

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

MONDAY, OCTOBER 22, 2007

SESSION OF 2007

191ST OF THE GENERAL ASSEMBLY

No. 92

HOUSE OF REPRESENTATIVES

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

THE SPEAKER PRO TEMPORE (JENNIFER L. MANN) PRESIDING

PRAYER

RABBI SOLOMON ISAACSON, Guest Chaplain of the House of Representatives, offered the following prayer:

(Prayer in Hebrew.)

May He who blessed our forefathers, Abraham, Isaac, and Jacob, may He bless the Armed Forces of the United States of America – the Army, the Navy, the Air Force, and the Marines – who stand guard over our land and the cities of our God, from all the borders of where they may be. May Hashem cause the enemies who rise up against us to be struck down before them. May the Holy One, blessed is He, preserve and rescue our fighting men from every trouble and distress and from every plague and illness; may He send blessing and success in their every endeavor. May He lead our enemies under their sway, and may He adorn them with the crown of salvation and with the diadem of triumph, and may there be fulfilled for them the verse, for it is Hashem, your God, who goes with you to battle your enemies for you to save you, and now let us say amen. And may they all return quickly home.

(Prayer in Hebrew.)

May He who grants salvation to kings and dominion to rulers, whose kingdom is a kingdom spanning all eternities; who releases David, His servant, from the evil sword; who places a road in the sea and a path in the mighty waters, may He bless, safeguard, preserve, help, exalt, make great, extol, and raise high our beloved President, Vice President, our Governor, Lieutenant Governor, and all the officials of the House of Representatives and those who assist them here in the halls.

The King who reigns over all kings, in His mercy, may He sustain them and protect them from every trouble, woe, and injury; may He rescue them; may He gather peoples under their sway and cause their enemies to fall before them. Wherever they turn, may they succeed.

The King who reigns over kings, in His mercy, may He put into their heart and into the heart of all of their counselors and officials compassion to do good with us and with all the people of our great Commonwealth.

In their days and in ours, may we all be together, so may it be His will, and let us say amen.

Thank you. I hope everybody enjoyed the cake that I left for them for the High Holidays. If you want another piece, you will have to wait until next year.

PLEDGE OF ALLEGIANCE

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

RABBI ISAACSON. Thank you again.
The SPEAKER pro tempore. Thank you, Rabbi.

JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. Without objection, approval of the Journal of Thursday, October 18, 2007, will be postponed until printed. The Chair hears no objection.

LEAVES OF ABSENCE

The SPEAKER pro tempore. Turning to leaves of absence, the Chair recognizes the majority whip. Are there any leaves on the Democratic side? The gentleman requests leave for the following: the gentleman, Mr. PALLONE; the gentleman, Dwight EVANS; the gentleman, Mr. CALTAGIRONE; the gentleman, Mr. BIANCUCCI; the gentleman, Mr. GALLOWAY; and the gentleman, Mr. FREEMAN, for the day; and the gentleman, Mr. William KELLER, for the week. Without objection, the gentlemen will be placed on leave. Hearing no objection, the leaves are granted.

The Chair recognizes the minority whip. Are there any leaves on the Republican side? No requests for leave.

Members will report to the floor.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—196

Adolph
Argall

George
Gerber

McCall
McGeehan

Rubley
Sabatina

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—7

Biancucci	Evans, D.	Galloway	Pallone
Caltagirone	Freeman	Keller, W.	

LEAVES ADDED—4

Gerber	Kirkland	Murt	Wheatley
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LEAVES CANCELED—4

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

GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair is pleased to welcome some guests here today. They are Carly Pogachefsky, Miriam Walinsky, and Carrie Walinsky. They are guests of Representative Gene DiGirolamo and are to the left of the Speaker. Will you please welcome our guests today. Will the guests please rise.

CALENDAR

RESOLUTIONS PURSUANT TO RULE 35

Mr. SIPTROTH called up **HR 456, PN 2661**, entitled:

A Resolution recognizing and promoting awareness of Chiari malformation.

On the question,
Will the House adopt the resolution?

The SPEAKER pro tempore. On the resolution, the Chair recognizes the gentleman, Representative Siptroth.

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

The gentleman is in order.

Mr. SIPTROTH. Thank you, Madam Speaker.

I ask my colleagues today to join me in bringing awareness to a serious disease that affects over 2 million Americans and their families but receives relatively little time in the limelight of awareness.

Chiari Malformation is a debilitating disorder that can cause those diagnosed immense pain and no permanent cure. Before introducing this resolution, I was contacted by a close relative living and struggling with Chiari. I heard her stories of pain and unanswered questions when the doctors could not diagnose her symptoms or ease her pain for any prolonged period of time. Chiari is a malformation with the hind brain, and while symptoms can vary in severity, duration, and location, the stories shared with me are utterly unimaginable. People undergo multiple surgeries and medical tests. They struggle with devastating headaches, unstoppable dizziness, and constant vomiting. Along with the overwhelming pain of this disease, there are also other personal repercussions – strain on loved ones and other personal relationships, high costs of medical bills, searching for a diagnosis and a cure for the unbearable pain, scattered employment when a person cannot hold a job consistently enough – and it is my goal to bring attention to this horrible and life-changing disease where the sufferers are called hypochondriacs and live in pain every day.

I ask you to join me in cosponsoring this resolution today and bring light to Chiari Malformation.

Thank you very much, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—196

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

NAYS—0

NOT VOTING—0

EXCUSED—7

Biancucci	Evans, D.	Galloway	Pallone
Caltagirone	Freeman	Keller, W.	

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

* * *

Mr. DeLUCA called up **HR 461, PN 2674**, entitled:

A Resolution recognizing October 11, 2007, as "National Depression Screening Day" in Pennsylvania.

On the question,
Will the House adopt the resolution?

(Members proceeded to vote.)

LEAVE OF ABSENCE

The SPEAKER pro tempore. Returning to leaves of absence, the Chair recognizes the majority whip, who requests that the gentleman, Representative GERBER, be placed on leave for the day. Hearing no objection, leave will be granted.

