

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, MAY 7, 2008

SESSION OF 2008

192D OF THE GENERAL ASSEMBLY

No. 30

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (DENNIS M. O'BRIEN)
PRESIDING

PRAYER

The SPEAKER. The prayer will be offered by Pastor Jerry Smith, who is the guest of Representative Moyer.

PASTOR JERRY SMITH, Guest Chaplain of the House of Representatives, offered the following prayer:

Good morning.

Please join with me in prayer:

Father God, we are so very humbled as we come before You this time, for we behold in this august Assembly a great multitude of so many wonderful individuals who have heard Your call to serve this, our Commonwealth. We are so appreciative of their vision of service to our State government and its citizens. Our prayer is that they, along with their families, would receive Your rich, bountiful blessings and the support of their constituents.

Lord, we are ever mindful of the many loyal men and women of Pennsylvania who serve in the Armed Forces. We beseech You to bring them home to us. For their service and commitment, we are so thankful.

Lord, we ask You to bless the fine men and women who serve as police in both State and local municipalities, who daily serve Your people with their lives. Help us to acknowledge them and to offer our appreciation for all that they do for Pennsylvania.

In particular, Lord, we remember Sgt. Steve Liczbinski and thank him for his time with the Philadelphia Police Force and thank him for his dedication. A true hero, Lord; may his family and children be remembered.

For the many folk in our Commonwealth who truly exemplify the spirit of volunteerism and service, may a great blessing be given them. May they always be an inspiration to future generations.

In this season of springtime, we ask You, Father God, to pour out Your blessings upon all those men and women who participate in all areas of agriculture of the Commonwealth. May we continue to receive the rich harvest of abundance that this State has been blessed with.

Thank You, Father, for this glorious day and the opportunity to acknowledge You in all things. Amen.

Thank you.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal of Tuesday, May 6, 2008, will be postponed until printed. The Chair hears no objection.

LEAVES OF ABSENCE

The SPEAKER. The Chair turns to requests for leaves of absence and recognizes the majority whip, who requests that Representative CRUZ of Philadelphia and Representative MYERS of Philadelphia be placed on leave. The Chair sees no objection. Leaves will be granted.

The Chair turns to the minority whip, who requests that Representative RUBLEY of Chester County and Representative BENNINGHOFF of Centre County be placed on leave. The Chair sees no objection. Leaves will be granted.

Members will report to the floor.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—198

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

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—5

Benninghoff	Myers	Perry	Rubley
Cruz			

LEAVES ADDED—1

Stairs

LEAVES CANCELED—1

Benninghoff

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

GUESTS INTRODUCED

The SPEAKER. The Chair would like to welcome to the floor of the House, to the left of the Speaker, Eric Wingert, who is the guest of Representative Todd Rock. Eric is in Harrisburg today to shadow Representative Rock while he is at the Capitol. Eric is accompanied by his parents, Curtis and Sherry Wingert. Would you please stand and be recognized. Welcome to the floor of the House.

The Chair would like to recognize a group of students from Representative Marshall's legislative district, under the direction of Kenneth Nickel. They are here today as part of the Arts in Education Day and are from the Lincoln Park Performing Arts Charter School and will be performing in the East Wing Rotunda at 2 p.m. and all are invited. Would you please stand and be recognized.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 742 By Representatives STERN, ARGALL, FLECK, ROCK, VULAKOVICH, CAPPELLI, BAKER, READSHAW, HERSHEY, GALLOWAY, PICKETT, FAIRCHILD, CALTAGIRONE, MICOZZIE, WALKO, PHILLIPS, SHIMKUS, HARRIS, SONNEY, REICHLEY, GRUCELA, RUBLEY, HARHAI, M. KELLER, J. TAYLOR, J. WHITE, SAYLOR, DENLINGER, PETRONE, MAHONEY, TRUE, MCGEEHAN, SCAVELLO, MURT, KULA, HARHART, CLYMER, MOUL, HESS, BEYER, R. MILLER, ROHRER, WATSON, BOYD, SWANGER, BASTIAN and SIPTROTH

A Resolution directing the Department of Health to conduct a geographic study determining the accessibility and need for drug and alcohol treatment facilities throughout the counties of this Commonwealth and urging a moratorium on the issuance of new licenses for drug or alcohol treatment facilities until the completion of the study.

Referred to Committee on HEALTH AND HUMAN SERVICES, May 7, 2008.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2500 By Representatives GIBBONS, BOYD, CREIGHTON, CUTLER, EVERETT, GRELL, HARRIS, HORNAMAN, KORTZ, MAHONEY, McILVAINE SMITH, MUSTIO, PAYNE, READSHAW, ROAE, ROCK, SWANGER, VULAKOVICH, MOUL and SIPTROTH

A Joint Resolution proposing integrated amendments to the Constitution of the Commonwealth of Pennsylvania, further providing for terms of members and for the Legislative Reapportionment Commission.

Referred to Committee on STATE GOVERNMENT, May 7, 2008.

No. 2501 By Representatives READSHAW, BARRAR, BRENNAN, EVERETT, GEIST, GEORGE, HARKINS, HARHAI, HORNAMAN, M. KELLER, KORTZ, KOTIK, MILLARD, MOUL, PALLONE, PARKER, PASHINSKI, PETRARCA, PYLE, SWANGER, WHEATLEY and WOJNAROSKI

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in sales and use tax, further providing for exclusions from tax.

Referred to Committee on FINANCE, May 7, 2008.

No. 2502 By Representatives KING, CONKLIN, CRUZ, DeLUCA, GEORGE, GERGELY, GRUCELA, HARHAI, HERSHEY, HORNAMAN, LONGIETTI, MAHONEY, MARSHALL, M. O'BRIEN, PETRARCA, READSHAW, SCAVELLO, K. SMITH, R. TAYLOR, WAGNER, YUDICHAK, GEIST, PETRONE, ADOLPH and GIBBONS

An Act providing for a freeze on real estate taxes for senior citizens.

Referred to Committee on FINANCE, May 7, 2008.

No. 2503 By Representatives GIBBONS, CALTAGIRONE, CAPPELLI, EACHUS, FRANKEL, GEORGE, HARKINS, McILHATTAN, SAINATO, SURRA, BIANCUCCI, YUDICHAK, KULA and SIPTROTH

An Act amending Title 12 (Commerce and Trade) of the Pennsylvania Consolidated Statutes, providing for loans from the Pennsylvania Industrial Development Authority.

Referred to Committee on COMMERCE, May 7, 2008.

No. 2504 By Representatives GERBER, EACHUS, TURZAI, REED, R. TAYLOR, ADOLPH, ARGALL, BAKER, BEAR, BELFANTI, BENNINGHOFF, BOYD, BRENNAN, BUXTON, CALTAGIRONE, CAPPELLI, CARROLL, CAUSER, CIVERA, CLYMER, CONKLIN, COSTA, CREIGHTON, CUTLER, DALEY, DALLY, DeLUCA, DENLINGER, DePASQUALE, DERMODY, ELLIS, J. EVANS, EVERETT, FAIRCHILD, FLECK, FRANKEL, GEIST, GEORGE, GIBBONS, GILLESPIE, GINGRICH, GODSHALL, GOODMAN, GRELL, GRUCELA, HALUSKA, HARHAI, HARHART, HARKINS, HARPER, HARRIS, HENNESSEY, HERSHEY, HESS, HORNAMAN, HUTCHINSON, KAUFFMAN, M. KELLER, KENNEY, KESSLER, KILLION, KORTZ, KOTIK, KULA, LEACH, LENTZ, LONGIETTI, MACKERETH, MAHONEY, MAJOR, MANDERINO, MANN, MANTZ, MARKOSEK, MARSHALL, McCALL, McILHATTAN, McILVAINE SMITH, METCALFE, MICOZZIE, MILLARD, R. MILLER, MILNE, MOYER, MUNDY, MURT, MUSTIO, NAILOR, M. O'BRIEN, O'NEILL, PAYNE, PEIFER, PETRARCA, PETRI, PHILLIPS, PICKETT, PRESTON, PYLE, QUINN, RAMALEY, RAYMOND, READSHAW, REICHLEY, ROAE, ROSS, RUBLEY, SABATINA, SAINATO, SANTONI, SAYLOR, SCAVELLO, SCHRODER, SEIP, SHAPIRO, SIPTROTH, K. SMITH, M. SMITH, SOLOBAY, SONNEY, STABACK, STEIL, R. STEVENSON, STURLA, SURRA, SWANGER, J. TAYLOR, TRUE, VULAKOVICH, WALKO, WANSACZ, J. WHITE, WOJNAROSKI, YOUNGBLOOD and YUDICHAK

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in corporate net income tax, further providing for the definition of "taxable income."

Referred to Committee on FINANCE, May 7, 2008.

No. 2505 By Representatives CIVERA, VULAKOVICH, BARRAR, BELFANTI, CALTAGIRONE, CREIGHTON, FRANKEL, FREEMAN, GINGRICH, GOODMAN, HARRIS, HORNAMAN, KILLION, KOTIK, LEVDANSKY, McGEEHAN, MELIO, MICOZZIE, MUSTIO, PHILLIPS, READSHAW, SAYLOR, SWANGER, J. WHITE and SIPTROTH

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, requiring that institutions of higher education located in this Commonwealth provide processes and mechanisms for parents and others to be authorized to receive information about students attending the institutions; and directing the Department of Education to develop a form of power of attorney to be accepted by institutions of higher education to allow students to authorize others to act on their behalf.

Referred to Committee on EDUCATION, May 7, 2008.

No. 2506 By Representatives CREIGHTON, CALTAGIRONE, CAPPELLI, DENLINGER, GEIST, KOTIK, MOUL, SAYLOR, SWANGER and SIPTROTH

An Act amending the act of December 7, 1990 (P.L.615, No.156), known as the Official Visitation of Prisons Act, further providing for the definition of "official visitor."

Referred to Committee on JUDICIARY, May 7, 2008.

No. 2507 By Representatives CREIGHTON, BEYER, CALTAGIRONE, EVERETT, GEIST, GILLESPIE, GINGRICH, HARRIS, HERSHEY, HUTCHINSON, KORTZ, KULA, McILVAINE SMITH, MILNE, MOUL, MOYER, MURT, PYLE, K. SMITH and SWANGER

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 tax levy and limitations.

Referred to Committee on FINANCE, May 7, 2008.

No. 2509 By Representatives GERBER, KENNEY, ADOLPH, BELFANTI, BRENNAN, CAPPELLI, CUTLER, FAIRCHILD, FRANKEL, GEORGE, GINGRICH, GODSHALL, GOODMAN, HALUSKA, HARKINS, HARPER, JOSEPHS, KILLION, LENTZ, LONGIETTI, MANN, McGEEHAN, McILHATTAN, McILVAINE SMITH, MENSCH, MICOZZIE, MOUL, NAILOR, M. O'BRIEN, PALLONE, PASHINSKI, PAYNE, PHILLIPS, READSHAW, REICHLEY, RUBLEY, SANTONI, SIPTROTH, VULAKOVICH, WATSON, SURRA, SAYLOR, J. WHITE, KULA and MILNE

An Act providing for liability for false claims, for treble damages, costs and civil penalties, for powers of the Attorney General, for qui tam actions and for adoption of legislative history of the Federal False Claims Act.

Referred to Committee on HEALTH AND HUMAN SERVICES, May 7, 2008.

SENATE BILL FOR CONCURRENCE

The clerk of the Senate, being introduced, presented the following bill for concurrence:

SB 1149, PN 1973

Referred to Committee on JUDICIARY, May 7, 2008.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE AND REFERRED TO COMMITTEE ON RULES

The clerk of the Senate, being introduced, returned **HB 501, PN 3638**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

BILL SIGNED BY SPEAKER

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

SB 1017, PN 1269

An Act amending the act of July 5, 1989 (P.L.166, No.31), known as the Phosphate Detergent Act, further providing for exclusions and exceptions.

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

GUESTS INTRODUCED

The SPEAKER. The Chair would like to welcome, as the guests of Representative Dan Surra, Leadership Elk County. They are in the balcony. Would you please welcome our guests to the floor of the House. Would you please stand and be recognized.

ARTS IN EDUCATION DAY**STATEMENT BY SPEAKER**

The SPEAKER. Could I have the attention of the members.

It has been said that all the flowers of all the tomorrows are in the seeds of today. It is through the efforts of our art educators that the seeds of creativity are instilled within Pennsylvania's youth.

Today, within our beautiful Capitol, we come together to celebrate the 13th Annual Pennsylvania Arts in Education Day with a theme of "Sowing the Seeds of Creativity." Our celebration salutes Pennsylvania's art educators who cultivate in our schools one of the great pillars of society – art – for generations to come.

Today we welcome Pennsylvania's finest young singers, dancers, musicians, actors, and visual artists from all corners of the Commonwealth who have traveled here to share their talents and skills.

We have 14 school groups sharing their talents and gifts with us throughout the day in the rotunda, East Wing, and in Strawberry Square. I urge all members to go watch and enjoy these performances. In addition, samples from the Pennsylvania Art Educators Association's juried art show are on exhibit in the East Wing.

FRANCESCA FIORE PRESENTED

The SPEAKER. To further celebrate Arts in Education Day this morning, we will have a short performance here in the chamber.

Francesca Fiore, the 2008 winner of the Pennsylvania statewide Poetry Out-Loud Competition and a student from Representative Barb McIlvaine Smith's legislative district, will recite "The Windhover," a poem by Gerard Manley Hopkins and one of the poems that helped her win the competition between thousands of young Pennsylvania poetry scholars.

Members of the General Assembly, please welcome Francesca to the podium.

The Chair will ask all members to please take their seats. We have a very special guest. I am sure you will enjoy the recitation of this poetry. Members will take their seats.

Welcome, Francesca.

Ms. FIORE. "The Windhover," by Gerard Manley Hopkins.

To Christ Our Lord

I caught this morning morning's minion, kingdom
of daylight's dauphin, dapple-dawn-drawn
Falcon, in his riding
Of the rolling level underneath him steady air, and
striding
High there, how he rung upon the rein of a
wimpling wing
In his ecstasy! then off, off forth on swing,
As a skate's heel sweeps smooth on a bow-bend the
hurl and gliding
Rebuffed the big wind. My heart in hiding
Stirred for a bird – the achieve of; the mastery of
the thing!

Brute beauty and valour and act, oh, air, pride,
plume, here
Buckle! AND the fire that breaks from thee then, a
billion
Times told lovelier, more dangerous, O my
chevalier!

No wonder of it: sheer plod makes plough down
sillion

Shine, and blue-bleak embers, ah my dear,
Fall, gall themselves, and gash gold-vermillion.

Thank you.

The SPEAKER. Thanks, Francesca. That was a beautiful gift to share with us on Arts in Education Day. Congratulations on your outstanding achievement.

It is appropriate that we recognize the arts in a location as grand and beautiful as our State Capitol, a building whose very existence celebrates artistic freedom as a pillar of our society and our Commonwealth.

We give our sincere thanks to the educators and the student artists' parents who have guided and encouraged these students to achieve such success. Their efforts to preserve and expand Pennsylvania's creative future are greatly appreciated.

And finally, a heartfelt thank you to the Citizens for the Arts in Pennsylvania and our partners in organizing and producing Arts in Education Day 2008.

Thank you again, Francesca.

FORMER MEMBER WELCOMED

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

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

If I could address the Chair for a moment?

The SPEAKER. Yeah; who is that stranger behind you?

Mr. GEIST. That is what I want to talk about.

You know, there are members of the General Assembly, and there are members of the General Assembly. There are those who retire who were truly members' members, and one of those guys is Nick Moehlmann behind me, and I just wish that we

would all give him a round of applause and welcome him back for a visit. Nick has been a very special member for this place.

The SPEAKER. Nick, you must drink from the same bottle that Dick Clark drinks from.

GUEST INTRODUCED

The SPEAKER. The Chair would like to welcome Mikel Cammisa today, who is here as the guest of Representative Todd Eachus. Mikel is serving as a guest page and is also a seventh grade student in the Hazleton Area School District. Mikel, welcome, and I have had the pleasure of spending some time with you this morning. Where is Mikel?

Mikel, would you please wave to everyone? Welcome to the floor of the House.

DYLAN ALTON PRESENTED

The SPEAKER. The Chair would like to invite Representative Michael Hanna to the podium for the purpose of a citation.

Representative Hanna is in order and may proceed.

Mr. HANNA. Thank you, Mr. Speaker.

Ladies and gentlemen, it is my honor to introduce to you today Dylan Alton, this year's PIAA 135-pound State wrestling champion.

Joining Dylan here on the podium are his coaches, Coach Buckwalter and Coach Glossner, both from Central Mountain High School.

Dylan is a sophomore at Central Mountain High School, so while we are very proud of his State championship, we are looking forward to seeing him back up here in the years to come. Not much pressure, Dylan.

Dylan won his title over Indian Valley's Adam Will, and Dylan had to beat him five times this year. He beat Adam for his district title, he beat him for his regional title, and he beat him for his State title as well, and also beat him in the King of the Mountain Tournament as well and in the regular season.

Dylan's victory was an 8-2 victory after an amazing 45-and-1 record for this year. And remember now, this is a sophomore, so his 2-year record as a freshman and a sophomore is an 84-and-5 2-year record. Last year he was seventh, and this year he was the State champion.

Dylan is the first State champion from Central Mountain High School. Central Mountain High School is a jointure of three wrestling powerhouses – Lock Haven High School, Bald Eagle-Nittany High School, and Sugar Valley High School. But Dylan is our first State champion from Central Mountain High School.

As I said, joining Dylan today are Coach Buckwalter, Coach Glossner, and also his brother, Andrew Alton. Andrew is in the back of the hall of the House. Andrew finished third this year – twin brother. Twin brother Andrew is a sophomore as well. He finished third. Andrew, do you want to stand up? Jordan Rich. Jordan finished fourth; Jonathan Quiggle, who finished fifth; Glenn Barnes; and Forrest Bechdel. These wrestlers, together with the rest of their team, managed a second-place finish in the States this year.

So we are very proud of Central Mountain High School, but particularly proud of Dylan Alton, and it is my pleasure to

present to him today this citation from the Commonwealth of Pennsylvania House of Representatives.

Congratulations, Dylan Alton. Give him a warm round of applause, please.

