

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

MONDAY, JANUARY 31, 2005

SESSION OF 2005

189TH OF THE GENERAL ASSEMBLY

No. 7

### HOUSE OF REPRESENTATIVES

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

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

#### PRAYER

REV. ROBERT BERGER, Chaplain of the House of Representatives, offered the following prayer:

Let us bow our heads in prayer:

We pray Thee, O God of might, wisdom, and justice, through whom authority is rightly administered, laws enacted, judgment decreed, assist with Thy holy spirit of counsel and fortitude these elected officials of this Commonwealth that their administration may be conducted in righteousness and be eminently useful to Thy people over whom they preside, by encouraging due respect for virtue and religion, by faithful execution of the laws of justice and mercy, by restraining vice and immorality.

Let the light of divine wisdom direct all their deliberations and shine forth in all their proceedings and laws framed for our rule and governance, so that they may tend to the preservation of peace, promotion of national happiness, and the increase of industry, sobriety, and useful knowledge, that may perpetuate to us the blessings of equal liberty.

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, January 26, 2005, will be postponed until printed.

#### HOUSE BILLS INTRODUCED AND REFERRED

**No. 62** By Representatives ROEBUCK, VEON, CURRY, GRUCELA, KIRKLAND, STURLA, BEBKO-JONES, BLACKWELL, FRANKEL, FREEMAN, GEORGE, JAMES, KOTIK, LEVDANSKY, MANDERINO, MELIO, THOMAS, PISTELLA, WASHINGTON and WHEATLEY

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, providing for the Office of Minority Health in the Department of Health.

Referred to Committee on HEALTH AND HUMAN SERVICES, January 31, 2005.

**No. 63** By Representatives ROEBUCK, CURRY, GRUCELA, KIRKLAND, STURLA, BEBKO-JONES, BIANCUCCI, BISHOP, BLACKWELL, CALTAGIRONE, DALEY, DONATUCCI, FABRIZIO, FRANKEL, FREEMAN, GEIST, GOODMAN, HARPER, JAMES, KOTIK, LEACH, LEDERER, MANDERINO, MANN, MCGEEHAN, MELIO, PISTELLA, PRESTON, READSHAW, B. SMITH, STETLER, TIGUE, WANSACZ, WASHINGTON, WHEATLEY, WOJNAROSKI, DeLUCA, YOUNGBLOOD and THOMAS

An Act providing for Commonwealth support for an Urban Teacher Loan Forgiveness Program for Pennsylvania residents who graduate from institutions of higher education and who apply their degrees to teaching in urban public schools in this Commonwealth.

Referred to Committee on EDUCATION, January 31, 2005.

**No. 121** By Representatives ROEBUCK, KIRKLAND, KOTIK, LEDERER, McCALL, PISTELLA, THOMAS and WASHINGTON

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for passing and overtaking streetcars.

Referred to Committee on TRANSPORTATION, January 31, 2005.

**No. 122** By Representatives DALLY, ARMSTRONG, CALTAGIRONE, DALEY, DeWEESE, FREEMAN, GEIST, GRUCELA, HARHART, LEACH, McCALL, NAILOR, REICHLEY, SAYLOR, SCAVELLO, TIGUE, WASHINGTON, SEMMEL, YOUNGBLOOD and R. MILLER

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for exceptions for certain payments made to community colleges in determining costs excepted from certain referendum requirements.

Referred to Committee on EDUCATION, January 31, 2005.

**No. 123** By Representatives DALLY, ARMSTRONG, CALTAGIRONE, DALEY, DeWEESE, FREEMAN, GEIST, GRUCELA, HARHART, LEACH, McCALL, NAILOR, REICHLEY, SAYLOR, SCAVELLO, TIGUE, WASHINGTON, SEMMEL, YOUNGBLOOD and R. MILLER

An Act amending the act of July 5, 2004 (P.L.654, No.72), known as the Homeowner Tax Relief Act, further providing for public referendum requirements for increasing certain taxes.

Referred to Committee on FINANCE, January 31, 2005.

**No. 124** By Representative DALLY

An Act authorizing and directing the Department of Conservation and Natural Resources to convey a right-of-way to Elwood Kocher and Beatrice Kocher, his wife, over certain Project 70 Land Acquisition and Borrowing Act lands in Bushkill Township, Northampton County, Pennsylvania.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, January 31, 2005.

**No. 127** By Representatives SATHER, HESS, GEIST, BAKER, BALDWIN, BASTIAN, BUNT, CAPPELLI, CRAHALLA, DENLINGER, DeWEESE, FABRIZIO, GINGRICH, HARHART, HARRIS, HENNESSEY, HERMAN, HERSHEY, HICKERNELL, KIRKLAND, LEACH, LEDERER, MANN, MCGILL, METCALFE, R. MILLER, S. MILLER, MUNDY, O'NEILL, PHILLIPS, PISTELLA, REICHLEY, ROSS, SAYLOR, SCAVELLO, SCHRODER, E. Z. TAYLOR, TIGUE, WALKO, WASHINGTON, WATSON, WILT, STERN, HARPER, SEMMEL, THOMAS and YOUNGBLOOD

An Act providing for certain rights of foster parents; and further providing for duties of county agencies and foster family care agencies.

Referred to Committee on CHILDREN AND YOUTH, January 31, 2005.

**No. 128** By Representatives GANNON and BLAUM

An Act amending the act of May 1, 1933 (P.L.216, No.76), known as The Dental Law, further providing for required education and training for radiologic procedures.

Referred to Committee on PROFESSIONAL LICENSURE, January 31, 2005.

**No. 129** By Representatives WATSON, GEIST, HARPER, CRAHALLA, McCALL, BLAUM, FAIRCHILD, FICHTER, GILLESPIE, KENNEY, MCGILL, MELIO, MILLARD, O'NEILL, PAYNE, PETRARCA, RUBLEY, SAMUELSON, WOJNAROSKI, FREEMAN and MANN

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, providing for flying while impaired; and imposing penalties.

Referred to Committee on TRANSPORTATION, January 31, 2005.

**No. 132** By Representatives PAYNE, BALDWIN, BASTIAN, BIRMEIN, BOYD, CAPPELLI, CAUSER, CORRIGAN, CRAHALLA, DALEY, DENLINGER, FAIRCHILD, FLEAGLE, FLICK, GILLESPIE, GINGRICH, GODSHALL, HERSHEY, HESS, HICKERNELL, HUTCHINSON, KAUFFMAN, KILLION, LEH, MAHER,

S. MILLER, MUSTIO, O'NEILL, PYLE, REICHLEY, ROSS, SCAVELLO, STERN, TURZAI, WILT and WRIGHT

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for medical professional liability actions.

Referred to Committee on STATE GOVERNMENT, January 31, 2005.

**No. 133** By Representatives FLEAGLE, KILLION, FLICK, DENLINGER, S. MILLER, B. SMITH, GEIST, HERSHEY, BASTIAN, NAILOR, ARMSTRONG, E. Z. TAYLOR, O'NEILL, KAUFFMAN, ROHRER, MCGILL, BENNINGHOFF, TURZAI, SAYLOR and PICKETT

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, further providing for rate and amount of compensation.

Referred to Committee on LABOR RELATIONS, January 31, 2005.

**No. 134** By Representatives FLEAGLE, HERMAN, WATSON, T. STEVENSON, WATERS, WRIGHT, BAKER, KILLION, MAITLAND, FLICK, DENLINGER, ROSS, BALDWIN, MARKOSEK, B. SMITH, GEIST, HERSHEY, NICKOL, BASTIAN, SATHER, PHILLIPS, BEBKO-JONES, ARMSTRONG, CAPPELLI, E. Z. TAYLOR, O'NEILL, McILHINNEY, RUBLEY, TIGUE, BENNINGHOFF, CRAHALLA, PETRONE, LEACH and SAYLOR

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further providing for advance directive for health care.

Referred to Committee on JUDICIARY, January 31, 2005.

**No. 135** By Representatives FLEAGLE, WATERS, LEDERER, KILLION, MUSTIO, FLICK, DENLINGER, S. MILLER, MARKOSEK, B. SMITH, BASTIAN, BARRAR, SATHER, PHILLIPS, ARMSTRONG, REICHLEY, E. Z. TAYLOR, HARPER, TANGRETTI, ZUG, MCGILL, BENNINGHOFF, CRAHALLA, McILHATTAN, LEACH and MARSICO

An Act amending the act of June 1, 1945 (P.L.1242, No.428), known as the State Highway Law, requiring the Department of Transportation to consult and coordinate with municipalities and historic districts prior to certain removal activities.

Referred to Committee on TRANSPORTATION, January 31, 2005.

**No. 136** By Representatives FLEAGLE, HERMAN, WRIGHT, KILLION, YOUNGBLOOD, MAITLAND, MUSTIO, FLICK, DENLINGER, ROSS, BALDWIN, MARKOSEK, HERSHEY, ZUG, NICKOL, TIGUE, BASTIAN, PHILLIPS, BOYD, ARMSTRONG, CAPPELLI, E. Z. TAYLOR, O'NEILL, KAUFFMAN, HARPER, CRAHALLA, McILHATTAN, SAYLOR and PICKETT

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, authorizing appropriations to watershed associations.

Referred to Committee on LOCAL GOVERNMENT, January 31, 2005.

**No. 137** By Representatives FLEAGLE, HERMAN, WATSON, BAKER, KILLION, MAITLAND, DENLINGER, BALDWIN, MUSTIO, HERSHEY, ELLIS, NICKOL, BASTIAN, SATHER, S. MILLER, PHILLIPS, ARMSTRONG, THOMAS, ZUG, McGILL, McILHATTAN and PICKETT

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

Referred to Committee on TRANSPORTATION, January 31, 2005.

**No. 138** By Representatives TURZAI, ARMSTRONG, BALDWIN, BENNINGHOFF, BIRMELIN, BOYD, CAPPELLI, CLYMER, CRAHALLA, CREIGHTON, DALLY, DENLINGER, FAIRCHILD, FLICK, FORCIER, FRANKEL, GABIG, GILLESPIE, GINGRICH, GODSHALL, GRELL, HARRIS, HERSHEY, HICKERNELL, HUTCHINSON, KAUFFMAN, KILLION, LEH, MAHER, MANN, McGILL, McILHATTAN, McILHINNEY, R. MILLER, S. MILLER, MUSTIO, NAILOR, O'NEILL, PETRI, PHILLIPS, PICKETT, REED, REICHLEY, ROHRER, ROSS, RUBLEY, SATHER, SAYLOR, SCHRODER, SEMMEL, STEIL, STERN, R. STEVENSON, T. STEVENSON, E. Z. TAYLOR, TRUE, WATSON, WILT, WRIGHT, FLEAGLE, MARSICO, NICKOL and SCAVELLO

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, reenacting provisions relating to comparative negligence; and making a repeal.

Referred to Committee on STATE GOVERNMENT, January 31, 2005.

**No. 140** By Representatives McGILL, CORNELL, CALTAGIRONE, HERSHEY, SCAVELLO, SCHRODER, THOMAS and YOUNGBLOOD

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for removal or relocation of utility facilities.

Referred to Committee on CONSUMER AFFAIRS, January 31, 2005.

**No. 141** By Representatives PICKETT, SCAVELLO, R. STEVENSON, E. Z. TAYLOR, GEIST, KILLION, R. MILLER, CALTAGIRONE, DeWEESE, FRANKEL, FLEAGLE, KIRKLAND, WHEATLEY, BELFANTI, CREIGHTON, CAPPELLI, WASHINGTON, FABRIZIO, S. MILLER, DALEY, STABACK, WALKO, O'NEILL, STERN, CRAHALLA, GINGRICH, HENNESSEY, GILLESPIE, J. EVANS, REED, THOMAS and YOUNGBLOOD

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, requiring identification credentials of coordinators of emergency management.

Referred to Committee on HEALTH AND HUMAN SERVICES, January 31, 2005.

**No. 142** By Representatives PICKETT, FEESE, BAKER, SCAVELLO, R. MILLER, S. MILLER, NAILOR, LEH, WATSON, KILLION, CALTAGIRONE, FAIRCHILD, TIGUE, E. Z. TAYLOR, RUBLEY, GEIST, CREIGHTON, SCHRODER, HERSHEY, WILT, COSTA, CLYMER, HARPER, CAPPELLI, WASHINGTON, FABRIZIO, McGILL, MANDERINO, MAHER, BENNINGHOFF, R. STEVENSON, SATHER, SAYLOR, McILHINNEY, ROHRER, ARMSTRONG, HESS, THOMAS and YOUNGBLOOD

An Act amending Title 65 (Public Officers) of the Pennsylvania Consolidated Statutes, further providing for statement of financial interests to be filed.

Referred to Committee on STATE GOVERNMENT, January 31, 2005.

**No. 143** By Representatives SOLOBAY, BARRAR, BEBKO-JONES, BLACKWELL, CALTAGIRONE, COSTA, CRUZ, CURRY, EACHUS, FRANKEL, GOODMAN, GRUCELA, W. KELLER, LEDERER, MANN, MARKOSEK, SAINATO, SCAVELLO, STURLA, THOMAS, TIGUE, TRUE and YOUNGBLOOD

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for background checks of school directors.

Referred to Committee on EDUCATION, January 31, 2005.

**No. 144** By Representatives SOLOBAY, BELFANTI, CALTAGIRONE, CAWLEY, DeWEESE, FABRIZIO, GOODMAN, GRUCELA, MELIO, SAINATO, SATHER, SHANER, WASHINGTON, YOUNGBLOOD and YUDICHAK

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, further providing for benefits based on service for educational institutions.

Referred to Committee on LABOR RELATIONS, January 31, 2005.

**No. 145** By Representatives SOLOBAY, BEBKO-JONES, BELFANTI, CALTAGIRONE, CAPPELLI, CLYMER, CORRIGAN, CRAHALLA, CRUZ, DeWEESE, GOODMAN, GRUCELA, HARRIS, HENNESSEY, KOTIK, S. MILLER, O'NEILL, PRESTON, READSHAW, ROHRER, SAINATO, SCAVELLO, SHANER, TIGUE, WILT, WOJNAROSKI, YOUNGBLOOD and YUDICHAK

An Act amending the act of October 10, 1974 (P.L.705, No.235), known as the Lethal Weapons Training Act, further providing for education and training program.

Referred to Committee on JUDICIARY, January 31, 2005.

**No. 146** By Representatives SOLOBAY, BARRAR, BEBKO-JONES, BELFANTI, BENNINGHOFF, BLACKWELL, CALTAGIRONE, CORRIGAN, CRAHALLA, CURRY, DeWEESE, FABRIZIO, GOODMAN, GRUCELA, HENNESSEY, KOTIK, LEACH, MAHER, MANN, MELIO, MUNDY, PRESTON, READSHAW, REICHLEY, SAINATO, SANTONI, SATHER, SHANER, STURLA, SURRA, TANGRETTI, THOMAS, TIGUE, WANSACZ, WASHINGTON, YOUNGBLOOD and YUDICHAK

An Act requiring the Department of Community and Economic Development to submit a unified economic development budget; providing for unified reporting of property tax reductions and abatements, for application for economic development subsidies, for reports, for subsidy limit and job quality standards and for recapture; establishing a private enforcement action; and providing for public record disclosure.

