

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

MONDAY, MARCH 22, 2004

SESSION OF 2004

188TH OF THE GENERAL ASSEMBLY

No. 14

HOUSE OF REPRESENTATIVES

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

**THE SPEAKER (JOHN M. PERZEL)
PRESIDING**

PRAYER

REV. JOSEPH A. HARMON, ESQ., Chaplain of the House of Representatives, offered the following prayer:

Let us pray:

O God of grace and glory, we call upon You in this hour to open our hearts to Your presence. Still our minds for the work that is at hand. Center our thoughts for the purposes to which You have called us.

Free us, O God, from the hatreds that divide and conquer, and unite us with bonds of affection and mutual regard. Remove from us the fears and doubts that cloud our minds, and enlighten us with the clarity of Your love and mercy. Deliver us, O God, from the tyranny of pettiness and rivalry, and lift us to new heights of inspiration and hope.

Bless, we pray, the Speaker and members of this House. By the effectual working of Your providence, may they do with zeal the good works that You purpose for them, that their work may build up this great Commonwealth to Your honor and glory. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Wednesday, March 17, 2004, will be postponed until printed. The Chair hears no objection.

JOURNALS APPROVED

The SPEAKER. The following Journals are, however, in print: Monday, September 29; and Tuesday, September 30, 2003.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2452 By Representatives BOYD, DENLINGER, STERN, CAPPELLI, NICKOL, WILT, GEIST, GEORGE, FAIRCHILD, R. STEVENSON, E. Z. TAYLOR, TURZAI, HERSHEY, KILLION, SCAVELLO, GINGRICH, ARMSTRONG, HICKERNELL, ROHRER, CREIGHTON and ROSS

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further defining "installment sales method of reporting" for purposes of the personal income tax.

Referred to Committee on FINANCE, March 18, 2004.

No. 2453 By Representatives CASORIO, BISHOP, CRUZ, DALEY, DeWEESE, HARHAI, HARRIS, KOTIK, LAUGHLIN, LEACH, LEDERER, PISTELLA, SCAVELLO, THOMAS, WASHINGTON and WEBER

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for visual and audible signals on emergency vehicles.

Referred to Committee on TRANSPORTATION, March 18, 2004.

No. 2454 By Representatives LEWIS, BENNINGHOFF, ADOLPH, ALLEN, ARMSTRONG, BAKER, BALDWIN, BARRAR, BELFANTI, BIRMELIN, BOYD, BROWNE, BUNT, CAPPELLI, CAUSER, CLYMER, COLEMAN, CRAHALLA, CREIGHTON, DAILEY, DALLY, DENLINGER, EGOLF, J. EVANS, FICHTER, FLICK, FORCIER, GABIG, GEIST, GEORGE, GINGRICH, HANNA, HARHART, HARPER, HARRIS, HENNESSEY, HERMAN, HERSHEY, HICKERNELL, KENNEY, KILLION, LEH, LYNCH, MAHER, MAITLAND, MARSICO, McGILL, McILHATTAN, McNAUGHTON, METCALFE, MICOZZIE, MILLARD, R. MILLER, S. MILLER, MUSTIO, NAILOR, O'NEILL, PAYNE, PETRARCA, PETRI, PICKETT, REED, ROHRER, RUBLEY, SAINATO, SATHER, SCAVELLO, SCHRODER, SEMMEL, STERN, R. STEVENSON, TRUE, TURZAI, WATSON, WILT, BASTIAN, HUTCHINSON and WEBER

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further defining "processing" for purposes of the sales and use tax; and further providing for the applicability of 2003 amendments to the gross receipts tax.

Referred to Committee on FINANCE, March 18, 2004.

No. 2455 By Representatives VANCE, SCHRODER, PISTELLA, HARPER, ADOLPH, ARMSTRONG, BAKER, BASTIAN, BELFANTI, BOYD, BROWNE, CAPPELLI, CLYMER, CORRIGAN, CRAHALLA, DALLY, DeLUCA, DENLINGER, EGOLF, FAIRCHILD, FORCIER, GABIG, GEIST, GINGRICH, GOOD, GOODMAN, HALUSKA, HARHAI, HERMAN, HERSHEY, HUTCHINSON, JOSEPHS, KELLER, KILLION, LAUGHLIN, LEACH, LEH, MACKERETH, MANN, MARKOSEK, MARSICO, MILLARD, R. MILLER, MYERS, NAILOR, NICKOL, O'NEILL, PALLONE, PICKETT, ROSS, RUBLEY, SATHER, SAYLOR, B. SMITH, TANGRETTI, E. Z. TAYLOR, THOMAS, TRUE, TURZAI, WATSON and WEBER

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for employer immunity from liability for disclosure of information regarding former or current employees.

Referred to Committee on JUDICIARY, March 18, 2004.

No. 2456 By Representatives WRIGHT, BASTIAN, DALEY, DENLINGER, GEIST, HALUSKA, HENNESSEY, KOTIK, LEH, McILHINNEY, MILLARD, MYERS, O'NEILL, SURRA, E. Z. TAYLOR, THOMAS, TIGUE and WEBER

An Act amending the act of December 29, 1972 (P.L.1713, No.367), known as the Motor Vehicle Physical Damage Appraiser Act, further providing for definitions and for compliance with act.

Referred to Committee on CONSUMER AFFAIRS, March 18, 2004.

No. 2457 By Representatives WRIGHT, BARRAR, BASTIAN, BUNT, DALEY, DENLINGER, DeWEESE, GEIST, HALUSKA, HARPER, HENNESSEY, HERSHEY, KOTIK, LEH, MILLARD, MYERS, O'NEILL, SCHRODER, SOLOBAY, SURRA, E. Z. TAYLOR, THOMAS, TIGUE and WEBER

An Act amending the act of December 29, 1972 (P.L.1713, No.367), known as the Motor Vehicle Physical Damage Appraiser Act, further providing for compliance with act.

Referred to Committee on CONSUMER AFFAIRS, March 18, 2004.

No. 2458 By Representatives HERMAN, DENLINGER, GOODMAN, GILLESPIE, PETRARCA, GOOD, READSHAW, McNAUGHTON, SOLOBAY, WILT, SURRA, ADOLPH, ARMSTRONG, BALDWIN, BASTIAN, BEBKO-JONES, BELARDI, BENNINGHOFF, BOYD, BROWNE, BUNT, CAPPELLI, CORRIGAN, COY, J. EVANS, FABRIZIO, FAIRCHILD, GABIG, GEIST, GEORGE, GINGRICH, GRUCELA, HARHAI, HESS, HUTCHINSON, KILLION, LAUGHLIN, LEH, LESCOVITZ, MILLARD, O'NEILL, PALLONE, PISTELLA, SAINATO, SCAVELLO, TANGRETTI, E. Z. TAYLOR, TIGUE, TRAVAGLIO, WASHINGTON, YOUNGBLOOD, YUDICHAK and ZUG

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, expanding the definition and hunting privileges of military personnel.

Referred to Committee on GAME AND FISHERIES, March 18, 2004.

No. 2459 By Representative HANNA

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to the Lock Haven University Foundation, a nonprofit corporation; a certain tract of land situate in the City of Lock Haven, Clinton County, in exchange for a certain tract of land situate in the City of Lock Haven, Clinton County.

Referred to Committee on STATE GOVERNMENT, March 18, 2004.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 613 By Representatives GODSHALL, PERZEL, ARGALL, CAPPELLI, CLYMER, CRAHALLA, CREIGHTON, DENLINGER, DERMODY, HALUSKA, HERSHEY, JAMES, KELLER, LaGROTTA, LEH, MANDERINO, MYERS, PAYNE, READSHAW, REICHLEY, R. STEVENSON, SURRA, THOMAS, TIGUE, WALKO, WATERS, WHEATLEY and BOYD

A Resolution directing the Judiciary Committee to direct and oversee a study conducted by the Pennsylvania Commission on Sentencing on the use and impact of mandatory minimum sentences.

Referred to Committee on JUDICIARY, March 18, 2004.