CALENDAR

RESOLUTIONS PURSUANT TO RULE 35

Ms. PICKETT called up **HR 630, PN 3380**, entitled:

A Resolution designating the week of May 12 through 18, 2008, as "Salvation Army Week" in Pennsylvania.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—198

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Benninghoff Myers Perry Rubley
Cruz

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

* * *

Mr. M. SMITH called up **HR 643, PN 3421**, entitled:

A Resolution recognizing the week of May 11 through 17, 2008, as "Food Allergy Awareness Week" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—198

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

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Benninghoff Myers Perry Rubley
Cruz

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

* * *

Mr. CAPPELLI called up **HR 660, PN 3465**, entitled:

A Resolution designating May 11 through 17, 2008, as "National Nursing Home Week" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—198

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

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Benninghoff	Myers	Perry	Rubley
Cruz			

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

* * *

Mr. HESS called up **HR 689, PN 3543**, entitled:

A Resolution recognizing the Bedford County Young at Heart Games.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—198

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

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Benninghoff	Myers	Perry	Rubley
Cruz			

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

VOTE CORRECTION

The SPEAKER. For what purpose does Representative Swanger rise?

Mrs. SWANGER. Thank you, Mr. Speaker.

I am requesting to correct a malfunctioning vote on an amendment to HB 2297, which was taken yesterday. The amendment is specifically A6531 introduced by Representative Boyd. My vote was recorded as a "no," and I would like to correct that to a "yes" vote. That is amendment A6531 to HB 2297. Thank you.

The SPEAKER. The Chair thanks the lady. Her remarks will be spread upon the record.

APPROPRIATIONS COMMITTEE MEETING

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

Mr. W. KELLER. Thank you, Mr. Speaker.

I would like to announce an Appropriations meeting—

The SPEAKER. The gentleman is in order.

Mr. W. KELLER. —in the majority caucus room immediately following the break. Thank you.

The SPEAKER. The Chair thanks the gentleman.

Appropriations will meet in the majority caucus room immediately at the break.

DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes Representative Surra.

Mr. SURRA. Thank you, Mr. Speaker.

Right after the Appropriations Committee meeting, which will probably take about 15 minutes, there will be a House Democratic caucus in the majority caucus room, and for the information of the members, we plan on being back on the House floor then at 12:30.

Thank you, Mr. Speaker.

REPUBLICAN CAUCUS

The SPEAKER. Representative Major.

Miss MAJOR. Thank you, Mr. Speaker.

I would like to call a Republican caucus immediately at the call of the recess. That is, all Republicans please report to caucus at the call of the recess. Thank you.

The SPEAKER. The Chair thanks the lady.

Are there any other announcements?

RECESS

The SPEAKER. This House will stand in recess until 12:30 p.m., unless sooner recalled by the Chair.

AFTER RECESS

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

SENATE MESSAGE

**AMENDED HOUSE BILL RETURNED
FOR CONCURRENCE AND
REFERRED TO COMMITTEE ON RULES**

The clerk of the Senate, being introduced, returned **HB 500, PN 3703**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

BILLS REREPORTED FROM COMMITTEE**HB 2087, PN 3452**

By Rep. D. EVANS

An Act amending the act of December 17, 1968 (P.L.1224, No.387), known as the Unfair Trade Practices and Consumer Protection Law, further providing for definitions; and adding provisions relating to unsafe children's products.

APPROPRIATIONS.**SB 1278, PN 1844**

By Rep. D. EVANS

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for child medical support, annual fees, review of orders of support, effect of incarceration, pass-through of support and assignment of support.

APPROPRIATIONS.

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

BILLS REREPORTED FROM COMMITTEE**HB 1090, PN 1322**

By Rep. D. EVANS

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further providing for powers and duties of Municipal Police Officers' Education and Training Commission.

APPROPRIATIONS.**HB 2182, PN 3114**

By Rep. D. EVANS

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, further providing for onsite complaint investigations and plans of correction.

APPROPRIATIONS.

The SPEAKER. Those bills will be placed on the active calendar.

COMMUNICATIONS

The SPEAKER. The Speaker acknowledges receipt of the following reports, which the clerk will read.

The following communications were read:

A communication dated May 1, 2008, from the Secretary of the Department of Agriculture, submitted pursuant to section 14.4 of Act 149 of 1988, providing a copy of the department's annual report for the period of February 28, 2007, to February 29, 2008.

A communication dated March 28, 2008, from the Secretary of the Department of Education, submitted pursuant to section 1711-B of the School Code, providing a copy of the department's annual report on the status of the districts on the education empowerment list in Pennsylvania.

A communication dated March 28, 2008, from the Secretary of the Budget, providing a copy of the Commonwealth's Annual Financial Report for the fiscal year ended June 30, 2007.

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

RECESS

The SPEAKER. It is the intention of the Chair to recess regular session at 12:34 to go into special session.

Regular session of the House is now in recess.

AFTER RECESS

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

WEST CHESTER EAST HIGH SCHOOL VARSITY ICE HOCKEY TEAM INTRODUCED

The SPEAKER. The Chair recognizes Representative Barb McIlvaine Smith for an introduction.

Ms. McILVAINE SMITH. Thank you, Mr. Speaker.

Today I am very pleased to announce that the West Chester East High School Vikings Varsity Ice Hockey Team is here with me, and I would like to congratulate them upon winning the championship of the Inter-County Scholastic Hockey League for 2007-2008; the 2008 Flyers' Cup Single-A Championship; and the 2008 Pennsylvania State Championship, Class A Division.

The Vikings amassed a record of 20 wins and 7 losses during an outstanding season, during which they won 12 out of their last 13 games, and I would like to recognize these team members that are here: Jamie Walter, Mike Carpenter, Andrew Lamont, Pat McHugh, Joe Imparo, Tony Imparo, Chris Binder, Bobby McLaughlin, John Walton, Alex Cruik, Brian Leonard, Dan Morlock, Sean Garahan, Austin Leathers, Josh Hochstetler, David Donzanti, David Legnini, Reese LePard, Jay Lynch, Steve Oriente, Mike Loughlin, Derek Prucnal. Please give them a warm round of applause.

I would also like to recognize their coach, who is the Coach of the Year, Drew Cox. If you will stand, along with T.R. Moreau.

Thank you so much.

STATEMENT BY MR. GRELL

The SPEAKER. For what purpose does Representative Grell rise?

Mr. GRELL. Mr. Speaker, under unanimous consent.

The SPEAKER. The gentleman is in order under the provision of unanimous consent and may proceed.

Mr. GRELL. Mr. Speaker, with deep regret, I rise at this time to note the passing last night of a Pennsylvania icon – a true public servant, a business leader, a conservationist, and a bird enthusiast extraordinaire – no less a personage than my friend and constituent, Clifford L. Jones.

Among his many, many positions of public and community service, Cliff was the Secretary of the Department of Labor and Industry, the Secretary of the Department of Commerce, the Secretary of the Department of Environmental Resources, the Chairman of the Pennsylvania Public Utility Commission, also the Chairman of the Republican State Committee and the Pennsylvania Chamber of Business and Industry, along with scores of community and regional boards, task forces, and the like.

On this sad day, may we pause just a moment in our deliberations to recognize the many and diverse contributions of this fine Pennsylvanian and extend the sympathies of the House to his wife, Carole, and to his entire family. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

CALENDAR CONTINUED

RESOLUTIONS PURSUANT TO RULE 35

Mr. RAMALEY called up **HR 717, PN 3644**, entitled:

A Resolution honoring the City of Aliquippa, Beaver County, on its 100th anniversary.

On the question,

Will the House adopt the resolution?

(Members proceeded to vote.)

LEAVE OF ABSENCE CANCELED

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

CONSIDERATION OF HR 717 CONTINUED

On the question recurring,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—199

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

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

NAYS—0

NOT VOTING—0

EXCUSED—4

Cruz	Myers	Perry	Rubley
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The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

* * *

Mr. CAPPELLI called up **HR 728, PN 3701**, entitled:

A Resolution designating May 10, 2008, as "Letter Carrier Food Drive Day" in Pennsylvania; and commending the National Association of Letter Carriers for its humanitarian efforts to eliminate hunger.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—199

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

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

NAYS—0

NOT VOTING—0

EXCUSED—4

Cruz	Myers	Perry	Rubley
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The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

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Mr. GOODMAN called up **HR 734, PN 3659**, entitled:

A Resolution recognizing the week of May 11 through 17, 2008, as "National Women's Health Week" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—199

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

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

NAYS—0

NOT VOTING—0

EXCUSED—4

Cruz	Myers	Perry	Rubley
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The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

* * *

Mr. CONKLIN called up **HR 736, PN 3695**, entitled:

A Resolution recognizing May 8 and 9, 2008, as "Statewide Ride-a-Long Days" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—199

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

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

NAYS—0

NOT VOTING—0

EXCUSED—4

Cruz	Myers	Perry	Rubley
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The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

The SPEAKER. The House will be temporarily at ease.

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1699, PN 2249**, entitled:

An Act amending the act of December 12, 1994 (P.L.1023, No.139), known as the Independent Living Services Act, further providing for the composition of the Statewide Independent Living Council.

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

SUPPLEMENTAL CALENDAR A

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 2087, PN 3452**, entitled:

An Act amending the act of December 17, 1968 (P.L.1224, No.387), known as the Unfair Trade Practices and Consumer Protection Law, further providing for definitions; and adding provisions relating to unsafe children's products.

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

* * *

The House proceeded to second consideration of **SB 1278, PN 1844**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for child medical support, annual fees, review of orders of support, effect of incarceration, pass-through of support and assignment of support.

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

Ms. **HARPER** offered the following amendment No. **A06776**:

Amend Sec. 2 (Sec. 4351), page 5, line 14, by striking out "a" and inserting

an annual

Amend Sec. 2 (Sec. 4351), page 5, line 19, by inserting after "the" where it appears the first time

annual

Amend Sec. 2 (Sec. 4351), page 5, lines 19 through 22, by striking out "for those cases in which the" in line 19 and all of lines 20 through 22 and inserting

in all cases in which a fee is imposed under this subsection.

Amend Sec. 4 (Sec. 4374), page 10, line 21, by striking out the bracket before the period

Amend Sec. 4 (Sec. 4374), page 10, lines 21 through 24, by striking out "]" with the exception of the" in line 21 and all of lines 22 through 24

Amend Sec. 4 (Sec. 4374), page 10, lines 25 and 26, by striking out all of said lines and inserting

(d) Retention by Commonwealth.—Arrearages collected through use of the Internal

Amend Sec. 4 (Sec. 4374), page 11, lines 17 through 20, by striking out all of said lines

Amend Sec. 5, page 12, lines 28 and 29, by striking out ", 4352 AND 4374(C)(3)" and inserting
and 4352

Amend Sec. 6, page 13, line 1, by striking out "(d)(1)" and inserting

(d)

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

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

The Chair will ask all members to please take their seats. Members will please take their seats.

Representative Harper is in order and may proceed.

Ms. HARPER. Thank you very much, Mr. Speaker.

This is an amendment which removes the fee of \$25 for families receiving child support in Pennsylvania. This is a brand-new tax on working moms and dads who receive child support, and the chamber supported this amendment by a huge margin just 2 weeks ago when we voted this exact same language on the House version of this bill.

The Federal government gives Pennsylvania \$11 billion every year for social service spending, and it gives Pennsylvania \$175 million every year purely for child support. The Federal government is requesting an amount back which would be about \$2 million if this amendment went in. However, this would mark the very first time that the Commonwealth has taxed children for receiving child support. It is a very bad idea, and most of my colleagues agreed with that before.

Mr. Speaker, I would like to read a letter that I have received from a mom on this subject.

The SPEAKER. If the lady will suspend.

The Chair will advise the members the noise level is entirely too loud. Members will take their conversations off the floor.

Representative Harper.

Ms. HARPER. Thank you, Mr. Speaker.

"On Behalf of the Association of Children for Enforcement of Support...I, the undersigned, absolutely, express our complete support for Representative Kate Harper's amendment to Senate Bill...1278."

These are her words: "I was unfortunately unaware of this proposed amendment, and would otherwise not have supported the Department of Public Welfare's proposal. There are so many families affected by even an extra \$25.00 payment. It can make the difference of a meal, warm clothing, proper shelter, electricity. I realize it may be hard" for you "to put yourselves in their shoes, what's \$25.00 for most of you? Yet I speak to women and...men almost every day who don't know how they are going to pay next month's rent, stretch the food money, pay utilities, not to mention gas.

"Please,...do the right thing and support Representative Harper's Amendment."

Some have said that this is merely a user fee and that it is okay to tax children who use our child support services to collect child support from their parents, but we do not charge the children in our public schools a user fee. There are some things that we recognize as a Commonwealth, as a society, that are good for our Commonwealth and for our democracy. Public schools are one of these things, and they are much more expensive than collecting child support.

Each of the members has also received by e-mail a letter from District Attorney Lynne Abraham, who supports the Harper amendment. Right now, District Attorney Lynne Abraham and her Child Support Enforcement Unit are collecting thousands of dollars a year for children who need child support from their parents. This is not a government handout. Those who are receiving welfare payments have the costs absorbed by the Pennsylvania taxpayers. This is working families who are transferring money from a dad to a mom or a mom to a dad who are being taxed for the first time in Pennsylvania for that service that the Commonwealth has been providing without the need to tax children.

I would ask my colleagues who voted with me before to stay with me now and not have Pennsylvania stoop to a new low of taxing children who need child support. With the divorce rate in Pennsylvania at one out of two, every single one of us has constituents who are in this situation. There are more than 150,000—

The SPEAKER. Will the lady suspend for one moment?

Ms. HARPER. Sure.

The SPEAKER. The noise level on the floor is entirely too loud. Conferences will break up. Conferences on the floor will break up. The lady is entitled to be heard.

Representative Harper.

Ms. HARPER. Thank you, Mr. Speaker.

There are more than 150,000 families across Pennsylvania who will be taxed for the first time for receiving child support. Some of these families are receiving an amount as low as \$166 per month. I do not know about you, but when I did my grocery shopping last week, I spent that for 1 week's worth of groceries for my household. If I were depending on \$166 a month to raise children, I assure you I could not spare the \$25 tax that Pennsylvania is contemplating enacting at this time. It is just not fair.

It is in all of Pennsylvania's best interests to see that child support is collected promptly, and I would ask my colleagues not to let Pennsylvania stoop to a new low and tax children who need child support.

Thank you very much, Mr. Speaker.

The SPEAKER. Representative Evans.

Mr. D. EVANS. Mr. Speaker, some of you may recall that this issue came up some time ago, and it is not a new issue. This is something that is mandated by the Federal government to update the State child support statute. The Federal government is the one that is saying to us, if we do not take this action, that the Commonwealth of Pennsylvania is at risk of losing over \$700 million.

I said, I said some time ago, that people constantly comment on our decisions on this floor, and I understand that the young lady from Montgomery County constantly is kind of playing the political game when she used the word "tax." She used that word constantly, and she used that word for the particular purpose of trying to scare people during the election year. She said it over and over again; she mentioned "tax." But what she did not say to you is that the Commonwealth of Pennsylvania will lose \$700 million. It is now May the 7th, and each day we are put in jeopardy of losing that money.

Now, we need to send this bill directly to the Governor. You know, believe me, I understood it last time when I stood on this floor and I said what I said last time. You know, some people laughed and some people said, how can you be against children? And it was about three people. You know, Mr. Speaker, we are in budget season; we are in budget season.

Mr. Speaker, can I get a little order, please?

The SPEAKER. The gentleman is correct.

Members will please take their seats. Conversations will end or they will go to the anteroom. The gentleman is entitled to be heard.

Representative Evans.

Mr. D. EVANS. Thank you, Mr. Speaker.

So, Mr. Speaker, this is a very crucial time for us in the Commonwealth of Pennsylvania. You know what is happening all throughout the United States. You clearly understand the statistics and the numbers. Mr. Speaker, I understand what the

lady would like to attempt to do, and I respect her for what she is attempting to do, but I just think that this is not the time for attempting to do what she wants to do.

Now, you know, I know there are people who have tried to talk to her, but she has herself focused on it. You know, she feels she has got an issue here. She feels that she mentioned "tax" over and over again to you on this floor, and right away some of you are not going to be listening to what needs to be understood. I just expressed to you about the impact that it could have on the Commonwealth of Pennsylvania's budget.

Now, here we have a chance, in my view, Mr. Speaker, to send a very clear message, that this requirement will cost the Commonwealth of Pennsylvania \$2.4 million in the current year and \$3 million in the upcoming year. This amendment would require the Commonwealth to pay the annual fee for all cases, even though annual child support exceeds over \$10,000.

As we move forward in this process, we need to carefully examine all revenue and all expenditures and not have somebody just come up here and just tell you that this can be done. So I am asking you, on both sides of the aisle, that we should be "no" on the Harper amendment. We should be "no" on the Harper amendment. As we go into this budget process, we do not need to continue expending money we do not have, first; secondly, with the aspect of the Federal government talking about withdrawing \$700 million.

So I ask you, Mr. Speaker, and I plead with you that you be "no" on the Harper amendment. Thank you, Mr. Speaker.

The SPEAKER. Representative Mundy.

Ms. MUNDY. Thank you, Mr. Speaker.

Representative Harper's concern for children is commendable, and perhaps the State should pick up more of the share above a \$2,000 income limit, and I would be very willing to negotiate this through the State budget. I would be very willing to pick up a higher — raise the income from child support to a higher level. I think I would take in the overall income of the individual, because I am told that there are people who make literally hundreds of thousands of dollars who contribute, who have their child support collected by the State who now are going to be having the State pick up this \$25. So I think it is wonderful that people can stand up on the House floor and talk about their care for children without telling us how we are supposed to pay for the hole that it will leave in our State budget.

I think this needs to be negotiated through the budget. This is not the appropriate vehicle. We need to get this vehicle over to the Senate clean. We need to get it to the Governor's desk as soon as possible. And again, I would be more than happy to work with our Appropriations staff and the Republican Appropriations staff and leaders to identify where we can come up with the millions that are being requested through this amendment. But today is not the day for that discussion. We do not identify in this amendment where that money is coming from. Let us do that through the appropriate vehicle of the State budget, and then if there are ways where we can pick up this cost, where we can increase the amount of collections, that we are picking up the amount of the \$25 for the individual, that would be fine with me, and I would look forward to working with Representative Harper along those lines.

Again, today is not the day; this is not the bill. Let us do what we need to do to be fiscally responsible and get this bill to the Governor's desk so that we can meet our Federal

requirements and not lose the \$700-some million that is at risk here.

Thank you, Mr. Speaker.

The SPEAKER. Representative Manderino.