Referred to Committee on FINANCE, January 31, 2005.

**No. 147** By Representatives SOLOBAY, CALTAGIRONE, CAPPELLI, CORRIGAN, J. EVANS, FABRIZIO, GRUCELA, KOTIK, LEACH, RUFFING, THOMAS, WALKO, WANSACZ, WASHINGTON, YOUNGBLOOD and M. KELLER

An Act amending the act of August 21, 1953 (P.L.1273, No.361), known as The Private Detective Act of 1953, further providing for issuances of licenses, fees and bonds, for employees and for prosecution.

Referred to Committee on JUDICIARY, January 31, 2005.

**No. 148** By Representatives SOLOBAY, BARRAR, BEBKO-JONES, BELARDI, BELFANTI, BLACKWELL, BLAUM, CALTAGIRONE, CAPPELLI, CASORIO, COSTA, CURRY, EACHUS, FABRIZIO, GEORGE, GOODMAN, GRUCELA, KOTIK, LEACH, LEDERER, MANN, MARKOSEK, S. MILLER, MUNDY, PETRARCA, SHANER, STURLA, SURRA, TANGRETTI, THOMAS, VEON, WALKO, WANSACZ, WASHINGTON, WOJNAROSKI, YOUNGBLOOD and YUDICHAK

An Act amending the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act, further providing for purposes, for definitions, for powers of the Department of Health, for administration and for licensure; providing for compliance with staffing plans and recordkeeping, for work assignment policies and for public disclosure of staffing requirements; further providing for license standards, reliance on accrediting agencies and Federal Government, for medical assistance payments and for civil penalties; and providing for private cause of action and for grants and loan programs for nurse recruitment.

Referred to Committee on HEALTH AND HUMAN SERVICES, January 31, 2005.

**No. 149** By Representatives SOLOBAY, ALLEN, ARGALL, BEBKO-JONES, BELFANTI, CALTAGIRONE, CAPPELLI, CAWLEY, COSTA, CREIGHTON, CRUZ, DeWEESE, FICHTER, GEORGE, GINGRICH, GOODMAN, GRUCELA, HALUSKA, HARRIS, HERSHEY, HESS, HUTCHINSON, KOTIK, MANN, MUSTIO, O'NEILL,

PAYNE, PHILLIPS, PICKETT, PRESTON, READSHAW, REICHLEY, ROHRER, SAINATO, SAYLOR, SCAVELLO, SURRA, THOMAS, TRUE, WANSACZ, WASHINGTON, WILLIAMS, WILT, WOJNAROSKI and YOUNGBLOOD

An Act amending the act of June 13, 1907 (P.L.560, No.373), entitled "An act designating the official flag of the Commonwealth of Pennsylvania, and describing the same; providing for the carrying of such flag by the regiments of the National Guard of Pennsylvania; authorizing the Secretary of the Commonwealth to provide, and have deposited in the office of Secretary of the Commonwealth, a model of said flag, and making an appropriation therefor," further providing for specifications for the official flag of the Commonwealth.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, January 31, 2005.

**No. 150** By Representatives SOLOBAY, ALLEN, BARRAR, BEBKO-JONES, BELARDI, BELFANTI, BUNT, BUXTON, CALTAGIRONE, CAPPELLI, CAUSER, CAWLEY, CLYMER, COSTA, CURRY, DALLY, DeLUCA, DeWEESE, EACHUS, FABRIZIO, FLEAGLE, FLICK, FRANKEL, FREEMAN, GABIG, GEIST, GEORGE, GOODMAN, GRUCELA, HALUSKA, HARHAI, HARHART, HARRIS, HENNESSEY, HERMAN, HERSHEY, HESS, KOTIK, LEACH, MARKOSEK, MARSICO, McCALL, McGEEHAN, McILHATTAN, MELIO, MICOZZIE, O'NEILL, PHILLIPS, PISTELLA, READSHAW, REED, REICHLEY, RUFFING, SAINATO, SATHER, SCAVELLO, SHANER, B. SMITH, STABACK, SURRA, THOMAS, TIGUE, VEON, WALKO, WASHINGTON, WOJNAROSKI, YOUNGBLOOD, YUDICHAK and PETRONE

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, providing for benefits payable.

Referred to Committee on FINANCE, January 31, 2005.

**No. 151** By Representatives STEIL, BENNINGHOFF, CALTAGIRONE, CORRIGAN, DALEY, FREEMAN, HARHAI, HARPER, HENNESSEY, HERMAN, LEH, MELIO, RUBLEY, SAYLOR, SCHRODER, E. Z. TAYLOR, TIGUE and WATSON

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

Referred to Committee on LOCAL GOVERNMENT, January 31, 2005.

**No. 152** By Representatives GODSHALL, BASTIAN, BEBKO-JONES, BLACKWELL, BUNT, CORNELL, CRAHALLA, DeWEESE, FICHTER, FRANKEL, GINGRICH, GOODMAN, GRUITZA, HARPER, HENNESSEY, HERMAN, KILLION, LaGROTTA, LEACH, MANDERINO, MANN, McGILL, MELIO, PISTELLA, PRESTON, PYLE, SAINATO, SANTONI, SAYLOR, SOLOBAY, THOMAS, TIGUE, WALKO, WASHINGTON, WHEATLEY, WILT and YOUNGBLOOD

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, further providing for subsidized day-care services.

Referred to Committee on CHILDREN AND YOUTH, January 31, 2005.

**No. 153** By Representatives GODSHALL, ADOLPH, BAKER, BARRAR, BASTIAN, BEBKO-JONES, BELARDI, BELFANTI, BENNINGHOFF, BUNT, CAPPELLI, CAUSER, COSTA, CRAHALLA, CREIGHTON, CRUZ, CURRY, DeWEESE, J. EVANS, FABRIZIO, FAIRCHILD, FRANKEL, FREEMAN, GEORGE, GERGELY, GINGRICH, GOOD, GOODMAN, HARPER, HERMAN, HERSHEY, JAMES, KAUFFMAN, KIRKLAND, KOTIK, LEACH, LEDERER, MANDERINO, MANN, MARKOSEK, McGILL, McILHATTAN, MELIO, O'NEILL, PISTELLA, RAMALEY, ROEBUCK, SAINATO, SANTONI, SCAVELLO, SHANER, STABACK, E. Z. TAYLOR, THOMAS, TIGUE, TRUE, WALKO, WASHINGTON, WATSON, WOJNAROSKI, YUDICHAK, WANSACZ, CORNELL and McGEEHAN

An Act relating to organ and bone marrow donation; providing for a special leave of absence for organ and bone marrow donors; and providing for a tax credit and for additional duties of the Department of Health and the Department of Revenue.

Referred to Committee on FINANCE, January 31, 2005.

**No. 154** By Representatives GODSHALL, ADOLPH, BAKER, BARRAR, BASTIAN, BEBKO-JONES, BELARDI, BELFANTI, BUNT, CAPPELLI, CAUSER, CREIGHTON, CRUZ, DeWEESE, J. EVANS, FAIRCHILD, FLICK, FRANKEL, GABIG, GEORGE, GINGRICH, GOOD, HARPER, HERMAN, HUTCHINSON, JAMES, KOTIK, LEACH, MANN, MARKOSEK, McILHATTAN, MELIO, O'NEILL, PISTELLA, ROSS, RUBLEY, SAINATO, SANTONI, SATHER, SCAVELLO, SCHRODER, SHANER, STABACK, T. STEVENSON, E. Z. TAYLOR, THOMAS, TURZAI, WALKO, WASHINGTON, WATSON, YOUNGBLOOD, YUDICHAK, CORNELL and PICKETT

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for a personal income tax credit for long-term care premiums paid by individuals; and imposing duties on the Secretary of the Commonwealth and the Legislative Reference Bureau.

Referred to Committee on FINANCE, January 31, 2005.

**No. 155** By Representatives GODSHALL, ADOLPH, BAKER, BARRAR, BASTIAN, BELARDI, BELFANTI, BUNT, CAPPELLI, CAUSER, CORNELL, CREIGHTON, CRUZ, CURRY, DeWEESE, J. EVANS, FAIRCHILD, FRANKEL, GINGRICH, GOOD, HARPER, HUTCHINSON, KIRKLAND, KOTIK, MANN, MARKOSEK, McILHATTAN, MUSTIO, O'NEILL, PISTELLA, ROSS, SAINATO, SATHER, SCHRODER, STABACK, T. STEVENSON, E. Z. TAYLOR, THOMAS, TURZAI, WALKO, WASHINGTON, WATSON and YOUNGBLOOD

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for special tax provisions relating to certain long-term care expenses.

Referred to Committee on HEALTH AND HUMAN SERVICES, January 31, 2005.

**No. 156** By Representatives GODSHALL, BAKER, BUNT, CAPPELLI, CAUSER, CRAHALLA, J. EVANS, FABRIZIO, FRANKEL, GERGELY, HARPER, JAMES, KILLION, KOTIK, LEACH, LEDERER, MANN, MELIO, NAILOR, READSHAW, REICHLEY, SAINATO, SATHER, T. STEVENSON, THOMAS, WALKO, WATSON, WILT and YOUNGBLOOD

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 definitions and for exclusions from sales and use tax.

Referred to Committee on TOURISM AND RECREATIONAL DEVELOPMENT, January 31, 2005.

**No. 157** By Representatives GODSHALL, BAKER, BUNT, COSTA, CRAHALLA, FLICK, FRANKEL, GERGELY, GOODMAN, HERSHEY, KILLION, KOTIK, McCALL, NAILOR, PICKETT, SAINATO, SANTONI, STABACK, STERN, TANGRETTI, E. Z. TAYLOR, WALKO, WILT and YOUNGBLOOD

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for the authorization of excise tax, for the authorization of the hotel tax and for hotel room rental tax.

Referred to Committee on TOURISM AND RECREATIONAL DEVELOPMENT, January 31, 2005.

**No. 158** By Representatives GODSHALL, BAKER, BENNINGHOFF, BUNT, CAPPELLI, CRAHALLA, CURRY, FRANKEL, GEIST, GERGELY, GOODMAN, HARPER, HERMAN, HESS, JAMES, KILLION, KOTIK, LEDERER, MUNDY, NAILOR, READSHAW, SANTONI, SATHER, STABACK, SURRA, TANGRETTI, THOMAS, WALKO, WANSACZ, WASHINGTON, WHEATLEY and WILT

An Act providing for the regulation of sellers of travel; requiring that certain bonds be secured for the benefit of customers; requiring bank deposits; and imposing penalties.

Referred to Committee on TOURISM AND RECREATIONAL DEVELOPMENT, January 31, 2005.

**No. 159** By Representatives GODSHALL, BARRAR, BEBKO-JONES, BELARDI, BENNINGHOFF, BUNT, CAPPELLI, CAUSER, COSTA, CRAHALLA, DENLINGER, DERMODY, DeWEESE, FAIRCHILD, FRANKEL, GEIST, GEORGE, GERGELY, GOODMAN, KILLION, KOTIK, LEDERER, LEH, MARSICO, McCALL, McNAUGHTON, MELIO, R. MILLER, MUSTIO, NAILOR, O'NEILL, PETRARCA, PICKETT, PISTELLA, READSHAW, REICHLEY, ROSS, RUBLEY, SAINATO, SANTONI, SATHER, SAYLOR, SCAVELLO, SCHRODER, SOLOBAY, STABACK, T. STEVENSON, STURLA, TANGRETTI, TURZAI, WALKO, WANSACZ, WATSON, WHEATLEY, WILT and YOUNGBLOOD

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for the sale of liquor to licensees.

Referred to Committee on LIQUOR CONTROL, January 31, 2005.

**No. 160** By Representatives FRANKEL, BEBKO-JONES, BELFANTI, BLACKWELL, BUXTON, CALTAGIRONE, CAPPELLI, COSTA, CURRY, FABRIZIO, FREEMAN, GEORGE, GOODMAN, JAMES, LaGROTTA, LEACH, LEDERER, MANDERINO, MANN, MELIO, OLIVER, PISTELLA, ROEBUCK, ROONEY, SCAVELLO, STURLA, THOMAS, WANSACZ, WASHINGTON and WHEATLEY

An Act establishing the Prevention of Hate Activity Fund; and making an appropriation.

Referred to Committee on INTERGOVERNMENTAL AFFAIRS, January 31, 2005.

**No. 161** By Representatives FRANKEL, BELFANTI, CALTAGIRONE, CAWLEY, CORRIGAN, CRUZ, DeLUCA, FABRIZIO, GEORGE, GRUCELA, JAMES, KOTIK, PETRONE, SHANER, THOMAS, TIGUE, WALKO and YOUNGBLOOD

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for home invasion.

Referred to Committee on JUDICIARY, January 31, 2005.

**No. 162** By Representatives BELARDI, STABACK, McCALL, GEIST, DeWEESE, GRUCELA, TIGUE, BELFANTI, MANN, YUDICHAK, THOMAS, YOUNGBLOOD, DONATUCCI, CALTAGIRONE, FRANKEL, WALKO, ROEBUCK, BLACKWELL, GOODMAN and DALEY

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for general requirements for school buses.

Referred to Committee on TRANSPORTATION, January 31, 2005.

**No. 163** By Representatives ADOLPH, YUDICHAK, THOMAS, BARRAR, BAKER, BELARDI, BELFANTI, BUNT, CALTAGIRONE, CAPPELLI, CAWLEY, DALLY, DeLUCA, DeWEESE, EACHUS, FABRIZIO, FREEMAN, GEIST, GEORGE, GINGRICH, GOODMAN, GRUCELA, HARHART, HARPER, HARRIS, HASAY, HENNESSEY, HERMAN, W. KELLER, KILLION, KOTIK, LEACH, LEH, MANN, McGEEHAN, McILHATTAN, McNAUGHTON, MELIO, R. MILLER, PISTELLA, PRESTON, REICHLEY, RUBLEY, SAINATO, SCAVELLO, SCHRODER, SHANER, SOLOBAY, SURRA, E. Z. TAYLOR, TIGUE, VEON, WASHINGTON, WATSON, YOUNGBLOOD and LEDERER

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, further providing for compensation rates.

Referred to Committee on LABOR RELATIONS, January 31, 2005.

**No. 164** By Representatives ADOLPH, MICOZZIE, FLICK, BARRAR, BELARDI, BELFANTI, BUNT, CALTAGIRONE, CAPPELLI, CAUSER, CAWLEY, CRAHALLA, CURRY, DALLY, DeLUCA, D. EVANS, FRANKEL, GEIST, GEORGE, GINGRICH, GOODMAN, GRUCELA, HALUSKA, HARHART, HARPER, KAUFFMAN, KILLION, KIRKLAND, KOTIK, LEACH, LEDERER, MANDERINO, MANN, MARKOSEK, McGEEHAN, McILHATTAN, MELIO, S. MILLER, MUSTIO, O'NEILL, PETRONE, PHILLIPS, PRESTON, REICHLEY, ROSS, RUBLEY, SAINATO, SAMUELSON, SANTONI, SATHER, SCAVELLO, SCHRODER, SOLOBAY, STABACK, E. Z. TAYLOR, WALKO, WASHINGTON, WATSON, YOUNGBLOOD and YUDICHAK

An Act amending the act of June 26, 2001 (P.L.755, No.77), known as the Tobacco Settlement Act, further providing for the definition of "eligible adult."

