Development Authority, or their assigns, certain lands situate in the City of Allentown, Lehigh County, Pennsylvania; and authorizing the Department of General Services, with the approval of the Governor, to grant and convey to Bensalem Township, certain lands situate in Bensalem Township, Bucks County; and authorizing the Department of General Services, with the approval of the Governor, to grant and convey to the Pennsylvania State Employees Credit Union, certain lands situate in Susquehanna Township, Dauphin County.

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—192

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

NAYS—0

NOT VOTING—0

EXCUSED—11

Bishop	Kotik	Solobay	
Donatucci	Mustio	Steil	O'Brien, D.,
Grucela	Petri	Wheatley	Speaker
Keller, W.			

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

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

HOUSE SCHEDULE

The SPEAKER pro tempore. The Chair at this time turns to the majority leader, Mr. DeWeese, for some announcements.

Mr. DeWEESE. Just one announcement, Mr. Speaker.

The members should realize that tomorrow will be a long voting day. We are going to report to the floor at 10 o'clock, not report to caucus, and commence voting on a long series of amendments on open records. So tomorrow should be a very, very involved day of amendments, commencing at 10 a.m.

The SPEAKER pro tempore. The Chair thanks the gentleman.

For the edification of the members, there will be no further recorded votes. We will have to go to special session and do some housekeeping.

TRANSPORTATION COMMITTEE MEETING

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

Mr. MARKOSEK. For an announcement, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. MARKOSEK. There will be a Transportation Committee meeting tomorrow promptly at 9:30. Also, PENNDOT is hosting a meeting at noon for winter preparations, particularly for the I-78 corridor, in room 302, Irvis Office Building, at noon.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

A Transportation Committee meeting will be held tomorrow at 9:30 a.m.

INTERGOVERNMENTAL AFFAIRS
COMMITTEE MEETING

The SPEAKER pro tempore. Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, tomorrow morning at 8:30 in room 302, there will be an Intergovernmental Affairs Committee meeting. Several bills and resolutions are on the calendar. I am urging all members to attend. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Intergovernmental Affairs Committee will meet tomorrow at 8:30 a.m. in room 302.

COMMITTEE MEETING POSTPONED

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

Mr. CALTAGIRONE. For the members of the Judiciary Committee that are still here or that may be listening in their offices, the meeting for tomorrow morning has been postponed until Wednesday morning, 9 a.m., room G-50. It is canceled tomorrow morning because session is starting at 10, but we would like to meet Wednesday morning, 9 a.m., G-50.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Are there any other announcements? Seeing none.

RECESS

The SPEAKER pro tempore. We are about to recess regular session and convene into special session at 5:45.

AFTER RECESS

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

CALENDAR CONTINUED

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 174, PN 2187**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for a special registration plate for veterans and members of United States military airborne units.

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

BILL TABLED

The SPEAKER pro tempore. The Chair recognizes the majority leader, who moves that HB 174 be removed from the active calendar and placed on the tabled bill calendar.

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

* * *

The House proceeded to second consideration of **HB 281, PN 2188**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for pedestrians soliciting rides or business.

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

BILL TABLED

The SPEAKER pro tempore. The Chair recognizes the majority leader, who moves that HB 281 be removed from the active calendar and placed on the tabled bill calendar.

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

* * *

The House proceeded to second consideration of **HB 885, PN 1039**, entitled:

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, providing for the implementation and coordination of advanced multimodal traveler information through 511 service and other means and for powers and duties of the Department of Transportation.

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

BILL TABLED

The SPEAKER pro tempore. The Chair recognizes the majority leader, who moves that HB 885 be removed from the active calendar and placed on the tabled bill calendar.

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

* * *

The House proceeded to second consideration of **HB 982, PN 2498**, entitled:

An Act establishing the Code Enforcement Challenge Grant Program; and providing for the powers and duties of the Department of Community and Economic Development.

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

BILL TABLED

The SPEAKER pro tempore. The Chair recognizes the majority leader, who moves that HB 982 be removed from the active calendar and placed on the tabled bill calendar.