Ms. MANDERINO. Thank you, Mr. Speaker.

I rise to ask members to vote "no" on this amendment, 6776. I am very sympathetic to the position of the maker of the amendment, and I say this with some confidence, and I am sure other members of this chamber could say this with confidence, too, I will put my record of commitment to families and children in Pennsylvania and their priorities in the budget up next to anybody, because I am proud of the record that I have in this House for standing for children and for families. And when this amendment was offered in the House before the March 31 plan compliance deadline, I supported it, but I supported it without understanding a few things that I want to reiterate and make sure that members understand.

First of all, this \$25 fee is not something that the State is taking and keeping. This \$25 fee is a federally mandated requirement. So we must send \$25 per year per case to the Feds regardless of where the money comes from. Now, I think that DPW (Department of Public Welfare) has struck a sensible and sensitive balance between trying to have the State taxpayers pick up this federally mandated fee for those that have very low child support payment orders but at the same time balance the budget considerations.

But here is the reality of where we are. It is a federally mandated requirement. The States must have a State compliant plan in place. The deadline was, the deadline was March 31. We are beyond the deadline. Because we are beyond the deadline, all of our Federal TANF (Temporary Assistance for Needy Families) dollars are at risk. Those dollars do a lot of great good for children and families of Pennsylvania. I would be happy to work with the maker of this amendment and with our Appropriations chairs to see if by the time we reach our June 30 deadline of the budget, we can reshuffle some dollars from other places and put it back into the DPW budget to pick up the \$25 fee for everybody.

But the reality of it is, is right now that money is not in the budget, that money is not allocated for. Our State is out of compliance, and the Feds can hold our Federal TANF dollars. That is not good for children and families in Pennsylvania. This bill has already been through the Senate. They rejected, at least at the first instance, the attempt that we made back in March. They sat on our bill and sent us this bill.

Sometimes I agree with folks that it is important to insist on our version when it does not really put families at risk, but today the only thing insisting on our version right now will do will put \$800 million of Federal TANF money at risk for Pennsylvania. It is not a risk worth taking. I say we pass this bill today clean so that it can go to the Governor's desk and we work on this issue along with our colleagues in the Senate in the budget negotiation process.

Thank you, Mr. Speaker. Please vote "no" on the Harper amendment.

The SPEAKER. The Chair will ask one more time for members to take their conversations off the floor. The speakers are entitled to be heard. Members will take their seats. The Sergeants at Arms will clear the aisles. Members will take their seats.

The Chair recognizes Representative Thomas on the amendment.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, would someone stand for interrogation?

The SPEAKER. The gentleman will please indicate whom he wishes to interrogate.

Mr. THOMAS. Pardon me?

The SPEAKER. The gentleman will please indicate whom he wishes to request to stand for interrogation.

Mr. THOMAS. Will the majority chair of Appropriations stand for interrogation?

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

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I need some clarification. Is there any way possible, regulatorily or legally, to put this \$25 fee on the person who is responsible for support rather than on the recipient of support?

Mr. D. EVANS. Mr. Speaker, I do not really have an answer for that particular question right here because it is something that is established by the Federal government and not by the Commonwealth of Pennsylvania.

Mr. THOMAS. So we are unable to conclude— I mean, does the Federal law preclude States from collecting that fee any way that they see fit, which is within rules and regulations or within case precedents?

Mr. D. EVANS. Mr. Speaker, again, since I do not have this particular law in front of me, I could not really answer that particular question for you, Federal law.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, would you and other leadership members be willing to pursue other avenues for collecting this fee? And here is the reason, my rationale for raising this question. You and I represent a county that has the sixth highest poverty level in the United States. We represent a county where families are doing badly. Many of them are TANF recipients. And so to that end, I think that it is almost imperative for us to find another way to satisfy the Federal requirement without putting the burden on families who are already doing badly.

Mr. D. EVANS. Mr. Speaker, under this bill, the Commonwealth is paying \$25 annually for over 37,000 families who collect less than \$2,000 in support annually. The budget supports this payment. I want to go a step further to your statement, and you are chairman of the Intergovernmental Affairs Committee, you could work with us, and then we could deal with that issue with our congressional delegation, Mr. Speaker.

Mr. THOMAS. So, Mr. Speaker, does that mean that you and other members of leadership will be willing to work to find another way of collecting this \$25 fee from these 37,000 families?

Mr. D. EVANS. Could you repeat your question, Mr. Speaker?

Mr. THOMAS. Your last answer, does that mean that you and other members of leadership will work with the Intergovernmental Affairs Committee to find another way to collect this \$25 fee from the 37,000 families?

Mr. D. EVANS. Mr. Speaker, under the bill, if I understand your question, we are paying the fee. We are already paying the fee for the 37,000 who collect less than \$2,000 in support annually.

Mr. THOMAS. Okay. So then what this bill would do, if we vote for this bill and send it to the Governor's desk, then what

we will be doing is looking for reimbursement from those 37,000 families that receive less than \$2,000. I am trying to understand.

Mr. D. EVANS. No, Mr. Speaker. The Commonwealth is paying their fee.

Mr. THOMAS. Okay. Then why do I keep hearing that families will be charged, recipients of support will be charged an annual \$25 fee?

Mr. D. EVANS. Mr. Speaker, what you are hearing is under this particular bill, the Commonwealth will pay that \$25 annual fee for over 37,000 families who collect less than \$2,000 in support, and these are families that were never on welfare, Mr. Speaker.

Mr. THOMAS. Okay. So then how does that translate into a fee on families? I mean, I understand that the Commonwealth, in the interest of time and in the interest of not wanting to lose our Federal dollars, is going to pay the \$25 fee, but from what I understand, the Commonwealth is then going to go back and collect that \$25 from families who are receiving support and meet this other criteria. I mean, that is what I understood Representative Manderino to be saying, and I understood other Representatives to be saying, that, yes, the Commonwealth is going to pay the \$25 fee in the interest of time and because we are against a Federal mandate, but then that the Commonwealth is then going to go back and charge and try to collect that fee from the families that fall within these guidelines.

And, Mr. Speaker, I have concluded my interrogation. And I believe, I believe that we are pretty clear that the Commonwealth—

The SPEAKER. The gentleman, Representative Cautious, has concluded his interrogation?

Mr. THOMAS. Yes.

The SPEAKER. Representative Cautious is in order and may proceed with his remarks.

Mr. THOMAS. Mr. Speaker, I think it is very clear that in the interest of time and a Federal mandate, the Commonwealth of Pennsylvania is going to put out the money and then go after the recipients of support for reimbursement, not the legal providers of support, but the recipients of support.

And so to that end, I think the worst-case scenario is, if not all of the support requirements are subject to court orders, and so the worst-case scenario is to go and modify support orders and add the \$25 fee. But I personally think that we can probably do it regulatorily, that the department is in a position since they are collecting support from people who owe support pursuant to an order on behalf of the recipient family. I do not see why the department cannot just add that \$25, that reimbursement fee, to the order and charge it to the person that is supposed to be paying support, rather than the family who is trying to struggle every day with, more often than not, support which is less than what is required to meet their day-to-day expenses.

And so, Mr. Speaker, I welcome, as chairman of the Intergovernmental Affairs Committee and as a Representative of the sixth poorest community in the United States, I welcome the opportunity to sit down with leadership from either side of the aisle, and let us find a way to minimize, if not eliminate, these egregious, egregious, egregious actions that we will be subjecting innocent families to.

So I welcome that opportunity, Mr. Speaker, and I thank you.

AMENDMENT PASSED OVER TEMPORARILY

The SPEAKER. This amendment will be over temporarily.

GUESTS INTRODUCED

The SPEAKER. The House will come to order.

The Chair would like to recognize, as the guests of Representative Keith McCall, the majority whip, the Music Express Show Choir from Lehighton under the direction of David Perkins. They are seated in the House gallery. Would you please stand and be recognized.

The Chair would like to recognize, as the guests of Representative Marshall, students under the direction of Kenneth Nickel. They are from his legislative district. They are here today as part of the Arts in Education Day, and they are from Lincoln Park Performing Arts Charter School and will be performing in the East Wing Rotunda at 2 p.m. They are seated in the gallery. Would you please stand and be recognized.

ANNOUNCEMENT BY MR. STURLA

The SPEAKER. For what purpose does the gentleman, Mr. Sturla, rise?

Mr. STURLA. To just pass on a brief piece of information, if I could, Mr. Speaker.

The SPEAKER. The gentleman is in order.

Mr. STURLA. Mr. Speaker, this year, for the 55th time, on May 17, the Lancaster Sertoma Club will be barbecuing close to 35,000 chickens at the world's largest chicken barbecue.

I just want to make members aware that for the low, low price of \$9, they can join in on Saturday, May 17, in Long's Park in Lancaster, right across from the Park City Mall, where, as I said, again, we will be barbecuing about 35,000 chickens. If you have never seen 6,000 or 7,000 chickens being cooked at the same point in time, it is worth the trip just to come see that, and the chicken is great also. Thank you.

GREATER LATROBE VARSITY ICE HOCKEY TEAM PRESENTED

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

Mr. PETRARCA. Thank you, Mr. Speaker.

I am honored to be here today to welcome the Greater Latrobe Varsity Ice Hockey Team to the floor of the House at the State Capitol. This team, under coach Ron Makoski, assistant coach Greg Wano, and assistant coach Charley Fajt, had 21 remarkable hockey players.

This team, 2007-08, they were the PIHL AA Section 1 Champions, PIHL Section AA Penguin Cup Champions, and eventually became 2008 Pennsylvania State Champions. With me today at the podium is coach Ron Makoski, who went to high school, I understand, with Representative Tangretti. That lets you know what kind of experience he brings to the team.

Also, seniors Jeff Rossi, Logan Dominick, and Alex Stahl, and also joining us at the rear of the chamber is the rest of the Ice Cat team, consisting of Michael McCurdy, Tyler Baloh, Brody Aukerman, Robert Himler, Tyler Berger, Tyler Ridder, Neal Henderson, Tommy Ridge, JeffJoe Regula, and

Josh Harris. Also with us is manager and Hockey Club president Leslie Rossi.

So it gives me great pleasure to welcome them there. I guess we in Pennsylvania are certainly becoming a hockey State. I think that this team, with the firepower on offense and defense that they showed throughout this year, I think they are ready for the winner of the Pittsburgh Penguin-Philadelphia Flyer series. So please join me and welcome them to the chamber of the House.

CONSIDERATION OF SB 1278 CONTINUED

CONSIDERATION OF AMENDMENT A06776 CONTINUED

The SPEAKER. The Chair returns to the Harper amendment. Representative John Maher is recognized.

Mr. MAHER. Thank you, Mr. Speaker.

I am hoping that the majority Appropriations chairman would be able to answer a couple questions for me.

The SPEAKER. Will Representative Evans stand for interrogation?

Representative Maher.

Mr. MAHER. Thank you, Mr. Speaker.

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

Mr. MAHER. Mr. Speaker, if I understood the information that you were sharing with the members, you feel as though your hands are tied, that there is a Federal law that requires collection of this \$25 fee and there is really not very much that we can do about it or the State would risk forfeiting \$700-some million. Is that what I understood?

Mr. D. EVANS. Absolutely. Thank you for framing that, Mr. Speaker.

Mr. MAHER. And so if you had the ability to collect the \$700 million and embrace Kate Harper's amendment so this would not be a tax on the dinner plates of children, it sounds like you would embrace that?

Mr. D. EVANS. The answer would be correct, Mr. Speaker.

Mr. MAHER. Thank you.

And I also understood when Mr. Thomas was asking you a question about the specifics of this Federal law, you indicated you did not happen to have a copy of it. Is that correct?

Mr. D. EVANS. Correct, Mr. Speaker.

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

The SPEAKER. The gentleman is in order and may proceed with his remarks.

Mr. MAHER. I have good news for the membership. Everyone can be happy. Mr. Evans did not happen to have a copy of the Federal law and I do. And the Federal law provides that there are essentially three choices. Twenty-five dollars annually must be collected, but it can be collected from taxing the child, or from the parent who is paying it, or absorbed by the State. The Federal law gives us three choices.

And just for the record, Mr. Speaker – I hope you will indulge me – I am going to read this brief part of the Deficit Reduction Act, section 7310, subsection (a)(4)ii: "In the case of an individual who has never received assistance under a State program funded under part A and for whom the State has

collected at least \$500 of support, the State shall impose an annual fee of \$25 for each case in which services are furnished, which shall be retained by the State from support collected on behalf of the individual...or" – or, or – "paid by the State out of its own funds...."

The Federal law gives us the choice. I am glad to hear Mr. Evans say that if the State could retain the \$700 million and eliminate this tax on the dinner plates of children, he would do so. We have found a place where we can agree. We can support Kate Harper's amendment and not tax children who are subject to support payments and still collect the \$700 million from Uncle Sam.

That seems like a pretty simple choice. Why in heaven's name would we want to tax the children who are collecting support payments? We could tax the parent who is paying it because it is on each case, on the case. It could be the parent who is paying support, pay an extra \$25 a year. Or it could be the State absorbs it.

The least desirable option is to tax the darn children. Why should they be punished, why should they be punished for being in the child support system? Twenty-five dollars is an awful lot of dinners for a child. Please join me and support Kate Harper. Let us not impose a tax on children.

And if someone must be taxed, if the State cannot absorb the operation of the child support system, then let us add the payment to the parent who is writing the checks for support. You do not have to tax the children. The law is clear. We have a choice. Choose, choose to do the right thing and not tax the children.

The SPEAKER. Representative Killion.

Mr. KILLION. Thank you, Mr. Speaker.

I think we need to be clear of what we are talking about and what it means if we defeat the Harper amendment and send this bill out unamended. We have a choice. We have a bill, \$2 million due the Federal government. Where are we going to get it? Can we take it from the \$175 million we currently get from the Feds for child support? Can we take it from our \$437 million budget surplus we currently have? Or can we take \$25 from a single mother or father who is getting less than \$166 a month to feed, clothe, and house their families?

This bill chooses the third if we pass it unamended. Vote "yes" on the Harper amendment. Vote for children, moms, and dads. Thank you.

The SPEAKER. Representative Ross.

Mr. ROSS. Thank you, Mr. Speaker.

I would like to briefly talk about the timing of the circumstances that we are in right now. The original—

The SPEAKER. The gentleman will suspend. The Chair will again ask members to hold their conversations to a minimum so the gentleman can be heard. The gentleman is in order.

Mr. ROSS. Thank you, Mr. Speaker.

The Federal legislation that has been referred to and actually been quoted recently was passed in 2005, 2005. The legislation to correct this issue, which was mandated in that Federal legislation, was introduced here in the House, I believe, at the end of February for a March 31 deadline. So there has been a huge time lapse. Now, I want each of my colleagues, as I have tried to do, to put myself in the position of the parents and the children who potentially are going to have this fee assessed to them.

So we are going to tell them that we did not respond to this in a timely fashion to start with, and because we did not respond

in a timely fashion, we are then going to expect them to take this out of the moneys that would be otherwise given to the children. Now, these are not rich families. The numbers have been played out here already. But I want you to think about a child support which is so low that it is only \$40 a week. That implies low income on the part of the paying parent.

So therefore, we are talking about people who are on the margin, the working poor; not those on welfare – they are protected – but the working poor are directly affected by this fee. I am delighted to hear that we could potentially charge the paying parent, which would reduce the pain a little bit. But in a \$27 billion budget, I cannot believe that we cannot find the necessary \$2 million so that we do not have to put our constituents through this really irritating and actually harmful fee.

I basically think that we should, as we did before, pass the Harper amendment. Remember, we did pass this once already. And I think the Senate, when they are confronted with this again, will quickly respond and pass it as it has been suggested by us originally and as I hope we will suggest again today.

Thank you, Mr. Speaker.

The SPEAKER. Representative McCall.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, anytime there are fees assessed on individuals, none of us want to assess those fees, but when it has a significant impact on our budget, and conceivably could have an \$800 million impact on our budget, I think we have to act and react accordingly.

Under the Harper amendment, we will be exempting everyone. Every single person in this system will be exempt. There are cases in the Department of Public Welfare right now where people are making, one extreme case, \$38,000 a month, \$456,000 a year, and we are going to be exempting that individual from paying this fee. That simply is not right. There are a lot of people that are making a lot of money that will be exempt from this fee. That is not right.

The impact on our budget is \$2 1/2 million. It is great to say, yes, I am for something, but where are you stepping up to the plate to help pay for the impact this has on our State budget? It is not booked in our budget. It is an impact, and it will cost us \$2 1/2 million. And if we do not pass it, it will cost us an additional \$800 million more.

It is the first time in the history of the Commonwealth where the Federal government has called us and said you have not acted on the mandate from us, because it was the Bush administration that under the Federal Budget Deficit Reduction Act imposed this \$25 fee, not us, the Federal government, the Bush administration. And if we do not, if we do not impose that fee, and the Federal government is watching us right now, we are going to lose \$800 million in Federal reimbursement. That is \$800 million that we just cannot afford to lose.

Mr. Speaker, the Senate of Pennsylvania understands the importance of this. They sent this bill over with no amendment because they know how important it is to get this bill right on the Governor's desk so we can comply with what is happening at the Federal level. The people that are in danger, we are taking care of. Those who receive TANF right now, that are receiving TANF, cannot be assessed under this bill. If you receive less than \$500 annually in support, you cannot be assessed under this bill. Actually, it is \$1,999 in support annually; you cannot be assessed under this bill. We are talking \$2 a month. Now, I am not standing here callously and saying people cannot

afford \$2 a month. But \$2 a month is a very, very small tradeoff for us to comply with a Federal mandate to impose that \$25 fee as part of that Federal Deficit Reduction Act.

So, Mr. Speaker, it is extremely important that we pass this bill because we are now jeopardizing our March, our April, our May reimbursements that are going to flow back into this Commonwealth, and without that money, you talk about affecting people's lives, we are going to affect people's lives when those reimbursements stop.

I would really ask for us to do the responsible thing and vote "no" on the Harper amendment. Thank you, Mr. Speaker.

The SPEAKER. Representative Civera.

Mr. CIVERA. Thank you, Mr. Speaker.

Mr. Speaker, I was not going to rise today to speak on this amendment. I spoke on it several weeks ago, or 2 weeks ago when we first passed it. But then when we listened to the majority whip and to the chairman of the Appropriations Committee, the majority chairman and some of their comments on the dollars and the budgets, the same comments that I made 2 weeks ago, \$2 million versus \$120 million in health care, a bill that we passed, and in the language of that bill, wherever we get the revenue and however we get the revenue, we will make it work.