CONSIDERATION OF HR 461 CONTINUED

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

The following roll call was recorded:

YEAS—195

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

Evans, J.	Major	Reed	Wojnaroski
Everett	Manderino	Reichley	Yewcic
Fabrizio	Mann	Roae	Youngblood
Fairchild	Mantz	Rock	Yudichak
Fleck	Markosek	Roebuck	
Frankel	Marshall	Rohrer	O'Brien, D.,
Gabig	Marsico	Ross	Speaker
Geist			

NAYS-0

NOT VOTING-0

EXCUSED-8

Biancucci	Evans, D.	Galloway	Keller, W.
Caltagirone	Freeman	Gerber	Pallone

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

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Mr. DeLUCA called up **HR 462, PN 2675**, entitled:

A Resolution designating the month of October 2007 as "Italian Heritage Month" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-195

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

DePasquale	Leach	Pyle	Walko
Dermody	Lentz	Quigley	Wansacz
DeWeese	Levdansky	Quinn	Waters
DiGirolamo	Longiatti	Ramaley	Watson
Donatucci	Mackereth	Rapp	Wheatley
Eachus	Maher	Raymond	White
Ellis	Mahoney	Readshaw	Williams
Evans, J.	Major	Reed	Wojnaroski
Everett	Manderino	Reichley	Yewcic
Fabrizio	Mann	Roae	Youngblood
Fairchild	Mantz	Rock	Yudichak
Fleck	Markosek	Roebuck	
Frankel	Marshall	Rohrer	O'Brien, D.,
Gabig	Marsico	Ross	Speaker
Geist			

NAYS-0

NOT VOTING-0

EXCUSED-8

Biancucci	Evans, D.	Galloway	Keller, W.
Caltagirone	Freeman	Gerber	Pallone

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

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Mrs. GINGRICH called up **HR 463, PN 2676**, entitled:

A Resolution designating the week of October 21 through 27, 2007, as "Child Death Review Recognition Week" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-195

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

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

NAYS-0

NOT VOTING-0

EXCUSED-8

Biancucci	Evans, D.	Galloway	Keller, W.
Caltagirone	Freeman	Gerber	Pallone

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

DEMOCRATIC CAUCUS

The SPEAKER pro tempore. The Chair recognizes the gentleman, Representative Eachus, for an announcement.

Mr. EACHUS. Madam Speaker, I would like to make a brief Democratic caucus announcement. We are going to break right now for an immediate Democratic caucus, and we will be back on the floor at 3 o'clock.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

REPUBLICAN CAUCUS

The SPEAKER pro tempore. Is there an announcement?

The Chair recognizes the gentlelady, Representative Major.

Miss MAJOR. Thank you, Madam Speaker.

I would like to announce a Republican caucus immediately at the call of the recess. That is, Republicans will caucus immediately at the call of the recess.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentlelady.

Are there any other committee announcements? Any other committee announcements?

RECESS

The SPEAKER pro tempore. The House will stand in recess until 3 p.m.

AFTER RECESS

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

REMARKS SUBMITTED FOR THE RECORD

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

Madam Speaker, it is my privilege to bring to the attention of the Speaker and the members of the Pennsylvania House of Representatives the name of Thomas A. Chapman, who has recently been awarded Scouting's highest honor – Eagle Scout.

Madam Speaker, I would like to read to the members of the House of Representatives the following citation of Thomas A. Chapman.

Whereas, Thomas A. Chapman earned the Eagle Award in Scouting. This is the highest award that Boy Scouts can bestow and as such represents great sacrifice and tremendous effort on the part of this young man. He is a member of Troop 147.

Now therefore, Madam Speaker and the members of the House of Representatives, it is my privilege to congratulate and place in the Legislative Journal the name of Thomas A. Chapman.

LEAVES OF ABSENCE CANCELED

The SPEAKER pro tempore. The Chair notes the presence of the gentleman, Representative Galloway. His name will be added to the master roll. The Chair also recognizes the presence of the gentleman, Representative Freeman, whose name will be added to the master roll.

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair recognizes the majority whip, who asks for a leave for the gentleman, Mr. KIRKLAND. Without objection, leave will be granted.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 465 By Representatives HANNA, BELFANTI, BENNINGTON, BOBACK, BRENNAN, CALTAGIRONE, FRANKEL, FREEMAN, GINGRICH, GOODMAN, HERSHEY, HORNAMAN, JAMES, JOSEPHS, KORTZ, MAHONEY, MILLARD, MOYER, MUNDY, O'NEILL, PALLONE, PETRONE, PICKETT, READSHAW, ROHRER, SAYLOR, SIPTROTH, K. SMITH, SOLOBAY, STABACK, WANSACZ, J. WHITE and YOUNGBLOOD

A Resolution urging the Federal Emergency Management Agency to review and update state, county and municipal flood maps every ten years.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, October 22, 2007.

No. 466 By Representatives LENTZ, R. TAYLOR, BAKER, BELFANTI, BRENNAN, CAPPELLI, DeLUCA, GEORGE, GRUCELA, HARHAI, HESS, HORNAMAN, JAMES, KING, KORTZ, LEACH, MAHONEY, MANN, McCALL, MILNE, MOYER, M. O'BRIEN, PALLONE, PARKER, PAYNE, PHILLIPS, READSHAW, REICHLEY, ROAE, SAINATO, SCHRODER, SHIMKUS, SOLOBAY, WALKO, J. WHITE, WOJNAROSKI and YOUNGBLOOD

A Resolution urging the United States Congress to authorize the awarding of Cold War Medals to recognize foreign service personnel who served admirably abroad during the Cold War.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, October 22, 2007.

No. 468 By Representatives THOMAS, STEIL, SIPTROTH, BLACKWELL, CALTAGIRONE, FRANKEL, JAMES, KORTZ, KULA, MILNE, PARKER, READSHAW and RUBLEY

A Resolution urging the President and Congress of the United States to amend the REAL ID Act in order to reduce the costs of this unfunded mandate on the Commonwealth of Pennsylvania and all other states.

Referred to Committee on INTERGOVERNMENTAL AFFAIRS, October 22, 2007.

CALENDAR CONTINUED

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 118, PN 2529**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for the definition of "compulsory school age" and for home education programs.

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

Mr. **GODSHALL** offered the following amendment No. **A03559**:

Amend Title, page 1, line 6, by removing the period after "programs" and inserting

; and changing provisions relating to school terms and sessions.