No. 615 By Representatives JAMES, SURRA, WHEATLEY, JOSEPHS, WASHINGTON, LaGROTTA, LEACH, CURRY, THOMAS, YOUNGBLOOD, DALEY, KIRKLAND, BISHOP, WILLIAMS and WATERS

A Resolution affirming American civil liberties, opposing those provisions of the USA PATRIOT Act that undermine constitutional rights and civil liberties, requesting public schools and institutions of higher education to notify students whose educational records have been obtained under section 507 of the USA PATRIOT Act and requesting public libraries to notify patrons that borrowing activity is subject to scrutiny under section 215 of the USA PATRIOT Act without further notification.

Referred to Committee on EDUCATION, March 18, 2004.

No. 617 By Representative ARGALL

A Resolution amending House Rule 19(b).

Referred to Committee on RULES, March 18, 2004.

No. 618 By Representatives S. H. SMITH, THOMAS, ADOLPH, ARGALL, BALDWIN, BARRAR, BASTIAN, BEBKO-JONES, BENNINGHOFF, BOYD, BROWNE, BUNT, CAPPELLI, CAUSER, CLYMER, CRAHALLA, CREIGHTON, DeLUCA, DeWEESE, J. EVANS, FABRIZIO, FAIRCHILD, FICHTER, FLICK, FORCIER, FRANKEL, GEIST, GEORGE, GINGRICH, GODSHALL, GOOD,

HARPER, HERMAN, HESS, HICKERNELL, HORSEY, KELLER, KILLION, KIRKLAND, KOTIK, LEDERER, LEH, LEWIS, MACKERETH, MAJOR, MANN, MARKOSEK, MARSICO, McCALL, McILHATTAN, MILLARD, R. MILLER, S. MILLER, MUSTIO, NAILOR, O'NEILL, PALLONE, PAYNE, PHILLIPS, PICKETT, PISTELLA, READSHAW, ROSS, RUBLEY, SATHER, SAYLOR, SCAVELLO, SCHRODER, SEMMEL, B. SMITH, SOLOBAY, R. STEVENSON, T. STEVENSON, E. Z. TAYLOR, J. TAYLOR, TIGUE, TRUE, TURZAI, WALKO, WASHINGTON, WATSON, WEBER, WHEATLEY, WILT, WOJNAROSKI, YOUNGBLOOD and YUDICHAK

A Resolution directing the Legislative Budget and Finance Committee to conduct a thorough review of Pennsylvania's long-term care continuum, to examine current demographic information in order to identify anticipated future demand for long-term care programs and services and the ability of the current long-term care provider network to meet that demand and to assess the role of private and public payors in meeting the current and anticipated future costs for long-term care programs and services.

Referred to Committee on HEALTH AND HUMAN SERVICES, March 18, 2004.

SENATE BILLS FOR CONCURRENCE

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

SB 922, PN 1438

Referred to Committee on HEALTH AND HUMAN SERVICES, March 18, 2004.

SB 979, PN 1439

Referred to Committee on JUDICIARY, March 18, 2004.

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that the following bills be taken off the table: HB 847 and HB 1126.

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

BILLS TABLED

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that the following bills be placed upon the table: HB 847 and HB 1126.

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.
Mr. S. SMITH. Mr. Speaker, I move that the following bill be taken from the table: HB 2447.

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

BILL ON SECOND CONSIDERATION

The following bill, having been called up, was considered for the second time and agreed to, and ordered transcribed for third consideration:

HB 2447, PN 3459.

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that the following bill be recommitted to the Committee on Appropriations: HB 2447.

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

SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 1423, PN 3386**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

RULES COMMITTEE MEETING

The SPEAKER. The majority leader calls for an immediate meeting of the Rules Committee.

RESOLUTION REPORTED FROM COMMITTEE

HR 617, PN 3484

By Rep. S. SMITH

A Resolution amending House Rule 19(b).

RULES.

**BILL ON CONCURRENCE
REPORTED FROM COMMITTEE**

HB 1423, PN 3386 By Rep. S. SMITH

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing, in adoption, for voluntary relinquishment to adults, for an alternative procedure, for reports of intention and for consent.

RULES.

**BILLS REPORTED FROM COMMITTEES,
CONSIDERED FIRST TIME, AND TABLED**

HB 747, PN 874 By Rep. CLYMER

An Act selecting, designating and adopting the Hazleton soil series as the official soil of the Commonwealth of Pennsylvania.

STATE GOVERNMENT.

HB 1731, PN 2249 By Rep. LEH

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

FINANCE.

HB 2170, PN 2941 By Rep. LEH

An Act amending the act of March 11, 1971 (P.L.104, No.3), known as the Senior Citizens Rebate and Assistance Act, further providing for the definition of "income."

FINANCE.

HB 2171, PN 2942 By Rep. LEH

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, further providing for the definition of "income" as it pertains to the PACE and PACENET programs.

FINANCE.

HB 2218, PN 3015 By Rep. GEIST

An Act amending the act of June 1, 1956 (1955 P.L.1944, No.655), referred to as the Liquid Fuels Tax Municipal Allocation Law, adding a definition of "computer-related hardware, software and training"; and further providing for moneys appropriated to municipalities.

TRANSPORTATION.

HB 2273, PN 3496 (Amended) By Rep. CLYMER

An Act amending the act of August 5, 1941 (P.L.752, No.286), known as the Civil Service Act, further providing for examinations requisite for appointment and promotion.

STATE GOVERNMENT.

HB 2329, PN 3250

By Rep. LEH

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

FINANCE.

**BILL REPORTED AND REREFERRED TO
COMMITTEE ON TRANSPORTATION**

HB 2047, PN 2697

By Rep. CLYMER

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to the Philadelphia Regional Port Authority certain lands situate in the City of Philadelphia.

STATE GOVERNMENT.

**BILL REPORTED AND REREFERRED TO
COMMITTEE ON STATE GOVERNMENT**

HB 2052, PN 2702

By Rep. LEH

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, providing for additional creditable nonstate service as a municipal employee.

FINANCE.

**BILLS REPORTED AND REREFERRED TO
COMMITTEE ON LOCAL GOVERNMENT**

HB 2189, PN 2977

By Rep. LEH

An Act amending the act of January 19, 1968 (1967 P.L.992, No.442), entitled, as amended, "An act authorizing the Commonwealth of Pennsylvania and the local government units thereof to preserve, acquire or hold land for open space uses," further providing for local taxing options; and providing for land trusts.

FINANCE.

HB 2351, PN 3279

By Rep. LEH

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, providing for retirement benefits of employees transferred to wastewater authorities.

FINANCE.

**BILL REPORTED AND REREFERRED TO
COMMITTEE ON URBAN AFFAIRS**

HB 2358, PN 3301

By Rep. LEH

An Act amending the act of May 16, 1923 (P.L.207, No.153), referred to as the Municipal Claim and Tax Lien Law, providing for donation of property; and further providing for form of claims and for records of claims and tax liens.

FINANCE.

CALENDAR

RESOLUTION

Mr. S. SMITH called up **HR 577, PN 3472**, entitled:

A Resolution requesting the Attorney General of the Commonwealth to investigate the possibility of collusion in the establishment of fees within this Commonwealth as it pertains to motor vehicle emissions testing and any potential violations of the Unfair Trade Practices and Consumer Protection Law; and directing the Legislative Budget and Finance Committee to prepare a report on the actual costs incurred by emission inspection stations.

On the question,
Will the House adopt the resolution?

RESOLUTION RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that HR 577 be recommitted to the Committee on Rules.

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

LEAVES OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence. There are no requests for leaves of absence from the majority whip.