Referred to Committee on HEALTH AND HUMAN SERVICES, January 31, 2005.

**No. 165** By Representatives ADOLPH, KILLION, BAKER, BELFANTI, CALTAGIRONE, CAPPELLI, CASORIO, CRAHALLA, D. EVANS, FABRIZIO, GINGRICH, GOODMAN, HARRIS, LEACH, MELIO, O'NEILL, PAYNE, PHILLIPS, PRESTON, REICHLEY, RUFFING, SAINATO, SCAVELLO, SHANER, STABACK, E. Z. TAYLOR, WASHINGTON, WATSON, YOUNGBLOOD and LEDERER

An Act amending the act of December 7, 1982 (P.L.784, No.225), known as the Dog Law, further providing for definitions and for seizure and detention; adding provisions relating to cats; and providing for records and statistics.

Referred to Committee on JUDICIARY, January 31, 2005.

## HOUSE RESOLUTION INTRODUCED AND REFERRED

**No. 34** By Representatives O'NEILL, ARGALL, BAKER, BARRAR, BEBKO-JONES, BENNINGHOFF, BOYD, CALTAGIRONE, CAPPELLI, CAWLEY, CRAHALLA, DeWEESE, J. EVANS, FABRIZIO, FICHTER, FLEAGLE, FRANKEL, FREEMAN, GEIST, GEORGE, GINGRICH, GOODMAN, GRUCELA, HARHAI, HARPER, HERMAN, HERSHEY, HUTCHINSON, JAMES, W. KELLER, KILLION, LEDERER, LEH, MANDERINO, MANN, McILHATTAN, MELIO, S. MILLER, MUNDY, NAILOR, PALLONE, PAYNE, PHILLIPS, REICHLEY, ROEBUCK, ROSS, RUBLEY, SAINATO, SATHER, SCAVELLO, SCHRODER, SHANER, STABACK, STERN, R. STEVENSON, T. STEVENSON, STURLA, SURRA, E. Z. TAYLOR, THOMAS, TIGUE, TURZAI, WATSON, WILLIAMS, WILT, WOJNAROSKI, YUDICHAK, ZUG, YOUNGBLOOD, LEACH, MICOZZIE, BUNT, CLYMER and ROHRER

A Resolution urging the President and Congress of the United States to fully fund special education in accordance with the Individuals with Disabilities Education Act.

Referred to Committee on EDUCATION, January 31, 2005.

**REGULATORY REVIEW  
COMMITTEE DESIGNATIONS**

The SPEAKER. The Speaker submits for the record additional committee assignments pursuant to Act 181 of 1982, the Regulatory Review Act.

The following committee designations were submitted:

Commerce Committee

Pennsylvania Industrial Development Authority

Insurance Committee

Underground Storage Tank Indemnification Fund

**PETITION REFERRED**

The SPEAKER. Pursuant to Article VI, section 4, of the Constitution, the Speaker is hereby referring the attached petition for impeachment to the Judiciary Committee.

**LEAVES OF ABSENCE**

The SPEAKER. The Chair recognizes the majority whip, who moves for a leave of absence for the gentledady from Bucks, Mrs. WATSON. Without objection, that leave will be granted.

The Chair recognizes the minority whip, who moves for a leave of absence for the following members: the gentleman from Philadelphia, Mr. CRUZ; the gentleman from Philadelphia, Mr. COHEN; the gentleman from Allegheny, Mr. LEVDANSKY; and the gentleman from Bucks, Mr. CORRIGAN. 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—197

Adolph	Fichter	Maitland	Ruffing
Allen	Fleagle	Major	Sainato
Argall	Flick	Manderino	Samuelson
Armstrong	Forcier	Mann	Santoni
Baker	Frankel	Markosek	Sather
Baldwin	Freeman	Marsico	Saylor
Barrar	Gabig	McCall	Scavello
Bastian	Gannon	McGeehan	Schroder
Bebko-Jones	Geist	McGill	Semmel
Belardi	George	McIlhattan	Shaner
Belfanti	Gerber	McIlhinney	Shapiro
Benninghoff	Gergely	McNaughton	Smith, B.

Bianucci	Gillespie	Melio	Smith, S. H.
Birmelin	Gingrich	Metcalfe	Solobay
Bishop	Godshall	Micozzie	Sonney
Blackwell	Good	Millard	Staback
Blaum	Goodman	Miller, R.	Stairs
Boyd	Grell	Miller, S.	Steil
Browne	Grucela	Mundy	Stern
Bunt	Gruitza	Mustio	Stetler
Butkovitz	Habay	Myers	Stevenson, R.
Buxton	Haluska	Nailor	Stevenson, T.
Caltagirone	Hanna	Nickol	Sturla
Cappelli	Harhai	O'Brien	Surra
Casorio	Harhart	Oliver	Tangretti
Causer	Harper	O'Neill	Taylor, E. Z.
Cawley	Harris	Pallone	Taylor, J.
Civera	Hasay	Payne	Thomas
Clymer	Hennessey	Petrarca	Tigue
Cornell	Herman	Petri	True
Costa	Hershey	Petrone	Turzai
Crahalla	Hess	Phillips	Veon
Creighton	Hickernell	Pickett	Vitali
Curry	Hutchinson	Pistella	Walko
Daley	James	Preston	Wansacz
Dally	Josephs	Pyle	Washington
DeLuca	Kauffman	Quigley	Waters
Denlinger	Keller, M.	Ramaley	Wheatley
Dermody	Keller, W.	Rapp	Williams
DeWeese	Kenney	Raymond	Wilt
DiGirolo	Killion	Readshaw	Wojnarowski
Diven	Kirkland	Reed	Wright
Donatucci	Kotik	Reichley	Yewcic
Eachus	LaGrotta	Rieger	Youngblood
Ellis	Leach	Roberts	Yudichak
Evans, D.	Lederer	Roebuck	Zug
Evans, J.	Leh	Rohrer	
Fabrizio	Lescovitz	Rooney	
Fairchild	Mackereth	Ross	Perzel,
Feese	Maher	Rubley	Speaker

ADDITIONS—0

NOT VOTING—0

EXCUSED—5

Cohen	Cruz	Levdansky	Watson
Corrigan			

LEAVES ADDED—4

James	LaGrotta	Micozzie	Saylor
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LEAVES CANCELED—1

Corrigan

**VILLA JOSEPH MARIE HIGH SCHOOL  
GIRLS SOCCER TEAM PRESENTED**

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Petri, for the purpose of a citation.

Mr. PETRI. Thank you, Mr. Speaker. Thank you, colleagues.

Good morning. I have the distinct honor of introducing a talented and driven group of young women who are taking the national high school girls soccer world by storm, the Pennsylvania AA Girls Soccer Champions, the Villa Joseph Marie Jems. With me are four of the cocaptains and their coach, and I will introduce them to you shortly.

Hailing from beautiful Holland, Pennsylvania, this incredible team soared to an impressive record in their recently completed season. This team fought their way to a perfect season, untied, 24 to 0. Along with a State championship, the team also clinched the Athletic Association of Catholic Academies Championship.

The team also skyrocketed to a top three on the national NSCAA (National Soccer Coaches Association of America)/adidas girls fall soccer poll. Villa Joseph Marie is the only Pennsylvania team to make the list.

This year's victory gave Villa Joseph Marie their fourth State championship. Trust me, they are a team to be reckoned with.

Not only do they succeed on the soccer field, they succeed in academics. One hundred percent of these girls are committed to colleges and to college educations. So, recruiters, be on the watch for this team.

Let me quickly recognize the seniors who contributed leadership to this squad: Jenna Rankin, cocaptain, behind me; Kylie Murray; Julie Solomon, cocaptain, behind me; Megan Keenan; Colleen O'Brien; Brittany Parsons; Casey Boland; Danielle Pieri, behind me; Leanne Clarke; and Roisen Walsh. Thank you, ladies, for bringing such a wonderful conclusion to your high school soccer career.

The team earned these prizes under the great guidance of first-year coach Rich Finneyfrock, also behind me. In a recent newspaper article, Mr. Finneyfrock said, when I came in, I just hoped we would have a strong season; I just wanted to have a good soccer team; but after a perfect season, where do I go from here? Well, my answer is, to the hall of the House to be honored by you folks and to be honored by Pennsylvanians.

I am proud to welcome to the hall of the House today – please join me in congratulating the State champions – the Villa Joseph Marie Jems. Please stand and be recognized, ladies.

### **ANNOUNCEMENT BY SPEAKER**

The SPEAKER. For the information of the members, there was a letter distributed by the Associated Press, a gentleman by the name of Mark Scolforo, and we have distributed a response to the gentleman, which is on each and every one of your desks. There were a number of inquiries; the response is on your desk.

### **ANNOUNCEMENT BY MAJORITY LEADER**

The SPEAKER. At this time the Chair recognizes the majority leader, the gentleman from Jefferson, Mr. Smith, for the purpose of an announcement.

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

I just wanted to let the record reflect that effective today, the gentleman from the 22d Legislative District, Mr. Diven, will be sitting with the Republican Caucus.

The SPEAKER. The Chair thanks the gentleman.

Mr. Smith, shall we tell everybody to hurry up before there are no seats left?

### **REPUBLICAN CAUCUS**

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

Mrs. TAYLOR. Thank you, Mr. Speaker.

There will be a Republican caucus, an important Republican caucus, immediately following the call for recess.

The SPEAKER. The Chair thanks the gentlelady.

### **DEMOCRATIC CAUCUS**

The SPEAKER. The Chair recognizes the gentleman, Mr. Blaum.

Mr. BLAUM. Thank you, Mr. Speaker.

A Democratic caucus immediately at the break.

The SPEAKER. The Chair thanks the gentleman.

Mrs. Taylor, how long will you need for your caucus?

Mrs. TAYLOR. I would say at least an hour.

The SPEAKER. The Chair thanks the gentlelady.

### **RECESS**

The SPEAKER. The House will be in recess until 3 p.m.

### **RECESS EXTENDED**

The time of recess was extended until 3:45 p.m.

### **AFTER RECESS**

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

### **LEAVE OF ABSENCE CANCELED**

The SPEAKER. The Chair notes the presence in the hall of the House of the gentleman from Bucks, Mr. Corrigan. Without objection, his name will be added to the master roll.

### **LEAVES OF ABSENCE**

The SPEAKER. The Chair recognizes the minority whip, who moves for a leave of absence for the gentleman from Philadelphia, Mr. JAMES, for the week. Without objection, that leave will be granted.

The Chair recognizes the majority whip, who moves for a leave of absence for the gentleman from York, Mr. SAYLOR. Without objection, the leave will be granted.

### **REPORTS OF COMMITTEE ON COMMITTEES**

The SPEAKER. The clerk will read the following supplemental reports of the Committee on Committees.

The following reports were read:

January 31, 2005

SUPPLEMENTAL REPORT OF THE  
COMMITTEE ON COMMITTEES



AGING & OLDER ADULT SERVICES

Representative Michael Diven is appointed to fill the vacancy on the House Standing Committee on Aging & Older Adult Services.

FINANCE

Representative Scott Petri resigns from the House Standing Committee on Finance. Representative Brian Ellis is appointed to fill the vacancy on the House Standing Committee on Finance.

GAME & FISHERIES

Representative Michael Diven is appointed to fill the vacancy on the House Standing Committee on Game & Fisheries.

HEALTH & HUMAN SERVICES

Representative Sheila Miller resigns from the House Standing Committee on Health & Human Services. Representative Michael Diven is appointed to fill the vacancy on the House Standing Committee on Health & Human Services.

URBAN AFFAIRS

Representative Michael Diven is appointed to fill the vacancy on the House Standing Committee on Urban Affairs.

These changes take effect immediately.

Respectfully submitted,  
George C. Hasay, Chairman  
Committee on Committees

On the question,  
Will the House adopt the resolution?  
Resolution was adopted.

\* \* \*

SUPPLEMENTAL REPORT  
COMMITTEE ON COMMITTEES

In the House of Representatives  
January 31, 2005

## RESOLVED, That

Rep. John Yudichak, Luzerne County, is elected a member of the Intergovernmental Affairs Committee vice Rep. Ruffing resigned.

Rep. John Yudichak, Luzerne County, is elected a member of the Environmental Resources and Energy Committee vice Rep. Gergely resigned.

Rep. Marc J. Gergely, Allegheny County, is elected a member of the Finance Committee vice Rep. Yudichak resigned.

Rep. Victor Lescovitz, Washington County, is elected a member of the Urban Affairs Committee vice Rep. Yudichak resigned.

Rep. Anthony DeLuca, Allegheny County, is elected a member of the Urban Affairs Committee vice Rep. Diven resigned.

Rep. Rosita Youngblood, Philadelphia County, is elected a member of the Intergovernmental Affairs Committee vice Rep. Diven resigned.

Rep. Kathy Manderino, Philadelphia County, is elected a member of the Health and Human Services Committee vice Rep. Diven resigned.

Rep. Phyllis Mundy, Luzerne County, is elected a member of the Children and Youth Committee vice Rep. Diven resigned.

Rep. Curtis Thomas, Philadelphia County, is elected a member of the State Government Committee vice Rep. Manderino resigned.

Respectfully submitted,  
Rep. Robert Freeman  
Democratic Chairman  
Committee on Committees

On the question,  
Will the House adopt the resolution?  
Resolution was adopted.