Amend Bill, page 3, by inserting between lines 2 and 3

Section 3. Section 1504(a) of the act, amended July 1, 1978 (P.L.575, No.105), is amended to read:

Section 1504. Dates and Times of School Terms and Sessions; Commencement.—(a) (1) The board of school directors of each school district shall fix the date of the beginning of the school term[.]; Provided, however, That, in a school district that is not on a year-round education calendar, the beginning of any school term for students shall not commence any earlier than the day after Labor Day. The board of school directors may, upon approval by the Secretary of Education, begin the school term prior to the day after Labor Day for situations beyond the control of the school district as a result of major construction and renovation to the school building or natural disaster.

(2) Unless otherwise determined by the board, the daily session of school shall open at nine ante-meridian and close at four post-

meridian, with an intermission of one hour at noon, and an intermission of fifteen minutes in the forenoon and in the afternoon. Upon request of a board of school directors for an exception to the aforesaid daily schedule, the Secretary of Education may, when in his opinion a meritorious educational program warrants, approve a school week containing a minimum of twenty seven and one-half hours of instruction as the equivalent of five (5) school days, or a school year containing a minimum of nine hundred ninety hours of instruction at the secondary level or nine hundred (900) hours of instruction at the elementary level as the equivalent of one hundred eighty (180) school days.

(3) Professional and temporary professional employes shall be allowed a lunch period free of supervisory or other duties of at least thirty minutes.

(4) The provisions of this subsection shall not be construed:

(i) to repeal any rule or regulation of any board of school directors now in effect which provides for a lunch period longer than the minimum prescribed herein or to repeal any action of any board of school directors taken in compliance with section 7 of the act of July 25, 1913 (P.L.1024, No.466), entitled "An act to protect the public health and welfare, by regulating the employment of females in certain establishments, with respect to their hours of labor and the conditions of their employment; by establishing certain sanitary regulations in the establishments in which they work; by requiring certain abstracts and notices to be posted; by providing for the enforcement of this act by the Commissioner of Labor and Industry and others; by prescribing penalties for violations thereof; by defining the procedure in prosecutions; and by repealing all acts and parts of acts inconsistent with the provisions thereof," as amended[.]; or

(ii) to prevent a school district from conducting in-service sessions for teachers before Labor Day.

* * *

Section 4. Any contractually agreed-upon school calendar or process which determines the school calendar in effect on the effective date of this amendatory act between a school district and its professional or nonprofessional employees which is in conflict with the provisions of this amendatory act shall remain in effect for the duration of that contract.

Amend Sec. 3, page 3, line 3, by striking out "3" and inserting
5

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

AMENDMENT WITHDRAWN

The SPEAKER pro tempore. On the amendment, the Chair recognizes Representative Godshall.

It is the understanding of the Chair, the gentleman withdraws his amendment? Thank you, sir.

LEAVE OF ABSENCE CANCELED

The SPEAKER pro tempore. The Chair recognizes the presence on the floor of the gentleman, Representative Caltagirone, and his name will be added to the master roll.

CONSIDERATION OF HB 118 CONTINUED

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

* * *

The House proceeded to second consideration of **HB 1192, PN 1496**, entitled:

An Act providing for the designation of the building referred to as the Keystone Building in the City of Harrisburg as the Speaker James J. Manderino Office Building.

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

* * *

The House proceeded to second consideration of **SB 886, PN 1442**, entitled:

An Act amending the act of February 19, 1980 (P.L.15, No.9), known as the Real Estate Licensing and Registration Act, further prohibiting certain acts.

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

Mr. **GEORGE** offered the following amendment No. **A03677**:

Amend Sec. 1, page 1, line 10, by inserting after "amended" and the subsection is amended by adding a paragraph

Amend Sec. 1 (Sec. 604), page 5, by inserting between lines 21 and 22

(31) Misrepresenting a building as "green" when it has not been certified by the Leadership in Energy and Environmental Design (LEED) Green Building Rating System.

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

AMENDMENT WITHDRAWN

The SPEAKER pro tempore. The Chair recognizes the gentleman, Representative George.

Mr. GEORGE. Madam Speaker, that amendment has been pulled.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 292, PN 2531**, entitled:

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, further defining "employee."

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

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

(Bill analysis was read.)

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

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

The following roll call was recorded:

YEAS—197

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

NAYS—0

NOT VOTING—0

EXCUSED-6

Biancucci Gerber Kirkland Pallone
Evans, D. Keller, W.

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

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

* * *

The House proceeded to third consideration of HB 1094, PN 1325, entitled:

An Act designating March 19 of each year as "Pennsylvania Military Heroes Day."

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

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

(Bill analysis was read.)

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

The Chair recognizes the gentleman, Representative Shimkus.

Mr. SHIMKUS. Thank you, Madam Speaker.

I want to begin by thanking everyone for the wide level of support I have received for this bill and from both sides of the House, both sides of the chamber.

This, as we said, designates March 19 as "Pennsylvania Military Heroes Day," March 19 being the start of the war in Iraq, and will acknowledge all those who continue to fight the war on terrorism and the lives that have been lost.

And so with the wide level of support on both sides of this chamber, I would ask you again for a positive vote.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring, Shall the bill pass finally?

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

The following roll call was recorded:

YEAS-197

Adolph Gabig Marsico Rubley
Argall Galloway McCall Sabatina
Baker Geist McGeehan Sainato
Barrar George McI. Smith Samuelson
Bastian Gergely McIlhattan Santoni
Bear Gibbons Melio Saylor

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

NAYS-0

NOT VOTING-0

EXCUSED-6

Biancucci Gerber Kirkland Pallone
Evans, D. Keller, W.

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

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

* * *

The House proceeded to third consideration of HB 1324, PN 2586, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for educational leave of absence.

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

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

(Bill analysis was read.)

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

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

The following roll call was recorded:

YEAS—197

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Bianucci	Gerber	Kirkland	Pallone
Evans, D.	Keller, W.		

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

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

**THE SPEAKER (DENNIS M. O'BRIEN)
PRESIDING**

**BILL ON SECOND CONSIDERATION
POSTPONED**

The House proceeded to second consideration of **HB 288, PN 1847**, on second consideration postponed, entitled:

An Act providing for requirements for hospitals and health care facilities that provide services to sexual assault victims, for provision of information and services relating to emergency contraception and for powers and duties of the Department of Health.