Now, if we are going to play with words and we are going to be accountable and we are going to worry about a budget that evidently the other side has forgotten about for a couple of days here, okay, let us talk facts. We are talking about \$2 million. If you want to make this part of the budget negotiations, it is \$2 million. What are we dealing with? I mean, what I hear, and what should have been done here, is that the administration, because they were back on the timetable of when this idea, 1278, should have been passed, no communication from the administration came to us on what the Federal government was doing as far as this issue was concerned.

What we did in 2005, we were not doing anything differently than what we are doing today. But if you are going to raise the argument of where are we going to get the money when you are dealing with the poor, something is wrong with this picture. It is okay, and I realize that in a couple weeks when we negotiate the budget, that our side of the aisle will be fighting a more conservative approach than maybe your side of the aisle. But do not argue the case that on \$2 million, and when we spend \$120 million on health care, we spend \$80 million on energy, and we do not know where we are going to get the money. Something is wrong with this picture.

We are not being clear. We are mixing apples with oranges, and that is not fair. This amendment, I believe, a lot of people in the chamber are confused. One is that if we do not pass the amendment today, that the Federal government pulls back their money and we are now out of that money. If that is the case, if it is true, then why was the administration not up front with us when this issue came about?

So I believe that the argument is poor in how we are approaching this today. I believe that the Harper amendment should go back into the bill. For whatever reason the Senate took it out and whatever reason they were told and whatever argument went over there, I do not know. But the argument, when we raise it on the floor, that it is only \$2 million, and when we are spending, not to be repeated, the money that I identified, I think that is a poor case. I think we need to adopt it.

LEAVE OF ABSENCE

The SPEAKER. The Chair recognizes the minority whip, who requests that Representative STAIRS be placed on leave. The Chair sees no objection. The leave will be granted.

CONSIDERATION OF SB 1278 CONTINUED

The SPEAKER. Representative Evans.

Mr. D. EVANS. Mr. Speaker, you just heard the ranking minority chair of the Appropriations Committee, and what is so disappointing about what I just heard from him is he sat in the very same meeting that I sat in when the administration talked about how much this is a problem.

Now, what is troubling to me in listening to him right now is, it is great for him to make that particular statement, but he knows full well that if you look at the revenue this particular month, if you look at the welfare numbers that we have not received, if you understand that we are in a recession, and the bottom line is, when he makes statements like we can automatically find this \$2 million, which then builds into an entitlement, I find that very strange. I am troubled. I am really troubled. I am very troubled with his comment.

Now, he talks about us being bipartisan and working together, and that is what I want to do. But I have a problem when he stands up on this floor and makes that kind of statement when the administration told him the same thing that they told me. The administration told him the same thing they told me. So when he gets up on this floor and makes that kind of statement and makes the statement that, well, you can go find \$2 million, this is what you can do, you know, I do not understand that kind of statement when he heard the same information that I heard.

He knows full well that we have a very difficult budget to handle, and the majority whip said it correctly. And I usually do not quote the aspect of the Senate, because I think what we do in the House should be different than the Senate, but over there in the Senate, 50 to 0 that this passed because they fully understand the implications this means around dealing with the budget. Now, I do not understand, I really do not understand that statement. I do not understand that statement.

If you are going to be serious about dealing with the budget and you want to deal with it in a very open way and a democratic way, now, come on; do not put misinformation out. Do not put misinformation out. He knows the same thing that I know. This is not the only issue we have to deal with. There are such issues as the carveout issue we have to deal with. There is the issue around education. There is the issue around economic development. There are all these issues, and we only have so much money.

If you recall last time when the Republican Appropriations chairman stood up, he made kind of a joke of \$2 million. You know, come on. When are we going to begin to understand to make the kinds of decisions that we have to make regarding this budget? You know, it is easy to say, well, pass the Harper amendment and do not worry about putting it together. Well, let me say something. We all are responsible for dealing with this issue, and I am troubled and disappointed in that last statement.

Now, I understand politics. I understand, you know, continue to play the game, but enough with the game. And I ask you to vote "no" on the Harper amendment. I ask you to vote "no" on

the Harper amendment. I was hoping that my colleague on that side of the aisle would clearly understand like I understand. I am not making this information up. He got the information at the same time I got the information. So when he says that the administration did not talk, they talked to him like they talked to me.

So I am asking, Mr. Speaker, that we be "no" on this amendment so we can move forward and receive this money. Thank you, Mr. Speaker.

The SPEAKER. Representative Civera.

Mr. CIVERA. Thank you, Mr. Speaker.

Mr. Speaker, we are not playing a game. When you make the argument and you debate and you put certain words on the floor of this House to convince certain members why we are doing certain things and issues, that is no game. What I just heard here was that \$2 million and quoted what I had said, that where are we going to get the \$2 million and we could find it. Well, if you are going to take the \$2 million off the table, then my understanding as we approach this negotiation with this budget is that health care now is off the table and the energy issue is off the table.

If you are going to play with dollars and cents, what are you doing? What are you doing? I am not making this up. We can go back and forth and twist the words and do whatever we want to do. But if that is the case, it is just not all right on that side and we are all wrong on this side. Did you not hear them say that we are into the budget negotiations, and therefore, these dollars cannot be there because they are not involved in the budget, but yet we passed two bills, and that is what my argument is. And if you think that is a game, that is more than a game. That is seriousness. That is saying one thing today and saying another thing the next day.

So we have to address health care. We have to address the energy situation. But do not tell me that you are not going to be able to do this, because now we have to take this off the table, but then we are going to deal with this on another date. That is no game.

The SPEAKER. Representative Metcalfe.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, I think a lot of the debate today has probably confused the issue, although I think the gentleman from Allegheny County who read the Federal law clearly showed that there was more than one option here, that even now we could hold off on this vote until next week and restructure the language so that it would be more palatable and so that it would not be impacting moms that are out there trying to make ends meet for their kids.

Mr. Speaker, when you look at the numbers, and the majority whip stood and threw out some outrageous number of somebody collecting quite an amount of money per month for child support. Well, when you look at the real numbers, Mr. Speaker, the numbers that I have received show that for families that are trying to meet the ends out there for their kids, that are receiving \$2,000 to \$2,499 – \$2,000 to \$2,499.99 – per year, there are over 13,000, almost 14,000 families, 13,924 families that are receiving that small amount of money per year in child support for their children.

And, Mr. Speaker, I do not know how many of our members here actually come from single family, single-parent households, from broken homes, but I am one of those kids that grew up through part of my childhood in a single family, single-parent family home where my mom was trying to make

ends meet, and I know \$25 hitting you for payment for this new tax could really hurt a family to make ends meet for one of the weeks out of the 52 weeks in our year.

And I know I have met with many families across my district, Mr. Speaker, that are going through domestic relations issues, that are having problems between husband and wife that are impacting the kids, who always end up being the ones who get the raw end of the deal in those situations. And if parents are trying to meet their children's needs, they do not need a new tax on those kids like this \$25 tax that is being proposed here, Mr. Speaker.

Mr. Speaker, the Federal law was very clear from what was read earlier. This could be imposed on the parent who is actually paying the support, who has maybe been put into the system because they were not taking charge and paying their payments responsibly, and that they would have to pay this new tax. It could be put on them rather than be put on the end receiver, the kids and normally the mom that is receiving this money. Or, Mr. Speaker, the State could absorb the cost as they are doing for all of those families that are collecting under \$2,000 a year and for any family where a child has received any type of welfare payments.

Mr. Speaker, I do not understand why we are spending so much time debating this issue today when the choice is so very clear. This is a new tax that is going to hurt some of the most vulnerable in our State, some of the ones who are already going through the trials and tribulations that come along with a broken home. And now while the mom is trying to make ends meet in the majority of these homes for her kids, Pennsylvania's legislature is getting ready, if this passes, to say we are going to pass another tax on to you moms and you kids.

We can do this a different way, and with all of the money that we play with in the budget, even with the money that made headlines across the State last session for legislative bonuses, Mr. Speaker. There is money in this budget for a lot of things, and it has been there for a lot of programs. Now, here you have money that is being passed through from one parent to another to benefit kids and this legislature is considering yet another tax, Mr. Speaker.

And I know the Appropriations chair, the majority Appropriations chair, did not like the tax label. Well, you can call a duck a goose or a turkey, but it is still a duck. And you can call this new \$25 fee that would be charged to moms and kids, you can call it a fee, you can call it a Federal government requirement, but at the end of the day, it is more money that moms and kids have to pay to the government, which from their perspective, Mr. Speaker, is nothing but another tax increase.

Mr. Speaker, this should not be an issue that is being decided upon based on our varying political viewpoints or our varying political parties. The sponsor of the amendment, Representative Harper, and I, we do not agree on a lot of issues. We agree on a few. And this is one of the few that we do agree on. And I would hope that we would have enough agreement on both sides of the aisle that we could pass the Harper amendment and protect moms and kids, and if those who have been advocating for this today really want to deal with this \$25 fee in another way, there are options there.

And it has been said we are going into budget negotiations, Mr. Speaker. Well, budget negotiations should be a matter of prioritizing. Unfortunately, many times, prioritizing does not take place in this General Assembly. We just pass on the additional costs and the spending to the taxpayers with higher

taxes, higher fees, higher debt. It is time to bring it to an end, Mr. Speaker, and we could start here today by protecting kids and protecting moms and passing the Harper amendment. Thank you, Mr. Speaker.

The SPEAKER. Representative Gabig.

Mr. GABIG. Thank you, Mr. Speaker.

I want to speak on the Harper amendment, and I was wondering if she could stand for brief interrogation?

The SPEAKER. Representative Harper indicates she will stand for interrogation. Representative Gabig is in order and may proceed.

Mr. GABIG. Thank you, Mr. Speaker.

Mr. Speaker, I heard the majority whip try to blame our President Bush for this problem, and I was wondering if you could tell us, if you know, how much money the State of Pennsylvania gets from the Federal government for welfare?

Ms. HARPER. The Federal government gives Pennsylvania about \$11 billion in social service spending.

Mr. GABIG. And I just heard somebody say that is billion with a "b." Is that correct?

Ms. HARPER. That is billion with a "b," \$11 billion in social service spending money. That, of course, does not count what Pennsylvania gets from the Federal government for roads and other things.

Mr. GABIG. The money for this child support under the Federal deficit reduction, how much money is that?

Ms. HARPER. Pennsylvania has been receiving \$175 million a year to run the child support collection system.

Mr. GABIG. And that money—

Ms. HARPER. From the Federal government. I am sorry. That money is coming from the Federal government.

Mr. GABIG. And that money, Mr. Speaker, I wonder if the gentlelady could tell us, how is that spent? Where does that money go? What does that pay for?

Ms. HARPER. Well, Pennsylvania has a very fine, in some counties, child support enforcement and collection system. It is basically run by the courts. Most of us are familiar with the domestic relations offices in our court system, and everyone has received a letter from the largest system in the State, which is Philadelphia's, where Lynne Abraham is running that system and supports my amendment.

Mr. GABIG. Thank you, Mr. Speaker.

That would conclude my interrogation. If I could speak on the Harper amendment?

The SPEAKER. The gentleman may speak on the Harper amendment.

Mr. GABIG. Thank you, Mr. Speaker.

As I understand the issue before the House, there is \$175 million that we get from the Federal government to administer this program, and without the Harper amendment, there will be an extra \$2 million, approximately, collected from individuals, a tax on individuals who receive child support. So that would be to go to defray some of these costs. So that would make it \$177 million. You have got \$175 million from the Feds. You add the 2; that is \$177 million, or else that cost can be absorbed within the existing \$175 million. So this is not an unfunded mandate from the Federal government. This is, in fact, a funded mandate. They are giving us money, \$175 million, for this specific thing. So should that include the cost of the administration, or do we have to go out and tax individuals additional money to get an extra – to drag an extra \$2 million

out of these individuals that are home? That is the question before us.

And as I recall, we have already voted for the Harper amendment on a separate House bill that went to the Senate, that is sitting over in the Senate right now that could be passed by the Senate and go to the Governor tomorrow, today, soon, and avoid any of these time schedules and problems. It is sitting over there right now. If we pass this with the Harper amendment in SB 1278, that would be another bill that they have, another vehicle to do that, to avoid putting the tax on these individuals, the vast majority of whom are middle-class Pennsylvanians, middle-class Pennsylvanians. You want to put an additional middle-class tax on them. That is what I am hearing the Democratic leadership wants to do. Tax the middle class more and Pennsylvanians than they are already taxed. That is unbelievable. I cannot believe what I am hearing in here.

In an election year – I hope the middle-class taxpayers back home are listening; I really do, to see who is really on their side here in Pennsylvania – the working middle class; that is exactly right, the hardworking middle class; the overburdened, overtaxed middle class, and they want to put on an additional tax – for what? – when they are getting all this money from the Feds already.

We have the highest— I heard the majority Appropriations chairman – I almost fell out of my chair to some of the things I have to listen to in this chamber – say that we are in a recession. That is not true. It just came out that in the last quarter the economy, the national economy, grew better than expected, better than all the economists were talking about. There was a .6-percent growth, more than .6 percent. Now, that has been described as sluggish and slow, but it is growth; it is growing. A recession is when for two quarters in a row – just for the information of the majority Appropriations chairman; maybe he does not know this; I do not know how long he has been up here – it is two quarters in a row where you have had negative growth, where you have not grown; that is a recession.

The SPEAKER. If the gentleman will suspend.

Mr. GABIG. Yes, Mr. Speaker.

The SPEAKER. Many members are indicating they cannot hear the eloquence of Representative Gabig. If the members will please— Members will reduce the conversation on the floor.

Mr. GABIG. I do not know if they want me to go back and rewind; wind up. Was that a balk? Do over. Well, I was talking about how the Democratic leadership wants to further tax middle-class Pennsylvanians, further tax the overtaxed.

You know, we had a revolution. I keep looking up there at the Independence Hall, 1776, and we had a revolution for overtaxation, something called the Stamp Act. What is the difference between this, what they are trying to do here? It is the child order, \$25 tax on middle-class Pennsylvanians; unbelievable.

But he said there was a recession. That is not true. So they are basing that, their policy decisions, on that. Absolutely false. If we are in a recession, tell me this, Kemo Sabe, tell me this: If we are in a recession, why do we have the highest—

Mr. DeLUCA. Mr. Speaker?

Mr. GABIG. —why do we have the highest—

Mr. DeLUCA. Mr. Speaker? Mr. Speaker?

Mr. GABIG. Mr. Speaker, I ask for some order, please. Mr. Speaker, I would ask for some order, please.

Mr. DeLUCA. Mr. Speaker? Mr. Speaker? Mr. Speaker?

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

Mr. DeLUCA. Mr. Speaker?

The SPEAKER. The House will come to order.

Mr. GABIG. It is the Lone Ranger. Somebody said that is a racist remark. You have to be kidding me; the Lone Ranger.

The SPEAKER. The gentleman will suspend.

Members will take their seats. The Sergeants at Arms will clear the aisles. The gentleman will suspend. Members will take their seats. Members will take their seats. The gentleman will suspend. Members will take their seats. Members will take their seats. The Chair will remind the members there are people watching this on TV. Members will take their seats. Members will take their seats.

The Chair will remind members – members will take their seats – members will contain their remarks to the issue before the House, which is the amendment, the Harper amendment.

The gentleman is in order and may proceed.

Mr. GABIG. All right. Mr. Speaker, I was offended personally when President Bush's name was brought up here—

The SPEAKER. The gentleman will suspend.

Mr. GABIG. I was offended by that.

The SPEAKER. The gentleman will suspend.

Mr. DeLUCA. Mr. Speaker?

The SPEAKER. Members will speak to the amendment and only the amendment.

Mr. DeLUCA. Mr. Speaker, may I have personal privilege, please?

The SPEAKER. Personal privilege is not in order at this point.

Members will contain their remarks to the issue before the House and only the issue before the House. The Chair will enforce that rule.

Representative Gabig is in order.

Mr. GABIG. Mr. Speaker? Mr. Speaker, if I offended anybody by my last— I apologize. It certainly was not meant—I did not intend to do so.

The SPEAKER. The gentleman will return to the amendment before the House.

Mr. GABIG. All right.

But I want to say that I was offended by several of the comments—

The SPEAKER. The gentleman will return to the amendment before the House.

Mr. GABIG. All right. Thank you.

I am on the amendment, and I was asking a rhetorical question when I heard something that I thought was untrue said on this floor, that we are in a recession, when we are not in a recession, and I gave one example of how we are not because our economy is growing.

I would also say this: This State budget, we are spending more money than we ever had in the history of Pennsylvania. We have more money spending under this Governor, but we are bringing in more revenue than we are even spending, and that is what we call around here in Harrisburg a surplus. So I am not exactly sure how that kind of language can be used in here with a straight face, and that is why I was so offended by it, and if anyone wants to apologize to me, I will certainly accept it off the floor. You do not have to do it publicly.

All right. But here is what this reminds me of. My daughter is reading a book. It is called "Oliver Twist" by Charles Dickens, and I am sure many of you remember that

book. He is an orphan, and there is that famous scene where he had a little bit of gruel, a little bit of porridge, a little bit of food, and he is hungry, and he goes up to ask the beetle, the mean Scrooge-like character, that is in charge of this State-run DPW-like orphanage, and says, can I have a little bit more food, please? More, more? That will cost the State more money. So we are going to have to take less, and that is exactly what we are doing here. We are taking food out of the mouths of poor people so that we can feed this big, giant bureaucracy here in Pennsylvania. It is wrong, and by the way, 199 people in this House said it was wrong when they voted for the Harper amendment on HB 2252, including the majority whip and the others, many others, other than, I have got to give him credit, the Appropriations chair is being consistent. So if you want to be consistent here, vote for the Harper amendment.

The SPEAKER. Representative DeLuca.

Mr. DeLUCA. Thank you, Mr. Speaker.

Let me first begin by saying I am appalled that the individual who just spoke would use a derogatory remark—

The SPEAKER. The gentleman will suspend.

Mr. DeLUCA. —on the floor of this House.

The SPEAKER. The gentleman will suspend.

Mr. DeLUCA. Mr. Speaker, I think it—

The SPEAKER. The gentleman will suspend.

The gentleman will contain his remarks to the issue before the House.

Mr. DeLUCA. We can argue on the floor of this House and we can talk about issues, and we do not need that type of stuff on the floor of this House. It is getting out of hand right now.