The Chair recognizes the minority whip, the gentleman, Mr. Veon, from Beaver County, who moves for a leave of absence for the gentleman from Allegheny, Mr. RUFFING; the gentleman from Northampton, Mr. ROONEY; the gentleman from Philadelphia, Mr. HORSEY; the gentleman from Philadelphia, Mr. CRUZ, for the week; and the gentleman, Mr. FREEMAN, from Northampton for the week. Without objection, those leaves will be granted.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—194

Adolph	Evans, J.	Lynch	Sather
Allen	Fabrizio	Mackereth	Saylor
Argall	Fairchild	Maher	Scavello
Armstrong	Feese	Maitland	Schroder
Baker	Fichter	Major	Scrimenti
Baldwin	Fleagle	Manderino	Semmel
Bard	Flick	Mann	Shaner
Barrar	Forcier	Markosek	Smith, B.
Bastian	Frankel	Marsico	Smith, S. H.
Bebko-Jones	Gabig	McCall	Solobay
Belardi	Gannon	McGill	Staback
Belfanti	Geist	Mellhattan	Stairs
Benninghoff	George	McIlhinney	Steil
Biancucci	Gergely	McNaughton	Stern
Birmelin	Gillespie	Melio	Stetler

Bishop	Gingrich	Metcalfe	Stevenson, R.
Blaum	Godshall	Micozzie	Stevenson, T.
Boyd	Good	Millard	Sturla
Browne	Goodman	Miller, R.	Surra
Bunt	Grucela	Miller, S.	Tangretti
Butkovitz	Gruitza	Mundy	Taylor, E. Z.
Buxton	Habay	Mustio	Taylor, J.
Caltagirone	Haluska	Myers	Tigue
Cappelli	Hanna	Nailor	Travaglio
Casorio	Harhai	Nickol	True
Causer	Harhart	O'Brien	Turzai
Cawley	Harper	Oliver	Vance
Civera	Harris	O'Neill	Veon
Clymer	Hasay	Pallone	Vitali
Cohen	Hennessey	Payne	Walko
Coleman	Herman	Petrarca	Wansacz
Corrigan	Hershey	Petri	Washington
Costa	Hess	Petrone	Watson
Coy	Hickernell	Phillips	Weber
Crahalla	Hutchinson	Pickett	Wheatley
Creighton	James	Pistella	Williams
Curry	Josephs	Preston	Wilt
Dailey	Keller	Raymond	Wojnarowski
Daley	Kenney	Readshaw	Wright
Dally	Killion	Reed	Yewcic
DeLuca	Kirkland	Reichley	Youngblood
Denlinger	Kotik	Rieger	Yudichak
Dermody	LaGrotta	Roberts	Zug
DeWeese	Laughlin	Roebuck	
DiGirolamo	Leach	Rohrer	
Diven	Lederer	Ross	
Donatucci	Leh	Rubley	
Eachus	Lescovitz	Sainato	Perzel,
Egolf	Levdansky	Samuelson	Speaker
Evans, D.	Lewis	Santoni	

ADDITIONS—3

McGeehan	Thomas	Waters
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NOT VOTING—0

EXCUSED—5

Cruz	Horsey	Rooney	Ruffing
Freeman			

LEAVES ADDED—2

McNaughton	Staback
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GUESTS INTRODUCED

The SPEAKER. The Chair welcomes the Randall Good family from Lancaster County. They are here as guests of Representative Gordon Denlinger. They are in the balcony. Would those guests please rise and be recognized by the House.

The Chair welcomes Juliana Dias of Brazil and Jurate Pravalackaite of Lithuania, who are Rotary exchange students attending Tunkhannock High School, and their host family, Harry and Dorothy Sharpe. They are all here as guests of Representative Sandra Major. They are located in the balcony. Would they please rise and be recognized.

Please welcome guest pages of Representative Mario Scavello: Caitlin O'Neill and Catherine Landle. Caitlin is currently interning in Representative Scavello's office, and both young ladies attend East Stroudsburg University. They are in the well of the House. Would those guests please rise and be recognized.

MEMBERS' PRESENCE RECORDED

The SPEAKER. The Chair notes the presence in the hall of the House of the gentleman, Mr. McGeehan, and the gentleman, Mr. Waters, whose names will be added to the master roll.

2004 OUTSTANDING YOUNG WOMAN OF THE YEAR PRESENTED

The SPEAKER. The Chair recognizes the gentleman, Mr. Bastian, for the purpose of a citation.

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

Mr. Speaker, it is indeed a pleasure and a privilege to introduce to this group a young lady from Somerset County, Somerset Area School District, by the name of Jeanne Anne Cascio. She became the 2004 Outstanding Young Woman from the State of Pennsylvania in a contest held in November, and she has indeed been a very busy young lady.

I want to read just part of the citation that I will present her in a moment: "...A senior at Somerset Area High School, Miss Cascio is the daughter of John and Donna Cascio. In addition to winning the Pennsylvania Outstanding Young Woman of the Year Award—"

The SPEAKER. Mr. Bastian, could you just hold.

The gentleman is entitled to be heard. Please keep the noise levels down.

Mr. BASTIAN. —"she also received the Keystone and the Interview Awards" at that ceremony. "During the week she spent preparing for the final awards ceremony, Jeanne visited Laurer's Park Elementary School where she read to fourth grade students and taught them about self-esteem, participated in a Habitat for Humanity project and served a meal at the Berks County Women in Crisis Center."

This young lady has been an extremely busy young lady. She is applying for college at the present time. Would you give her a warm welcome from the halls of this House.

I would like to also introduce her family: John and Donna Cascio, her parents; and her brother, Johnny. If they would stand, please. Her dad is one of the judges in our court system in Somerset County.

And also three individuals who have been very prominent in carrying out the Outstanding Young Woman awards program in the State of Pennsylvania: Lucy Adam, Yvette Adam, and Tom DeFrascia. If they would also stand, please.

Thank you very much.

DALLAS HIGH SCHOOL GIRLS CROSS-COUNTRY TEAM PRESENTED

The SPEAKER. The Chair recognizes the gentledady, Ms. Mundy, for the purposes of a citation. The gentledady actually has two. Would she please come to the rostrum.

Ms. MUNDY. Ladies and gentlemen, it is with great pride and pleasure that I call your attention to this group of young women from my district who are in the House chamber today. Their talents, dedication, and hard work have made them Pennsylvania State champions for 2003. This is the Dallas High School girls cross-country team, who won the Class AA championship, and Representative George Hasay and I are very proud to have them here, to present them with a House citation, and to recognize their outstanding achievement.

The coach for the Dallas team is Matt Samuels, and the captains are Jamie Stanish and Whitney Adams, and they are up here with us.

And in the back of the hall of the House are the rest of the girls from the cross-country team, champions all. Girls, would you stand up, please.

LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence, and a leave of absence has been asked for the gentleman from Lackawanna, Mr. STABACK. Without objection, that leave will be granted.

WYOMING VALLEY WEST HIGH SCHOOL FIELD HOCKEY TEAM PRESENTED

The SPEAKER. The Chair recognizes the gentledady, Ms. Phyllis Mundy, for the purpose of a citation.

Before you start, ladies and gentlemen, please, keep the noise level down. The gentledady is entitled to be heard. Keep the level down.

Ms. MUNDY. Ladies and gentlemen, the second group of champions that I have here from my district today are from Wyoming Valley West School District. They are the Class AAA field hockey champions of Pennsylvania, and they are coached by Linda Fithian and assistant coaches Karen Aldefer, Brooke Fronczkiewicz, and Diane Webster, and their captains are Kelley Smith, Mary Jean Britt, Lauren Stefaniak, and Ann Marie Janus, and they are here with us today. Congratulations, girls.

And again, the rest of the team is in the back of the room, and we salute your great achievement here in winning a Class AAA championship in field hockey. Girls, would you please stand up.

To both groups of girls, we know that sometimes girls sports does not get exactly the same attention as the boys sports. We want you to know how proud we are of your achievement and how glad we are that you are a part of our community. Thanks, girls, for coming down.

MEMBER'S PRESENCE RECORDED

The SPEAKER. The Chair notes the presence on the floor of the House of the gentleman from Philadelphia, Mr. Thomas. His name will be added to the master roll.

MARIAH MASCARA INTRODUCED

The SPEAKER. The Chair recognizes the gentleman, Mr. Solobay, for the purposes of introducing several guests. Mr. Solobay.

Mr. SOLOBAY. Thank you, Mr. Speaker.

Today is American Heart Association's Heart on the Hill Day, and it is especially important to one family in my district. Mariah Mascara was born in 1997 to her parents, Mark and Lisa, and they could not believe it when the doctors told them that there was something wrong with their healthy baby. She seemed perfectly healthy with her bright eyes and

great color, but the doctors soon told her parents that their baby had a heart condition.