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

BILL PASSED OVER

The SPEAKER. As you will recall, HB 288 was postponed until today. By agreement with the prime sponsor, it has been determined that this bill should go over for today.

Without objection, this bill will be over for today. The Chair sees no objection.

RESOLUTION

Mr. SHAPIRO called up **HR 263, PN 2630**, entitled:

A Resolution amending House Rule 47, further providing for Ethics Committee.

On the question,
Will the House adopt the resolution?

The SPEAKER. The Chair recognizes Representative Shapiro.

Mr. SHAPIRO. Thank you, Mr. Speaker.

Mr. Speaker, as we begin our discussion today on amending our House rules to consider substantive and significant changes to the House Ethics Committee, I thought a brief history of where we have been with these House rule changes, as well as a brief discussion of the recommendations of the Reform Commission, was in order prior to consideration of the amendments.

Mr. Speaker, if I could just ask for the attention of the membership of the House, please.

The SPEAKER. Members will take their seats. The Sergeants at Arms will clear the aisles. The noise level is entirely too loud.

Mr. SHAPIRO. Mr. Speaker, on March 13 the House adopted more than 30 changes to the House rules. We adopted those changes unanimously with the goal in mind of creating more openness and transparency in our process. The process began with the establishment of the Reform Commission under the leadership of Speaker O'Brien and Majority Leader DeWeese. Today we continue that process as we seek to implement another reform recommended by the commission.

Specifically, today we seek to change the composition and functions of the House Ethics Committee to ensure high standards and integrity for the members of this body, our staff, and our lobbyists. This resolution is cosponsored by each member of the Reform Commission – 12 Democrats and 12 Republicans.

The SPEAKER. The gentleman will suspend.

POINT OF ORDER

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

Mr. MARSICO. Point of order, Mr. Speaker.

I see that to HR 263 there are a number of amendments that will hopefully be considered, and I was wondering why the prime sponsor of this resolution was given first chance to speak on this resolution where the amendments I think would be considered first.

The SPEAKER. Because this substantially amends the rules of the House and the way we do business. I thought, given the ample attention that these rules have gotten over these several months, that it would be appropriate for Representative Shapiro and Representative Steil to speak before considering the amendments.

The gentleman is in order and may proceed.

Mr. SHAPIRO. Thank you, Mr. Speaker.

As I was saying, this resolution is cosponsored by all 24 members of the commission – 12 Democrats and 12 Republicans. During consideration in the Reform Commission of changes to House rule 47, we focused on whether or not the size of the Ethics Committee was indeed a size that implemented the needs and reflected the views of this House. The commission members noted that due to the sensitivity of the subject matter, a smaller Ethics Committee was preferable to a larger one to minimize the risks of breaching confidentiality as a body of ethics complaint investigations. Consideration was also given to how members of the committee are currently chosen, and a desire to depart from the standard method of committee appointments was evident.

A concern expressed was the amount of power which currently is vested in the House leadership, and the commission sought to make a change so that the members would be selected at random to make sure that the will of the House leadership did not prevail upon the will of the entire body. In addition, the members of the commission thought it important to make sure that all members be educated in the various ethics issues that they confront on a daily basis in doing their jobs.

And so, Mr. Speaker, today we present to the House members HR 263, which maintains the number of members on the House Ethics Committee at eight but alters their method of appointment so that two members and one alternate would be selected by the majority leader, two members and one alternate

would be selected by the minority leader, two members and one alternate from each party would be selected at random from members who are willing to serve, and they would be selected at random by the Chief Clerk. And then ultimately, the chair of the Ethics Committee would be selected by the Speaker of the House.

The Ethics Committee would be required to compile a member's handbook on ethics. It would also require each and every member to complete 2 hours of ethics education each term. It makes the ethics advisory opinions issued by the committee confidential, with the goal in mind of making sure that each member of the House feels comfortable and, in fact, is encouraged to seek the advice of the Ethics Committee. And it clarifies that the committee shall have the authority to recommend to the House action as appropriate when there is a finding of unethical or illegal conduct.

Mr. Speaker, that is a brief summary of where HR 263 seeks to take us. I look forward to responding to the amendments proffered and any questions that are on the floor. And I would like to, if appropriate at this time, yield to my colleague, the cochairman of the Speaker's Commission on Legislative Reform, Representative Steil.

The SPEAKER. The Chair recognizes Representative Steil.

Mr. STEIL. Thank you, Mr. Speaker.

This legislation, which is before us today, will amend the rules of the House in very substantial ways. And I think it is important to just describe a few of those before we take up the amendments because there were very valid discussion and justification for the decisions that the Reform Commission made.

I repeat again, 12 Republicans, 12 Democrats supported this resolution. It was the best of our thinking. I understand that not all will agree, but our thinking had a lot of basis. The first was that we wanted this committee to be responsible to the members.

Secondly, we wanted to ensure that this committee, which now had new responsibilities because of prior legislation where we asked the Ethics Committee to determine whether or not there were conflicts of interest, we had to set the basis for resolving those.

Thirdly, we wanted to allow any member who had a desire to serve on the Ethics Committee the ability to do so, at least the opportunity to do so.

Fourthly, we wanted to ensure that every member in the House, existing members and new members, had the best and current legal and public opinion advice on our ethical standards. I understand that many members believe that we know what the law is, and perhaps we do, but law changes, interpretation changes, court decisions change, and as a result, we need to be informed on the current thinking regarding our ethical standards.

Fifthly, we wanted to ensure a conscientious and deliberate review of our code of conduct, which this requires to be done. This code of conduct is a dynamic piece of law. It is not static.

Sixthly, we wanted to enable the inclusion of alternative members, a concept not currently included in the makeup of the Ethics Committee. There are times when a member must recuse themselves for one reason or another. We wanted to make sure that there was an alternate-member process.

And finally, and perhaps one of the most important things that we did, is we ensured, unlike the current Ethics Committee, we created the provision in the resolution that all decisions and

all responsibilities of the Ethics Committee shall be confidential and shall apply exclusively to the requester of the decision. That is different from the current practice. It means that when there is a question of an ethical violation or an ethical standard, the decision by the Ethics Committee will be between that committee and that member and no one else.

And with that, Mr. Speaker, I think we are prepared to begin the debate on the amendments.