## CALENDAR

## RESOLUTIONS PURSUANT TO RULE 35

Mrs. LEDERER called up **HR 7, PN 8**, entitled:

A Resolution recognizing the week of March 20 through 26, 2005, as "National Inhalants and Poisons Awareness Week" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

## YEAS—196

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Cohen James Saylor Watson  
Cruz Levdansky

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

\* \* \*

Mrs. HARHART called up **HR 16, PN 16**, entitled:

A Resolution recognizing February 8, 2005, as “Women’s Heart Awareness Day” in Pennsylvania and encouraging all citizens to wear red to raise women’s awareness of cardiovascular disease.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

Adolph	Feese	Maitland	Rubley
Allen	Fichter	Major	Ruffing
Argall	Fleagle	Manderino	Sainato
Armstrong	Flick	Mann	Samuelson
Baker	Forcier	Markosek	Santoni
Baldwin	Frankel	Marsico	Sather
Barrar	Freeman	McCall	Scavello
Bastian	Gabig	McGeehan	Schroder
Bebko-Jones	Gannon	McGill	Semmel
Belardi	Geist	McIlhattan	Shaner
Belfanti	George	McIlhinney	Shapiro
Benninghoff	Gerber	McNaughton	Smith, B.
Bianucci	Gergely	Melio	Smith, S. H.
Birmelin	Gillespie	Metcalfe	Solobay
Bishop	Gingrich	Micozzie	Sonney
Blackwell	Godshall	Millard	Staback
Blaum	Good	Miller, R.	Stairs
Boyd	Goodman	Miller, S.	Steil
Browne	Grell	Mundy	Stern
Bunt	Grucela	Mustio	Stetler
Butkovitz	Gruitza	Myers	Stevenson, R.
Buxton	Habay	Nailor	Stevenson, T.
Caltagirone	Haluska	Nickol	Sturla
Cappelli	Hanna	O’Brien	Surra
Casorio	Harhai	Oliver	Tangretti
Causar	Harhart	O’Neill	Taylor, E. Z.
Cawley	Harper	Pallone	Taylor, J.
Civera	Harris	Payne	Thomas
Clymer	Hasay	Petrarca	Tigue
Cornell	Hennessey	Petri	True
Corrigan	Herman	Petrone	Turzai
Costa	Hershey	Phillips	Veon
Crahalla	Hess	Pickett	Vitali
Creighton	Hickernell	Pistella	Walko
Curry	Hutchinson	Preston	Wansacz
Daley	Josephs	Pyle	Washington
Dally	Kauffman	Quigley	Waters
DeLuca	Keller, M.	Ramaley	Wheatley
Denlinger	Keller, W.	Rapp	Williams
Dermody	Kenny	Raymond	Wilt
DeWeese	Killion	Readshaw	Wojnaroski
DiGirolo	Kirkland	Reed	Wright
Diven	Kotik	Reichley	Yewcic

Donatucci	LaGrotta	Rieger	Youngblood
Eachus	Leach	Roberts	Yudichak
Ellis	Lederer	Roebuck	Zug
Evans, D.	Leh	Rohrer	
Evans, J.	Lescovitz	Rooney	
Fabrizio	Mackereth	Ross	Perzel,
Fairchild	Maher		Speaker

NAYS—0

NOT VOTING—0

EXCUSED—6

Cohen James Saylor Watson  
Cruz Levdansky

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

\* \* \*

Mr. METCALFE called up **HR 17, PN 17**, entitled:

A Resolution designating the week of February 6 through 12, 2005, as “Burn Awareness Week” in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The SPEAKER. Mr. Vitali? Does the gentleman, Mr. Vitali, wish to be recognized?

Mr. VITALI. Thank you, Mr. Speaker.

I just want to point out that these are not coming up on my system. I have no problem with the Metcalfe resolution, but I know we are going to be dealing with things in the future that are very important, and it is not coming up on my system.

The SPEAKER. If the gentleman would hit “House Floor Session” after each resolution, then hit “Rolling Session,” the resolutions will appear.

Mr. Vitali? The Parliamentarian is also checking with LDP (Legislative Data Processing) to find out what the malfunction is.

Does the gentleman, Mr. Vitali, wish to be recognized?

Mr. VITALI. No, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—196

Adolph	Feese	Maitland	Rubley
Allen	Fichter	Major	Ruffing
Argall	Fleagle	Manderino	Sainato
Armstrong	Flick	Mann	Samuelson
Baker	Forcier	Markosek	Santoni
Baldwin	Frankel	Marsico	Sather
Barrar	Freeman	McCall	Scavello
Bastian	Gabig	McGeehan	Schroder
Bebko-Jones	Gannon	McGill	Semmel
Belardi	Geist	McIlhattan	Shaner

Belfanti	George	McIlhinney	Shapiro
Benninghoff	Gerber	McNaughton	Smith, B.
Biancucci	Gergely	Melio	Smith, S. H.
Birmelin	Gillespie	Metcalfe	Solobay
Bishop	Gingrich	Micozzie	Sonney
Blackwell	Godshall	Millard	Staback
Blaum	Good	Miller, R.	Stairs
Boyd	Goodman	Miller, S.	Steil
Browne	Grell	Mundy	Stern
Bunt	Grucela	Mustio	Stetler
Butkovitz	Gruitza	Myers	Stevenson, R.
Buxton	Habay	Nailor	Stevenson, T.
Caltagirone	Haluska	Nickol	Sturla
Cappelli	Hanna	O'Brien	Surra
Casorio	Harhai	Oliver	Tangretti
Causer	Harhart	O'Neill	Taylor, E. Z.
Cawley	Harper	Pallone	Taylor, J.
Civera	Harris	Payne	Thomas
Clymer	Hasay	Petrarca	Tigue
Cornell	Hennessey	Petri	True
Corrigan	Herman	Petrone	Turzai
Costa	Hershey	Phillips	Veon
Crahalla	Hess	Pickett	Vitali
Creighton	Hickernell	Pistella	Walko
Curry	Hutchinson	Preston	Wansacz
Daley	Josephs	Pyle	Washington
Dally	Kauffman	Quigley	Waters
DeLuca	Keller, M.	Ramaley	Wheatley
Denlinger	Keller, W.	Rapp	Williams
Dermody	Kenney	Raymond	Wilt
DeWeese	Killion	Readshaw	Wojnaroski
DiGirolamo	Kirkland	Reed	Wright
Diven	Kotik	Reichley	Yewcic
Donatucci	LaGrotta	Rieger	Youngblood
Eachus	Leach	Roberts	Yudichak
Ellis	Lederer	Roebuck	Zug
Evans, D.	Leh	Rohrer	
Evans, J.	Lescovitz	Rooney	
Fabrizio	Mackereth	Ross	Perzel,
Fairchild	Maher		Speaker

NAYS-0

NOT VOTING-0

EXCUSED-6

Cohen	James	Saylor	Watson
Cruz	Levdansky		

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

\* \* \*

Mr. PAYNE called up **HR 23, PN 20**, entitled:

A Resolution urging the Congress of the United States to award the Congressional Medal of Honor to Major Richard D. Winters without further delay.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-196

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

NAYS-0

NOT VOTING-0

EXCUSED-6

Cohen	James	Saylor	Watson
Cruz	Levdansky		

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

ANNOUNCEMENT BY MR. GEIST

The SPEAKER. The Chair recognizes the gentleman from Blair, Mr. Geist.

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

I would like to rise to make an announcement about cosponsoring a resolution. Would that be in order?

The SPEAKER. The gentleman is in order.

Mr. GEIST. Thank you, Mr. Speaker.

Over the weekend I got hooked on watching the preelection and election process in Iraq and thought it would be a wonderful idea if we in the General Assembly could pass a resolution congratulating those people for what they have been through. I have a copy of it right here, and we are going to try to run it tomorrow. So anybody that would like to cosponsor it, give my office a call or stop on the floor.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

RESOLUTIONS PURSUANT TO RULE 35

Mr. READSHAW called up HR 24, PN 21, entitled:

A Resolution declaring the week of February 14 through 20, 2005, as "Random Acts of Kindness Week" in Pennsylvania.

On the question, Will the House adopt the resolution?

The following roll call was recorded:

YEAS-196

Table listing names of members who voted YEAS-196, including Adolph, Allen, Argall, Armstrong, Baker, Baldwin, Barrar, Bastian, Bebkco-Jones, Belardi, Belfanti, Benninghoff, Biancucci, Birmelin, Bishop, Blackwell, Blaum, Boyd, Browne, Bunt, Butkovitz, Buxton, Caltagirone, Cappelli, Casorio, Causer, Cawley, Civera, Clymer, Cornell, Corrigan, Costa, Crahalla, Creighton, Curry, Daley, Feese, Fichter, Fleagle, Flick, Forcier, Frankel, Freeman, Gabig, Gannon, Geist, George, McCall, McGeehan, McGill, McIlhattan, McIlhinney, McNaughton, Melio, Metcalfe, Micozzie, Millard, Miller, R., Miller, S., Mundy, Mustio, Myers, Nailor, Nickol, O'Brien, Oliver, O'Neill, Pallone, Payne, Petrarca, Petri, Petrone, Phillips, Pickett, Pistella, Preston, Pyle, Maitland, Major, Manderino, Mann, Markosek, Marsico, McCall, Schrodler, Semmel, Shaner, Shapiro, Smith, B., Smith, S. H., Solobay, Sonney, Staback, Stairs, Steil, Stern, Stetler, Stevenson, R., Stevenson, T., Sturla, Surra, Tangretti, Taylor, E. Z., Taylor, J., Thomas, Tigues, True, Turzai, Veon, Vitali, Walko, Wansacz, Washington, Rubley, Ruffing, Sainato, Samuelson, Santoni, Sather, Scavello, Schroder, Semmel, Shaner, Shapiro, Smith, B., Smith, S. H., Solobay, Sonney, Staback, Stairs, Steil, Stern, Stetler, Stevenson, R., Stevenson, T., Sturla, Surra, Tangretti, Taylor, E. Z., Taylor, J., Thomas.

Table listing names of members who did not vote, including Dally, DeLuca, Denlinger, Dermody, DeWeese, DiGirolamo, Diven, Donatucci, Eachus, Ellis, Evans, D., Evans, J., Fabrizio, Fairchild, Kauffman, Keller, M., Keller, W., Kenney, Killion, Kirkland, Kotik, LaGrotta, Leach, Lederer, Leh, Lescovitz, Mackereth, Maher, Quigley, Ramaley, Rapp, Raymond, Readshaw, Reed, Reichley, Rieger, Roberts, Roebuck, Rohrer, Rooney, Ross, Waters, Wheatley, Williams, Wilt, Wojnaroski, Wright, Yewcic, Youngblood, Yudichak, Zug, Perzel, Speaker.

NAYS-0

NOT VOTING-0

EXCUSED-6

Table listing names of members who were excused, including Cohen, Cruz, James, Levdansky, Saylor, Watson.

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

\* \* \*

Mr. GILLESPIE called up HR 26, PN 23, entitled:

A Resolution designating the month of February 2005 as "National Heritage Month" in Pennsylvania.

On the question, Will the House adopt the resolution?

The following roll call was recorded:

YEAS-196

Table listing names of members who voted YEAS-196, including Adolph, Allen, Argall, Armstrong, Baker, Baldwin, Barrar, Bastian, Bebkco-Jones, Belardi, Belfanti, Benninghoff, Biancucci, Birmelin, Bishop, Blackwell, Blaum, Boyd, Browne, Bunt, Butkovitz, Buxton, Caltagirone, Cappelli, Casorio, Causer, Cawley, Civera, Feese, Fichter, Fleagle, Flick, Forcier, Frankel, Freeman, Gabig, Gannon, Geist, George, Gerber, Gergely, Gillespie, Gingrich, Godshall, Good, Goodman, Grell, Grucela, Gruitza, Habay, Haluska, Hanna, Harhai, Harhart, Harper, Harris, Hasay, Hennessey, Herman, Hershey, Hess, Hickernell, Hutchinson, Josephs, Maitland, Major, Manderino, Mann, Markosek, Marsico, McCall, McGeehan, McGill, McIlhattan, McIlhinney, McNaughton, Melio, Metcalfe, Micozzie, Millard, Miller, R., Miller, S., Mundy, Mustio, Myers, Nailor, Nickol, O'Brien, Oliver, O'Neill, Pallone, Payne, Rubley, Ruffing, Sainato, Samuelson, Santoni, Sather, Scavello, Schroder, Semmel, Shaner, Shapiro, Smith, B., Smith, S. H., Solobay, Sonney, Staback, Stairs, Steil, Stern, Stetler, Stevenson, R., Stevenson, T., Sturla, Surra, Tangretti, Taylor, E. Z., Taylor, J., Thomas.

Clymer	Hasay	Petrarca	Tigue
Cornell	Hennessey	Petri	True
Corrigan	Herman	Petrone	Turzai
Costa	Hershey	Phillips	Veon
Crahalla	Hess	Pickett	Vitali
Creighton	Hickernell	Pistella	Walko
Curry	Hutchinson	Preston	Wansacz
Daley	Josephs	Pyle	Washington
Dally	Kauffman	Quigley	Waters
DeLuca	Keller, M.	Ramaley	Wheatley
Denlinger	Keller, W.	Rapp	Williams
Dermody	Kenney	Raymond	Wilt
DeWeese	Killion	Readshaw	Wojnaroski
DiGirolamo	Kirkland	Reed	Wright
Diven	Kotik	Reichley	Yewcic
Donatucci	LaGrotta	Rieger	Youngblood
Eachus	Leach	Roberts	Yudichak
Ellis	Lederer	Roebuck	Zug
Evans, D.	Leh	Rohrer	
Evans, J.	Lescovitz	Rooney	
Fabrizio	Mackereth	Ross	Perzel,
Fairchild	Maher		Speaker

NAYS-0

NOT VOTING-0

EXCUSED-6

Cohen	James	Saylor	Watson
Cruz	Levdansky		

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

\* \* \*

Mr. FRANKEL called up **HR 29, PN 25**, entitled:

A Resolution recognizing February 2005 as "Women's Heart Month" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-196

Adolph	Feese	Maitland	Rubley
Allen	Fichter	Major	Ruffing
Argall	Fleagle	Manderino	Sainato
Armstrong	Flick	Mann	Samuelson
Baker	Forcier	Markosek	Santoni
Baldwin	Frankel	Marsico	Sather
Barrar	Freeman	McCall	Scavello
Bastian	Gabig	McGeehan	Schroder
Bebko-Jones	Gannon	McGill	Semmel
Belardi	Geist	McIlhatten	Shaner
Belfanti	George	McIlhinney	Shapiro
Benninghoff	Gerber	McNaughton	Smith, B.
Bianucci	Gergely	Melio	Smith, S. H.
Birmelin	Gillespie	Metcalfe	Solobay
Bishop	Gingrich	Micozzie	Sonney
Blackwell	Godshall	Millard	Staback
Blaum	Good	Miller, R.	Stairs
Boyd	Goodman	Miller, S.	Steil
Browne	Grell	Mundy	Stern
Bunt	Grucela	Mustio	Stetler

Butkovitz	Gruitza	Myers	Stevenson, R.
Buxton	Habay	Nailor	Stevenson, T.
Caltagirone	Haluska	Nickol	Sturla
Cappelli	Hanna	O'Brien	Surra
Casorio	Harhai	Oliver	Tangretti
Causer	Harhart	O'Neill	Taylor, E. Z.
Cawley	Harper	Pallone	Taylor, J.
Civera	Harris	Payne	Thomas
Clymer	Hasay	Petrarca	Tigue
Cornell	Hennessey	Petri	True
Corrigan	Herman	Petrone	Turzai
Costa	Hershey	Phillips	Veon
Crahalla	Hess	Pickett	Vitali
Creighton	Hickernell	Pistella	Walko
Curry	Hutchinson	Preston	Wansacz
Daley	Josephs	Pyle	Washington
Dally	Kauffman	Quigley	Waters
DeLuca	Keller, M.	Ramaley	Wheatley
Denlinger	Keller, W.	Rapp	Williams
Dermody	Kenney	Raymond	Wilt
DeWeese	Killion	Readshaw	Wojnaroski
DiGirolamo	Kirkland	Reed	Wright
Diven	Kotik	Reichley	Yewcic
Donatucci	LaGrotta	Rieger	Youngblood
Eachus	Leach	Roberts	Yudichak
Ellis	Lederer	Roebuck	Zug
Evans, D.	Leh	Rohrer	
Evans, J.	Lescovitz	Rooney	
Fabrizio	Mackereth	Ross	Perzel,
Fairchild	Maher		Speaker

NAYS-0

NOT VOTING-0

EXCUSED-6

Cohen	James	Saylor	Watson
Cruz	Levdansky		

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

**ANNOUNCEMENT BY MR. KAUFFMAN**

The SPEAKER. Under unanimous consent, the Chair recognizes the gentleman from Franklin, Mr. Rob Kauffman.