Mariah spent the next 5 years in and out of hospitals for tests but finally needed to go just once a year. Mariah had a ventricular septum defect. In short, she had a hole in her heart. By her fifth birthday, the hole was nearly closed.

However, things turned for the worse when Mariah went off to kindergarten. The once energetic child no longer had energy. Dark circles appeared under her eyes, and she was very lethargic in school. After more trips to the hospital, Mariah and her parents were faced with terrible news: she needed open-heart surgery after doctors discovered there was an extra muscle growing in her heart.

Her parents were devastated; however, Mariah continued to attend school and lead a very relatively normal life until the day of her surgery. The surgery was successful, fortunately, at the first attempt.

Mariah is now a normal, healthy second grader. She is a budding artist and a karate student.

I would like now to recognize up in the gallery Mariah and her parents, Lisa and Mark Mascara, and her brother, Jameson. If they would please rise. I would like to add that Mariah's father, Mark, is a common pleas judge in Washington County. Also accompanying them is the mayor of the city of Washington, Ken Westcott.

Executives from the Heart Association that have joined with them today on their trip, Heart Day on the Hill, are Sandra Hijikata, who is the executive vice president of the Pennsylvania/Delaware affiliate of the American Heart Association, and Martin Raniowski, senior director of public advocacy for the American Heart Association. If they would rise also with the slew of volunteers that came with them to visit with all of us on the Hill.

In closing, Mr. Speaker, I would like to say that I also speak for them whenever I say that it is the efforts of the Heart Association and their lifesaving research and advocacy that helps millions of Americans be heart smart.

It is a blessing for me to have the Mascara family with us today. Mariah is the poster child for the American Heart Association, and she will be attending Washington, DC, with them for more of their activities.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

SUPPLEMENTAL CALENDAR A

RESOLUTION PURSUANT TO RULE 35

Mrs. TAYLOR called up **HR 620, PN 3487**, entitled:

A Resolution recognizing March 2004 as "Women's History Month" and March 8, 2004, as "International Women's Day" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-191

Adolph	Evans, D.	Lynch	Samuelson
Allen	Evans, J.	Mackereth	Santoni
Argall	Fabrizio	Maher	Sather
Armstrong	Fairchild	Maitland	Saylor
Baker	Feese	Major	Scavello
Baldwin	Fichter	Manderino	Schroder
Bard	Fleagle	Mann	Scrimenti
Barrar	Flick	Markosek	Semmel
Bastian	Forcier	Marsico	Shaner
Bebko-Jones	Frankel	McCall	Smith, B.
Belardi	Gabig	McGeehan	Smith, S. H.
Belfanti	Gannon	McGill	Solobay
Benninghoff	Geist	McIlhattan	Stairs
Biancucci	George	McIlhinney	Steil
Birmelin	Gergely	McNaughton	Stern
Bishop	Gillespie	Melio	Stetler
Blaum	Gingrich	Metcalfe	Stevenson, R.
Boyd	Godshall	Micozzie	Stevenson, T.
Browne	Good	Millard	Surla
Bunt	Goodman	Miller, R.	Surra
Butkovitz	Grucela	Miller, S.	Tangretti
Buxton	Gruitza	Mundy	Taylor, E. Z.
Caltagirone	Habay	Mustio	Taylor, J.
Cappelli	Haluska	Nailor	Thomas
Casorio	Hanna	Nickol	Tigue
Causer	Harhai	O'Brien	Travaglio
Cawley	Harhart	Oliver	True
Civera	Harper	O'Neill	Turzai
Clymer	Harris	Pallone	Vance
Cohen	Hasay	Payne	Veon
Coleman	Hennessey	Petrarca	Vitali
Corrigan	Herman	Petri	Walko
Costa	Hershey	Petrone	Wansacz
Coy	Hess	Phillips	Waters
Crahalla	Hickernell	Pickett	Watson
Creighton	Hutchinson	Pistella	Weber
Curry	Keller	Preston	Wheatley
Dailey	Kenney	Raymond	Williams
Daley	Killion	Readshaw	Wilt
Dally	Kotik	Reed	Wojnaroski
DeLuca	LaGrotta	Reichley	Wright
Denlinger	Laughlin	Rieger	Yewcic
Dermody	Leach	Roberts	Youngblood
DeWeese	Lederer	Roebuck	Yudichak
DiGirolo	Leh	Rohrer	Zug
Diven	Lescovitz	Ross	
Donatucci	Levdansky	Rubley	Perzel,
Eachus	Lewis	Sainato	Speaker
Egolf			

NAYS-0

NOT VOTING-5

James Josephs	Kirkland	Myers	Washington
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EXCUSED-6

Cruz Freeman	Horsey Rooney	Ruffing	Staback
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The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

TRANSPORTATION COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Blair, Mr. Geist, who would like to make an announcement.

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

There will be a meeting of the Transportation Committee immediately upon the declaration of the recess. The meeting will be in room 205 of the Ryan Office Building; 205 Ryan Office Building, Transportation Committee meeting at the break. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Transportation Committee will be meeting in room 205 of the Ryan Office Building immediately upon the declaration of the recess.

CHILDREN AND YOUTH COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Wayne, Mr. Birmelin, for the purpose of calling a meeting.

Mr. BIRME LIN. Thank you, Mr. Speaker.

The House Children and Youth Committee meeting will be held in the back of the hall of the House immediately upon the recess for caucus. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Children and Youth Committee will be meeting in the back of the hall of the House immediately upon the recess.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Schuylkill, Mr. Argall, for the purpose of calling a meeting.

Mr. ARGALL. Thank you, Mr. Speaker.

The House Appropriations Committee will convene in room 245 at 1:40.

The SPEAKER. The Chair thanks the gentleman.

The Appropriations Committee will be meeting in room 245 at 1:40.

REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the gentlelady from Chester, Mrs. Taylor, for the purpose of an announcement.

Mrs. TAYLOR. Thank you, Mr. Speaker.

The Republican majority caucus will meet in the majority caucus room on the call of the recess.

The SPEAKER. The Chair thanks the gentlelady.

DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Cohen, for the purpose of an announcement.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, the House Democratic Caucus will also meet upon the call of the recess.

REMARKS SUBMITTED FOR THE RECORD

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

Mr. Speaker, it is my privilege to bring to the attention of the Speaker and the members of the Pennsylvania House of Representatives the names of Walter E. Donovan III, Michael Patrick Gannon, and Matthew J. Kelly, who have recently been awarded Scouting's highest honor – Eagle Scout.

Mr. Speaker, I would like to read to the members of the House of Representatives the following citation of merit honoring Walter E. Donovan III, Michael Patrick Gannon, and Matthew J. Kelly.

Whereas, Walter E. Donovan III, Michael Patrick Gannon, and Matthew J. Kelly earned the Eagle Award in Scouting. This is the highest award that Boy Scouts can bestow and as such represents great sacrifice and tremendous effort on the part of these young men. They are members of Troop 144.

Now therefore, Mr. Speaker and members of the House of Representatives, it is my privilege to congratulate and place in the Legislative Journal the names of Walter E. Donovan III, Michael Patrick Gannon, and Matthew J. Kelly.

RECESS

The SPEAKER. Are there any further announcements?

This House stands in recess until 3 p.m.

AFTER RECESS

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

BILLS REREPORTED FROM COMMITTEES**HB 316, PN 3285**

By Rep. ARGALL

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, further providing for connection to water system.

APPROPRIATIONS.**HB 417, PN 3005**

By Rep. ARGALL

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

APPROPRIATIONS.**HB 659, PN 765**

By Rep. ARGALL

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for lawful cooperation or assistance by unlicensed persons.

APPROPRIATIONS.**HB 661, PN 3283**

By Rep. ARGALL

An Act regulating the sale to minors of dangerous inhalants; prohibiting misuse of those inhalants; and conferring powers and duties on the Department of Health.

APPROPRIATIONS.

HB 994, PN 3497 (Amended) By Rep. ARGALL

An Act empowering municipalities, counties and public transportation agencies to work cooperatively to establish Transit Revitalization Investment Districts (TRID), including partnerships with the National Railroad Passenger Corporation requiring planning studies, comprehensive plan and zoning amendments and use of existing statutes and techniques to achieve transit-oriented development, redevelopment, community revitalization and enhanced community character through TRID creation; establishing value capture areas as a means to reserve and use future, designated incremental tax revenues for public transportation capital improvements, related site development improvements and maintenance; promoting the involvement of and partnerships with the private sector in TRID development and implementation; encouraging public involvement during TRID planning and implementation; and providing for duties of the Department of Community and Economic Development.