LEAVE OF ABSENCE

The SPEAKER. The Chair recognizes the minority leader, who requests that Representative MURT be put on leave for the remainder of the day. The Chair sees no objection. The leave will be granted.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair recognizes the presence of Representative Gerber and asks that his name be added to the master roll.

CONSIDERATION OF HR 263 CONTINUED

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

Mr. MAHER offered the following amendment
No. A03606:

Amend Resolution, page 2, line 23, by inserting after "SELECTION,"

The Speaker shall fix a voting session day for the Chief Clerk to randomly select committee members from the lists provided by each caucus. The Chief Clerk shall give at least seven days' notice by mail of the date to all members. The Chief Clerk shall conduct the random selection of committee members on the floor of the House during session. Immediately following the random selection, the Speaker shall read the names of the committee members upon the record.

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

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

Mr. MAHER. Mr. Speaker, I was not seeking recognition unless someone wishes for me to carry forth.

Thank you.

The SPEAKER. If the gentleman will offer an explanation of his amendment.

Mr. MAHER. Thank you, Mr. Speaker.

This amendment simply provides that the random selection called for in the change to the rule would be conducted before the public.

Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—197

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Bianucci	Keller, W.	Murt	Pallone
Evans, D.	Kirkland		

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?

Mr. MAHER offered the following amendment No. A03654:

Amend Resolution, page 1, lines 1 and 2, by striking out all of said lines and inserting
Amending House Rules 47 and 63, further providing for Ethics Committee and for division of a question.

RESOLVED, That House Rules 47 and 63 be amended to read:

Amend First Resolve Clause, page 7, by inserting after line 24

RULE 63

Division of a Question

Any member may call for a division of a question by the House, if it comprehends propositions so distinct and separate that one being taken away, the other will stand as a complete proposition for the decision of the House. A resolution shall not be divisible.

A motion to strike out and insert is indivisible, but a motion to strike out being lost shall neither preclude amendment nor a motion to strike out and insert.

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

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

Mr. MAHER. Thank you, Mr. Speaker.

Again, I am not seeking recognition, but if the Chair wishes me to say something, I would be happy to.

The SPEAKER. The Chair would ask the gentleman for a brief explanation.

Mr. MAHER. Thank you, Mr. Speaker.

This amendment simply adds one sentence to the rules in a subject area that consumed considerable attention of this body last week, and the body, for better or for worse, reached a conclusion that a resolution is not divisible. This simply puts that into black and white as part of our rules.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Representative Steil.

Mr. STEIL. Thank you, Mr. Speaker.

This particular amendment addresses an issue which came up last week, and which I happen to be in agreement with, that resolutions are not divisible. However, I am going to oppose the amendment, because adopting it as part of the ethics resolution today simply puts into the ethics resolution a conflicting rule change. And I would be happy to work with the maker of the amendment in order to ensure that this resolution, drafted separately and adopted to our rules separately, would be accepted by the House because I do agree with it, just not as part of the ethics changes.

Thank you.

The SPEAKER. Representative Shapiro.

Mr. SHAPIRO. Thank you, Mr. Speaker.

I, too, oppose the gentleman's amendment. However well-intentioned, there is a process for moving rules changes. It is to submit a resolution to the House Rules Committee and have that considered as we did with the ethics resolution. I personally believe this is neither the time nor the place to consider this issue in the context of changes to the Ethics Committee, and I would respectfully ask the members to oppose the gentleman's amendment.

The SPEAKER. Representative Maher.

Mr. MAHER. Thank you, Mr. Speaker.

I will refresh the gentleman's recollection with the observation that based upon the decision of this body last week,

this is not a change to the rules. Rather, this is simply putting black ink on a white page, a resolution is not divisible. That is all it does. It does not change the rules. It seems odd to me that having exerted so much time trying to force this point last week that anyone on that side of the aisle would now oppose the notion. Make up your mind. On Monday things are divisible. On Tuesday they were not divisible. Here it is Monday again. Pick one, but my point is, let us not have to have this discussion on each matter. Let us make it clear, crystal clear in the rules so that we will not ever have to discuss this subject again.

Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—98

Adolph	Fleck	Marsico	Rapp
Argall	Gabig	McIlhattan	Raymond
Baker	Geist	Mensch	Reed
Barrar	Gillespie	Metcalfe	Reichley
Bastian	Gingrich	Micozzie	Roae
Bear	Godshall	Millard	Rock
Benninghoff	Grell	Miller	Rohrer
Beyer	Harhart	Milne	Ross
Boback	Harper	Moul	Rubley
Boyd	Harris	Moyer	Saylor
Brooks	Helm	Mustio	Scavello
Cappelli	Hennessey	Nailor	Schroder
Causar	Hershey	Nickol	Smith, S.
Civera	Hess	O'Neill	Sonney
Clymer	Hickernell	Payne	Stairs
Cox	Hutchinson	Peifer	Stern
Creighton	Kauffman	Perry	Stevenson
Cutler	Keller, M.	Perzel	Swanger
Dally	Kenney	Petri	Taylor, J.
Denlinger	Killion	Phillips	True
DiGirolamo	Mackereth	Pickett	Turzai
Ellis	Maher	Pyle	Vereb
Evans, J.	Major	Quigley	Vulakovich
Everett	Mantz	Quinn	Watson
Fairchild	Marshall		

NAYS—99

Belfanti	Gerber	McCall	Smith, K.
Bennington	Gergely	McGeehan	Smith, M.
Bishop	Gibbons	McI. Smith	Solobay
Blackwell	Goodman	Melio	Staback
Brennan	Grucela	Mundy	Steil
Buxton	Haluska	Myers	Surla
Caltagirone	Hanna	O'Brien, M.	Surra
Carroll	Harhai	Oliver	Tangretti
Casorio	Harkins	Parker	Taylor, R.
Cohen	Hornaman	Pashinski	Thomas
Conklin	James	Payton	Vitali
Costa	Josephs	Petrarca	Wagner
Cruz	Kessler	Petrone	Walko
Curry	King	Preston	Wansacz
Daley	Kortz	Ramaley	Waters
DeLuca	Kotik	Readshaw	Wheatley
DePasquale	Kula	Roebuck	White
Dermody	Leach	Sabatina	Williams
DeWeese	Lentz	Sainato	Wojnaroski
Donatucci	Levdansky	Samuelson	Yewcic

Eachus	Longiotti	Santoni	Youngblood
Fabrizio	Mahoney	Seip	Yudichak
Frankel	Manderino	Shapiro	
Freeman	Mann	Shimkus	O'Brien, D.,
Galloway	Markosek	Siptroth	Speaker
George			

NOT VOTING—0

EXCUSED—6

Biancucci	Keller, W.	Murt	Pallone
Evans, D.	Kirkland		

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

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

Mr. J. TAYLOR offered the following amendment
No. A03661:

Amend First Resolve Clause, page 1, line 10, by striking out the bracket before "The"

Amend First Resolve Clause, page 2, lines 9 through 26, by striking out "party] ~~and the vice chair~~" in line 9 and all of lines 10 through 26 and inserting
party.