Mr. KAUFFMAN. Good afternoon, Mr. Speaker.

It is with great pride that I rise to announce that my family has been blessed by the birth of my third child. Andrew Jacob Kauffman was born at 1:24 p.m. on January 28 in the Chambersburg Hospital. Niki and Andrew and big sister Abby and little brother Will are doing well, and I thank the members of this great body for their kindnesses and the people of my district for the kindnesses they have shown me.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair would like, just for the information of the members, we were just handed amendments to the resolution by the gentleman, Mr. Vitali, so the House will be at ease.

## SUPPLEMENTAL CALENDAR A

## RESOLUTIONS PURSUANT TO RULE 35

Mrs. TRUE called up **HR 36, PN 118**, entitled:

A Resolution recognizing the month of February 2005 as “Children’s Dental Health Month” in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

## YEAS—196

Adolph	Feese	Maitland	Rubley
Allen	Fichter	Major	Ruffing
Argall	Fleagle	Manderino	Sainato
Armstrong	Flick	Mann	Samuelson
Baker	Forcier	Markosek	Santoni
Baldwin	Frankel	Marsico	Sather
Barrar	Freeman	McCall	Scavello
Bastian	Gabig	McGeehan	Schroder
Bebko-Jones	Gannon	McGill	Semmel
Belardi	Geist	McIlhattan	Shaner
Belfanti	George	McIlhinney	Shapiro
Benninghoff	Gerber	McNaughton	Smith, B.
Bianucci	Gergely	Melio	Smith, S. H.
Birmelin	Gillespie	Metcalfe	Solobay
Bishop	Gingrich	Micozzie	Sonney
Blackwell	Godshall	Millard	Staback
Blaum	Good	Miller, R.	Stairs
Boyd	Goodman	Miller, S.	Steil
Browne	Grell	Mundy	Stern
Bunt	Grucela	Mustio	Stetler
Butkovitz	Gruitza	Myers	Stevenson, R.
Buxton	Habay	Nailor	Stevenson, T.
Caltagirone	Haluska	Nickol	Sturla
Cappelli	Hanna	O’Brien	Surra
Casorio	Harhai	Oliver	Tangretti
Causar	Harhart	O’Neill	Taylor, E. Z.
Cawley	Harper	Pallone	Taylor, J.
Civera	Harris	Payne	Thomas
Clymer	Hasay	Petrarca	Tigue
Cornell	Hennessey	Petri	True
Corrigan	Herman	Petrone	Turzai
Costa	Hershey	Phillips	Veon
Crahalla	Hess	Pickett	Vitali
Creighton	Hickernell	Pistella	Walko
Curry	Hutchinson	Preston	Wansacz
Daley	Josephs	Pyle	Washington
Dally	Kauffman	Quigley	Waters
DeLuca	Keller, M.	Ramaley	Wheatley
Denlinger	Keller, W.	Rapp	Williams
Dermody	Kenny	Raymond	Wilt
DeWeese	Killion	Readshaw	Wojnaroski
DiGirolamo	Kirkland	Reed	Wright
Diven	Kotik	Reichley	Yewcic
Donatucci	LaGrotta	Rieger	Youngblood
Eachus	Leach	Roberts	Yudichak
Ellis	Lederer	Roebuck	Zug
Evans, D.	Leh	Rohrer	
Evans, J.	Lescovitz	Rooney	
Fabrizio	Mackereth	Ross	Perzel,
Fairchild	Maher		Speaker

NAYS—0

NOT VOTING—0

## EXCUSED—6

Cohen	James	Saylor	Watson
Cruz	Levdansky		

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

\* \* \*

Mr. STERN called up **HR 40, PN 122**, entitled:

A Resolution designating January 2005 as “School Director Recognition Month” in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

## YEAS—196

Adolph	Feese	Maitland	Rubley
Allen	Fichter	Major	Ruffing
Argall	Fleagle	Manderino	Sainato
Armstrong	Flick	Mann	Samuelson
Baker	Forcier	Markosek	Santoni
Baldwin	Frankel	Marsico	Sather
Barrar	Freeman	McCall	Scavello
Bastian	Gabig	McGeehan	Schroder
Bebko-Jones	Gannon	McGill	Semmel
Belardi	Geist	McIlhattan	Shaner
Belfanti	George	McIlhinney	Shapiro
Benninghoff	Gerber	McNaughton	Smith, B.
Bianucci	Gergely	Melio	Smith, S. H.
Birmelin	Gillespie	Metcalfe	Solobay
Bishop	Gingrich	Micozzie	Sonney
Blackwell	Godshall	Millard	Staback
Blaum	Good	Miller, R.	Stairs
Boyd	Goodman	Miller, S.	Steil
Browne	Grell	Mundy	Stern
Bunt	Grucela	Mustio	Stetler
Butkovitz	Gruitza	Myers	Stevenson, R.
Buxton	Habay	Nailor	Stevenson, T.
Caltagirone	Haluska	Nickol	Sturla
Cappelli	Hanna	O’Brien	Surra
Casorio	Harhai	Oliver	Tangretti
Causar	Harhart	O’Neill	Taylor, E. Z.
Cawley	Harper	Pallone	Taylor, J.
Civera	Harris	Payne	Thomas
Clymer	Hasay	Petrarca	Tigue
Cornell	Hennessey	Petri	True
Corrigan	Herman	Petrone	Turzai
Costa	Hershey	Phillips	Veon
Crahalla	Hess	Pickett	Vitali
Creighton	Hickernell	Pistella	Walko
Curry	Hutchinson	Preston	Wansacz
Daley	Josephs	Pyle	Washington
Dally	Kauffman	Quigley	Waters
DeLuca	Keller, M.	Ramaley	Wheatley
Denlinger	Keller, W.	Rapp	Williams
Dermody	Kenny	Raymond	Wilt
DeWeese	Killion	Readshaw	Wojnaroski
DiGirolamo	Kirkland	Reed	Wright
Diven	Kotik	Reichley	Yewcic
Donatucci	LaGrotta	Rieger	Youngblood
Eachus	Leach	Roberts	Yudichak
Ellis	Lederer	Roebuck	Zug
Evans, D.	Leh	Rohrer	
Evans, J.	Lescovitz	Rooney	

Fabrizio Fairchild	Mackereth Maher	Ross	Perzel, Speaker
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NAYS—0

NOT VOTING—0

EXCUSED—6

Cohen Cruz	James Levdansky	Saylor	Watson
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The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

### LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence, and a leave of absence is requested for the gentleman from Lawrence, Mr. LaGROTTA. Without objection, that leave will be granted.

### RESOLUTION PURSUANT TO RULE 35

Mr. WILLIAMS called up **HR 41, PN 123**, entitled:

A Resolution recognizing February 1, 2005, as “National Freedom Day” in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—195

Adolph	Feese	Maitland	Rubley
Allen	Fichter	Major	Ruffing
Argall	Fleagle	Manderino	Sainato
Armstrong	Flick	Mann	Samuelson
Baker	Forcier	Markosek	Santoni
Baldwin	Frankel	Marsico	Sather
Barrar	Freeman	McCall	Scavello
Bastian	Gabig	McGeehan	Schroder
Bebko-Jones	Gannon	McGill	Semmel
Belardi	Geist	McIlhattan	Shaner
Belfanti	George	McIlhinney	Shapiro
Benninghoff	Gerber	McNaughton	Smith, B.
Bianucci	Gergely	Melio	Smith, S. H.
Birmelin	Gillespie	Metcalfe	Solobay
Bishop	Gingrich	Micozzie	Sonney
Blackwell	Godshall	Millard	Staback
Blaum	Good	Miller, R.	Stairs
Boyd	Goodman	Miller, S.	Steil
Browne	Grell	Mundy	Stern
Bunt	Grucela	Mustio	Stetler
Butkovitz	Gruitza	Myers	Stevenson, R.
Buxton	Habay	Nailor	Stevenson, T.
Caltagirone	Haluska	Nickol	Sturla
Cappelli	Hanna	O'Brien	Surra
Casorio	Harhai	Oliver	Tangretti
Causler	Harhart	O'Neill	Taylor, E. Z.
Cawley	Harper	Pallone	Taylor, J.
Civera	Harris	Payne	Thomas
Clymer	Hasay	Petrarca	Tigue
Cornell	Hennessey	Petri	True
Corrigan	Herman	Petrone	Turzai

Costa	Hershey	Phillips	Veon
Crahalla	Hess	Pickett	Vitali
Creighton	Hickernell	Pistella	Walko
Curry	Hutchinson	Preston	Wansacz
Daley	Josephs	Pyle	Washington
Dally	Kauffman	Quigley	Waters
DeLuca	Keller, M.	Ramaley	Wheatley
Denlinger	Keller, W.	Rapp	Williams
Dermody	Kenney	Raymond	Wilt
DeWeese	Killion	Readshaw	Wojnaroski
DiGirolamo	Kirkland	Reed	Wright
Diven	Kotik	Reichley	Yewcic
Donatucci	Leach	Rieger	Youngblood
Eachus	Lederer	Roberts	Yudichak
Ellis	Leh	Roebuck	Zug
Evans, D.	Lescovitz	Rohrer	
Evans, J.	Mackereth	Rooney	Perzel, Speaker
Fabrizio	Maher	Ross	
Fairchild			

NAYS—0

NOT VOTING—0

EXCUSED—7

Cohen Cruz	James LaGrotta	Levdansky Saylor	Watson
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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

#### RESOLUTION

Mr. S. SMITH called up **HR 45, PN 166**, entitled:

A Resolution providing for the adoption of a temporary rule relating to the consideration of House Resolution No. 2.

On the question,  
Will the House adopt the resolution?

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

Mr. VITALI. Thank you, Mr. Speaker.

We have not caucused on HR 45 yet – we caucused on HR 2 – and this is the first we are hearing of this. So I would ask that we pass over this so we can have a chance to caucus on HR 45.

The SPEAKER. The resolution is exactly as written as Resolution No. 2, except for one number. Instead of House Resolution No. 1, it says House Resolution No. 2, Mr. Vitali.

Mr. VITALI. Will the maker of the amendment stand for interrogation?

The SPEAKER. The gentleman, Mr. Smith, indicates he will stand for interrogation on HR 45, PN 166. On that question.

Mr. VITALI. I am a little confused now. As I understood HR 2, what it would have done was to make HR 1, which are the rules in chief, unamendable. Now, what does HR 45 do?

Mr. S. SMITH. Mr. Speaker, as the resolution reads, it is only six lines long, the last two lines providing that HR 2 be an unamendable resolution. That is exactly what it does.

Mr. VITALI. Mr. Speaker, what is the purpose of HR 45?

Mr. S. SMITH. To make HR 2 unamendable.

Mr. VITALI. And what is the purpose of making HR 2 unamendable?

Mr. S. SMITH. I think the answer is obvious. It makes it unamendable.

Mr. VITALI. Towards what end? In other words, Mr. Speaker, why would you want HR 2 unamendable?

The SPEAKER. That is not an appropriate question, Mr. Vitali.

Mr. DeWEESE. Mr. Speaker?

Mr. VITALI. I still have the floor. I do not know; is the gentleman asking for me to yield temporarily?

Mr. DeWEESE. To your benefit, yes, sir.

Mr. VITALI. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman, Mr. DeWeese.

Mr. DeWEESE. Just for the clarification of the members, if the gentleman, Mr. Smith, was inclined to answer the gentleman's interrogatory, it would have been acceptable, and I, again, am not trying to be argumentative in this case, but why would the Parliamentarian say that it was inappropriate, because of the subjective nature of— Okay. I just was curious, because I thought the gentleman, Mr. Smith, was about ready to answer the question in more detail, and if he were not, so be it.

Mr. S. SMITH. Mr. Speaker?

The SPEAKER. It went to the motive of a member of the General Assembly, and motives cannot be questioned.

Does the gentleman, Mr. DeWeese, wish to be recognized again?

Mr. DeWEESE. Yes, sir. I mean, I do not know, this is a very fine line, and you have the gavel, as I am reminded on many occasions. But I think the gentleman, Mr. Vitali, is only anxious for a more capacious explanation, not the motives of the floor leader but why he does not want it amended. And the why does not have anything dealing with what is upwelling within his breast; it is why in his cognitive or ratiocinative processes he does not want it amended. So I think the gentleman Vitali is not being dilatory; I think he wants to know why the majority or all of us that may agree with Mr. Smith are not wanting this amended. Why are we not wanting this amendment or this rule or this resolution amended? So I think it is a close call, but if the gentleman were interested in answering it, it would be informative and helpful to the membership.

The SPEAKER. The gentleman, Mr. Smith.

Mr. S. SMITH. Mr. Speaker, I was simply going to ask you if seeking one's motives, you know, a question that challenges one's motives or seeks one's motives for doing something, was in order and within the rules. I thought that was something that was outside the rules of the operations of the House.

The SPEAKER. The gentleman is correct. That is why Mr. Vitali was told that that question was not to be answered.

Mr. VITALI. Thank you, Mr. Speaker.

May I proceed?

The SPEAKER. Mr. Vitali.

Mr. VITALI. I apologize. I was not clear. When I asked you, why did you do that, I was not asking for your personal motives – my mistake. I was asking, what are the policy reasons for making HR 2 unamendable?

Mr. S. SMITH. Mr. Speaker, I think the purpose is clear. HR 45 would make HR 2 unamendable. The policy reasons, if you want to frame it that way, are to allow us to proceed to

enact the permanent rules of the legislature so that we can proceed with the business of the Commonwealth.

Mr. VITALI. Thank you, Mr. Speaker.

I would like to speak on the resolution.

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

Mr. VITALI. Thank you, Mr. Speaker.

I would call for the defeat of HR 45. It is pure artifice. It is clearly a device to prevent House members from attempting to amend the House rules.

In point of fact, I have six, make that seven amendments to HR 2, which would allow me to deal with, amend, HR 1. These are important amendments that deal with ghost voting, for example. These are amendments that deal with notice of committee meetings. These are amendments that involve reading the title of a bill before voting on it. These are amendments that deal with things like public service announcements and the use of Commonwealth funds for that. These are amendments that deal with lobbying, the rules of lobbying. These are amendments that deal with the scope of debate on concurrence votes.