APPROPRIATIONS.

HB 1120, PN 1322 By Rep. ARGALL

An Act establishing the William Penn Liberty Medal of Honor; providing for awarding of medals, for an advisory board and for design and cost of medals.

APPROPRIATIONS.

HB 1315, PN 3498 (Amended) By Rep. ARGALL

An Act establishing a pilot program to provide for automated enforcement of meeting or overtaking school bus requirements in a selected school district.

APPROPRIATIONS.

HB 2055, PN 3423 By Rep. ARGALL

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further defining "soldier."

APPROPRIATIONS.

HB 2066, PN 3500 (Amended) By Rep. GEIST

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further defining "collectible motor vehicle"; defining "I-CAR"; further providing for application for certificate of title, for transfer of vehicle ownership and for reconstructed vehicles; providing for titling and inspection of reconstructed, modified and specially constructed vehicles; further providing for required registration and certificate of title; providing for fees for reconstructed, modified and specially constructed vehicle inspection and for certificate of appointment for reconstructed vehicle inspection sites; and further providing for issuance of certificate of inspection and for State replacement vehicle identification number plate.

TRANSPORTATION.

HB 2081, PN 3424 By Rep. ARGALL

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, providing for early termination of housing rental agreement; and providing penalties.

APPROPRIATIONS.

HB 2163, PN 2934 By Rep. ARGALL

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for lighted lamp requirements for motorcycles.

APPROPRIATIONS.

HB 2190, PN 3286 By Rep. ARGALL

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, further providing for sale of real property owned by township.

APPROPRIATIONS.

HB 2285, PN 3425 By Rep. ARGALL

An Act amending the act of June 24, 1976 (P.L.424, No.101), referred to as the Emergency and Law Enforcement Personnel Death Benefits Act, further providing for death benefit eligibility.

APPROPRIATIONS.

HB 2330, PN 3251 By Rep. ARGALL

An Act providing for the duties of the Pennsylvania State Police regarding criminal history background reports for persons participating in harness or horse racing.

APPROPRIATIONS.

HB 2348, PN 3426 By Rep. ARGALL

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for deferred motor vehicle insurance coverage.

APPROPRIATIONS.

HB 2428, PN 3421 By Rep. ARGALL

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, further providing for power of township commissioners relating to fire houses.

APPROPRIATIONS.

HB 2447, PN 3459 By Rep. ARGALL

An Act amending the act of June 22, 1931 (P.L.594, No.203), referred to as the Township State Highway Law, adding a road, Logan Township, Blair County, to the State highway system.

APPROPRIATIONS.

**BILLS REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND TABLED**

HB 1912, PN 3499 (Amended) By Rep. GEIST

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the person with disability plate and placard, for physical examinations by certified registered nurse practitioners and physician assistants, for reports on mental or physical disabilities or disorders and for determination of incompetency.

TRANSPORTATION.

HB 2406, PN 3382 By Rep. GEIST

An Act redesignating the bridge on State Route 228 which passes over Interstate 79 in Cranberry Township, Butler County, as the 79th Infantry Division Memorial Bridge.

TRANSPORTATION.

**BILL REPORTED AND REREFERRED TO
COMMITTEE ON JUDICIARY**

HB 2430, PN 3441 By Rep. BIRMELIN

An Act amending the act of June 29, 1953 (P.L.304, No.66), known as the Vital Statistics Law of 1953, providing for unidentified dead bodies and fetal remains.

CHILDREN AND YOUTH.

LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence, and the majority whip requests a leave of absence for the gentleman from Dauphin, Mr. McNAUGHTON. Without objection, that leave will be granted.

GUEST INTRODUCED

The SPEAKER. The Speaker is pleased to welcome to the hall of the House Scott Soltis, who is a guest of Representative Dick Stevenson. Scott previously served as an intern in Representative Stevenson's district office. He is attending Penn State Erie, at the Behrend College, where he is currently president of the Student Government Association and, I believe, a future candidate for the State House – would he please rise and be recognized – after Representative Stevenson leaves, of course.

SUPPLEMENTAL CALENDAR B

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2330, PN 3251**, entitled:

An Act providing for the duties of the Pennsylvania State Police regarding criminal history background reports for persons participating in harness or horse racing.

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

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

The Chair recognizes the gentleman from Bucks, Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.
Would the maker of the bill stand for a brief interrogation?

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

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, we understand that this is a request, a request that can be submitted by the State Harness Racing Commission or the State Horse Racing Commission. It is a request; it is not a mandate. So is that what it means? It is a "may" provision in the bill?

Mr. DiGIROLAMO. That is correct, Mr. Speaker. It is a "may" provision. They are allowed to request those background checks.

Mr. CLYMER. Okay. Thank you.

Mr. Speaker, the genesis of the bill seems to be it is for those directors and owners and investors with racetracks. What about stand-alone casinos? Suppose in the legislation we have four or five stand-alone casinos. Can they, since, you know, we are looking at racetracks, can they also ask for background checks for those—

The SPEAKER. Mr. Clymer, none of that is in the bill before the House.

Mr. CLYMER. Okay. Thank you.

Mr. Speaker, some of the racetracks, as we look at the owners and the investors, the people who are involved, they could be international bankers, people who are investing in Pennsylvania gambling. Do the State Police have the capability to investigate these international bankers, whether they are in Asia or whether they are off the coast of the United States? Do they have that capability?

Mr. DiGIROLAMO. If they are applying for licensure in some way in the horse racing industry, yes, they have the ability to require a background check for those individuals.

Mr. CLYMER. I did not quite understand; I did not get the response. Is it a yes, that they do have the capability?

Mr. DiGIROLAMO. Yes; that is correct.

Mr. CLYMER. Okay.

That ends my interrogation. I thank the gentleman for standing for interrogation. I would like to speak on the bill.

The SPEAKER. The gentleman is in order.

Mr. CLYMER. Mr. Speaker, two points.

Number one, it is a "may" provision that the Horse Racing Commission and the Harness Racing Commission can ask. If for some reason they do not want to follow up, they do not have to. And then what happens if they find that there is a criminal background history to these people whom they investigated? Are they going to then say that they are disqualified from being involved? That is a concern.

Also, Mr. Speaker, the fact that we are not sure whether or not they can do the background investigations, and I think this is

key to the four or five stand-alone casinos. If they cannot do the background check, well, then who will do it? I think that is a legitimate question and needs to be answered.

And then finally, Mr. Speaker, as we all know that this is a vehicle that is being sent to the Senate so the Senate can— That is their prerogative, of course, if they want to use this for a gambling bill, but it is going to be moving over there for that reason. Now, the Senate has numerous Title 18 bills. They certainly do not need this bill to do their gambling promotion. And I remind the members of the chamber that if by chance this bill should move out of the House and it is amended by the Senate, it comes back on concurrence, and so we have no opportunity to put our amendments into the bill except to have the rules—

So, Mr. Speaker, there is a real problem here, and I would ask that the members, based on the information that we have— We do not have complete information here. To try to suspend the rules to put our amendments in will be a very difficult time. Last time we dealt with this legislation, we recognized the difficulty it was to suspend the rules to add our amendments.

And if we are going to be doing the auctioning amendment, if for some reason the Senate fails to get that in, I think that is a very important amendment that we need to put into this legislation, and so we will not, in all probability, perhaps we will not have that capability.

So, Mr. Speaker, I, for one, am going to vote “no” against this legislation. Thank you.

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.