The SPEAKER. The gentleman is not in order.

The gentleman will talk on the amendment.

Mr. DeLUCA. Mr. Speaker, on this amendment here let me just say this: First of all, it is not a tax, and I am so happy to hear on this floor today, and I say it to the television audience out there, that in June we will be discussing the State budget, and I am glad to see that we have converted some of our individuals on the other side of the aisle who are going to support some of our programs for the poor working people out there. I am happy to see that. I want to see you get up there and speak to increase some of those social programs that you have been against for so many years, that the Democrats are taxing the poor people. When did you decide that you were going to worry about the poor people, some of you?

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

Mr. DeLUCA. Wait a minute. Mr. Speaker, that was said on the floor of the House here. I am not out of line. If your member is allowed to say it, then I am allowed to say it.

The SPEAKER. The gentleman will bring his remarks back to the amendment before the House.

Mr. DeLUCA. Secondly, let me say this to you, and I hate—Mr. Speaker, it was said, it was said about a recession, and I do not think I am off-line when the person said something about a recession. Evidently he is not in tune with the public in Pennsylvania and throughout this nation. The ones I talk to think we are in a recession.

Now, you can play with all the figures you want to play with, but go out there and ask the working individuals who are paying almost \$4 a gallon for gasoline, the truck drivers who cannot run their trucks anymore. The supermarkets and people cannot even afford to buy anything anymore. Ask them if they are in a recession.

Maybe a lot of you guys in this House are feeling good because of what you make and all that kind of stuff, but you know, everybody is not like us in this House. There are people out there who are struggling, cannot afford it, and this certainly is not a tax, and we should defeat the Harper amendment.

The SPEAKER. Representative Preston, on the amendment.

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

On the amendment. When the prime sponsor of this amendment was being interrogated by another gentleman, I think we need further clarification. Yes, some of the figures were right about how much we spend on public assistance in the Department of Welfare, but it is not about the welfare budget. What she did not say was that over 77 percent of the welfare budget is in long-term care, long-term care, which has nothing to do with this. It deals with the Department of Welfare's budget, and I am only quoting – and I do not know what the amount is – but 77 percent of the Public Welfare Department's budget deals with long-term care, not with this particular issue. The other part is divided up between many other responsible departments, the Department of Welfare.

At a particular time, yes, I understand it is hard. It is not about the "R" word, "recession," or tax, whatever, because gas is almost \$4 a gallon, milk is \$4 a gallon, and it is awfully hard on a lot of people who cannot afford it, but at the same time I heard other members say about the Democrats on this side of the aisle. Well, the sponsor of this piece of legislation is not from this side of the aisle over in the Senate. It is from her side of the aisle. It is a Republican. A very senior Republican member is the sponsor of this particular bill.

Now, I do not understand how someone can stand up and point their fingers and try to blame this side of the aisle when Washington now, because of things like this, Washington, which used to spend \$1, is asking us to do the same job for human services but asking us to do it and they only give us 60 cents to do the job; 60 cents.

So whether we want to blame it on Congress or the President, it is still down in Washington that is giving us more unfunded or partially funded mandates, and for us to try to continuously pick up even more of the tab, which the lady is asking us to do, at this particular time is unfair. We need to be able to effectively work with this in the legislative budget, in the legislative process. Let us not mislead the people. This has been a continuously unfunded mandate by Washington that continues to punish us, and now we are asking the State and/or the people to pay.

We have to be able to work this process out, but to be able to mislead that this whole thing – and I am tired of people always trying to use the word "welfare," which a lot of people think it is cash assistance. It is not. It is our senior citizens who are living in long-term care who are driving the budget as far as the public welfare, and the administration in Washington is asking us again to do what they would do for a dollar, they are asking us to do for 60 cents, and with all due respect, the current leadership in Washington is not from this side of the aisle.

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

Mr. MAHER. Thank you, Mr. Speaker.

I am a little surprised but delighted by the news that apparently the Congress is no longer controlled by the Democrats. I will look forward to searching the Web to find the related news reports.

The SPEAKER. If the gentleman will suspend.

The Chair would implore all members to take a breath and return to the issue at hand. This is a very serious issue, and it deserves the debate to be on a higher level.

Representative Maher.

Mr. MAHER. Thank you, Mr. Speaker, and I think you are exactly right. Let us keep it simple.

The Appropriations chairman just minutes ago told everyone in this chamber that if the State could qualify for its funding from Washington while adopting the Harper amendment, that he would support it, and he had been working with some understanding of the Federal law but did not have an opportunity to actually read the Federal law. We can see that when we read the Federal law, that the Harper amendment can be adopted while allowing the State to still collect every nickel from Uncle Sam.

Thirty-seven days ago, just 37 days ago, by a vote of 199 to 3, this chamber adopted the Harper amendment; 199 to 3, 37 days ago, March 31, and I believe the House adopted the amendment overwhelmingly back then because there was desire not to impose a tax or a fee, or whatever you want to call it, taking \$25 from children because they are in broken homes, to take \$25 from a mom because she is a single mom. It is just not right. We know it is not right. It is a simple choice.

The Federal law says, if we adopt Kate Harper's amendment, we still get every dollar from Uncle Sam, and I urge you, do not fall in the habit of voting for something to then come back and vote against it. And this is simple. This should not be partisan. It is so simple. Please do not impose a tax on children because they are in broken homes. Please do not impose a tax on mothers because they are single moms. Please vote for the Harper amendment.

GUESTS INTRODUCED

The SPEAKER. Visiting the House gallery today, as the guests of Representative Mark Mustio, we have the Moon Area High School Symphonic Band under the leadership of Mr. Nicholas Barthen. The Symphonic Band performed in the rotunda at 1 p.m. in honor of the Arts in Education Day. Would you please stand and be recognized.

CONSIDERATION OF SB 1278 CONTINUED

The SPEAKER. Is there any member seeking recognition before the Chair recognizes the prime sponsor of the amendment?

The Chair recognizes Representative Harper.

Ms. HARPER. Thank you very much, Mr. Speaker.

You know, sometimes when we have a full debate on a topic, it illuminates the issue, and sometimes it does not do us any good and it would be better if we looked at this issue as if we were sitting at home on our front porches or front stoops and talking to our neighbors. This is one of those issues.

When I was running for office, I had all the answers, you know, and I get out here and it was a little more complicated. But I want you to think for a second what this looks like or what it will look like if we do not pass the Harper amendment and we do pass this bill. Think of a single mom that you know or a

divorced mom. She is not watching PCN (Pennsylvania Cable Network). She does not have time to watch television. She is trying to be mom and dad and hold down a job to pay the rent. Think about that. When the check comes, she is relieved, not happy, relieved, because it is already spent. She has got it spent for the rent or for the electric bill or for oil that she did not pay off on time. When the check comes and it is \$25 lighter than she expects it to be, the first thing she is going to do is call her ex and say, you shorted me; I need that \$25; I have got to pay for class pictures this week, or the rent is due and I am going to get evicted. And he says, I did not short you; I paid the \$25. And then they both are going to call the courthouse, and a domestic relations office is going to say to her, going to explain, going to say that the State passed the law taking \$25 out of your child support to run the child support system, and she is going to be upset. She is going to say, I have got to pay for the class pictures; the rent is late; I owe money on the oil bill. And the lady in the domestic relations office is going to say, do not talk to me, honey; I do not pass these laws; I just enforce them.

But we do pass these laws, and if we do not vote "yes" on this amendment, we are taking that \$25 out of that check. And you know, this is not a government welfare program. We are taking that money from the moms, the dads, and the kids who depend on it. It is a \$25 tax, and she is not going to be expecting it because she does not have time to hire a lobbyist and she does not have time to figure out whether we are in a recession and she does not have time to figure out whether the State budget has a surplus this year, because she is trying as hard as she can to hold it together for the kids. And when they tell her, honey, I do not make the laws, I just enforce them, she is going to look at us, and that is what we are talking about today.

You can stand with that mom or you can vote "no." One hundred and ninety-nine of you voted "yes" the last time this very question came up. I would respectfully ask you to remember that woman and vote "yes" again.

Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—77

Adolph	Geist	Marshall	Rapp
Argall	Gillespie	Marsico	Reed
Baker	Gingrich	Mensch	Roae
Bastian	Godshall	Metcalfe	Rock
Bear	Grell	Millard	Rohrer
Benninghoff	Harper	Miller	Ross
Boback	Helm	Milne	Saylor
Brooks	Hennessey	Moyer	Schroder
Causar	Hershey	Murt	Smith, S.
Civera	Hess	Mustio	Sonney
Clymer	Hornaman	Nailor	Steil
Cox	Hutchinson	Nickol	Stern
Creighton	Kauffman	Perzel	Stevenson
DiGirolamo	Keller, M.K.	Petrarca	Swanger
Ellis	Killion	Petri	Taylor, J.
Evans, J.	Mackereth	Pickett	Turzai
Everett	Maher	Pyle	Vereb
Fairchild	Major	Quigley	Vulakovich
Fleck	Mantz	Quinn	Watson
Gabig			

NAYS—119

Barrar	Freeman	Manderino	Santoni
Belfanti	Galloway	Mann	Scavello
Bennington	George	Markosek	Seip
Beyer	Gerber	McCall	Shapiro
Biancucci	Gergely	McGeehan	Shimkus
Bishop	Gibbons	McI. Smith	Siptroth
Blackwell	Goodman	McIlhattan	Smith, K.
Boyd	Grucela	Melio	Smith, M.
Brennan	Haluska	Micozzie	Solobay
Buxton	Hanna	Moul	Staback
Caltagirone	Harhai	Mundy	Sturla
Cappelli	Harhart	O'Brien, M.	Surra
Carroll	Harkins	O'Neill	Tangretti
Casorio	Harris	Oliver	Taylor, R.
Cohen	Hickernell	Parker	True
Conklin	James	Pashinski	Vitali
Costa	Josephs	Payne	Wagner
Curry	Keller, W.	Payton	Walko
Cutler	Kenney	Peifer	Wansacz
Daley	Kessler	Petrone	Waters
Dally	King	Phillips	Wheatley
DeLuca	Kirkland	Preston	White
Denlinger	Kortz	Ramaley	Williams
DePasquale	Kotik	Raymond	Wojnaroski
Dermody	Kula	Readshaw	Yewcic
DeWeese	Leach	Reichley	Youngblood
Donatucci	Lentz	Roebuck	Yudichak
Eachus	Levdansky	Sabatina	
Evans, D.	Longietti	Sainato	O'Brien, D.,
Fabrizio	Mahoney	Samuelson	Speaker
Frankel			

NOT VOTING—2

Pallone Thomas

EXCUSED—5

Cruz Perry Rubley Stairs
Myers

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

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

Mr. **PALLONE** offered the following amendment No. **A06948**:

Amend Sec. 2, page 5, lines 10 and 11, by striking out "a subsection" and inserting
subsections

Amend Sec. 2 (Sec. 4351), page 5, line 14, by striking out "a" and inserting

an annual

Amend Sec. 2 (Sec. 4351), page 5, by inserting between lines 22 and 23

(a.2) Timing.—The annual fee may not be collected during the months of December, January and February. The annual fee shall be collected once between March 1 and November 30 only if all other conditions of this section and section 4374(c) and (d) (relating to State disbursement unit) are met.

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

AMENDMENT WITHDRAWN

The SPEAKER. The gentleman indicates he is withdrawing the amendment. The Chair thanks the gentleman.

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

The SPEAKER. The Chair recognizes the gentleman from Adams County, Representative Moul, who moves to— The gentleman withdraws his amendment. The Chair thanks the gentleman.

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

GUESTS INTRODUCED

The SPEAKER. The Chair recognizes, as the guests of Representative Karen Beyer, the students of St. Michael the Archangel School in Upper Saucon Township. Our guests are in the balcony. Would you please stand and be recognized.

CALENDAR CONTINUED

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 2036, PN 3321**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offense of neglect of care-dependent person.

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

Mr. **MARSICO** offered the following amendment No. **A06708**:

Amend Title, page 1, line 3, by removing the period after "person" and inserting
; transferring provisions relating to lotteries, gambling devices and pool selling and bookmaking; and providing for a law enforcement gaming regulation.

Amend Bill, page 2, line 12, by striking out all of said line and inserting

Section 2. Sections 5512 heading, 5513 heading and 5514 heading of Title 18 are renumbered to read:

[§ 5512.] § 5606. Lotteries, etc.

* * *

[§ 5513.] § 5607. Gambling devices, gambling, etc.

* * *

[§ 5514.] § 5608. Pool selling and bookmaking.

* * *

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

CHAPTER 56

LAW ENFORCEMENT GAMING REGULATION

Sec.

5601. Scope of chapter.

5602. Gaming Enforcement Office.

5603. Transfer provisions.

5604. Law enforcement reimbursement.

5605. Existing office.
 5606. Lotteries, etc.
 5607. Gambling devices, gambling, etc.
 5608. Pool selling and bookmaking.
 § 5601. Scope of chapter.

This chapter relates to law enforcement gaming regulation.

§ 5602. Gaming Enforcement Office.

(a) Legislative findings.—The General Assembly finds that the transfer of the Bureau of Investigations and Enforcement to the Pennsylvania State Police will serve to provide for an appropriate separation of investigative and enforcement functions from licensing functions. The General Assembly further finds that the transfer of the Bureau of Investigations and Enforcement does not affect the general jurisdiction of the Pennsylvania Gaming Control Board in any way which impairs or otherwise reduces the board's licensing authority.

(b) Legislative intent.—It is the intent of the General Assembly to transfer all of the existing functions and duties of the Bureau of Investigations and Enforcement in the Pennsylvania Gaming Control Board, including the Office of Enforcement Counsel, to the Gaming Enforcement Office in the Pennsylvania State Police. It is the further intent of the General Assembly to completely separate, except as provided under this chapter, the Gaming Enforcement Office in the Pennsylvania State Police from any regulatory or fiscal control by the Pennsylvania Gaming Control Board.

(c) Establishment.—

(1) The Gaming Enforcement Office is established within the Pennsylvania State Police.

(2) The Commissioner of Pennsylvania State Police shall select all of the following:

(i) A director of the Gaming Enforcement Office.

(ii) A director of the Office of Enforcement Counsel transferred to the Gaming Enforcement Office under this chapter.

(d) Powers and duties.—The Gaming Enforcement Office shall, in addition to the powers and duties vested in the Pennsylvania State Police under 4 Pa.C.S. Pt. II (relating to gaming), have the powers and duties previously vested in the Bureau of Investigations and Enforcement of the Pennsylvania Gaming Control Board under 4 Pa.C.S. Pt. II.

(e) Assignment.—The Commissioner of Pennsylvania State Police shall assign members of the Pennsylvania State Police to supervisory and other capacities in the Gaming Enforcement Office as the commissioner deems necessary. All other personnel of the Gaming Enforcement Office shall be civilians.

(f) Complement.—A member of the Pennsylvania State Police assigned to the duties of the Gaming Enforcement Office shall not be counted toward the complement as defined in the act of December 13, 2001 (P.L.903, No.100), entitled "An act repealing in part a limitation on the complement of the Pennsylvania State Police."

§ 5603. Transfer provisions.

(a) General rule.—The following are transferred to the Gaming Enforcement Office:

(1) All of the powers, duties and authority previously vested in the Bureau of Investigations and Enforcement of the Pennsylvania Gaming Control Board under 4 Pa.C.S. Pt. II (relating to gaming).

(2) All personnel, allocations, appropriations, equipment, files, records, contracts, agreements, obligations and other materials which are used, employed or expended by the Pennsylvania Gaming Control Board in connection with the functions transferred under this chapter to the Gaming Enforcement Office as if these contracts, agreements and obligations had been incurred or entered into by the Gaming Enforcement Office.

(b) Apportionment.—The personnel, appropriations, equipment and other items and material transferred under this section shall include an appropriate portion of the general administrative, overhead and

supporting personnel, appropriations, equipment and other material of the Pennsylvania Gaming Control Board.

§ 5604. Law enforcement reimbursement.

(a) Expenses.—Expenses of and related to the Gaming Enforcement Office shall be considered reimbursable expenses under 4 Pa.C.S. Pt. II (relating to gaming).

(b) Budget procedure.—The Gaming Enforcement Office shall prepare and annually submit an itemized budget in accordance with 4 Pa.C.S. § 1402.1 (relating to itemized budget reporting).

§ 5605. Existing office.

Any gaming enforcement office or unit existing within the Pennsylvania State Police on the effective date of this section shall be absorbed by the Gaming Enforcement Office established under section 5602(c)(1) (relating to Gaming Enforcement Office).

Section 4. Repeals are as follows.

(1) The General Assembly declares that the repeals under paragraph (2) are necessary to effectuate the addition of 18 Pa.C.S. Ch. 56.

(2) The following acts and parts of acts are repealed as follows:

(i) 4 Pa.C.S. § 1202(b)(25) is repealed.

(ii) 4 Pa.C.S. §§ 1202(b)(10) and (28), 1402(a)(4) and 1805 are repealed insofar as the sections relate to the procedure for reimbursing costs and expenses incurred by the Pennsylvania State Police.

(iii) 4 Pa.C.S. Pt. II is repealed insofar as it relates to the powers and duties of the Bureau of Investigations and Enforcement of the Pennsylvania Gaming Control Board.

(iv) 4 Pa.C.S. Pt. II is repealed insofar as it relates to the authority and oversight of the Bureau of Investigations and Enforcement by the Pennsylvania Gaming Control Board.

Section 5. This act shall take effect in 60 days.

On the question,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

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

Mr. MARSICO. Thank you, Mr. Speaker.

In the spirit of bipartisan cooperation, especially today, I am certainly pleased to withdraw my amendment to this bill because I really do think that this bill that is being considered, HB 2036, is very important. I do not want to hold up the legislative process with this amendment, and I know that many of the members do support my amendment, which is also very important. And so I look forward to bipartisan cooperation and support for my amendment, which hopefully will come up in bill form or amendment form in the near future.

Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the bill on second consideration?

Mr. WANSACZ offered the following amendment No. A06765:

Amend Sec. 1 (Sec. 2713), page 2, lines 5 through 10, by striking out all of said lines and inserting

(5) A violation of subsection (a)(3) constitutes a felony of the first degree with a term of imprisonment fixed by the court at no more than 40 years.

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

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

Mr. WANSACZ. Thank you, Mr. Speaker.

First, I would like to thank Representative Marsico and Representative Gingrich for withdrawing their amendments so we can proceed with this important bill.