Amend First Resolve Clause, page 3, line 6, by inserting after "compile"
and distribute

Amend First Resolve Clause, page 3, line 12, by striking out "the"

Amend First Resolve Clause, page 6, lines 22 and 23 by striking out "by the alternate member from the same party who was selected"

Amend First Resolve Clause, page 7, line 6, by striking out the bracket before "another"

Amend First Resolve Clause, page 7, lines 7 and 8, by striking out "]" the alternate member from the same party who was selected"

Amend First Resolve Clause, page 7, lines 16 through 24, by striking out all of said lines

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

The SPEAKER. The Chair recognizes Representative John Taylor on the amendment.

Mr. J. TAYLOR. Thank you, Mr. Speaker.

Mr. Speaker, this amendment really takes out the random provision from this resolution and restores the Ethics Committee membership, and the selection thereof, to its current form. If you think about it, a decision to do something randomly is unprecedented in the House. We do not do our legislation randomly. No other committee is chosen randomly, and I will even be glad to point out that the Speaker's Reform Commission, the Speaker's Reform Commission, that was not chosen randomly. There was a selection process for that. Why did we not put the names in the hat and go down to the front of the room and select the Reform Commission randomly?

Mr. Speaker, I would love to have either of the makers of this resolution explain all the shortcomings of the current Ethics Committee, explain all the things that we should have done,

explain what members of the Ethics Committee have failed this House, explain what staff of the Ethics Committee has failed this House.

And furthermore, what does this do for openness and transparency? If the goal is to not have leadership involved in this process, they have a right to be randomly selected like anybody else.

Furthermore, Mr. Speaker, I think, and fundamentally, that this is another change for change's sake. Let us make a change that gives everybody the appearance of reform. The Philadelphia Daily News made the maker of this amendment, that he wears the superhero cape of reform. And Mr. Steil just said this is the best work that they can do, randomly selecting committee members.

Mr. Speaker, this does not change the function of the Ethics Committee. It does not change anything. It does not go after all the things that the very newspaper that has called for this reform says is wrong with this place. It does not do any of that, and sooner or later we have to decide in this House whether we are in charge here, whether the committee process is in charge, or the members of the Speaker's Reform Commission.

I ask for your positive vote here.

The SPEAKER. Representative Manderino.

Ms. MANDERINO. Thank you, Mr. Speaker.

I rise to respectfully ask for a "no" vote on the Taylor amendment.

First of all, the changes to rule 47 that were described are substantive. There are substantive changes in here with regard to what the role of the Ethics Committee will be. It is charged with new duties, and some of those duties have changed. That is not a criticism of how the current Ethics Committee members function. It is a new function for the Ethics Committee and some new ways of doing things. Why? Because a lot of members thought that rank-and-file members hesitated to bring things to the Ethics Committee, particularly for advice in advance because of some of the things that were in the current rule, and we are changing them in here with regard to confidentiality. We are also giving new responsibilities with regard to making sure that members are aware and have a handbook, just like most employees have all kinds of different handbooks, on the Legislative Code of Ethics, which is a statutory law that we are all governed by, as well as putting together what is in all of our rules that has ethical implications. So those are positive changes to our current ethics rule in the House that we are making.

Secondly, I just want to focus again on the thought process behind partial random selection of members. It is not a full random selection. Half of the members will be appointed by leadership and half of the members will be chosen at random from those rank-and-file members who voluntarily say that is a responsibility that I would volunteer for.

And again, the theory is, and you can accept it or not; I understand that, but I want you to at least— The thought is if we want our Ethics Committee to be one where members have a very strong comfort level, that they can bring things to that committee and have a fair hearing, maybe in advance of thinking about whether or not something is violative or about whether or not a particular activity that they have observed of another colleague is violative of that. There was concern expressed by members of the Reform Commission and of a public perception that if there is too much of a perception that there is not an openness to these rank-and-file concerns, that

something could possibly – and I am not saying something has ever been squelched by leadership – but if there was a concern that that could happen, one of the ways to alleviate that concern is to take some of the direct appointment out of the membership.

One of the things that we did with some of the other rules changes we made earlier was to say, let us vest a little bit more power in our rank-and-file members and a little bit less power in our few leaders. Now, most members agreed with that philosophy when we made changes to our rules. I realize everyone did not, actually, and I realize that some leaders agreed with that, too, because they supported us in those rules efforts.

I am asking you to support us in that effort with this rule change here. I do not see any harm to it, and if anything, I see it vesting a comfort level and a confidence in each and every one of us that there is a fair body to hear our concerns and give us advice and consent, and I see no harm and only potential benefit that will come from it.

I ask for a "no" vote on the amendment and allow the changes that have been proposed to try to work in this chamber. Thank you.

The SPEAKER. Representative Sam Smith.

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

Mr. Speaker, on this amendment I just wanted to make a couple of comments. I had made these when the bill came out of Rules Committee, and I think that they are worth reiterating.

While many of the people involved with developing these rules may have thought that there was a reason to take some power and authority away from the members of leadership, and particularly the majority and minority leaders' offices – and I understand where some of that comes from, and I have not been one who— Anybody that knows me I think would know that I am not one to be dictatorial, and as a matter of fact, I probably try to be as much of one of building a consensus as I think anybody in this hall. So maybe I am being a little bit sensitive, I do not know, because I do not think I function in the way that is alluded to as to what this particular element of this rule reform is about.

