

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

MONDAY, JANUARY 29, 2007

SESSION OF 2007

191ST OF THE GENERAL ASSEMBLY

No. 7

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (DENNIS M. O'BRIEN) PRESIDING

The SPEAKER. The prayer will be offered by Rev. Leo Arnone, the guest of Representative Wojnaroski.

PRAYER

REV. LEO ARNONE, Guest Chaplain of the House of Representatives, offered the following prayer:

Let us take a moment to put ourselves and our hearts and minds in the presence of Almighty God.

Eternal Father, You have taught us that where two or three are gathered in Your name, there You are in our midst, and so we gather in the name of the Father and of the Son and of the Holy Spirit.

Lord God, as the members of this House of Representatives begin another year of service to the people of Pennsylvania, they seek Your blessing, and so on behalf of the people of Pennsylvania, I ask You to increase in each of them the gifts of the Holy Spirit. Although Your ways and thoughts are higher than the heavens, swoop down from Your lofty throne and fill these men and women with Your wisdom that they may always be aware of Your presence in their hearts and minds and thus govern Your people from Your point of view.

Fill them with Your knowledge that they may know how to judge rightly concerning the common good of all their constituents and for the State of Pennsylvania. Increase Your gift of counsel in them, that they may truly know right from wrong and be able to see and correctly choose the best practical approach to serving Your people. In all their difficulties and unexpected problems they will face, with Your gift of counsel they will discover the most suitable solution.

To accompany these gifts for the mind, give them the Spirit's gift for the heart – the gift of understanding. With Your gift of understanding, they will be able to accept the truths You inspire in them through Your wisdom, knowledge, and counsel, that they may put into action the truths You reveal to their minds and hearts. Increase in them the gift of courage that they may stand firm in their convictions and have the self-confidence to overcome any and all obstacles. Grant them Your gift of piety, that they may know to grow in honor and reverence for their constituents and their country. Motivated by pious love and loyalty, may they feel a greater sense of patriotism and thus strive to serve Your people with all their heart and mind.

At last, Lord God, fill them with the gift of the fear of the Lord, that they may know and appreciate their place in Your eyes and in our governance. May they truly know and appreciate the awesome trust we have placed in each of them to be our individual and collective Representatives in this noble House. Filled with Your divine gifts, may their service here in this House bear fruit for themselves and for all they represent.

We ask these and all things through Christ our Lord. Amen.

PLEDGE OF ALLEGIANCE

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

GUEST INTRODUCED

The SPEAKER. Ladies and gentlemen of the House, I would also like to introduce Father Arnone's sister-in-law, Terry Arnone. Would you please join me in welcoming her to the House.

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal of Wednesday, January 24, 2007, will be postponed until printed. The Chair hears no objection.

LEAVES OF ABSENCE

The SPEAKER. Turning to leaves of absence, the Chair recognizes the majority whip. Are there any leaves on the Democratic side?

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, I request a leave for the gentleman from Westmoreland, Mr. TANGRETTI, for the week.

The SPEAKER. The Chair recognizes Representative Major for the purpose of announcing leaves of absence.

Miss MAJOR. Thank you, Mr. Speaker.

I would like to announce that Representative ARGALL is on leave today, and Representative CIVERA is on leave for the week.

The SPEAKER. Without objection, those leaves will be granted.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—200

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—3

Argall Civera Tangretti

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

DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the Democratic whip for the purpose of announcing a caucus.

Mr. McCALL. Thank you, Mr. Speaker.

I would ask that the Democrats caucus immediately and be promptly back on the floor at 2:30.

REPUBLICAN CAUCUS

The SPEAKER. Is there an announcement from the Republican Caucus? Representative Major?

Miss MAJOR. Thank you, Mr. Speaker.

The Republicans will caucus immediately up in room 413, and we will come back to the floor, I understand, about 2:30.

The SPEAKER. The Chair thanks the lady.

RECESS

The SPEAKER. The House stands in recess until 2:30.

RECESS EXTENDED

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

AFTER RECESS

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

CALENDAR

RESOLUTION

Mr. DeWEESE called up **HR 22, PN 3**, entitled:

A Resolution adopting as temporary rules for the House of Representatives the Rules of the House of Representatives (2005-2006), further providing for standing committees and subcommittees and for voting; and making editorial changes.

On the question,

Will the House adopt the resolution?

PARLIAMENTARY INQUIRY

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

Mr. MAHER. Thank you, Mr. Speaker.

A parliamentary inquiry.

The SPEAKER. The gentleman may state his parliamentary inquiry.

Mr. MAHER. Thank you.

Back when we most recently met, we had established that there were a number of matters that had carried over from swearing-in day to then inaugural day that would still be ripe for consideration today. With the first of those, I just want to establish, is it the Chair's position that we are operating today under rules adopted by Mr. McCall's motion on January 2?

The SPEAKER. Yes.

Mr. MAHER. And although historically, I know there have been some conversations about resolutions having been used historically, but it is the Chair's position that despite that history, we can adopt matters by motion instead of resolution unless we are otherwise prohibited to do so?

The SPEAKER. The history is that the resolution has to be a written resolution. Whether it is a voice vote or a recorded vote has been different in different legislative sessions.

Mr. MAHER. And that notwithstanding, so the McCall motion was in order in the view of the Chair?

The SPEAKER. Yes.

Mr. MAHER. And the variety of other matters, Mr. Speaker, that I had asked for the good graces of the majority leader and yourself or us to maintain open and ripe for today, at the request of the leader on this side of the aisle, I will defer to him for any further conversation on those subjects.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

Will the House agree to the resolution? The Chair recognizes Representative Petri, who offers amendment A00010.

The Chair recognizes the gentleman.