This amendment really is just a clarification of our bill so that we can proceed to third consideration next week.

And again, I would just like to thank both of my colleagues for recognizing the importance of this and putting their concerns, which are legitimate, aside so we can focus on the penalties that deal with neglect of caregivers.

Thank you.

The SPEAKER. Would the gentleman give a description of his amendment?

Mr. WANSACZ. I believe so, but I can say it again, if need be.

The SPEAKER. Fine.

The Chair recognizes Representative Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

Will the maker of the amendment stand for brief interrogation?

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

Mr. VITALI. I must apologize. When you were talking, I did not hear you. You were speaking a little low. Could you just restate what you said just so I am not asking anything that has already been stated.

Mr. WANSACZ. What this amendment does is it is just a clarification of my bill, HB 2036, and it is a very simple amendment. I will read it to you. It just states, "A violation of subsection (a)(3) constitutes a felony of the first degree with a term of imprisonment fixed by the court at no more than 40 years."

We need to put this into the bill just so we can clarify the bill makes sense on HB 2036, and I know we are only supposed to speak about the amendment. So it is just a clarification that will allow us on third passage, you know, to speak about it. The whole bill itself has to do with neglect—

Mr. VITALI. Could you speak up a little bit? I am just having a little trouble here.

Mr. WANSACZ. I am sorry, Mr. Speaker.

The bill itself has to do with neglect that is done now as far as caregivers. So if a caregiver has neglect that results in a death, this bill would allow our local district attorneys and our judges to make sure that the punishment fits the crime, and this amendment is just a clarification to make sure that it all works out legally with the bill.

Mr. VITALI. Well, so you are making neglect of a care-dependent person a felony of the first degree. What is the current penalty for neglect of a care-dependent person?

Mr. WANSACZ. Thank you.

What my bill is doing is just clarifying. It is already a felony of the first degree if something happens, with a maximum of 20 years. What my bill does is say, if neglect results in the case of death, that this now will move it up to 40 years on sentencing, which brings it into line with the third-degree felony, I believe.

Mr. VITALI. Okay. Thank you.

The SPEAKER. Representative Mundy. Does Representative Mundy seek recognition? The gentlelady waives off.

Representative Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

Just to speak on this, I fully have a handle on this, but I just think that if you are dealing with a neglect case, a first-degree felony up to 40 years in jail just seems a bit on the high side. That is my only comment.

Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—196

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

NAYS—2

Thomas Vitali

NOT VOTING—0

EXCUSED—5

Cruz
Myers

Perry

Rubley

Stairs

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?

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

Mr. MAHER. Thank you, Mr. Speaker.

I was just seeking recognition on second consideration.

The SPEAKER. The gentleman is in order.

Mr. MAHER. Thank you, Mr. Speaker.

I realize the subject matter of this legislation deals with care-dependent people. I am wondering, given the appetite that we saw for taxing children in broken homes and taxing single moms, if someone is intending to offer an amendment to tax care-dependent people as well.

Thank you, Mr. Speaker.

On the question recurring,

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

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

PARLIAMENTARY INQUIRY

Mr. S. SMITH. Point of parliamentary inquiry, Mr. Speaker.

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

Mr. S. SMITH. Mr. Speaker, rule 64 refers to members required to be present and vote, and while I am not seeking to call out anybody's name or to challenge the vote on which the Harper amendment was previously established, it seemed to be clear, Mr. Speaker, that there were some members in their seats who did not vote on the Harper amendment, and I would like to ask the Speaker if there is a proper procedure for either the Chair or a floor leader to raise that question in the course of the vote being taken.

The SPEAKER. The rule does indicate that if a member is in his seat, he or she is required to vote. The proper procedure is, if a member is not in their seat or they are in their seat, it is for the respective leaders to challenge that vote, bring it to the attention of the Speaker, and the rule will be enforced.

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

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 2109, PN 2994**, entitled:

An Act amending the act of November 6, 1987 (P.L.381, No.79), known as the Older Adults Protective Services Act, further providing for reporting by employees, for reports to department and coroner and for penalties.

On the question,

Will the House agree to the bill on second consideration?

Mr. K. SMITH offered the following amendment No. **A06831**:

Amend Title, page 1, line 7, by inserting after "repeals," "

further defining "facility"; and

Amend Bill, page 1, lines 12 through 15, by striking out all of said lines and inserting

Section 1. The definition of "facility" in section 103 of the act of November 6, 1987 (P.L.381, No.79), known as the Older Adults Protective Services Act, amended December 18, 1996 (P.L.1125, No.169), is amended to read:

Section 103. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Facility." Any of the following:

(1) A domiciliary care home as defined in section 2202-A of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.

(2) A home health care agency.

(3) A long-term care nursing facility as defined in section 802.1 of the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act.

(4) An older adult daily living center as defined in section 2 of the act of July 11, 1990 (P.L.499, No.118), known as the Older Adult Daily Living Centers Licensing Act.

(5) A personal care home as defined in section 1001 of the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code.

(6) An assisted living residence as defined in section 1001 of the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code.

Section 2. Chapter 7 heading and sections 701, 702 and 706 of the act, added June 9, 1997 (P.L.160, No.13), are amended to read:

Amend Sec. 1 (Sec. 701), page 2, line 6, by striking out "harm" and inserting

injury

Amend Sec. 2, page 6, line 4, by striking out "2" and inserting

3

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes Representative Ken Smith on the amendment.

Mr. K. SMITH. Thank you, Mr. Speaker.

Amendment 6831 incorporates "assisted living residence" under the existing definition of "facility" in the Older Adults Protective Services Act as well as changes "harm" to "injury" on page 2 of line 6 to conform to an existing phrase already defined under this act, "serious physical injury."

This is a technical amendment, and I ask my colleagues for an affirmative vote.

Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—198

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Cruz	Perry	Rubley	Stairs
Myers			

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

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

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

* * *

The House proceeded to second consideration of **HB 2114, PN 3322**, entitled:

An Act amending the act of November 6, 1987 (P.L.381, No.79), known as the Older Adults Protective Services Act, further defining "facility"; providing for the definitions of "chronic dementia" and "cognitive impairment" and for certain disclosures to facility residents.

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

Mr. **SHIMKUS** offered the following amendment No. **A06856**:

Amend Sec. 2 (Sec. 5101), page 3, line 5, by inserting before "In"

(a) Disclosure.—

Amend Sec. 2 (Sec. 5101), page 3, lines 8 and 9, by striking out all of said lines and inserting

facility the physician shall disclose the interest to each

Amend Sec. 2 (Sec. 5101), page 3, lines 16 through 24, by striking out all of said lines and inserting

(b) Violation.—A physician who violates this section is subject to disciplinary action under the act of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act, or the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985.

(c) Regulations.—The department shall promulgate rules and regulations regarding oversight, compliance and enforcement under this section, including cases where a facility resident or prospective resident has a cognitive impairment or chronic dementia and has no responsible family member or legal representative.

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

The **SPEAKER**. The Chair recognizes Representative Shimkus on the amendment.

Mr. **SHIMKUS**. Thank you, Mr. Speaker.

The amendment deletes language placing requirements on the AAAs (area agencies on aging) and incorporates the following provisions: Doctors who violate the provisions would be subject to discipline by the State Medical Board or State Osteopathic Medical Board, and to further flesh out provisions regarding oversight, compliance, and enforcement, the Department of Aging would be required to develop regulations.

In addition, the department's regulations would address situations where a physician disclosure must be made and the facility resident or prospective resident has a cognitive impairment or chronic dementia and has no family, friends, or

legal representative to assist in choosing a primary care physician.

Thank you, Mr. Speaker. I ask for a positive vote.

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

The following roll call was recorded:

YEAS—198

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Cruz	Perry	Rubley	Stairs
Myers			

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

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

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

* * *

The House proceeded to second consideration of **HB 2161, PN 3593**, entitled:

An Act requiring certain long-term care facilities to coordinate with licensing agencies and local area agencies on aging to provide assistance to consumers in circumstances involving relocation of consumers; and providing for powers and duties of the Department of Aging.

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

* * *

The House proceeded to second consideration of **HB 2242, PN 3222**, entitled:

An Act requiring public notices relating to long-term care providers; and providing for compliance and enforcement, for certain information to be posted on the Internet, for certain information to be provided directly to consumers and consumers' designated persons and for certain duties of Commonwealth agencies responsible for licensure, certification and other approval of long-term care providers.

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

* * *

The House proceeded to second consideration of **HB 1177, PN 1457**, entitled:

An Act requiring health insurance policies issued by insurance companies to reimburse for mental health services provided by licensed clinical social workers.

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

DECISION OF CHAIR RESCINDED

The SPEAKER. Without objection, the Chair rescinds its announcement that the bill is agreed to.

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

MOTION TO SUSPEND RULES

The SPEAKER. The Chair recognizes the gentlelady from Montgomery County, Representative Harper, who moves to suspend the rules for the purpose of offering amendment A06967, which the clerk will read.

The clerk read the following amendment No. **A06967**:

Amend Title, page 1, lines 1 through 3, by striking out all of said lines and inserting

Amending Title 40 (Insurance) of the Pennsylvania Consolidated Statutes, providing for restructuring and for mental health services reimbursement.

Amend Bill, page 1, lines 6 through 16; page 2, lines 1 through 30; page 3, lines 1 through 19, by striking out all of said lines on said pages and inserting

Section 1. Title 40 of the Pennsylvania Consolidated Statutes is amended by adding chapters to read:

CHAPTER 65 RESTRUCTURING

Sec.

6501. Insurance Restructuring Public Interest Review Board.

§ 6501. Insurance Restructuring Public Interest Review Board.

(a) Establishment.—The Insurance Restructuring Public Interest Review Board is established to review the merger, consolidation or other acquisition of control of a hospital plan corporation or professional health services plan corporation as defined under Chs. 61 (relating to hospital plan corporations) and 63 (relating to professional health services plan corporations).

(b) Composition.—The board shall consist of the following members:

- (1) The Auditor General or a designee.
- (2) The Secretary of Public Welfare or a designee.
- (3) The Secretary of Health or a designee.
- (4) The Majority Leader of the Senate or a designee.
- (5) The Minority Leader of the Senate or a designee.
- (6) The Majority Leader of the House of Representatives or a designee.

(7) The Minority Leader of the House of Representatives or a designee.

(8) A member of the general public who is an individual insured under a hospital plan corporation or professional health services plan corporation appointed by the Governor, with the advice and consent of the Senate.

(9) A person who is currently or who has been a health care provider pursuant to a contract with a hospital plan corporation or professional health services plan corporation appointed by the Governor, with the advice and consent of the Senate.

(10) The director of the Health Care Unit within the Office of Attorney General.

(c) Chairperson.—A majority of the members of the board shall select a chairperson and other officers as they shall determine.

(d) Meetings.—The board shall convene within 45 days after the effective date of this section. The board shall meet at least four times annually. Additional meetings shall be held at the call of the chairperson or on the submission of a request signed by a majority of the members of the board.

(e) Quorum.—A majority of the members of the board shall constitute a quorum. Action of the board must be by majority vote except as provided under subsection (g)(3). Except as provided in subsection (g) or (h), all business of the board shall be conducted by a quorum.

(f) Compensation.—No member of the board shall be entitled to compensation for services performed as a member of the board, but shall be entitled to reimbursement for all necessary and reasonable

expenses incurred in connection with the performance of the duties as a member of the board.

(g) Powers and duties.—The board shall have the following powers and duties:

(1) To receive and review all filings submitted to the department relating to the merger, consolidation or other acquisition of control of a hospital plan corporation or professional health services plan corporation and all accompanying data or other information. The department may redact information determined to be a trade secret. Confidential material shall be available for review in executive session of the board. A board member, financial expert or auditor who releases confidential information shall be subject to a civil penalty not to exceed \$1,000 per violation.

(2) To hold at least one public hearing on a merger, consolidation or other acquisition of control of a hospital plan corporation or professional health services plan corporation at which the department shall present findings relating to the merger, consolidation or other acquisition of control.

(3) To make written recommendations to the department. Recommendations under this paragraph must be approved by at least seven members of the board by August 31, 2008.

(4) To appoint such financial experts or auditors as necessary to:

(i) Review the merger, consolidation or other acquisition of control.

(ii) Determine the amount of net economic benefit, savings, proceeds or other money that will be derived from the merger, consolidation or other acquisition of control.

(iii) Determine the amount of reserves, surplus and admitted assets of the health plan corporation and the professional health services plan corporation and the amount of the reserves, surplus and admitted assets of the newly merged, consolidated or acquired entity.

(iv) Determine the amount dedicated for the hospital plan corporation's and the professional health services plan corporation's social mission, as defined in section 2501 of the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, for the prior year and the current year. This subparagraph includes all for-profit affiliates and subsidiaries of the corporation.

(v) Review other amounts that will be available for the corporate social mission, as defined in section 2501, following any approval of the merger, consolidation or other acquisition of control.

(g.1) Cost.—The cost of the financial experts or auditors shall be paid for by the hospital plan corporation or professional health services plan corporation.

(h) Presentation.—The department shall present the following to the board:

(1) Findings and recommendations on the merger, consolidation or other acquisition of control to the insurance restructuring board, including an analysis of whether the hospital plan corporation or professional health services plan corporation has met all the requirements of sections 1402 and 1403 of the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921.

(2) A written response to each recommendation submitted by the board under subsection (g)(3), including a detailed written explanation of the reason the recommendation will or will not be adopted. The response shall be submitted within 30 days of receipt of a recommendation under subsection (g)(3).

(3) A written determination that the merger, consolidation or other acquisition of control will result in a

sustained benefit for Pennsylvania policyholders and a written finding that describes the reason or reasons the department believes the merger, consolidation or other acquisition of control is consistent with public interest.

(i) Review and response.—The board shall have 30 days to review and respond to the written responses to recommendations provided under subsection (h). The department shall not approve the merger, consolidation or other acquisition of control of a hospital plan corporation or professional health services plan corporation for 60 days after it has complied with subsection (h).

(j) Completion of review.—The board shall complete its review of an individual filing within 90 days of the approval or disapproval of any merger, consolidation or other acquisition of control of a hospital plan corporation or a professional health services plan corporation. The board shall reconvene to review a new filing for approval of any merger, consolidation or other acquisition of control of a hospital plan corporation or a professional health services plan corporation, within 45 days of the new filing.

CHAPTER 66

MENTAL HEALTH SERVICES REIMBURSEMENT

Sec.

6601. Definitions.

6602. Reimbursement for services provided by licensed clinical social workers.

6603. Rules and regulations.

§ 6601. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Health insurance policy." Any individual or group health insurance policy, subscriber contract, certificate or plan which provides medical or health care coverage which is offered by or is governed under any of the following:

(1) Any stock insurance company incorporated for the purposes set forth in section 202(c) of the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921.

(2) Any mutual insurance company incorporated for any of the purposes set forth in section 202(d) of The Insurance Company Law of 1921.

(3) Any professional health services plan corporation as defined in Chapter 63 (relating to professional health services plan corporations).

(4) Any fraternal benefit society as defined in Chapter 63.

(5) Any health maintenance organization as defined in the act of December 29, 1972 (P.L.1701, No.364), known as the Health Maintenance Organization Act.

(6) Any person who sells or issues contracts or certificates of insurance which meet the requirements of this chapter.

(7) Any hospital plan corporation as defined in Chapter 61 (relating to hospital plan corporations).

"Licensed clinical social worker." A provider with a master's or doctoral degree in social work who assesses, intervenes and treats individuals, families and groups with biopsychosocial problems or disorders and who holds a current advanced standing clinical license under the act of July 9, 1987 (P.L.220, No.39), known as the Social Workers, Marriage and Family Therapists and Professional Counselors Act.

§ 6602. Reimbursement for services provided by licensed clinical social workers.

(a) Reimbursement.—Whenever a health insurance policy provides reimbursement for any mental health service which is within those areas of practice for which a licensed clinical social worker is licensed to provide, the insured or any other person covered by the policy shall be entitled to reimbursement for such service duly provided.

(b) Licensed clinical social worker rights.—Whenever such service is performed by a licensed clinical social worker and reimbursed by a professional health services plan corporation, the licensed clinical social worker shall be granted such rights of participation, plan admission and registration as may be granted by the professional health services plan corporation under Chapter 63 (relating to professional health services plan corporations).

§ 6603. Rules and regulations.

The Insurance Commissioner may promulgate such rules and regulations as are deemed necessary for the effective implementation and operation of this chapter.

Section 2. The act of December 19, 1990 (P.L.834, No.198), known as the GAA Amendments Act of 1990, is repealed insofar as it is inconsistent with the addition of 40 Pa.C.S. Ch. 65.

Section 3. The addition of 40 Pa.C.S. Ch. 65 shall not apply to any merger, consolidation or other acquisition of control completed or consummated prior to the effective date of this section and, if required, following the issuance of an approving determination.

Section 4. The addition of 40 Pa.C.S. Ch. 65 shall apply to any application, statement or other plan or proposal relating to a merger, consolidation or other acquisition of control filed with the Insurance Department after December 31, 2006.

Section 5. This act shall take effect in 60 days.

On the question,

Will the House agree to the motion?

MOTION WITHDRAWN

The SPEAKER. On the motion to suspend, the Chair recognizes the lady, Representative Harper.

Ms. HARPER. I am withdrawing that amendment.

The SPEAKER. The Chair thanks the lady.

Ms. HARPER. Thank you.

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 2204, PN 3692**, entitled:

An Act amending the act of July 10, 1981 (P.L.214, No.67), known as the Bingo Law, further providing for definitions and for rules for licensing and operation; providing for progressive jackpots; and further providing for revocation of licenses.

On the question,

Will the House agree to the bill on third consideration?

The SPEAKER. The Chair recognizes Representative Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I have a few questions that I would like to ask the maker of the bill. Would the maker of the bill stand for brief interrogation?

The SPEAKER. Representative Fabrizio indicates he will stand for— Oh, Representative Walko.

Mr. WALKO. I am the maker of the bill.

The SPEAKER. You look alike.

Mr. WALKO. Mr. Speaker, I will respond to interrogatories. However, I was intending to make a brief statement with regard to the legislation prior to the interrogatories.

The SPEAKER. I believe the gentleman wanted to interrogate on third consideration rather than on final passage. Is that correct?

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, under the bill, we know that the nonprofits and charitable organizations can change the standard bingo card to an electronic bingo device. I know that there is a description in the bill, but I am having trouble truly picturing what this new electronic bingo device is about. Obviously, it is a little bit more sophisticated, that is why it is in the bill, and that is probably the reason that many of these nonprofits and charitable organizations will purchase it.