The bottom line is this: If you want to cut off debate and settle for the ghost voting rules as they are, then you will vote for HR 45. If you want the opportunity to vote on things like lobbyist disclosure and whether lobbyists need to file reports, if you want to vote on things like public service announcements, if you want to limit ghost voting, if you want a title of a bill read, things like that, if you want that sort of debate, you have to vote "no" for HR 45, because by voting "no" for HR 45, we can have a real debate on this issue.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Samuelson.

Mr. SAMUELSON. Thank you, Mr. Speaker.

I also rise in opposition to HR 45, which, as stated clearly by the majority leader, is proposed in order to limit amendments, prohibit amendments, on HR 2. Well, amendments are as old as the legislative process itself. They are mentioned in the Constitution of Pennsylvania. They are mentioned in the rules that we had for this House of Representatives just last session. And I just checked HR 1, which is the proposed rules which we will be considering later on this afternoon. HR 1, which is proposed by the majority leader, has at least two pages dealing with amendments. And so amendments are central to our legislative process; they are even part of the rules that we will be voting on later this afternoon, yet the very first substantive bill that we are voting on this year, we are asked to limit amendments. That makes no sense. What are we afraid of?

Let us discuss the rules of the House, let us debate the rules of the House, and let us have the opportunity to consider amendments.

Thank you, Mr. Speaker.

On the question recurring,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—108

Adolph	Fairchild	Kirkland	Rieger
Allen	Feese	Lederer	Rooney
Argall	Fichter	Leh	Ross
Baker	Fleagle	Maher	Rubley



Baldwin	Flick	Maitland	Ruffing
Barrar	Gannon	Major	Sather
Bastian	Geist	Marsico	Schroder
Belfanti	Gillespie	McGeehan	Semmel
Benninghoff	Gingrich	McGill	Smith, B.
Birmelin	Godshall	McIlhattan	Smith, S. H.
Blaum	Good	McIlhinney	Sonney
Boyd	Goodman	McNaughton	Stairs
Browne	Grell	Micozzie	Stern
Bunt	Gruitza	Millard	Stetler
Cappelli	Habay	Miller, R.	Stevenson, R.
Causser	Harhart	Miller, S.	Stevenson, T.
Civera	Harper	Mustio	Taylor, E. Z.
Clymer	Harris	O'Brien	Taylor, J.
Cornell	Hasay	Oliver	Turzai
Crahalla	Hennessey	O'Neill	Veon
Daley	Herman	Payne	Wansacz
Dally	Hershey	Petri	Williams
DeWeese	Hess	Phillips	Wilt
DiGirolo	Hickernell	Pickett	Zug
Diven	Kauffman	Quigley	
Donatucci	Keller, W.	Raymond	
Evans, D.	Kenney	Reed	Perzel,
Evans, J.	Killion		Speaker

## NAYS—87

Armstrong	Frankel	Metcalfe	Shaner
Bebko-Jones	Freeman	Mundy	Shapiro
Belardi	Gabig	Myers	Solobay
Biancucci	George	Nailor	Staback
Bishop	Gerber	Nickol	Steil
Blackwell	Gergely	Pallone	Sturla
Butkovitz	Grucela	Petrarca	Surra
Buxton	Haluska	Petrone	Tangretti
Caltagirone	Hanna	Pistella	Thomas
Casorio	Harhai	Preston	Tigue
Cawley	Hutchinson	Pyle	True
Corrigan	Josephs	Ramaley	Vitali
Costa	Keller, M.	Rapp	Walko
Creighton	Kotik	Readshaw	Washington
Curry	Leach	Reichley	Waters
DeLuca	Lescovitz	Roberts	Wheatley
Denlinger	Mackereth	Roebuck	Wojnaroski
Dermody	Manderino	Rohrer	Wright
Eachus	Mann	Sainato	Yewcic
Ellis	Markosek	Samuelson	Youngblood
Fabrizio	McCall	Santoni	Yudichak
Forcier	Melio	Scavello	

## NOT VOTING—0

## EXCUSED—7

Cohen	James	Levdansky	Watson
Cruz	LaGrotta	Saylor	

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

## SUPPLEMENTAL CALENDAR B

## RESOLUTIONS

Mr. S. SMITH called up **HR 2, PN 114**, entitled:

A Resolution providing for the adoption of a temporary rule relating to the consideration of a resolution providing for the Rules of the House of Representatives.

On the question,  
Will the House adopt the resolution?

The SPEAKER. Mr. Samuelson.

Mr. SAMUELSON. Thank you, Mr. Speaker.

I would just like to repeat for the public record, the House just passed HR 45, which limits amendment on this one that is before us now, but it does not limit debate, and the substance of what we are voting on now, HR 2, basically says, when we consider the rules of the House, presumably in a few minutes, we will be able to have no amendments. I have an amendment filed.

The rules of the House that are going to be before us in a few minutes have a very controversial provision. Currently you have to be in the hall of the House to vote. The proposal that may be before us in a few minutes would change that to you have to be in the Harrisburg area, a very vague term which could be defined a number of ways. I have an amendment that would take the language that is being proposed, the "Harrisburg area" language, and change it back to the tried-and-true rules that we had in place in the 2003-2004 sessions. If HR 2 is approved, I will not be able to offer that amendment. If HR 2 is approved, the other six or seven or eight amendments that have been filed will not be able to be offered.

By voting "yes" on HR 2, you are limiting debate on the rules of the House, limiting debate on amendments that could change the rules of the House, and I urge a "no" vote so that we can debate the rules and consider timely amendments.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

I will not beat a dead horse. I do want for the record to urge a "no" vote on HR 2, and the reason is, it would prevent the seven amendments I have filed to HR 1 from being considered. Those amendments involve narrowing ghost voting. Those amendments involve lobbying registration. Those amendments involve prohibiting Commonwealth funds for legislative public service announcements, notice of committee meetings, and also reading a bill or analysis.

So if you vote "yes" again for HR 2, you are preventing consideration of those amendments, so I would again urge a "no" vote on HR 2.

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

The following roll call was recorded:

## YEAS—114

Adolph	Evans, J.	Leh	Ross
Allen	Fairchild	Maitland	Rubley
Argall	Feese	Major	Ruffing
Baker	Fichter	Marsico	Sather
Baldwin	Fleagle	McGeehan	Scavello
Barrar	Flick	McGill	Schroder
Bastian	Gannon	McIlhattan	Semmel
Benninghoff	Geist	McIlhinney	Smith, B.
Birmelin	Gillespie	McNaughton	Smith, S. H.
Bishop	Gingrich	Micozzie	Sonney
Blackwell	Godshall	Millard	Stairs
Blaum	Good	Miller, R.	Stern
Boyd	Grell	Miller, S.	Stetler
Bunt	Gruitza	Mustio	Stevenson, T.

Butkovitz	Habay	O'Brien	Sturla
Cappelli	Harhart	Oliver	Surra
Causar	Harper	O'Neill	Taylor, E. Z.
Civera	Harris	Payne	Taylor, J.
Clymer	Hasay	Petri	Thomas
Cornell	Hennessey	Phillips	Turzai
Crahalla	Herman	Pickett	Veon
Daley	Hershey	Preston	Wansacz
Dally	Hess	Pyle	Williams
Dermody	Hickernell	Quigley	Wilt
DeWeese	Kauffman	Raymond	Wright
DiGirolamo	Keller, W.	Readshaw	Zug
Diven	Kenny	Reed	
Donatucci	Killion	Reichley	Perzel,
Evans, D.	Lederer	Rooney	Speaker

## NAYS—81

Armstrong	Freeman	Mann	Samuelson
Bebko-Jones	Gabig	Markosek	Santoni
Belardi	George	McCall	Shaner
Belfanti	Gerber	Melio	Shapiro
Bianucci	Gergely	Metcalfe	Solobay
Browne	Goodman	Mundy	Staback
Buxton	Grucela	Myers	Steil
Caltagirone	Haluska	Nailor	Stevenson, R.
Casorio	Hanna	Nickol	Tangretti
Cawley	Harhai	Pallone	Tigue
Corrigan	Hutchinson	Petrarca	True
Costa	Josephs	Petrone	Vitali
Creighton	Keller, M.	Pistella	Walko
Curry	Kirkland	Ramaley	Washington
DeLuca	Kotik	Rapp	Waters
Denlinger	Leach	Rieger	Wheatley
Eachus	Lescovitz	Roberts	Wojnaroski
Ellis	Mackereth	Roebuck	Yewcic
Fabrizio	Maher	Rohrer	Youngblood
Forcier	Manderino	Sainato	Yudichak
Frankel			

## NOT VOTING—0

## EXCUSED—7

Cohen	James	Levdansky	Watson
Cruz	LaGrotta	Saylor	

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

\* \* \*

Mr. S. SMITH called up **HR 1, PN 113**, entitled:

A Resolution adopting Rules of the House.

On the question,  
Will the House adopt the resolution?

### CONSTITUTIONAL POINT OF ORDER

The SPEAKER. On that question, the gentleman, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

I rise for the purpose of making a motion.

The SPEAKER. The gentleman will state his motion.

Mr. VITALI. Mr. Speaker, I move that HR 1 be declared unconstitutional as violative of Article III of Pennsylvania's Constitution.

The SPEAKER. Would the gentleman give us the section number of Article III?

Mr. VITALI. I would be happy to make argument at the appropriate time, Mr. Speaker, yes.

The SPEAKER. We need that now, Mr. Vitali.

Mr. VITALI. That would be sections 4 and 5.

The SPEAKER. The gentleman, Mr. Vitali, raises the point of order that HR 1 is unconstitutional. The Speaker, under rule 4, is required to submit such questions affecting the constitutionality of a bill to the House for decision, which the Chair now does.

On the question,

Will the House sustain the constitutionality of the resolution?

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

Mr. VITALI. Thank you, Mr. Speaker.

Sections 4 and 5 of Article III of Pennsylvania's Constitution deal with the passage of legislation, and it talks about members voting for the passage of bills and amendments and concurrence votes and all forms of votes. Nowhere in this section does it authorize a member to have another member vote for him.

Mr. Speaker, the rules in HR 1 would, in my view, unconstitutionally authorize a member, a leader, not duly elected by the constituents of a given district to vote for that district. I see nowhere in this section that allows for proxy voting, and therefore, I would hold that these rules would be unconstitutional.

The SPEAKER. The Chair thanks the gentleman.

On that question, the Chair recognizes the majority leader, the gentleman, Mr. Smith.

Mr. S. SMITH. Mr. Speaker, I would urge the members to vote against this constitutionality question.

First of all, I do not believe that the Constitution goes so far as to tell us exactly how we would run the House of Representatives. I think the past practices would indicate somewhat to the contrary. And likewise, I think you could suggest that there has been some precedent set for years by the Senate, which has a similar rule that allows for some type of Capitol leave, where you are not actually on the floor at the moment of a vote.

So given the past practices, given the fact that the Senate has been doing something similar to this for many years and that ultimately the courts have generally given the legislative bodies the freedom to try to run their business as the body, as a majority, sees fit, I would urge the members to reject the motion of constitutionality on HR 1.

The SPEAKER. Would Mr. Vitali please come to the rostrum.

Mr. S. SMITH. Mr. Speaker?

The SPEAKER. For what purpose does the majority leader rise?

Mr. S. SMITH. If necessary, would you clarify which way the vote would be—

The SPEAKER. Absolutely, Mr. Smith.

Mr. S. SMITH. Some of the members were concerned as to which way we were actually advocating, and sometimes those

questions get framed in the negative, so if you would clarify that, if necessary.

The SPEAKER. That will be done, Mr. Smith.

(Conference held at Speaker' podium.)

**LEAVE OF ABSENCE**

The SPEAKER. The Chair returns to leaves of absence.

The majority whip requests a leave of absence for the gentleman from Delaware, Mr. MICOZZIE. Without objection, that leave will be granted.

**CONSIDERATION OF HR 1 CONTINUED**

The SPEAKER. For the information of the gentleman, Mr. Vitali, we will continue with his motion.

The gentleman, Mr. Gannon. The gentleman waives off.

For the information of the members, those voting "aye" will be voting to declare the resolution to be constitutional; those voting "no" will vote to declare the resolution to be unconstitutional.

Mr. DeWEESE. Mr. Speaker?

The SPEAKER. Mr. DeWeese.

Mr. DeWEESE. Just as a matter of record, if the House were to vote "no," we would be declaring the procedures of the State Senate for the last umpteen years to have been unconstitutional. Is that correct?

The SPEAKER. The gentleman has a valid point, but nothing we are doing has anything to do with the Senate, according to our Parliamentarian.

Mr. DeWEESE. I would thank the Parliamentarian for his usual sagacity and his unremitting enlightenment relative to our parliamentary exchanges. I would think, though, on a practical matter that if we were to declare this unconstitutional as the honorable gentleman, Mr. Vitali, desires, we would be in essence saying that our brothers and sisters in the State Senate have been behaving in an unconstitutional fashion for the last several decades.

Mr. S. SMITH. Mr. Speaker, is the gentleman trying to get votes for or against this?

Mr. DeWEESE. I thought the same thing. I better be quiet.

The SPEAKER. For the information of the gentleman, had we had the same rules as the Senate and found this to be unconstitutional, then all of the prior times we voted for the rules for the last, well, in the Senate's case, since 1790, would have been invalid.

Mr. Smith.

Mr. S. SMITH. I will let that one go, Mr. Speaker.

The SPEAKER. One more time. Those voting "aye" will vote to declare that the resolution is constitutional. Those voting "no" will vote to declare that the resolution is unconstitutional.

On the question recurring,

Will the House sustain the constitutionality of the resolution?

The following roll call was recorded:

**YEAS—159**

Adolph	Fabrizio	Major	Ruffing
Allen	Fairchild	Manderino	Santoni

Argall	Feese	Mann	Sather
Armstrong	Fichter	Markosek	Scavello
Baker	Fleagle	Marsico	Schroder
Baldwin	Flick	McGeehan	Semmel
Barrar	Forcier	McGill	Smith, B.
Bastian	Frankel	McIlhattan	Smith, S. H.
Belardi	Gabig	McIlhinney	Solobay
Belfanti	Gannon	McNaughton	Sonney
Benninghoff	Geist	Metcalfe	Staback
Biancucci	Gillespie	Millard	Stairs
Birmelin	Gingrich	Miller, R.	Steil
Bishop	Godshall	Miller, S.	Stern
Blackwell	Good	Mundy	Stetler
Blaum	Goodman	Mustio	Stevenson, R.
Boyd	Grell	Myers	Stevenson, T.
Browne	Gruitza	Nailor	Surla
Bunt	Habay	Nickol	Surra
Butkovitz	Harhart	O'Brien	Taylor, E. Z.
Buxton	Harper	Oliver	Taylor, J.
Cappelli	Harris	O'Neill	Thomas
Causar	Hasay	Payne	Tigue
Civera	Hennessey	Petri	True
Clymer	Herman	Phillips	Turzai
Cornell	Hershey	Pickett	Veon
Corrigan	Hess	Preston	Walko
Crahalla	Hickernell	Pyle	Wansacz
Creighton	Kauffman	Quigley	Washington
Daley	Keller, M.	Ramaley	Waters
Dally	Keller, W.	Rapp	Wheatley
DeLuca	Kenney	Raymond	Williams
Denlinger	Killion	Readshaw	Wilt
Dermody	Kirkland	Reed	Wright
DeWeese	Kotik	Reichley	Youngblood
DiGirolamo	Lederer	Rieger	Yudichak
Diven	Leh	Rohrer	Zug
Donatucci	Mackereth	Rooney	
Ellis	Maher	Ross	Perzel,
Evans, D.	Maitland	Rublely	Speaker
Evans, J.			