The following roll call was recorded:

YEAS-138

Adolph	Feese	Mackereth	Santoni
Allen	Fichter	Maher	Saylor
Argall	Flick	Maitland	Scrimenti
Bard	Frankel	Manderino	Semmel
Barrar	Gabig	Mann	Shaner
Bebko-Jones	Gannon	Markosek	Smith, B.
Belardi	George	Marsico	Smith, S. H.
Belfanti	Gergely	McCall	Solobay
Biancucci	Gillespie	McGeehan	Stairs
Bishop	Godshall	McGill	Steil
Blaum	Good	Melio	Stetler
Bunt	Goodman	Micozzie	Stevenson, T.
Butkovitz	Grucela	Millard	Sturla
Buxton	Gruitza	Miller, R.	Surra
Caltagirone	Haluska	Mundy	Tangretti
Casorio	Hanna	Mustio	Taylor, J.
Cawley	Harhai	Myers	Thomas
Civera	Harper	Nailor	Tigue
Cohen	Harris	O'Brien	Travaglio
Corrigan	Hennessey	Oliver	Veon
Costa	Herman	O'Neill	Walko
Coy	James	Pallone	Wansacz
Curry	Josephs	Petrarca	Washington
Dailey	Keller	Petri	Waters
Daley	Kenney	Petrone	Watson
DeLuca	Killion	Pistella	Weber
Dermody	Kirkland	Preston	Wheatley
DeWeese	Kotik	Raymond	Williams
DiGirolamo	LaGrotta	Readshaw	Wojnaroski
Diven	Laughlin	Rieger	Wright

Donatucci	Leach	Roberts	Youngblood
Eachus	Lederer	Roebuck	Yudichak
Evans, D.	Lescovitz	Ross	
Evans, J.	Levdansky	Rubley	Perzel,
Fabrizio	Lynch	Sainato	Speaker

NAYS-56

Armstrong	Denlinger	Leh	Samuelson
Baldwin	Egolf	Lewis	Sather
Bastian	Fairchild	Major	Scavello
Benninghoff	Fleagle	McIlhattan	Schroder
Birmelin	Forcier	McIlhinney	Stern
Boyd	Geist	Metcalfe	Stevenson, R.
Browne	Gingrich	Miller, S.	Taylor, E. Z.
Cappelli	Habay	Nickol	True
Causar	Harhart	Payne	Turzai
Clymer	Hasay	Phillips	Vance
Coleman	Hershey	Pickett	Vitali
Crahalla	Hess	Reed	Wilt
Creighton	Hickernell	Reichley	Yewcic
Dally	Hutchinson	Rohrer	Zug

NOT VOTING-1

Baker

EXCUSED-7

Cruz	Horse	Rooney	Staback
Freeman	McNaughton	Ruffing	

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

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

* * *

The House proceeded to third consideration of **HB 2428, PN 3421**, entitled:

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, further providing for power of township commissioners relating to fire houses.

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS-194

Adolph	Evans, D.	Lewis	Samuelson
Allen	Evans, J.	Lynch	Santoni
Argall	Fabrizio	Mackereth	Sather
Armstrong	Fairchild	Maher	Saylor
Baker	Feese	Maitland	Scavello
Baldwin	Fichter	Major	Schroder
Bard	Fleagle	Manderino	Scrimenti

Barrar	Flick	Mann	Semmel
Bastian	Forcier	Markosek	Shaner
Bebko-Jones	Frankel	Marsico	Smith, B.
Belardi	Gabig	McCall	Smith, S. H.
Belfanti	Gannon	McGeehan	Solobay
Benninghoff	Geist	McGill	Stairs
Biancucci	George	McIlhattan	Steil
Birmelin	Gergely	McIlhinney	Stern
Bishop	Gillespie	Melio	Stetler
Blaum	Gingrich	Metcalfe	Stevenson, R.
Boyd	Godshall	Micozzie	Stevenson, T.
Browne	Good	Millard	Sturla
Bunt	Goodman	Miller, R.	Surra
Butkovitz	Grucela	Miller, S.	Tangretti
Buxton	Gruitza	Mundy	Taylor, E. Z.
Caltagirone	Habay	Mustio	Taylor, J.
Cappelli	Haluska	Myers	Thomas
Casorio	Hanna	Nailor	Tigue
Causer	Harhai	Nickol	Travaglio
Cawley	Harhart	O'Brien	True
Civera	Harper	Oliver	Turzai
Clymer	Harris	O'Neill	Vance
Cohen	Hasay	Pallone	Veon
Coleman	Hennessey	Payne	Vitali
Corrigan	Herman	Petrarca	Walko
Costa	Hershey	Petri	Wansacz
Coy	Hess	Petrone	Washington
Crahalla	Hickernell	Phillips	Waters
Creighton	Hutchinson	Pickett	Watson
Curry	James	Pistella	Weber
Dailey	Josephs	Preston	Wheatley
Daley	Keller	Raymond	Williams
Dally	Kenney	Readshaw	Wilt
DeLuca	Killion	Reed	Wojnaroski
Denlinger	Kotik	Reichley	Wright
Dermody	LaGrotta	Rieger	Yewcic
DeWeese	Laughlin	Roberts	Youngblood
DiGirolamo	Leach	Roebuck	Yudichak
Diven	Lederer	Rohrer	Zug
Donatucci	Leh	Ross	
Eachus	Lescovitz	Rubley	Perzel,
Egolf	Levdansky	Sainato	Speaker

NAYS—0

NOT VOTING—1

Kirkland

EXCUSED—7

Cruz	Horsey	Rooney	Staback
Freeman	McNaughton	Ruffing	

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.

RULES SUSPENDED

The SPEAKER. The Chair recognizes the majority leader, Mr. Smith, who makes a motion on HR 617, PN 3484. Mr. Smith.

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

Mr. Speaker, I would like to move that we suspend the rules for the consideration of HR 617, PN 3484, without amendment.

The SPEAKER. The Chair thanks the gentleman. It is moved that the rules of the House be suspended in order to bring immediately before the House HR 617.

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

The SPEAKER. On that question, the Chair recognizes the gentleman from Philadelphia, Mr. Evans.

Mr. D. EVANS. Mr. Speaker, I support the majority leader in his recommendation.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—193

Adolph	Evans, D.	Levdansky	Sainato
Allen	Evans, J.	Lewis	Santoni
Argall	Fabrizio	Lynch	Sather
Armstrong	Fairchild	Mackereth	Saylor
Baker	Feese	Maher	Scavello
Baldwin	Fichter	Maitland	Schroder
Bard	Fleagle	Major	Scrimenti
Barrar	Flick	Manderino	Semmel
Bastian	Forcier	Mann	Shaner
Bebko-Jones	Frankel	Markosek	Smith, B.
Belardi	Gabig	Marsico	Smith, S. H.
Belfanti	Gannon	McCall	Solobay
Benninghoff	Geist	McGeehan	Stairs
Biancucci	George	McGill	Steil
Birmelin	Gergely	McIlhattan	Stern
Bishop	Gillespie	McIlhinney	Stetler
Blaum	Gingrich	Melio	Stevenson, R.
Boyd	Godshall	Metcalfe	Stevenson, T.
Browne	Good	Micozzie	Sturla
Bunt	Goodman	Millard	Surra
Butkovitz	Grucela	Miller, R.	Tangretti
Buxton	Gruitza	Miller, S.	Taylor, E. Z.
Caltagirone	Habay	Mundy	Taylor, J.
Cappelli	Haluska	Mustio	Thomas
Casorio	Hanna	Myers	Tigue
Causer	Harhai	Nailor	Travaglio
Cawley	Harhart	Nickol	True
Civera	Harper	O'Brien	Turzai
Clymer	Harris	Oliver	Vance
Cohen	Hasay	O'Neill	Veon
Coleman	Hennessey	Pallone	Walko
Corrigan	Herman	Payne	Wansacz
Costa	Hershey	Petrarca	Washington
Coy	Hess	Petri	Waters
Crahalla	Hickernell	Petrone	Watson
Creighton	Hutchinson	Phillips	Weber
Curry	James	Pickett	Wheatley
Dailey	Josephs	Pistella	Williams
Daley	Keller	Preston	Wilt
Dally	Kenney	Raymond	Wojnaroski
DeLuca	Killion	Readshaw	Wright
Denlinger	Kirkland	Reed	Yewcic
Dermody	Kotik	Reichley	Youngblood
DeWeese	LaGrotta	Rieger	Yudichak
DiGirolamo	Laughlin	Roberts	Zug
Diven	Leach	Roebuck	
Donatucci	Lederer	Rohrer	
Eachus	Leh	Ross	Perzel,
Egolf	Lescovitz	Rubley	Speaker

NAYS—2

Samuelson Vitali

NOT VOTING—0

EXCUSED—7

Cruz Horsey Rooney Staback
Freeman McNaughton Ruffing

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.