But I think beyond my own personal side to this, since I am one of those elected leaders that is perhaps part of the problem, if that is the way some want to look at it, I think that when you start appointing people or having people put on to any committee by a random selection process, I think you actually undermine accountability. Right now if any of the members that I was— And I did not do it just unilaterally. We talked with members about the appointments to this particular Ethics Committee, and so they were not people that were appointed lightly by any stretch of the imagination. But if one of those members was causing a problem or was problematic or had their own problems, at that point in time, as the appointing authority, the members of the Republican Caucus can hold me accountable just as the members of the Democratic Caucus can hold their leadership accountable. And I think that that is significant when you are looking at the impact of a random selection versus being appointed by an individual who has to sit there and say, yes, that was the person I appointed. If that person becomes a problem or has a problem or is somehow not doing their job, I am ultimately accountable for that, and that is how each of us are. I mean, that is what the core of representative democracy is about. It is about vesting some authority and responsibility in people. You all were elected to do things and your constituents can hold you accountable. I am

elected to the position of Republican leader. The members of the Republican Caucus can hold me accountable, and I think that that is what concerns me about the direction of going to a random selection process.

Ultimately, I should be held accountable for those members that I appoint. And if you start making it a random selection, then no one is accountable for those individuals within the context of how this Ethics Committee functions and within the context of the House of Representatives. Yes, that individual member is accountable to their constituents back home, but in terms of what this specific committee— And it is a special committee, clearly; it is a special committee, and it has special responsibilities which are unlike the other standing committees. So I think it is important that you think about that, and when you look at the amendment before us, I think it provides for accountability. It puts me, it puts the Democratic leader, in the spotlight of that accountability, and that is really what each of us is responsible for doing.

So I would ask you to support the Taylor amendment. I think it is an amendment that keeps accountability in place in terms of who is doing their job around here as opposed to letting it up to a random drawing to whom those individuals no one is accountable.

Thank you, Mr. Speaker.

The SPEAKER. Representative Schroder.

Mr. SCHRODER. Thank you, Mr. Speaker.

Mr. Speaker, with regards to the comments that were just made by the previous speaker, I actually agree with a number of points that he made. Certainly the gentleman, the Republican leader on our side, is not dictatorial, as he said. In fact, I have a tremendous degree of respect for the way he handles himself and his office, and I just want to state that up front.

However, I do believe that there is something to be said and something that is very positive to have members appointed to the Ethics Committee who do not owe their appointment to any particular individual, to any particular leader, whether it be a majority or minority leader or Speaker or whomever. I think that kind of independence is helpful to the Ethics Committee process. And as far as concerns that there would be all of a sudden a lack of accountability or anything like that, let us remember that leadership on both sides still have appointments in this process, still have appointments to the Ethics Committee.

Much of the, as I think was referenced by Representative Manderino, at least some of the underlying philosophy of some of the reforms that have been put forth, some that have been enacted, is this concept of trying to diffuse power in the General Assembly, trying to have a less top-down approach and trying to empower more of the individual members to represent their constituents. That had been one of the underlying philosophies behind some of the reform movements that came to fruition in the past couple of years and that indeed that many members ran on during their campaigns, especially freshman members on both sides of the aisle, frankly.

The original impetus for this bill was that no members, or the original idea behind the proposal was that no members would be selected by leadership and that the Ethics Committee would be a totally random selection process. Well, Mr. Speaker, this represents a compromise. This represents a collaborative and consensus-based decision that the Reform Commission reached, and I think it was good work on behalf of the Reform Commission. It took into consideration some of the very points raised by the former speaker, Representative Smith, as well as

some of the points that those who were in favor of more broader reforms wanted to see.

So, Mr. Speaker, for all those reasons I plan to vote against the Taylor amendment, and I would urge the body to do the same. Thank you.

The SPEAKER. Representative Harper.

Ms. HARPER. Thank you, Mr. Speaker.

I rise in support of the Taylor amendment, not because I do not think the Reform Commission did their best to try to come up with a set of reforms but simply because the concept of selecting Ethics Committee members at random is just silly. Consider, for example, what if we had selected this year's Phillies team at random?

Mr. Speaker, might I have a bit of attention? Mr. Speaker?

The SPEAKER. Members will take their seats. Conferences in the back of the House and in the aisles will break up. Sergeants at Arms will remind the members to take their seats.

Ms. HARPER. The Reform Commission proposes naming members of the Ethics Committee at random from people who select themselves for that job. Had we done that with this year's Phillies, selecting people to play for the Phillies from people who expressed an interest, my mother might have ended up at first base. I do not think that would have been a very good team, albeit that she is very interested in the Phillies. We need to appoint people to this position who are up to the task, and that is the job of the leaders that we select. Appointing people at random, in addition to being plain silly, might result in people volunteering for the wrong reasons. The Ethics Committee is not a plum assignment. You can imagine some people volunteering for political reasons, so that they could do political work and not good ethical work on the committee.

I would urge you to consider that I stand here at my peril knowing that the cause of reform is so well liked by the press that if the cafeteria offered a sandwich made of dead skunk called reform du jour, we would probably all order it and eat it, but that would not make any sense either. The Taylor amendment makes sense. The concept of appointing people to the Ethics Committee at random from those who volunteer for the job is silly.

Thank you very much, Mr. Speaker.

The SPEAKER. Representative Freeman.

Before the gentleman begins, the Chair will ask all members to take their seats. The Chair will ask all members to take their seats. All members will take their seats. Members will take their seats.

Representative Freeman.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, I rise to respectfully oppose the Taylor amendment.

There are times in a legislative body when it is appropriate for the leaders to choose people to sit in certain functions or positions within the operation of that body. There are times when it is appropriate for either the full membership or the members of a caucus to choose leaders through an elective process. I think what we have here is a very unique situation. The Ethics Committee is something that all of us should be involved with, that we should all care about in terms of the reputation of this legislative body.

The hybrid proposal that came out of the Reform Commission is a good one. It still allows for leadership to weigh in with half the appointments, but it also ensures the

independence, the independence of the Ethics Commission by allowing a random selection of the other half of that body.

Now, some members have expressed dismay of the notion of a random selection of members for the Ethics Committee. Each and every one of us in this chamber is elected officials. They were elected by their constituencies. We are equal in terms of our responsibilities under the Constitution in this chamber. So each and every one of us, in my opinion, is qualified to fulfill the obligation of serving on an ethics committee, and in fact, if our intent here today is to prove to our constituents and to the citizens of Pennsylvania that we as a body are willing to change, willing to reform ways that needed reform for many, many years and were not reformed, this proposal today gives us an opportunity to prove that by putting our faith in rank-and-file members, not leadership-appointed individuals but rank-and-file members, to be able to ensure the independence of the Ethics Committee so that it can fulfill its obligations to ensure ethical conduct within this chamber.