Could you kind of outline what an electronic bingo device is? Could you kind of describe it so the members of the hall of the House know what it is that we are talking about?

Mr. WALKO. It is a handheld device. It can maintain about a hundred or less bingo cards, and it is simply held in the hand. It is not a machine that you put money into. You simply pay a per-game or a per-session rental fee that might be, for example, \$4 per bingo session.

And by the way, they are legal now. It is not that they are illegal now. We are simply attempting to clarify that these items, these handheld bingo electronic machines, are legal.

Mr. CLYMER. Okay. And so when a number is called, would that appear automatically on this electronic device? If the caller of the number says B-10 or B-5, how does that then appear on this electronic device?

Mr. WALKO. I just understand that it searches the cards and automatically places the number on the appropriate card.

Mr. CLYMER. Okay. Thank you.

Mr. WALKO. Electronically.

Mr. CLYMER. Thank you.

Mr. Speaker, can these nonprofits advertise their bingo games and their prizes in local papers and in the local news media? Now, I believe they can, but I just want to make certain, because as an example, I have 10 volunteer fire companies in my legislative district – 10. I assume that three or four or more can advertise, can advertise their games and they can advertise the prizes up to, say we now are having bingo on Thursday, May 15, and we have a \$40,000 prize. I am just trying to figure out if that is something that can be done and they can use local media to present those prizes?

Mr. WALKO. Yes, Mr. Speaker. Current law does permit advertisement of bingo games. However, it is very limited. Volunteer fire companies cannot advertise the amount of a payout that might be offered in their bingo games. That is the primary difference. Now, under this legislation, nonprofit volunteer fire companies, churches, and other nonprofit organizations would be able to advertise their prizes and the numbers of prizes, for example.

Mr. CLYMER. Okay, and that is the point I want to make. So the example that I used of 10 volunteer fire companies in my district, you would have three of them that could say, our prizes are \$20,000, \$30,000, \$50,000, while the other seven companies would just play their games without advertising, and my thought is that that could be a detriment to those, not only to the other local fire companies but to any other nonprofits or charitable organizations that also have bingo. But that is fine; you have answered my question.

Mr. Speaker, can an outside agency come in to run the bingo games? Suppose there is a service organization, there is a service organization that has weekly bingo, but for some reason they decide they want to bring an outside agency in to run the bingo. Can they do it, and who would then provide for the rules and the regulations so that this second, this outside agency that has agreed to come in, does not charge outrageous prices to play the game or come up with their own rules and regulations? So that is my question.

Mr. WALKO. Mr. Speaker, there are two types of entities that can run bingo sessions. One would be a bona fide member of the association – the nonprofit volunteer fire company, the church. The other could only be the employee of the lessor of a premises which the association rents from the lessor to conduct the bingo games. All of that, the responsibility for the game, for the bingo sessions, would remain with the association that would be licensed to conduct bingo sessions. The liability, the law, the district attorney, all of those entities would still be in a position to enforce the law against the association, or to hold the association to live up to the bingo law.

Mr. CLYMER. Right, to live up to the standards, to live up to the rules and regulations that have been put in place.

Mr. WALKO. Yes.

Mr. CLYMER. Mr. Speaker, my last question.

In the legislation it says – and I will read it to kind of simplify it for the prime sponsor – it says, "No person under the age of 18 shall be permitted to play bingo unless accompanied by an adult. Children under 18 years of age shall not be permitted to play bingo using an electronic bingo device." So here is my question: If you are allowing someone under 18 to use the standard bingo card to play, why does the law prohibit that same child from using the electronic bingo device?

Mr. WALKO. Thank you, Mr. Speaker.

The current law does provide the first part of the language that you spoke about, that under age 18 you must be accompanied by an adult. I believe the feeling in requiring that no one under the age of 18, even if they are with an adult, could use an electronic bingo card was put in place as a safety measure, feeling that perhaps you could bring 3-year-olds, you could bring 4-year-olds, you could bring 5-year-olds. Some of those of us who have more than a couple of children in our family might go and the children would be using the bingo cards with no idea of what really was happening with them. I mean the electronic bingo devices.

Mr. CLYMER. Yeah. So what you are saying is that the sophisticated electronic device may be more than what a child could use or even a person that is 7 or 8 years of age, while they could play the bingo card and not have that difficulty, which is not that difficult to play. That is what you are telling me. Is that correct?

Mr. WALKO. I believe that reflects the intent of this language, Mr. Speaker.

Mr. CLYMER. Mr. Speaker, that concludes my interrogation. I would like to make commentary on passage of the bill.

The SPEAKER. The gentleman is speaking on third consideration. The Chair will move to final passage, and the gentleman will be recognized.

Mr. CLYMER. Okay. Thank you, Mr. Speaker.

The SPEAKER. We are on third consideration. We will move to final consideration.

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

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

(Bill analysis was read.)

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

The Chair recognizes Representative Walko.

Mr. WALKO. Thank you, Mr. Speaker.

This legislation is intended to empower nonprofit organizations such as volunteer fire companies and churches to step up their efforts to conduct charitable bingo sessions. Among other things, this would allow the use of handheld electronic bingo cards. That is legal now in Pennsylvania. This clarifies it. It enables the bingo session to involve more cards than physically can be done now.

This would allow for progressive jackpots up to, with limitations that will be described, up to \$50,000 – that is the limit on a progressive jackpot – and no more than \$10,000 per day can be added to it. This increases the payout per bingo session day from \$4,000 to \$10,000. It allows nonprofit groups such as volunteer fire companies to conduct bingo on four bingo sessions, on 4 days, rather than just 2 days per week.

This does allow for the leasing of bingo halls and compensation for persons who are employed by the lessors, and it also removes the cap of \$50 per bingo session from the compensation requirements. And again, it does remove restrictions on advertising so that a volunteer fire department or a church can advertise the amount of prizes that it is offering.

The whole thing is intended to help casinos deal with the onslaught of – not casinos, bingo nonprofit charitable organizations to deal with the ever-increasing drain on their dollars from expanded gaming in Pennsylvania. I could point to examples, but we had a hearing on it and many of those examples were brought forth at the hearing.

I deeply appreciate your support of this legislation. This will help our volunteer fire companies deal with the challenges they have in raising money as well as the other charitable nonprofit organizations.

Thank you, Mr. Speaker.

The SPEAKER. Representative Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, my interrogation and my remarks in opposition to this bill are certainly not directed against the prime sponsor, but rather, it is to reiterate the negative consequences of legalizing 61,000 slot machines as promoted by Gov. Ed Rendell.

Obviously, many nonprofits and charitable organizations are feeling the heavy hand of competition from casinos, as mentioned just a moment ago by the prime sponsor. As their revenues from bingo decline, the ability to provide those services for the community becomes much more difficult. Therefore, these organizations must create higher prizes to compete with these large, giant casino complexes who feed off and deplete the pockets of the poor, the less fortunate, and the disadvantaged in our society.

Mr. Speaker, with the advent of electronic bingo devices, that adds unintended consequences to this picture. How many

more dollars would be flowing from consumers into the gambling arena? That is undetermined, but the amount will be substantial. Enticing more gambling with higher prizes and new technology to speed up the games, in my opinion, is not sound public policy. Therefore, I urge a "no" vote on HB 2204.

Thank you, Mr. Speaker.

The SPEAKER. Representative Maher.

Mr. MAHER. Thank you, Mr. Speaker.

I want to applaud the sponsor of this bill for demonstrating the character and bipartisan spirit that leads to improvements in legislation as it progresses through the process.

Representative Walko, in good faith, received some concerns at the committee meeting and indicated that he was receptive to improving this legislation, and true to his word, just earlier this week he stood up and supported amendments to do just that.

I hope that we can all take a lesson from this as to when we do seek to work together and think about who it is that we are supposed to be serving and we can come out with better legislation. And I certainly will be supporting this, although certainly on a personal level it is not entirely what I might have liked, but there is a spirit of compromise and good faith. Consequently, I will be supporting the bill as amended and hope you will, too.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,
Shall the bill pass finally?

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

YEAS—180

Adolph	Geist	Marsico	Ross
Argall	George	McCall	Sabatina
Baker	Gerber	McGeehan	Sainato
Barrar	Gergely	McI. Smith	Samuelson
Bastian	Gibbons	McIlhattan	Santoni
Belfanti	Gillespie	Melio	Saylor
Benninghoff	Gingrich	Mensch	Scavello
Bennington	Godshall	Metcalf	Schroder
Beyer	Goodman	Micozzie	Seip
Bianucci	Grell	Millard	Shapiro
Bishop	Gruclera	Miller	Shimkus
Blackwell	Haluska	Milne	Siptroth
Boback	Hanna	Moul	Smith, K.
Brennan	Harhai	Moyer	Smith, M.
Brooks	Harhart	Mundy	Smith, S.
Buxton	Harkins	Murt	Solobay
Caltagirone	Harper	Mustio	Sonney
Cappelli	Harris	Nailor	Staback
Carroll	Helm	Nickol	Steil
Casorio	Hess	O'Brien, M.	Stevenson
Causer	Hornaman	O'Neill	Sturla
Civera	James	Oliver	Surra
Cohen	Josephs	Pallone	Wanger
Conklin	Keller, M.K.	Parker	Tangretti
Costa	Keller, W.	Pashinski	Taylor, J.
Curry	Kenney	Payne	Taylor, R.
Daley	Kessler	Payton	Thomas
Dally	Killion	Peifer	Turzai
DeLuca	King	Perzel	Vereb
DePasquale	Kirkland	Petrarca	Vitali
Dermody	Kortz	Petrone	Vulakovich
DeWeese	Kotik	Phillips	Wagner
DiGirolamo	Kula	Pickett	Walko
Donatucci	Leach	Preston	Wansacz
Eachus	Lentz	Pyle	Waters
Ellis	Levdansky	Quigley	Watson

Evans, D.	Longietti	Quinn	Wheatley
Evans, J.	Mackereth	Ramaley	White
Everett	Maher	Rapp	Williams
Fabrizio	Mahoney	Raymond	Wojnaroski
Fairchild	Major	Readshaw	Youngblood
Fleck	Manderino	Reed	Yudichak
Frankel	Mann	Reichley	
Freeman	Mantz	Roae	O'Brien, D.,
Gabig	Markosek	Roebuck	Speaker
Galloway	Marshall		

NAYS—18

Bear	Cutler	Hutchinson	Rohrer
Boyd	Denlinger	Kauffman	Stern
Clymer	Hennessey	Petri	True
Cox	Hershey	Rock	Yewcic
Creighton	Hickernell		

NOT VOTING—0

EXCUSED—5

Cruz	Perry	Rubley	Stairs
Myers			

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

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

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

Mr. CIVERA. Thank you, Mr. Speaker.

Mr. Speaker, I rise to ask the majority leader a question as far as scheduling, if I may.

The SPEAKER. Would the gentleman hold that for a moment until the Chair finishes its legislative business? We will only be a few minutes.

Mr. CIVERA. Sure.

* * *

The House proceeded to third consideration of **HB 2343, PN 3691**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for persons qualified to solemnize marriages.

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

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

(Bill analysis was read.)

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

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

The following roll call was recorded:

YEAS—187

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

NAYS—11

Gabig	Kauffman	Metcalf	Steil
Grell	Keller, M.K.	O'Neill	Swanger
Hutchinson	Mantz	Rapp	

NOT VOTING—0

EXCUSED—5

Cruz	Perry	Rubley	Stairs
Myers			

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.

RULE 24 SUSPENDED

The SPEAKER. The Chair recognizes Representative Dermody, who moves to suspend rule 24.

The Chair recognizes Representative Dermody on the motion to suspend.

Mr. DERMODY. Thank you, Mr. Speaker.

Yes; I would like to make a motion to suspend the rule so that the House may immediately consider HB 2297.

On the question,

Will the House agree to the motion?

The SPEAKER. Those in favor of the motion will vote "aye"—

Mr. DeWEESE. Mr. Speaker?

The SPEAKER. Representative DeWeese.

Mr. DeWEESE. This is a parliamentary procedure that would be helpful only to expedite the process. We will be voting on KOZ (keystone opportunity zone) language at 6 o'clock or we can vote on KOZ language 3 hours earlier. That would allow folks to get on the turnpike or get back to their offices and do some other work.

I would like a unanimous vote on this, but I am obviously willing to debate it with anybody. But this is only a convenience effort for both sides of the aisle. I have had an amicable dialogue with the gentleman from Jefferson County, the Republican floor leader, and ask for a favorable vote. Thank you.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—179

Adolph	Geist	Marshall	Ross
Argall	George	Marsico	Sabatina
Baker	Gerber	McCall	Sainato
Barrar	Gergely	McGeehan	Santoni
Bastian	Gibbons	McI. Smith	Saylor
Belfanti	Gillespie	McIlhattan	Scavella
Bennington	Gingrich	Melio	Schroder
Beyer	Godshall	Mensch	Seip
Biancucci	Goodman	Metcalfe	Shapiro
Bishop	Grucela	Micozzie	Shimkus
Blackwell	Haluska	Millard	Siptroth
Boback	Hanna	Miller	Smith, K.
Brennan	Harhai	Moul	Smith, M.
Brooks	Harhart	Moyer	Smith, S.
Buxton	Harkins	Mundy	Solobay
Caltagirone	Harper	Murt	Sonney
Cappelli	Harris	Mustio	Staback
Carroll	Helm	Nailor	Stevenson
Casorio	Hennessey	Nickol	Sturla
Causar	Hershey	O'Brien, M.	Surra
Civera	Hess	O'Neill	Swanger
Clymer	Hickernell	Oliver	Tangretti
Cohen	Hornaman	Pallone	Taylor, J.
Conklin	James	Parker	Taylor, R.
Costa	Josephs	Pashinski	Thomas
Creighton	Keller, W.	Payne	True
Curry	Kenney	Payton	Turzai
Daley	Kessler	Peifer	Vereb
Dally	Killion	Perzel	Vitali
DeLuca	King	Petrarca	Vulakovich
Denlinger	Kirkland	Petri	Wagner

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

NAYS—19

Bear	Freeman	Keller, M.K.	Rock
Benninghoff	Gabig	Mantz	Samuelson
Boyd	Grell	Milne	Steil
Cox	Hutchinson	Rapp	Stern
Cutler	Kauffman	Roae	

NOT VOTING—0**EXCUSED—5**

Cruz	Perry	Rublely	Stairs
Myers			

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.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2297, PN 3702**, entitled:

An Act amending the act of October 6, 1998 (P.L.705, No.92), known as the Keystone Opportunity Zone, Keystone Opportunity Expansion Zone and Keystone Opportunity Improvement Zone Act, providing for extension for unoccupied parcels, for additional subzones authorized, for substitution of parcels and for cap and trade; further providing for sales and use tax, for corporate net income tax, for local earned income, net profits and business privilege taxes and for local sales and use tax; and providing for recapture and for work performed.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

(Bill analysis was read.)

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

The Chair recognizes Representative Argall.

Mr. ARGALL. Thank you, Mr. Speaker.

Mr. Speaker, the KOZ program directly impacts, I think, the two most important issues in many of our districts, certainly in the one that I represent – jobs and economic development, and property taxes.

Now, many of you have told me on several different occasions that you supported efforts to target this program to truly blighted sites, but yesterday this House voted to reject our efforts to do just that. Many of you have told us that you want us to require more data, more proof that programs like this work, but yesterday this House voted to reject our efforts to do just that. Many of you have told me personally that you want to do more to help real genuine economic development in our rural areas and to block the accidental loophole which allows high-income professionals tax-free benefits in the KOZs, but yesterday the House voted to reject our efforts to do just that.

I remain willing to work with anyone on this issue – House, Senate, Governor, Republican, Democrat, rank-and-file member, or leadership – to correct the many defects in this program. Until we do that, however, I have to join the long list of original supporters of the KOZ program who now believe that this program has sadly lost its original focus and value. That list includes the prime sponsor, Representative Gladeck, in 1998 as well as Gov. Tom Ridge and many others.

I would suggest that you all join me today in rejecting this bill. What we should do instead is roll up our sleeves, take a long breath, and on a bipartisan basis take our time and do it right rather than just play parliamentary political games designed just to pass this bill, whatever it takes, and send it over to the Senate.

Thank you, Mr. Speaker.

The SPEAKER. Representative Maher. The gentleman waives off.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—126

Adolph	Galloway	Marshall	Seip
Barrar	George	McCall	Shapiro
Belfanti	Gerber	McGeehan	Shimkus
Bennington	Gergely	McI. Smith	Siptroth
Beyer	Gibbons	McIlhattan	Smith, K.
Biancucci	Godshall	Melio	Smith, M.
Bishop	Goodman	Micozzie	Solobay
Blackwell	Grucela	Moyer	Staback
Brennan	Haluska	Mundy	Stevenson
Buxton	Hanna	Murt	Sturla
Caltagirone	Harhai	Mustio	Surra
Cappelli	Harkins	O'Brien, M.	Tangretti
Carroll	Hornaman	Oliver	Taylor, J.
Casorio	James	Pallone	Taylor, R.
Civera	Josephs	Parker	Thomas
Cohen	Keller, W.	Pashinski	Vereb
Conklin	Kenney	Payne	Vitali
Costa	Kessler	Payton	Vulakovich
Curry	Killion	Perzel	Wagner
Daley	King	Petrarca	Walko
DeLuca	Kirkland	Petri	Wansacz
DePasquale	Kortz	Petrone	Waters
Dermody	Kotik	Preston	Wheatley
DeWeese	Kula	Ramaley	White
DiGirolamo	Leach	Raymond	Williams
Donatucci	Lentz	Readshaw	Wojnaroski
Eachus	Levdansky	Roebuck	Yewcic
Evans, D.	Longietti	Sabatina	Youngblood
Evans, J.	Mahoney	Sainato	Yudichak
Fabrizio	Manderino	Samuelson	

Frankel	Mann	Santoni	O'Brien, D.,
Freeman	Markosek	Schroder	Speaker

NAYS—72

Argall	Fleck	Maher	Quinn
Baker	Gabig	Major	Rapp
Bastian	Geist	Mantz	Reed
Bear	Gillespie	Marsico	Reichley
Benninghoff	Gingrich	Mensch	Roae
Boback	Grell	Metcalfe	Rock
Boyd	Harhart	Millard	Rohrer
Brooks	Harper	Miller	Ross
Causer	Harris	Milne	Saylor
Clymer	Helm	Moul	Scavello
Cox	Hennessey	Nailor	Smith, S.
Creighton	Hershey	Nickol	Sonney
Cutler	Hess	O'Neill	Steil
Dally	Hickernell	Peifer	Stern
Denlinger	Hutchinson	Phillips	Swanger
Ellis	Kauffman	Pickett	True
Everett	Keller, M.K.	Pyle	Turzai
Fairchild	Mackereth	Quigley	Watson

NOT VOTING—0

EXCUSED—5

Cruz	Perry	Rubley	Stairs
Myers			

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.