Mr. PETRI. Thank you, Mr. Speaker.

At this time I am going to withdraw my amendment, because this matter, which is of importance to the Commonwealth and involves the change of rules with respect to how the House votes on State-owned land or land in which the State has an interest in, is scheduled to come before the Reform Commission tomorrow. So I will hold some of my testimony and comments for that time, and thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Greene County, Representative DeWeese, who offers amendment A00006.

Mr. DeWEESE. Mr. Speaker, I was going to comment on the Petri effort. I was only going to ask that the House recognize the gentleman's effort. We are going to deal with it soon, and I very much appreciated his effort to allow the Reform Commission to do its work. So I just wanted to laud my colleague, Mr. Petri, in that regard.

I did not realize you were going to recognize me, but relative to resolution 22, I am ready to let it roll – I think most of us have debated in caucus on both sides – unless there is a lot of additional debate, which will be fine, but I have none myself.

The SPEAKER. Does the Republican leader seek recognition?

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

Mr. Speaker, I presume that we have at least one other amendment that we are going to be dealing with on this particular resolution that was agreed to. Am I correct, Mr. Speaker?

I would say in view of that inevitable action, Mr. Speaker, I think what we have before us is a set of temporary rules that will allow this House to move forward, that will allow us to get off the ground and start to move period, quite honestly, and I appreciate the opportunity to speak at this moment.

The SPEAKER. The Chair just wants to recognize, for the record, Representative Grell withdrew his amendment. You withdrew your amendment? The Chair thanks the gentleman.

On the question recurring,

Will the House adopt the resolution?

Mr. DeWEESE offered the following amendment No. **A00006:**

Amend Title, page 1, line 3, by inserting after "providing" for fiscal notes,

Amend Title, page 1, line 3, by striking out "and" where it appears the second time and inserting

, for functions of standing committees,

Amend Title, page 1, line 4, by inserting after "voting"

and for financial interests in gaming entities

Amend Second Resolve Clause (Rule 19 (a)), page 21, line 10, by inserting brackets before and after "Budget Bureau" and inserting immediately thereafter

Office of the Budget

Amend Second Resolve Clause (Rule 43), page 40, line 23, by inserting brackets before and after "34" and inserting immediately thereafter

35

Amend Second Resolve Clause (Rule 43), page 40, line 29, by inserting brackets before and after "13" and inserting immediately thereafter

14

Amend Second Resolve Clause (Rule 45), page 49, line 16, by inserting brackets before and after "13" and inserting immediately thereafter

15

Amend Second Resolve Clause (Rule 45), page 49, line 21, by inserting brackets before and after "14" and inserting immediately thereafter

18

Amend Second Resolve Clause (Rule 65 (b)), page 76, line 5, by inserting brackets before and after "January 31st" and inserting immediately thereafter

April 30th

On the question,

Will the House agree to the amendment?

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

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

This amendment would enhance the minority's number for the temporary rules to 13 on standing committees and to 14 on the Appropriations Committee.

Thank you very much.

The SPEAKER. The Chair recognizes the Republican leader, Representative Smith.

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

Mr. Speaker, I also support this amendment. I think it is a major step forward, and I appreciate the majority's willingness to go in this direction.

As some may remember, when we earlier discussed kind of in the public domain, not on this floor, how the committees should be structured, one of the things that we had talked about was the committees being a little more prorated, closer to the natural makeup of this body. Currently at 102-101, that would be a very close makeup on the committees. And I recognize, Mr. Speaker, that it is not a perfect world and think that that element of this amendment, Mr. Speaker, clearly positions the committees in a more closely aligned dynamic that is consistent with the actual makeup of the floor of this House. I think it is going to, in the end, Mr. Speaker, allow this body to have the committees be more responsive to the political dynamics, the natural philosophical differences between the Republicans and the Democrats, and allow those issues maybe to be ironed out in committee a little more as opposed to bringing them all to the floor. So I think that that is an important change, and I would urge the members to support this amendment.

Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—199

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

NAYS—0

NOT VOTING—1

Cruz

EXCUSED—3

Argall Civera Tangretti

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

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

The SPEAKER. On the question, does the Republican leader seek recognition?

The Chair recognizes the majority leader, Representative DeWeese.

Mr. DeWEESE. Just 60 seconds, Mr. Speaker.

The effort to eliminate voting by folks who are not in town, as was aggressively pursued by a variety of members on both sides of the aisle, preeminently Steve Samuelson and others, is in this proposal. A Gaming Oversight Committee is in this proposal. A new Subcommittee on Special Ed is in this proposal as we adopt temporary rules. So the momentum is commencing. We are launching substantive areas of reform, and I commend my colleague from Jefferson County, the majority leader – minority leader, no pun intended; it is a pretty close dynamic, of course. But the Reform Commission that Speaker O'Brien has offered will work on a variety of subjects, including these, to be incorporated in early middle March into our final rules. But I am very happy, Mr. Speaker, that in our late days of January, we do have temporary rules that embrace substantial reform.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—195

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

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

NAYS—4

Creighton	Gabig	Kauffman	Maher
-----------	-------	----------	-------

NOT VOTING—1

Cruz

EXCUSED—3

Argall	Civera	Tangretti
--------	--------	-----------

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

The SPEAKER. Are there any other caucus announcements?
Are there any other caucus announcements? Is there any further business to come before the House?

ADJOURNMENT

The SPEAKER. The Chair recognizes the gentleman, Representative Bear, from Lancaster County, who moves that this House do now adjourn until 11 a.m., e.s.t., on Tuesday, January 30, 2007.

On the question,
Will the House agree to the motion?
Motion was agreed to, and at 3:53 p.m., e.s.t., the House adjourned.