SUPPLEMENTAL CALENDAR D**RESOLUTION**

Mr. ARGALL called up **HR 617, PN 3484**, entitled:

A Resolution amending House Rule 19(b).

On the question,
Will the House adopt the resolution?

MOTION TO SUSPEND RULES

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

I am going to make a motion at this point to suspend the rules. I have an amendment filed to this, so it would be a motion to suspend the rules to consider amendment 692, and I would like to briefly lay that out, if I could.

The SPEAKER. The gentleman is entitled to give a brief description of the amendment before suspension of the rules proceeds.

Mr. VITALI. Thank you, Mr. Speaker.

This amendment corrects the defects we had cited by Republican leadership last week on the issue of public service announcements, such that this amendment would prohibit, one, using Commonwealth funds for members to run public service announcements buying commercial air time; two, using taxpayer dollars to hire outside telemarketing firms, with the exception of limited surveying purposes; and three, prohibiting using tax dollars for members to do bulk e-mailing within 60 days of an election.

This corrects, I believe, the problems cited by Representative Feese last week.

The SPEAKER. The Chair thanks the gentleman.

PARLIAMENTARY INQUIRY

Mr. S. SMITH. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The Chair recognizes the majority leader for the purpose of his inquiry.

Mr. S. SMITH. We just suspended the rules to consider HR 617 without amendment. What is the motion that the gentleman from Delaware County is proposing? Would not the

only thing really in order be voting “yes” or “no” on adopting HR 617?

The SPEAKER. That is a good question, Mr. Smith. Give me one moment.

Would the gentleman, Mr. Vitali, come to the rostrum.

(Conference held at Speaker’s podium.)

The SPEAKER. It is the ruling of the Chair that the gentleman, Mr. Smith, when he made his motion, made his motion subject to no amendments being offered to the House resolution. The gentleman, Mr. Vitali, has offered an amendment and asked to suspend the rules.

**MOTION TO RESCIND
RULES SUSPENSION**

The SPEAKER. At this time the Chair will recognize the gentleman from Delaware, Mr. Vitali, who was given several options of things that he could do at this point in time.

Mr. VITALI. Mr. Speaker, after discussion with yourself and the Parliamentarian, I think the next thing I would like to do is to move that we rescind the motion of Representative Smith for the limited purpose of being able to consider amendment 692, which deals with the public service announcements and prohibiting Commonwealth funds to be used by members to buy air time for public service announcements.

So this would be a motion to rescind the Smith motion.

The SPEAKER. The gentleman’s motion is to rescind the motion made by the gentleman from Jefferson, Mr. Smith. A “yes” vote is to rescind; a “no” vote is to sustain the motion made by the gentleman, Mr. Smith.

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

The SPEAKER. On that motion.

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

Mr. Speaker, I have to oppose this motion to rescind the previous motion.

The fact is, the resolution before us, if this motion to rescind were approved, basically we would be retreating from considering HR 617. This is a resolution that is necessary for us to implement in order for us to continue through the normal budget process that the House undertakes and just for the function of the House in order to go about the business of dealing with the future budget issues.

I would urge the members to oppose, to vote “no,” on the motion to rescind.

The SPEAKER. On that motion, does the gentleman, Mr. Vitali, wish to be recognized?

Mr. VITALI. Yes, Mr. Speaker.

I would urge a “yes” vote on this motion to rescind for a couple of reasons. One, this is not going to stop the budgetary process in any way. If we suspend, consider my motion, vote it up or down, we will then consider the resolution in chief and the budget process will proceed forward. So I would disagree on that point.

The second point is this: The realities of this House and the parliamentary maneuvering involved, we really have to struggle

to get a vote on this controversial issue of public service announcements. We have to take votes like this. We have to do it via the amendment process, because we all know we are simply not going to get a clean vote. So if you are concerned about the issue, it is a way to say to your constituents you support the principles of my amendment. So this may be the best shot you get on this issue.

So I would urge a “yes” vote on the motion to rescind so that we can consider this amendment.

The SPEAKER. The Chair thanks the gentleman.

Those voting to rescind will vote “aye”; those voting to sustain the motion made by Mr. Smith will vote “no.”

For the information of the members, it would take 135 votes to rescind.

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

The following roll call was recorded:

YEAS-80

Bebko-Jones	Evans, D.	Manderino	Scrimenti
Belardi	Fabrizio	Mann	Shaner
Belfanti	Frankel	Markosek	Solobay
Biancucci	George	McCall	Stetler
Blaum	Gergely	McGeehan	Sturla
Buxton	Goodman	Melio	Surra
Caltagirone	Grucela	Mundy	Tangretti
Casorio	Gruitza	Myers	Tigue
Cawley	Haluska	Pallone	Travaglio
Cohen	Hanna	Petrarca	Veon
Corrigan	Harhai	Petrone	Vitali
Costa	James	Pistella	Walko
Coy	Josephs	Preston	Wansacz
Curry	Keller	Readshaw	Waters
Daley	Kotik	Rieger	Wheatley
DeLuca	LaGrotta	Roberts	Williams
Dermody	Laughlin	Roebuck	Wojnaroski
DeWeese	Leach	Sainato	Yewcic
Diven	Lescovitz	Samuelson	Youngblood
Donatucci	Levdansky	Santoni	Yudichak

NAYS-113

Adolph	Evans, J.	Lewis	Ross
Allen	Fairchild	Lynch	Rubley
Argall	Feese	Mackereth	Sather
Armstrong	Fichter	Maher	Saylor
Baker	Fleagle	Maitland	Scavello
Baldwin	Flick	Major	Schroder
Bard	Forcier	Marsico	Semmel
Barrar	Gabig	McGill	Smith, B.
Bastian	Gannon	McIlhatten	Smith, S. H.
Benninghoff	Geist	McIlhinney	Stairs
Birmelin	Gillespie	Metcalfe	Steil
Bishop	Gingrich	Micozzie	Stern
Boyd	Godshall	Millard	Stevenson, R.
Browne	Good	Miller, R.	Stevenson, T.
Bunt	Habay	Miller, S.	Taylor, E. Z.
Butkovitz	Harhart	Mustio	Taylor, J.
Cappelli	Harper	Nailor	Thomas
Causar	Harris	Nickol	True
Civera	Hasay	O'Brien	Turzai
Clymer	Hennessey	Oliver	Vance
Coleman	Herman	O'Neill	Watson
Crahalla	Hershey	Payne	Weber
Creighton	Hess	Petri	Wilt
Dailey	Hickernell	Phillips	Wright
Dally	Hutchinson	Pickett	Zug
Denlinger	Kenney	Raymond	

DiGirolamo	Killion	Reed	
Eachus	Lederer	Reichley	Perzel,
Egolf	Leh	Rohrer	Speaker

NOT VOTING-2

Kirkland	Washington
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EXCUSED-7

Cruz	Horsey	Rooney	Staback
Freeman	McNaughton	Ruffing	

Less than a majority of the members required by the rules having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

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

The following roll call was recorded:

YEAS-193

Adolph	Evans, D.	Lewis	Samuelson
Allen	Evans, J.	Lynch	Santoni
Argall	Fabrizio	Mackereth	Sather
Armstrong	Fairchild	Maher	Saylor
Baker	Feese	Maitland	Scavello
Baldwin	Fichter	Major	Schroder
Bard	Fleagle	Manderino	Scrimenti
Barrar	Flick	Mann	Semmel
Bastian	Forcier	Markosek	Shaner
Bebko-Jones	Frankel	Marsico	Smith, B.
Belardi	Gabig	McCall	Smith, S. H.
Belfanti	Gannon	McGeehan	Solobay
Benninghoff	Geist	McGill	Stairs
Biancucci	George	McIlhatten	Steil
Birmelin	Gergely	McIlhinney	Stern
Bishop	Gillespie	Melio	Stetler
Blaum	Gingrich	Metcalfe	Stevenson, R.
Boyd	Godshall	Micozzie	Stevenson, T.
Browne	Good	Millard	Sturla
Bunt	Goodman	Miller, R.	Surra
Butkovitz	Grucela	Miller, S.	Tangretti
Buxton	Gruitza	Mundy	Taylor, E. Z.
Caltagirone	Habay	Mustio	Taylor, J.
Cappelli	Haluska	Myers	Thomas
Casorio	Hanna	Nailor	Tigue
Causar	Harhai	Nickol	Travaglio
Cawley	Harhart	O'Brien	True
Civera	Harper	Oliver	Turzai
Clymer	Harris	O'Neill	Vance
Cohen	Hasay	Pallone	Veon
Coleman	Hennessey	Payne	Vitali
Corrigan	Herman	Petrarca	Walko
Costa	Hershey	Petri	Wansacz
Coy	Hess	Petrone	Waters
Crahalla	Hickernell	Phillips	Watson
Creighton	Hutchinson	Pickett	Weber
Curry	James	Pistella	Wheatley
Dailey	Josephs	Preston	Williams
Daley	Keller	Raymond	Wilt
Dally	Kenney	Readshaw	Wojnaroski
DeLuca	Killion	Reed	Wright
Denlinger	Kotik	Reichley	Yewcic
Dermody	LaGrotta	Rieger	Youngblood
DeWeese	Laughlin	Roberts	Yudichak
DiGirolamo	Leach	Roebuck	Zug
Diven	Lederer	Rohrer	
Donatucci	Leh	Ross	

Eachus Egolf	Lescovitz Levdansky	Rubley Sainato	Perzel, Speaker
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NAYS—0

NOT VOTING—2

Kirkland	Washington
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EXCUSED—7

Cruz Freeman	Horsey McNaughton	Rooney Ruffing	Staback
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The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

SUPPLEMENTAL CALENDAR C

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 1423, PN 3386**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing, in adoption, for voluntary relinquishment to adults, for an alternative procedure, for reports of intention and for consent.

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

The SPEAKER. It is moved by the gentlelady, Mrs. True, that the House concur in the amendments inserted by the Senate.

On that question, the Chair recognizes the gentlelady from Lancaster, Mrs. True.

Mrs. TRUE. Thank you, Mr. Speaker.

Just for reference, the Senate amendments extended the timeline of this bill from 20 days to 30 days. I was in agreement with that just because of the support I was getting when they did that, and I very much wanted this bill to go to the Governor.

I am really proud to be on the House floor today when we are working on concurrence of this bill, because when I stood here and you so kindly helped me pass it out of the House, I told you that our son, Peter, and his wife, Kendra, who are at the left of the Speaker, were looking to adopt a baby, and they were praying that the baby did not come from Pennsylvania. Delaware was better, New Jersey was better, anyplace but Pennsylvania because of the timeline as far as terminating parental rights, because they were fearful that they might lose this child after bringing a child home to be one of their own.

Well, brave as they are, I stand before you, today with baby Owen, who is a Pennsylvania baby, and he came into our family a week after he was born, and we love him so much.

I wanted to introduce him to you and tell you, because of this legislation, other families and other parents can have the same feeling of security that we do now knowing that Pennsylvania will be absolutely on the family side and allow people to have

faith in Pennsylvania that if they do in fact adopt a child, that they can not be fearful that they will lose that child.

I would ask you— Before I— Now, wait a minute. I am a little rattled, because it is hard not to tear up when you have this little guy that we waited for so long.

Representative Ross and I worked together on this. It seems like a long time since we talked about doing this. There is more to be done on adoption, but we will do— And this is what he thinks of the House floor – we are yawning.

I thank the Speaker’s indulgence, and I would just encourage you to vote for HB 1423.

Thank you, Mr. Speaker.

The SPEAKER. I doubt, Representative, he will be the first or last to yawn here.

The Chair recognizes the gentleman from Chester, Mr. Ross. Mr. ROSS. Thank you, Mr. Speaker.

I should know better than to try and follow that particular act, but I will keep my comments brief and to the point.

I want to thank the prime sponsor of this legislation. We worked on it together, because I had a sad story in my district where a family actually had the custody of a baby for a number of weeks, I think months actually, and then the birth mother changed her mind and pulled that child out of the home, and they were absolutely devastated. And the message I heard was that we were not going to have adoptions of Pennsylvania children because of the inequities in the existing law.

So I want to again thank the prime sponsor and also urge all my colleagues here to vote for this bill. It will make a huge difference in many, many families’ lives who wish to adopt here in Pennsylvania.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Luzerne, Mr. Blaum.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, I also rise to urge concurrence in this legislation.

I want to congratulate Representative True – an awful lot of work went into this bill – in addition to the gentleman, Mr. Ross. This is a good bill for kids in Pennsylvania; it is a good bill for families, and again, my congratulations, and I ask for an affirmative vote.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—193

Adolph	Evans, D.	Lewis	Samuelson
Allen	Evans, J.	Lynch	Santoni
Argall	Fabrizio	Mackereth	Sather
Armstrong	Fairchild	Maher	Saylor
Baker	Feese	Maitland	Scavello
Baldwin	Fichter	Major	Schroder
Bard	Fleagle	Manderino	Scrimenti
Barrar	Flick	Mann	Semmel
Bastian	Forcier	Markosek	Shaner
Bebko-Jones	Frankel	Marsico	Smith, B.
Belardi	Gabig	McCall	Smith, S. H.

Belfanti	Gannon	McGeehan	Solobay
Benninghoff	Geist	McGill	Stairs
Biancucci	George	McIlhattan	Steil
Birmelin	Gergely	McIlhinney	Stern
Bishop	Gillespie	Melio	Stetler
Blaum	Gingrich	Metcalfe	Stevenson, R.
Boyd	Godshall	Micozzie	Stevenson, T.
Browne	Good	Millard	Sturla
Bunt	Goodman	Miller, R.	Surra
Butkovitz	Grucela	Miller, S.	Tangretti
Buxton	Gruitza	Mundy	Taylor, E. Z.
Caltagirone	Habay	Mustio	Taylor, J.
Cappelli	Haluska	Myers	Thomas
Casorio	Hanna	Nailor	Tigue
Causser	Harhai	Nickol	Travaglio
Cawley	Harhart	O'Brien	True
Civera	Harper	Oliver	Turzai
Clymer	Harris	O'Neill	Vance
Cohen	Hasay	Pallone	Veon
Coleman	Hennessey	Payne	Vitali
Corrigan	Herman	Petrarca	Walko
Costa	Hershey	Petri	Wansacz
Coy	Hess	Petrone	Waters
Crahalla	Hickernell	Phillips	Watson
Creighton	Hutchinson	Pickett	Weber
Curry	James	Pistella	Wheatley
Dailey	Josephs	Preston	Williams
Daley	Keller	Raymond	Wilt
Dally	Kenney	Readshaw	Wojnaroski
DeLuca	Killion	Reed	Wright
Denlinger	Kotik	Reichley	Yewcic
Dermody	LaGrotta	Rieger	Youngblood
DeWeese	Laughlin	Roberts	Yudichak
DiGirolamo	Leach	Roebuck	Zug
Diven	Lederer	Rohrer	
Donatucci	Leh	Ross	
Eachus	Lescovitz	Rubley	Perzel,
Egolf	Levdansky	Sainato	Speaker

NAYS—0

NOT VOTING—2

Kirkland Washington

EXCUSED—7

Cruz Horsey Rooney Staback
Freeman McNaughton Ruffing

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

Ordered, That the clerk inform the Senate accordingly.

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:

HB 1423, PN 3386

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing, in adoption, for voluntary relinquishment to adults, for an alternative procedure, for reports of intention and for consent.

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

The SPEAKER. Are there any announcements?
Does the majority or minority leader wish to have anything further to say on the floor of the House?

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

The SPEAKER. The Chair recognizes the gentleman from Erie, Mr. Fabrizio.

Mr. FABRIZIO. Mr. Speaker, I move that this House do now adjourn until Tuesday, March 23, 2004, at 11 a.m., e.s.t., unless sooner recalled by the Speaker.

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

Motion was agreed to, and at 3:49 p.m., e.s.t., the House adjourned.