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

BILL ON FINAL PASSAGE POSTPONED

The House proceeded to consideration on final passage postponed of **HB 1170, PN 1912**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for attendance in other school districts and for attendance of nonresident pupils.

On the question recurring,
Shall the bill pass finally?

BILL TABLED

The SPEAKER pro tempore. The Chair recognizes the majority leader, who moves that HB 1170 be removed from the active calendar and placed on the tabled bill calendar.

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

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1308, PN 1841**, entitled:

An Act amending the act of June 23, 1931 (P.L.932, No.317), known as The Third Class City Code, providing for a probationary period for police officers and firefighters.

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

BILL TABLED

The SPEAKER pro tempore. The Chair recognizes the majority leader, who moves that HB 1308 be removed from the active calendar and placed on the tabled bill calendar.

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

* * *

The House proceeded to second consideration of **HB 1649, PN 2124**, entitled:

An Act providing for fluoridation of public water.

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

BILL TABLED

The SPEAKER pro tempore. The Chair recognizes the majority leader, who moves that HB 1649 be removed from the active calendar and placed on the tabled bill calendar.

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

RESOLUTIONS

Mr. DeWEESE called up **HR 109, PN 1530**, entitled:

A Resolution establishing and directing a select committee to examine matters relating to the shortage of health care professionals in this Commonwealth.

On the question,
Will the House adopt the resolution?

RESOLUTION TABLED

The SPEAKER pro tempore. The Chair recognizes the majority leader, who moves that HR 109 be removed from the active calendar and placed on the tabled bill calendar.

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

* * *

Mr. DeWEESE called up **HR 112, PN 817**, entitled:

A Resolution directing the Department of Environmental Protection to identify and implement policies which encourage the use of current electronic waste recycling programs and expand existing programs.

On the question,
Will the House adopt the resolution?

RESOLUTION TABLED

The SPEAKER pro tempore. The Chair recognizes the majority leader, who moves that HR 112 be removed from the active calendar and placed on the tabled bill calendar.

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

* * *

Mr. DeWEESE called up **HR 268, PN 1523**, entitled:

A Resolution directing the Legislative Budget and Finance Committee to contract for an independent study of the Pennsylvania Game Commission's forestry and mineral development policies.

On the question,
Will the House adopt the resolution?

RESOLUTION TABLED

The SPEAKER pro tempore. The Chair recognizes the majority leader, who moves that HR 268 be removed from the active calendar and placed on the tabled bill calendar.

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

BILL REMOVED FROM TABLE

The SPEAKER pro tempore. The Chair recognizes the majority leader, who moves that the following bill be removed from the tabled bill calendar and placed on the active calendar: HB 1068.

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

BILL TABLED

The SPEAKER pro tempore. The Chair recognizes the majority leader, who moves that the following bill be removed from the active calendar and placed on the tabled bill calendar: HB 1068.

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

The SPEAKER pro tempore. Any further business in regular session? Seeing none.

LETTER SUBMITTED FOR THE RECORD

Mr. BELFANTI submitted the following letter for the Legislative Journal:

House of Representatives
Commonwealth of Pennsylvania
Harrisburg

October 29, 2007

Mr. Roger Nick
Chief Clerk
Pennsylvania House of Representatives
Room 129
Main Capitol Building
Harrisburg, PA 17120

Dear Mr. Nick:

I respectfully request that Representative Robert E. Belfanti be placed on the Master Roll for October 29, 2007. Due to clerical error, my office mistakenly requested leave for Representative Belfanti. Accordingly, I request that the Master Roll be amended to account for my office's error and list Representative Belfanti as being present. In addition, I request that a copy of this letter be inserted into the House Journal to accurately reflect Representative Belfanti's attendance on October 29, 2007.

Thank you for your prompt consideration of this matter. If you would like to further discuss this request, please do not hesitate to contact my office.

Sincerely,
Keith R. McCall
Majority Whip
122nd Legislative District
Pennsylvania House of Representatives

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Carroll from Luzerne County, who moves that this House do now adjourn until Tuesday, October 30, 2007, at 10 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 6:49 p.m., e.d.t., the House adjourned.