BILLS REMOVED FROM TABLE

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

HB 76;
HB 830;
HB 1576;
HB 1935;
HB 1936;
HB 1937;
HB 1959;
HB 2188;
HB 2353; and
HB 2428.

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

BILLS RECOMMENDED

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

HB 76;
 HB 830;
 HB 1576;
 HB 1935;
 HB 1936;
 HB 1937;
 HB 1959;
 HB 2188;
 HB 2353; and
 HB 2428.

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

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 2231, PN 3191**, entitled:

An Act amending the act of February 9, 1999 (P.L.1, No.1), known as the Capital Facilities Debt Enabling Act, further providing for appropriation for and limitation on redevelopment assistance capital projects.

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 2231 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. The Chair recognizes the majority leader, who moves that HB 2231 be removed from the tabled bill calendar and placed on the active calendar.

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

RESOLUTIONS

Mr. DeWEESE called up **HR 484, PN 2753**, entitled:

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.

On the question,
 Will the House adopt the resolution?

RESOLUTION TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves that HR 484 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.

RESOLUTION REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader, who moves that HR 484 be removed from the tabled bill calendar and placed on the active calendar.

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

* * *

Mr. DeWEESE called up **HR 568, PN 3149**, entitled:

A Resolution directing the Legislative Budget and Finance Committee to study and make recommendations for the establishment and administration of a voluntary, opt-in Statewide system for health care and other employment-related benefits, including and excluding pensions for purposes of comparison, for uniformed and nonuniformed employees of local government units.

On the question,
 Will the House adopt the resolution?

RESOLUTION TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves that HR 568 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.

RESOLUTION REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader, who moves that HR 568 be removed from the tabled bill calendar and placed on the active calendar.

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

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 2405, PN 3723 (Amended) By Rep. DONATUCCI

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, adding definitions; and further providing for sales by Pennsylvania Liquor Stores, for sales by liquor licensees and restrictions, for distributors' and importing distributors' restrictions

and for unlawful acts relative to liquor, malt and brewed beverages and licensees.

LIQUOR CONTROL.

HOUSE BILL INTRODUCED AND REFERRED

No. 2420 By Representatives SAMUELSON, TANGRETTI, LEACH, BENNINGHOFF, JOSEPHS, McILVAINE SMITH, FREEMAN, CARROLL, BASTIAN, BEAR, BENNINGTON, BEYER, BOYD, BRENNAN, BROOKS, BUXTON, CALTAGIRONE, CLYMER, CONKLIN, COSTA, CREIGHTON, CUTLER, DALLY, DePASQUALE, DiGIROLAMO, EVERETT, FRANKEL, GALLOWAY, GEORGE, GERBER, GIBBONS, GOODMAN, GRELL, GRUCELA, HANNA, HARHART, HARPER, HORNAMAN, HUTCHINSON, KESSLER, KING, KORTZ, KULA, LENTZ, LEVDANSKY, MAHONEY, MANDERINO, MANN, MANTZ, MARSHALL, McILHATTAN, MELIO, MILNE, MURT, MUSTIO, NAILOR, NICKOL, O'NEILL, PASHINSKI, PAYTON, PEIFER, PETRI, PRESTON, QUINN, RAMALEY, READSHAW, ROAE, ROCK, RUBLEY, SCAVELLO, SCHRODER, SEIP, SHAPIRO, SHIMKUS, SIPTROTH, K. SMITH, M. SMITH, STEIL, SWANGER, R. TAYLOR, TRUE, VULAKOVICH, WAGNER, WALKO, WATSON, J. WHITE, WOJNAROSKI, YUDICHAK, REED and HELM

A Joint Resolution proposing integrated amendments to the Constitution of the Commonwealth of Pennsylvania, further providing for legislative and congressional reapportionment.

Referred to Committee on STATE GOVERNMENT, May 7, 2008.

VOTE CORRECTION

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

Mr. PALLONE. Thank you, Mr. Speaker. Just to correct the record.

Despite the admonishment from the minority leader, whom I hold in the highest regard and truly respect, my voting button truly malfunctioned. I was voted in the negative and it flashed blank, and I did not get back on before you closed the board on amendment A6776 to SB 1278. I am recorded as not voting, and I clearly was voted in the negative and I would like to be recorded as such.

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

Mr. PALLONE. Thank you.

ANNOUNCEMENT BY MR. EACHUS

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

Mr. EACHUS. A point of personal privilege on a bipartisan announcement, Mr. Speaker.

The SPEAKER. The gentleman is recognized under the provision of unanimous consent.

Mr. EACHUS. Thank you, Mr. Speaker.

I would just like to make an announcement on behalf of the House Democratic Policy Committee and the Republican Policy Committee. Representative Turzai and I are cooperating tomorrow in a hearing that deals with a very important issue.

As you know, heroin has become a plague in our communities, in our high schools, and it has created an active role in the rising crime in the Commonwealth. We are focusing tomorrow— The committee meeting is in the majority caucus room; it starts at 10 a.m., and it will focus on an alternative treatment for heroin addiction by the use of a drug called Suboxone. Suboxone is a much more progressive drug, and it would replace the kinds of Methadone treatments that you have seen. It has been very effective, and I just wanted to make sure that the members were aware that tomorrow at 10 o'clock, in the majority caucus room, that all members are welcome.

Thank you, Mr. Speaker.

VOTE CORRECTION

The SPEAKER. For what purpose does Representative Brooks rise?

Mrs. BROOKS. Mr. Speaker, I would like to correct a malfunction of my switch.

On HB 2297 I was cast in the negative, and it should be in the affirmative. Thank you.

The SPEAKER. The Chair thanks the lady. Her remarks will be spread upon the record.

STATEMENT BY MR. THOMAS

The SPEAKER. Representative Cautious.

Mr. THOMAS. I am cautiously optimistic today, Mr. Speaker.

But, Mr. Speaker, on, I believe it was SB 1278, on the Harper amendment, Mr. Speaker, I had no idea that the vote was still going on when I came back to my seat. I had left the floor of the House and came back to my seat and did not realize that that vote was still going on. So there was no effort to violate House rule 64, which I have a lot of respect for, and there was no effort to be present without voting. So I wanted the record to at least reflect that. Thank you.

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

INTERROGATION

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

Mr. CIVERA. Thank you, Mr. Speaker.

Mr. Speaker, I rise to ask the majority Appropriations chairman some questions about our budget and our scheduling, if I may, Mr. Speaker.

The SPEAKER. He seems to be very anxious to respond to your inquiry. Representative Evans.

Mr. CIVERA. Mr. Speaker, could you give us some idea of when you are going to post the budget or notice the budget so we can be prepared with the amendment process?

You had indicated yesterday at our meeting, when we had the four caucuses and the Governor's Office together to start the negotiations to the budget, that you were willing to start the

budget process in the first week of June. As you are well aware, we have 19 legislative days remaining, unless you bring us back for some days in May where we can start this process. So could you indicate to us what your intentions are, and if we need to be out— Well, we would like to be out of here by June 30, if at all possible, which you have indicated that you want to do that also.

Mr. D. EVANS. Yes, Mr. Speaker, I have indicated that I definitely would like to be completed by June 30 with all of the various issues that we have to deal with, and you know exactly what that means, Mr. Speaker, because as I announced to you yesterday in my office, we had a meeting with your leadership, the Senate Republican leadership, Senate Democrat leadership, and the House Republican leadership, and as you know, there are a couple of things we are waiting for.

The first thing is, the Governor's Office is laying out kind of the completion of the agenda, which next Tuesday, on May 13, we are going to have another meeting so the Governor can come back. You know, we tried to have a meeting yesterday evening, but the Senate was not prepared to meet and the Governor. So we agreed that the Governor's Office will lay out the agenda.

Secondly, we also said that we had to look at the revenue numbers for the month of May, so we have to look at the revenue.

Thirdly, we also said we needed to get the rest of the welfare numbers, which will not be ready until the end of May.

So in my view, Mr. Speaker, it is hard and difficult to move unless you have those revenue numbers, unless you have those welfare numbers, and unless we have the list relating to the Governor.

I say this, Mr. Speaker, because I have also said to you that I just do not want to have us go through the shenanigans that we have gone through in the past, that I want to make sure that this is an open process and that everybody has a chance to be involved, because we go through that process, which you and I hope others consider sometimes is a waste of time, and nothing really happens at the end. I think it makes us look bad as a body. But what I am hoping is when we get all the information on the revenue numbers by the end of May, we get the welfare numbers which will ready by the end of May, I have gotten a specific commitment from the Governor's Office that they will have next week, next Tuesday, for everybody who is in that room, using that room, where the Governor's Office will have all of the issues before us that are relating to the budget.

Mr. CIVERA. Mr. Speaker, I understand exactly what you say, and I understand exactly the path that you are taking. However, we are a member of this chamber, you and I together, and you are the majority of the Appropriations Committee, and therefore, you have it, not in the Governor's power, not in the Senate's power, but in your power and the majority leader to set a date of when you are going to call that Appropriations bill out of the committee, and that is all we are asking. You set that date, we amend to that date, and we do what the rules of the House say, and then we go on.

Whether you want to call that bill that day or not, those amendments are prepared to that bill, and that is all I am asking you to do. Because the way we are presently, if that bill is not noticed today – okay? – and you are in a 3-week process, according to the rules, that brings us exactly where you wanted us to be on June 1.

If we do what I just heard you say – we are in until next Tuesday, then we are into the second week in June – how do

you expect to get out of here by June 30? This has nothing to do with what the Governor is doing; this has something to do with what you and I are doing, what this chamber does. That is all I am asking.

Mr. D. EVANS. Mr. Speaker, I say to you, we need all the parties involved. As of next Tuesday, which you were at the meeting on the Tuesday just past, as of next Tuesday, what we agreed to in that meeting is that the Governor's Office would present to us in a sense the rest of the additional information, which, in my view, provides us an opportunity to finish and to complete where we are.

As of next Tuesday, I will give that information in terms of what particular date we are going to set the time for that meeting once we get that information from the Governor, because at the end of the day, you know and I know, Mr. Speaker, that it is going to take those same negotiations that took place just Tuesday to resolve this. This is not going to be resolved here, Mr. Speaker, and I was grateful for you to say that, and I am not putting words in your mouth, but you and I both know that ultimately you are going to have to get all the parties in the same room and solve this.

Mr. CIVERA. Okay. Let us try this one more time.

No matter how we turn this, when that document leaves the Appropriations Committee and it is properly posted for the members to do amendments to that document, that is all I am asking you to do here.

I understand the negotiating process. I am well aware of that; I am well aware of all the parties that have to be at the table, but these members out here – okay? – have amendments. They want to be part of the process, and that is all I am asking you to do. I am not asking you to negotiate with me right now or I negotiate with you; I am asking you to start the process. That is all I am saying. If you do what I am saying, the way this book reads, next Tuesday, we are into the second week in June; how do you expect to be out of here by June 30?

Mr. D. EVANS. Mr. Speaker, one, there are 80 amendments that have already been filed against the bill, so when you say start the process, members are already doing amendments. That is the first thing.

Secondly, we just have to work a little harder. Now, if we have to work 7 days a week, I am prepared to work 7 days a week, Mr. Speaker. I have said that to you before; I have said that to you before. We even suggested in that meeting, Mr. Speaker, and we were prepared to have our staff work this weekend. We said that. We will have our staff work this weekend to begin to lay out the print. We said that to you this weekend.

Now, we said that to you. Our staff is prepared to work this weekend. So let us be very clear. What did we say we wanted to accomplish? We wanted to agree on a revenue number. That is what we said. That is the first determination. We cannot agree on a revenue number until we get the results of the revenue number by the end of May – first.

Secondly, we said we needed the welfare numbers. We need those numbers. So even if we go along with the suggestion you are making, amendments must be revenue-neutral. That is what they must be. It is hard to make that determination if you do not have the information. So when members are putting amendments together, we got to tell them where they have to make the changes from. We do not have that information. You know that and I know that.

Mr. CIVERA. Okay. I mean, I guess we can go here all day.

The reason for the questions, the reason for the questions, the reason for this debate that we are having is so we can move the process, and the members do not know what you and I know, do not know that, so they are brought in to be part of the process. All I am saying to you today is post a budget; we amend it. You can do whatever you want to do at that point. That is all I am saying. This is what the book says. And we, honest to God, Mr. Speaker, we are not going to get out of here on June 30 if we play it this way. You know it and I know it.

Now, we want to get out of here on time. I am not asking you to do anything that we have not talked privately about. Everything that you have said privately, I agree with that. All I am asking you to do is to post a budget the way the rules say. This brings us into the first week of June. If you do not want to do it the first week of June, at least we have the amendments posted. Now, what is wrong with that?

Mr. D. EVANS. Mr. Speaker, I will repeat it again: There are 80 amendments posted currently – 80 amendments; 80 amendments. Check online; 80 amendments are posted – first.

Secondly, Mr. Speaker, you know and I know, we do not have all of the revenue numbers. We do not have the welfare numbers. So, Mr. Speaker, I do not mind if you want to stand here, as long as you want to stand here, and continue having this discussion. What I am saying publicly, I told you privately. I do not have a problem in saying this. I have said that to you.

So we will have a meeting next Tuesday. At the end of the day, Mr. Speaker, you know we are going to have to have the Senate involved and the Governor's Office involved. Now, we have gone through this process. You know what we have to do. We are scheduled for the whole month of June. We are scheduled for the whole month of June. I told you, I am prepared to work 7 days a week.

Now, I will be ready, Mr. Speaker. As a matter of fact, we introduced— Everything is in position.

Mr. CIVERA. Mr. Speaker, you are a good teacher. I learned from you last year. I watched how you handled it. The four caucuses got together and they drew estimates on the revenue. I watched it. So what we did last year is not good enough to do this year?

We never had the exact dollar mark at the end. We had estimates. Your executive director as well as my executive director and the Senate and the Senate Ds all got together with the Governor's Office and they came out with estimate numbers that we could go by. So now, we did that process last year, and all I am saying to you is, so you remain within this chamber, that we cannot at this point be concerned with what the Senate is going to do; we have to be concerned with what the House is going to do. And all I am asking you is, post a budget, we do the amendments, and then the process that you and I have to go through, we will follow suit. I do not understand why you are arguing with me on this.

Mr. D. EVANS. Mr. Speaker, I would never, never argue with you, but let me just say this to you, Mr. Speaker. Let me just go over last year – or this current year.

You may recall, we voted a budget. You did not like that budget. You offered an amendment; we offered an amendment. We voted your amendment down; we voted our amendment in. We sent the bill over to the Senate. The Senate took a different action than we had taken – they sent the bill back. On the last week of June, we then nonconcurrent on the budget.

Now, this is what I am trying to do this year. I want you to be clear. I am trying to have all five parties at the table early, the Governor's Office, not this like a ping-pong going back and forth, not where the legislature does one thing and the Governor does another thing. I am not trying— I am trying to have where everybody is in the same room, everybody has the same information, and then when they have the same information, you, like you said, you will go back to your caucus and explain what is taking place; I will come back to my caucus and explain. So at least by having that process, we short-circuit where we were last year.

If you recall, last year we bounced that budget back twice. I am trying to, Mr. Speaker, avoid that process that particular way. So if you are saying you are learning to be a good student, what you should learn about me in the way I am handling this process is I am basically trying to learn from the past and not do what we did last year, that what I am trying to do, that is why I got all the people in the same room.

As a matter of fact, Mr. Speaker, it came from you. It was your recommendation and your staff person's recommendation who suggested that we get everybody in the same room. So guess what I did, Mr. Speaker? Do you hear me? I listened to you; I listened to you. So we got everybody in the same room; we had a discussion. We met in that room for an hour. We tried to meet last night; we are going to meet next Tuesday. So I am trying to get everybody on the same page with the same information so we do not have a situation where we are bouncing this budget back and forth and we resolve this. That is what I am trying to do, Mr. Speaker.

Mr. CIVERA. Mr. Speaker, you were here in the nineties, I was here in the nineties, and because we were not following the process the way it should be, and I think you people were in the majority back then, but Common Cause took us to the Supreme Court. We have a process that we have to follow, and all I am asking you, all I am asking you is to allow us the amendment process. Let the members of the General Assembly be part of this, okay? Set the date when you are going to post the bill, and that is all we are doing. You are going the full circle here, and you are going the full circle and you are repeating what you are saying, that we have a— You know it. I am preaching to the choir. We have a constitutional date, June 30, under which you are mapping out here, you are not going to make June 30, Mr. Speaker. You are not going to do it. And then all of a sudden you and I on PCN, well, I thought you people were going to get done on June 30; there they go again.

You know, let me say something to you: This is going to be the sixth year that this budget has not been done on time. Come on; that is all I am asking you, to post the budget, and we are fine.

THE SPEAKER PRO TEMPORE (JOSEPH A. PETRARCA) PRESIDING

ANNOUNCEMENT BY MR. PETRONE

The SPEAKER pro tempore. Any further announcements? Does Representative Petrone seek recognition?

Mr. PETRONE. Thank you, Mr. Speaker.

Mr. Speaker, I would like to remind all of my colleagues about the importance of the meeting tomorrow, the bipartisan meeting on Suboxone treatment.

I have personal firsthand knowledge of the success of this, and I would encourage all of you who can to attend to get all the details, because I know that there is not one district in this State that is not touched by the problems that this can help. It is a growing problem, and we need to do all that we can to try to provide the support to these desperate young people who are looking for answers and a cure. This is one of the miraculous new things that is happening in this field.

So please, if you cannot attend, get the details of it. It is very, very important. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Any further announcements? Any other business before the House?

Before we leave the floor, the Chair would like to wish all mothers out there a very happy Mother's Day.

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.

RECESS

The SPEAKER pro tempore. The Chair recognizes Representative Matt Smith from Allegheny County, who moves that this House do now recess until Monday, May 12, 2008, at 1 p.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 3:37 p.m., e.d.t., the House recessed.