**NAYS—35**

Bebko-Jones	Gerber	Lescovitz	Sainato
Caltagirone	Gergely	McCall	Samuelson
Casorio	Grucela	Melio	Shaner
Cawley	Haluska	Pallone	Shapiro
Costa	Hanna	Petrarca	Tangretti
Curry	Harhai	Petrone	Vitali
Eachus	Hutchinson	Pistella	Wojnaroski
Freeman	Josephs	Roberts	Yewcic
George	Leach	Roebuck	

**NOT VOTING—0**

**EXCUSED—8**

Cohen	James	Levdansky	Saylor
Cruz	LaGrotta	Micozzie	Watson

The majority having voted in the affirmative, the question was determined in the affirmative and the constitutionality of the resolution was sustained.

On the question recurring,

Will the House adopt the resolution?

The SPEAKER. Mr. Samuelson.

Mr. SAMUELSON. I rise to speak on the resolution.

The SPEAKER. The gentleman is in order.

Mr. SAMUELSON. Thank you, Mr. Speaker.

I rise to oppose HR 1.

I know that this General Assembly previously passed a rule saying that we could not amend HR 1, so before us today are the proposed rules, take them or leave them.

This resolution, on pages 69 and 70, includes a section that would change the current House rules, which say you have to be in the hall of the House to vote, to a much weaker provision that says members of the House of Representatives have to be in the Harrisburg area to vote. This is a significant change, and I oppose this change for several reasons. I believe such a change would demean the institution of the House of Representatives. I believe that it is also unworkable, and I also believe that it would diminish the debate that takes place in the House of Representatives.

Yesterday I had a conversation with my brother, and he asked me what the General Assembly was going to be doing this week, and I said, well, the majority leader is going to propose that we no longer have to be in the House of Representatives; we can be anywhere within the Harrisburg area. He laughed uncontrollably. I believe we are going to hear a lot of that from our constituents. If we pass this rule that says that we only have to be somewhere within the Harrisburg area – you can look it up on page 70; the words “Harrisburg area” are used – we are going to open up this General Assembly to many questions: Who is present to vote? If they are not here, where are they? Who is enforcing? Who is keeping an eye? How do we know that all the Representatives are really in the Harrisburg area as they purport to be?

Our constituents sent us to Harrisburg to represent them. They did not send us to Hershey, to Carlisle, to Grantville, to York, or anywhere in the Greater Harrisburg area. Our constituents expect us to be here in the Capitol; our constituents expect us to be here in this room debating the great issues of the day.

I believe this change is also unworkable. This resolution is 84 pages long, but you will not find a definition of what is meant by the “Harrisburg area.” I tried to do some research. I looked up on the Internet, what does Harrisburg Area Community College believe its boundaries to be? Harrisburg Area Community College lists nine counties on its Web site: Adams, Cumberland, Dauphin, Franklin, Lancaster, Lebanon, Perry, Schuylkill, and York. What if the interpretation of this rule was as broad as that of the Harrisburg Area Community College and members could be anywhere within those nine counties? The Harrisburg Regional Chamber of Commerce lists three counties. South Central Pennsylvania Counter Terrorism Task Force also lists nine counties.

What about the booklet that we hand out to our constituents about tourism in Pennsylvania? This is a previous version of that booklet. That describes Harrisburg as part of the Hershey, Gettysburg, Dutch country region, and if you open it up, there is a map that has nine counties in south-central Pennsylvania. You see where I am going with this. In the future some legislative leader could perhaps say that we are part of the Susquehanna River Watershed, which connects to the Chesapeake, which connects to the Atlantic. There is no end in sight. What if they start using a definition of “Harrisburg airspace”?

Think of another aspect of how unworkable this provision is. What if you wanted to interrogate another member about the provisions of a bill, and what if at the moment you wanted to interrogate them they were 30 miles away, in the Harrisburg area, which would be permitted by this resolution? It would make our legislative process grind to a halt.

Also, what enforcement would there be to say that we are in the Harrisburg area? Would there be electronic monitoring devices that would have to be worn by the members of the General Assembly? Would we each have to wear a global positioning system? There would be no practical way to know whether this provision would be adhered to.

Finally, I am greatly concerned about the impact such a change would have upon the debate of the House of Representatives. We are the oldest legislative body in the United States. The General Assembly of Pennsylvania has been in existence longer than the United States Congress, and we all know what the legislative process entails. There is give-and-take; there are amendments; there is discussion; there is debate. In fact, when you have a school group visit Harrisburg or when you visit a school in your district, you probably hand out this booklet, which talks about the Capitol and the legislative process. If you get a chance, turn to page 23. We might have to print up new booklets, because on page 23, it says – it has a nice picture of the General Assembly – “On session days, the Chamber is the busy workshop of 203 Legislators and 100 or more clerks, pages and staff assistants,” and then it goes on to talk about other aspects of our legislative process. We may have to print a new book to explain why in the future this chamber will get emptier and emptier.

You and I have been present for debates where a persuasive argument can carry the day and a close vote can turn on an argument that is made on the floor of this House. If this rule passes and members can vote from other locations in the Harrisburg area, fewer and fewer members will attend the sessions of this House, fewer and fewer members will hear the debates, and our debates will become less and less effective. Think of it. You could make a brilliant speech on the floor of this House before an empty room, but the votes will be cast in a prearranged fashion, and the debate that you took place in, the argument that you made, will have little effect on the final result.

Over time the value of the public debate in this chamber will be devalued. We serve in the General Assembly of Pennsylvania, and part of being an assembly is to assemble. Our legislative process works only when we are gathered together in the hall of this House – one Representative from each district gathering together to interact, to ask questions, to build coalitions, to share our perspectives, to debate the issues of the day, and to vote in person on the legislation before this General Assembly.

I believe this proposed rule opens up a Pandora’s box, and as I said, it is unworkable and would greatly diminish the debate that takes place in this General Assembly.

I urge a “no” vote on HR 1.

Thank you, Mr. Speaker.

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

The SPEAKER. The Chair thanks the gentleman.

Mr. Smith.

Mr. S. SMITH. May I, on the resolution?

The SPEAKER. The gentleman is in order.

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

Mr. Speaker, what I just heard sounded if not out of touch with how this House has operated for all the years that I have been in the legislature, it sounded close to hypocrisy, because if we look at how this House has operated over the years, many times, I hardly think there is a member here that has not left the floor of the House for some legitimate reason, whether it is to

meet with a group of constituents in their office, to just greet some people, to talk to someone in the back of the hall of the House relative to some legislation that they are working on, other legislative-related meetings. All of this, this rule clearly spells out, that their purpose for not being here has to be related to the operations of the House, the legislature, the process here. It has nothing to do with anyone's personal business per se.

The fact is, you are kidding yourself if you think that by not having this type of workable leave rule, everybody is going to be here every minute that we debate every issue in this House. I do not know how the leaders would be able to negotiate a budget if we had to shut down the legislature for hours at a time when we regularly meet with the administration and the leaders of the Senate as we are trying to negotiate some of the items in a budget. I would be breaking the rules to leave the House floor for that purpose.

So, Mr. Speaker, I think it is way overstating the responsibility, and I think it clearly is a slap in the face to the members of this House that work diligently on behalf of their constituents. Whether they are in their seat at the moment the vote is taken or whether they happen to be somewhere else in this Capitol Building, I think the vast majority of the members of this House are here to represent their constituents, and they are doing the right thing, and just because they are out of their seat for a little bit for other legislative business that may be of equal importance or even greater importance in some cases. I mean, there are times we are voting things here that some of us really are not all that interested in. It may be important to me on any given day and not important to you or vice versa. But the fact is, we do have other business that we have to take care of on behalf of our constituents.

To suggest that somehow this rule is going to deteriorate or reduce the quality of the debate, no, that is up to each of us as individuals to carry that torch. If we as individuals cannot make the debate for the cause that we are advocating, that is our fault. That is not the fault of somebody who maybe had some other business in the Capitol area or over at PHEAA (Pennsylvania Higher Education Assistance Agency) or down at the PENNDOT building or somewhere else. That is up to each individual member to carry that debate. And clearly, if a situation occurred where a member who was off on Capitol leave was critical to the order of the debate, as we always have done in the past, we accommodate that through setting something aside or tabling it to the next day, if necessary.

I just think it is a total misrepresentation of what really has been going on here, and to suggest that by voting against this rule and keeping the rule as it has been in the past, that is just phony, that is just being a phony; it is not the truth. The fact is, lots of times half the members are back in their offices doing other things. I say "half" figuratively. So to suggest otherwise is just crazy.

This particular rule allows us something that is more manageable and allows us to stay within our rules more appropriately, and I would urge the members to vote for HR 1.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

### MOTION TO SUSPEND RULES

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

Mr. VITALI. Thank you, Mr. Speaker.

I rise for the purpose of making a motion.

The SPEAKER. The gentleman will state his motion.

Mr. VITALI. Thank you, Mr. Speaker.

I would rise for the purpose of suspending HR 2 to consider amendment 10 to HR 1, and that would tighten up HR 1 so that when you give a proxy for voting to your leader, it would specify the particular thing you are voting on and which way you wanted to vote, and I think that would tighten this up a bit to sort of prevent this devolution of power from rank and file to leadership. So I would so move.

The SPEAKER. The gentleman's motion is in order. It is only debatable by the floor leaders.

On the question,

Will the House agree to the motion?

The SPEAKER. On that question, Mr. Smith.

Mr. S. SMITH. Mr. Speaker, I would oppose the motion to suspend the rules for the consideration of that amendment.

If the purpose of the rules – and this is what I think the purpose of the rules is – is to create a framework where we have some level of predictability as to how the business of the House is carried out, so that we have some framework that we generally will operate under and agree that from time to time we suspend the rules to expedite the business of this House, the short-version description provided by the gentleman I think would only encumber this House and make it even more difficult to carry on the business that we may have at hand.

So I urge the members to vote against the motion to suspend the rules.

The SPEAKER. The gentleman from Greene, Mr. DeWeese.

Mr. DeWEESE. Thank you, Mr. Speaker.

These negotiations that result in the proposal that we are considering now have gone back and forth for quite some time with not only leadership and leadership staff but with many of our rank and file.

I think what we have is a tempest in the proverbial teapot. I do not think we need to suspend the rules the way the honorable gentleman, Mr. Vitali, wishes. I think that— And again, I know this is repetitive, but it is all the undergirding of what we are going to be doing the next 2 years in this room. I do not fathom that there will be very many times when people will take Capitol leave. When Representative Shaner has constituents from one of his school districts and he and I have to go to the Department of Education at 1 o'clock till 2 o'clock, heretofore, heretofore, if we had been voted, we had been in gross violation of the rule. Now, with the mechanism that we are trying to employ, the same one that the State Senate has lived with for a long time, Mr. Shaner and Mr. DeWeese could take Capitol leave for 1 hour, it would be read across the desk, and that would be it.

I just cannot think that there is any mischief at hand. I think the gentleman means well, but I certainly do not think we need a suspension of the rules. I am going to agree with the gentleman from Jefferson County, Mr. Smith.

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—49

Bebko-Jones	Gergely	McGeehan	Samuelson
Bianucci	Grucela	Melio	Shaner
Casorio	Haluska	Mundy	Shapiro
Cawley	Hanna	Pallone	Sturla
Costa	Harhai	Petrarca	Tangretti
Curry	Hutchinson	Petrone	Tigue
DeLuca	Josephs	Pistella	Vitali
Dermody	Kirkland	Readshaw	Walko
Diven	Leach	Roberts	Wheatley
Fabrizio	Lescovitz	Roebuck	Wojnarowski
Frankel	Manderino	Ruffing	Yewcic
Freeman	Markosek	Sainato	Yudichak
Gerber			

## NAYS—145

Adolph	Evans, D.	Mackereth	Ross
Allen	Evans, J.	Maher	Rubley
Argall	Fairchild	Maitland	Santoni
Armstrong	Feese	Major	Sather
Baker	Fichter	Mann	Scavello
Baldwin	Fleagle	Marsico	Schroder
Barrar	Flick	McCall	Semmel
Bastian	Forcier	McGill	Smith, B.
Belardi	Gabig	McIlhattan	Smith, S. H.
Belfanti	Gannon	McIlhinney	Solobay
Benninghoff	Geist	McNaughton	Sonney
Birmelin	George	Metcalfe	Staback
Bishop	Gillespie	Millard	Stairs
Blackwell	Gingrich	Miller, R.	Steil
Blaum	Godshall	Miller, S.	Stern
Boyd	Good	Mustio	Stetler
Browne	Goodman	Myers	Stevenson, R.
Bunt	Grell	Nailor	Stevenson, T.
Butkovitz	Gruitza	Nickol	Surra
Buxton	Habay	O'Brien	Taylor, E. Z.
Caltagirone	Harhart	Oliver	Taylor, J.
Cappelli	Harper	O'Neill	Thomas
Causser	Harris	Payne	True
Civera	Hasay	Petri	Turzai
Clymer	Hennessey	Phillips	Veon
Cornell	Herman	Pickett	Wansacz
Corrigan	Hershey	Preston	Washington
Crahalla	Hess	Pyle	Waters
Creighton	Hickernell	Quigley	Williams
Daley	Kauffman	Ramaley	Wilt
Dally	Keller, M.	Rapp	Wright
Denlinger	Keller, W.	Raymond	Youngblood
DeWeese	Kenney	Reed	Zug
DiGirolo	Killion	Reichley	
Donatucci	Kotik	Rieger	
Eachus	Lederer	Rohrer	Perzel,
Ellis	Leh	Rooney	Speaker

## NOT VOTING—0

## EXCUSED—8

Cohen	James	Levdansky	Saylor
Cruz	LaGrotta	Micozzie	Watson

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 SPEAKER. The Chair recognizes the gentleman from Lawrence, Mr. Sainato.

Mr. SAINATO. Thank you, Mr. Speaker.

I rise today to oppose HR 1.

Many of the remarks that my colleague from the Lehigh Valley made I would like to echo. I have been in this legislature 10 years. In those 10 years I have been here, I have never missed a day. I come when I am supposed to be here; I leave when we adjourn. What this thing does here today is to totally change the operation of the Pennsylvania House of Representatives, the oldest House of Representatives in the country, and now, Mr. Speaker, someone else can vote for you if you want. You go on Capitol leave, and someone else will be voting to represent the 60,000 people that you represent.

I believe the most important job of a legislator is to be here on the House floor. There should be nothing more important than being here to vote for the 60,000 people you represent. As the prior speaker said, well, you may have to go out and greet some schoolchildren or you may have to go to a meeting at the Department of Education. You schedule those meetings when we are not on the floor. Mr. Speaker, you have done an excellent job of telling us when we are supposed to be on the floor. If I have a group here, they are welcome to sit up there in the House gallery and see their legislator working.

This really disturbs me, Mr. Speaker, this really does, because I believe in this institution, I believe in this House of Representatives, but what we are doing here today will forever change what we have done in the 200-plus years that this institution has been here.

Mr. Speaker, ghost voting is wrong, ghost voting is wrong, and for those who do, shame on you. But, Mr. Speaker, Mr. Speaker, I honestly believe we are making a very big mistake here today. I have a lot of respect for my colleagues on both sides of the aisle, and I think they all work very hard at what they do, and for the few, for the few who have caused problems over the years, shame on you for not being here to represent the people. And if you do not want to be here, I think everyone should know that you are not here, so when you fill out your Capitol leave form to tell everyone that there is something more important than to be here in the House of Representatives, I just hope it is a nice public document so everyone can see what Capitol leave is, that you do not want to be here to represent your 60,000 people. But let me assure the 60,000 people of the 9th District, I plan on being here before the session starts, I plan on being here when the session ends, and I will do the job I was sent here to do, and I do not support ghost voting.

Thank you, Mr. Speaker.

The SPEAKER. The gentleman from Beaver, Mr. Veon.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support HR 1, and I echo some of the comments made by the majority leader here today, and I would like to make some additional, very quick comments.

Mr. Speaker, a number of the folks here on the floor today have talked about the long tenure of this House of Representatives, and that is true, and I had the opportunity to go back and look at some of that long tenure and think about and actually read the record on how those votes were cast over so many years, and there was a time here in this House chamber when the "yeas" and "nays" were literally read off on a roll call, one by one, and a clerk wrote down those votes as they were cast. And then at some point, Mr. Speaker, somebody said

we ought to have an electronic roll call and that would be an improvement in the State legislature, in the House of Representatives, and there were people, if you go back and look at that record, that said you cannot do that; it would be the end of the State legislature as we know it; we have had this long history in the legislature where we have always stood up and given the “yeas” and “nays” in the chamber, and anything different than that will be the end of the State legislature, the State House, as we know it; it will be the end of the world.

Mr. Speaker, we put an electronic scoreboard in, we have our names on lights, and we have an electronic button on our desk, and it has not been the end of the State House as we know it. I think, in fact, you can make the case that in many ways it has been an improvement to the system that we have had here, and in so many other ways, Mr. Speaker, I would make the case that this job has evolved over years; it has changed over years. The assignment of legislators today is different than it was 20 years ago. In many ways it is more complicated and complex. We are expected to deal with more difficult, complicated, complex issues today, each and every one of us, and I am proud of the members that do that on both sides of the aisle and I think do it well.

This rule we are talking about here today, Mr. Speaker, in fact does away with ghost voting, and this rule we are talking about here today, Mr. Speaker, is a rule that the State Senate has had in place for 21 years, and they have survived and they have thrived and they have served the people of Pennsylvania well over the course of those 21 years. This rule is the same as the rule that the State Senate has today. In fact, Mr. Speaker, you could make the case that the Senate rule is even more liberal than what we are offering here today and that you can be on legislative leave somewhere outside of the Harrisburg area and still be voted on the Senate floor by your leader if on legislative leave, and this is more restrictive than that provision, but that more restrictive provision is the same as the Harrisburg area legislative leave in the State Senate. It has served the Senate well. This rule change will serve the House well as we do our job in this century, at this time, under these rules, under these conditions, and in these times.

I would ask for an affirmative vote.

Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Samuelson, for the second time.

Mr. SAMUELSON. Thank you, Mr. Speaker.

The previous speaker said this resolution does away with ghost voting. I respectfully disagree. I believe that the legislation before us would actually enable and encourage ghost voting; that if someone could take a legislative leave anywhere within the Harrisburg area, fewer and fewer members will be coming to the floor of the House.

A couple of the previous speakers talked about Capitol leave and talked about the quick meeting just off the floor of the House or elsewhere in the Capitol Building, yet the bill before us, the legislation before us, does not mention Capitol leave. It is actually called Harrisburg legislative leave, because this legislation is not limited to just the Capitol Building. So the arguments that were used about a quick meeting on the other side of the Capitol, if that is the problem, then why is the solution anywhere in the Harrisburg area, which could be defined as widely as nine counties?

I believe that the current schedule does allow some flexibility. If you read the current House rules, it does not say

you have to be in your seat; it says, anywhere “...within the Hall of the House....” If you are meeting with a school group in the back of the chamber – that is about 40 feet away – you can still vote. If you are just off the floor of the House, sometimes the legislative schedule has breaks. Just this afternoon, at 4:45 there was a 10-minute break in the legislative schedule while the Parliamentarian considered some amendments, and this House was at ease for 10 minutes. We were in caucus earlier this afternoon. There could be even more flexibility built into the schedule at the discretion of the leadership of this House. If we are in a debate that is going to last 6, 7, 8, 9 hours, the leadership of this House could schedule a half-hour break for supper or a 45-minute break for supper.

So I believe the current system does provide some flexibility. If we switch to a system that allows you to vote anywhere in the Harrisburg area, there is no enforcement, there is no definition, and where might this lead in the future? What would the ghost vote of legislatures yet to come be like, with apologies to Charles Dickens? Would the ghost vote of legislatures yet to come, would that then extend to anywhere in Pennsylvania? In the future some members may argue that certain legislators have their district offices within the Harrisburg area and they are permitted to vote from their district offices. Why not every legislator? Would we then be in the future expanding this to anywhere in Pennsylvania? What about a few years from now somebody proposing, why do we not just vote by Internet? Why do we not just vote by our palm pilots?

This is a slippery slope that this legislation seeks to embark down, and I believe that changing our rules to allow voting within the Harrisburg area, an undefined region, will lead to more problems for this General Assembly. Let us keep the current rule. Let us vote down HR 1.

The SPEAKER. The Chair thanks the gentleman.

## MOTION TO SUSPEND RULES

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

Mr. VITALI. Thank you, Mr. Speaker.

I rise for the purpose of making a motion.

The SPEAKER. The gentleman will state his motion.

Mr. VITALI. Mr. Speaker, I rise for the purpose of moving that HR 2 be suspended for the consideration of amendment 9 to HR 1, which would install in our House rules the identical rules with regard to lobbying that the Senate has; to wit, registration statements and quarterly expense reports.

On the question,

Will the House agree to the motion?

The SPEAKER. On the motion, the Chair recognizes the gentleman, the majority leader, the gentleman, Mr. Smith.

Mr. S. SMITH. Mr. Speaker, I would rise to urge the members to vote against this motion to suspend the rules.

Clearly, when we put together rules, we could come up with 203 versions of what each of us may view as an ideal set of rules. The fact is, we all cannot have our own set of rules. The fact is that a consensus has to be built where the majority – and hopefully sometimes it is a bigger majority than others – are comfortable with the rules, and there is a certain give-and-take in it. The rules as presented under HR 1 are rules that I think

meet the basic needs of this House to carry on its business in an appropriate and honorable fashion.

Likewise, Mr. Speaker, I would urge the members to vote against the suspension of the rules as presented.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the minority leader, the gentleman, Mr. DeWeese.

Mr. DeWEESE. Thank you, Mr. Speaker.

The inexorable momentum of Mr. Smith's argumentation is obvious. The votes are not there to sustain the honorable gentleman, Mr. Vitali, but this does have much public service value, and I will accede to him. I will relinquish the microphone and let him argue on behalf of our side.

Thank you, Mr. Speaker.

The SPEAKER. You did make an argument, Mr. DeWeese.

Mr. DeWEESE. With all due respect, all I did was try to describe the landscape. I did not make an argument.

The SPEAKER. The gentleman, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

What I am suggesting is something relatively uncontroversial and very pertinent to what we are doing right now. We are passing rules, and the Senate rules, which all lobbyists in Harrisburg must conform to, involve lobbyists' initial registration forms and quarterly expense reports.

What I am suggesting is that this is the appropriate time for the House in making its rules to do just what the Senate did, and I think there are very good policy reasons for our rules to conform to the Senate rules. Unfortunately, in the absence of legislation, rules are the backstop, rules are the backstop in the absence of legislation, to deal with the important issue of lobbying, and that is important, and it is also important for consistency with lobbyists. Lobbyists have to adhere to the rules of the Senate, so they are really dealing— Right now it is unbalanced. There also should be a parallel companion set of House rules. What this would do would simply be able to allow the citizens of the Commonwealth to keep track of who was lobbying, for what purposes they are lobbying. The rule requires the general subject of the thing being lobbied, and it also requires those quarterly reports to list expenses for various categories of lobbying, as the Senate does.

So I think this is relatively noncontroversial, and without any legislation dealing with lobbying on the landscape, this is really the time to do this very noncontroversial thing. So we have a chance right now, right now, to deal with an important issue.

So I would ask that the rules be suspended so that we can deal with the important issue of lobbying.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the motion?

(Members proceeded to vote.)

The SPEAKER. Which way does the gentleman wish to be recorded? In the negative. The gentleman will be recorded in the negative. We have you recorded in the negative, Mr. Bunt.

Mr. S. SMITH. Mr. Speaker, it looks like there is a ghost voting in there.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

#### YEAS—59

Bebko-Jones	George	McCall	Santoni
Belfanti	Gerber	McGeehan	Shaner
Buxton	Gergely	Melio	Shapiro
Caltagirone	Goodman	Mundy	Solobay
Casorio	Grucela	Myers	Staback
Cawley	Haluska	Pallone	Sturla
Corrigan	Hanna	Petrarca	Tangretti
Costa	Harhai	Petrone	Tigue
Curry	Josephs	Pistella	Vitali
DeLuca	Kotik	Readshaw	Walko
Eachus	Leach	Reichley	Wheatley
Fabrizio	Lederer	Roberts	Wojnaroski
Fairchild	Lescovitz	Roebuck	Yewcic
Frankel	Manderino	Sainato	Yudichak
Freeman	Mann	Samuelson	

#### NAYS—135

Adolph	Evans, D.	Mackereth	Ross
Allen	Evans, J.	Maher	Rubley
Argall	Feese	Maitland	Ruffing
Armstrong	Fichter	Major	Sather
Baker	Fleagle	Markosek	Scavello
Baldwin	Flick	Marsico	Schroder
Barrar	Forcier	McGill	Semmel
Bastian	Gabig	McIlhattan	Smith, B.
Belardi	Gannon	McIlhinney	Smith, S. H.
Benninghoff	Geist	McNaughton	Sonney
Biancucci	Gillespie	Metcalfe	Stairs
Birmelin	Gingrich	Millard	Steil
Bishop	Godshall	Miller, R.	Stern
Blackwell	Good	Miller, S.	Stetler
Blaum	Grell	Mustio	Stevenson, R.
Boyd	Gruitza	Nailor	Stevenson, T.
Browne	Habay	Nickol	Surra
Bunt	Harhart	O'Brien	Taylor, E. Z.
Butkovitz	Harper	Oliver	Taylor, J.
Cappelli	Harris	O'Neill	Thomas
Causar	Hasay	Payne	True
Civera	Hennessey	Petri	Turzai
Clymer	Herman	Phillips	Veon
Cornell	Hershey	Pickett	Wansacz
Crahalla	Hess	Preston	Washington
Creighton	Hickernell	Pyle	Waters
Daley	Hutchinson	Quigley	Williams
Dally	Kauffman	Ramaley	Wilt
Denlinger	Keller, M.	Rapp	Wright
Dermody	Keller, W.	Raymond	Youngblood
DeWeese	Kenney	Reed	Zug
DiGirolamo	Killion	Rieger	
Diven	Kirkland	Rohrer	Perzel,
Donatucci	Leh	Rooney	Speaker
Ellis			

#### NOT VOTING—0

#### EXCUSED—8

Cohen	James	Levdansky	Saylor
Cruz	LaGrotta	Micozzie	Watson

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—113

Adolph	Donatucci	Leh	Rooney
Allen	Evans, D.	Mackereth	Ross
Argall	Evans, J.	Maher	Ruffing
Baker	Fairchild	Maitland	Sather
Baldwin	Feese	Major	Schroder
Barrar	Fichter	Mann	Semmel
Bastian	Fleagle	McGeehan	Smith, B.
Belardi	Flick	McGill	Smith, S. H.
Belfanti	Frankel	McIlhattan	Solobay
Benninghoff	Gannon	McIlhinney	Staback
Biancucci	Geist	McNaughton	Stairs
Birmelin	Gingrich	Millard	Stern
Blackwell	Godshall	Miller, R.	Stetler
Blaum	Good	Miller, S.	Stevenson, T.
Boyd	Goodman	Mustio	Sturla
Bunt	Gruitza	Myers	Surra
Butkovitz	Habay	O'Brien	Taylor, J.
Cappelli	Harhart	Oliver	Turzai
Causer	Harper	O'Neill	Veon
Civera	Harris	Payne	Wansacz
Clymer	Hasay	Petri	Washington
Cornell	Hennessey	Phillips	Waters
Crahalla	Hershey	Pickett	Wright
Daley	Hess	Preston	Youngblood
Dally	Keller, W.	Quigley	Zug
Dermody	Kenny	Ramaley	
DeWeese	Killion	Raymond	
DiGirolamo	Kirkland	Reichley	Perzel,
Diven	Lederer	Rieger	Speaker

## NAYS—81

Armstrong	Gerber	McCall	Santoni
Bebko-Jones	Gergely	Melio	Scavello
Bishop	Gillespie	Metcalfe	Shaner
Browne	Grell	Mundy	Shapiro
Buxton	Grucela	Nailor	Sonney
Caltagirone	Haluska	Nickol	Steil
Casorio	Hanna	Pallone	Stevenson, R.
Cawley	Harhai	Petrarca	Tangretti
Corrigan	Herman	Petrone	Taylor, E. Z.
Costa	Hickermell	Pistella	Thomas
Creighton	Hutchinson	Pyle	Tigue
Curry	Josephs	Rapp	True
DeLuca	Kauffman	Readshaw	Vitali
Denlinger	Keller, M.	Reed	Walko
Eachus	Kotik	Roberts	Wheatley
Ellis	Leach	Roebuck	Williams
Fabrizio	Lescovitz	Rohrer	Wilt
Forcier	Manderino	Rubley	Wojnaroski
Freeman	Markosek	Sainato	Yewcic
Gabig	Marsico	Samuelson	Yudichak
George			

## NOT VOTING—0

## EXCUSED—8

Cohen	James	Levdansky	Saylor
Cruz	LaGrotta	Micozzie	Watson

## RECESS

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Shapiro.

Mr. SHAPIRO. Mr. Speaker, I move that this House do now recess until Tuesday, February 1, 2005, 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 6 p.m., e.s.t., the House recessed.

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

The SPEAKER. There will be no further votes on the floor of the House.

Are there any announcements?