This is a good proposal. It is a new proposal, and new things, change of any sort, sometimes create reaction against change. But I would urge the members to embrace this proposal, because it will make for a far more independent Ethics Committee, and that is something we need to do to prove to the people of Pennsylvania that reform is occurring here in Harrisburg.

So I would urge a "no" vote on the Taylor amendment.

The SPEAKER. Representative Scavello.

Mr. SCAVELLO. Thank you, Mr. Speaker.

Mr. Speaker, would I be out of line to ask, I have no idea who is on the Ethics Committee. Would I be out of line to ask who those members are?

The SPEAKER. The proper question for the gentleman is to ask someone to stand for interrogation.

Mr. SCAVELLO. Okay. Would someone stand for interrogation, maybe one of the two makers of resolution 263?

The SPEAKER. And if a member does not stand for interrogation, the gentleman can find it on the computer under the listing of "Committees."

Mr. SCAVELLO. Could I ask maybe the majority leader, Mr. Bill DeWeese, if he would mind answering that question?

The SPEAKER. Representative Steil will stand for interrogation.

Mr. SCAVELLO. Okay. Very good. Thank you.

Mr. STEIL. Thank you, Mr. Speaker.

We were getting a list of them, and the delay was just so we could get a list because I do not know them all by heart, but our counsel knows: Representative Taylor, Representative Harper, Representative Stevenson, Representative Marsico, Representative Buxton, Representative Donatucci, Representative Jewell Williams – eight members.

Mr. SCAVELLO. There are eight members. All right. I think that you have got some quality individuals there, and that is just my personal opinion.

I just have a comment. We are elected by our citizens, and we elect the majority leader and the minority leader, do we not? And they have done a pretty good job, in my mind, of appointing these eight individuals. I just do not understand why, if we have anything against the eight individuals, is that the reason for the resolution. If not, then why are we there doing this? I think you have got, you know, outstanding individuals with a tremendous amount of experience here in the House of Representatives, and I am asking it in the form of a question:

Do we have anything against these individuals, or— I am sorry; am I missing something here? I just want wanted to know.

The SPEAKER. Is the gentleman asking the gentleman, Representative Steil, who is standing for interrogation, a question—

Mr. SCAVELLO. Yes.

The SPEAKER. —or is he speaking on the amendment?

Mr. SCAVELLO. Well, we were in between conversation after he gave me the list of names, and my question to Representative Steil is, do we have anything against these individuals? I think we have got a great bunch of senior folks here with a tremendous amount of wisdom.

Mr. STEIL. First of all, I missed Representative Goodman, who is also on the committee.

Mr. SCAVELLO. Okay. Well, he is another good one. Goodman's a good one.

Mr. STEIL. I can make these comments, but to answer you directly, it is not a question of whether or not the current members of the Ethics Committee are doing what we expect them to do. The question is and the question before the Reform Commission was, can we do better? And the opinion of the Reform Commission – 24 members; 12 Republicans, 12 Democrats – was that there were improvements that could be made, and that is what is before you today.

Mr. SCAVELLO. Mr. Speaker, if you were one of those individuals, what would you think about this resolution coming forth right now? How would you feel?

Mr. STEIL. I would have no problem at all, because I am always open to change.

Mr. SCAVELLO. You would have no problem with this at all? You would not feel that— I tend to disagree, and I have to tell you, I urge the members to support this amendment—

The SPEAKER. Has the gentleman concluded his interrogation?

Mr. SCAVELLO. Yes, I have. Thank you.

The SPEAKER. The gentleman is in order and may proceed to speak on the amendment.

Mr. SCAVELLO. I urge the members to support this. You know, again, we are voted by our constituents, and we voted our majority and minority leaders to make that decision. And like Representative Smith said earlier, you know, he is accountable. And I did not know who the members were, but I have to tell you, I am impressed with their choices.

Thank you, Mr. Speaker.

The SPEAKER. Does the gentleman, Representative Taylor, wish to speak last?

Representative Steil.

Mr. STEIL. Thank you, Mr. Speaker.

As I said a few minutes ago, it is not a question of whether or not the prior Ethics Committees have performed their responsibilities in an appropriate manner. That is not the issue. The issue is, what changes can we make that will make the work of the Ethics Committee more transparent?

One of the reasons we set out with the Speaker's Reform Commission in the first place and one of the things that developed out of the bipartisan reform caucus was to ensure that all members had an opportunity to participate in the process and in the chamber in which we serve. That is what this accomplishes. Several speakers have already said, this is a sharing of responsibility. The leaders of both parties appoint a total of four members and four other members. Anyone here who chooses to serve, who believes that they have the abilities

to serve, should have that opportunity. That is in the spirit of what we set out to do with the whole reform process, make sure that members can participate in the process, and that is what we did here.

Thank you, Mr. Speaker.

The SPEAKER. Representative Shapiro.

Mr. SHAPIRO. Thank you, Mr. Speaker.

I just want to respond to some of the comments that members have made, in particular the comments of the distinguished minority leader. The minority leader spoke of the fact that there would be less accountability in the process, less "responsibility," I believe was the word that he used to the leaders, and I would say to the members that that is precisely, precisely what motivated the members of the Reform Commission to create some independence, and I would stress not total independence but some independence in this process.

The gentleman also stated that, quote, "no one is accountable," unquote. I believe that we are all accountable to the oath of office that we take and to the constituents that we serve, not necessarily to the leadership of one party or another.

And finally, as the maker of the amendment suggested, he asked rhetorically whether or not we were motivated by someone failing in their duties. No one has failed in their duties. This is a matter of striking a balance to create some independence, to adjust for new responsibilities, as the gentelady from Philadelphia discussed, and finally, to maintain an appropriate role for leadership to play in this process.

This amendment goes against the balance that we struck – 12 Democrats and 12 Republicans – and I would respectfully ask the members to vote against the Taylor amendment.

The SPEAKER. Representative Sam Smith.

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

Mr. Speaker, just to be clear, I said that all of the members of this body are accountable to the constituents that represent us but that this committee has a unique responsibility to this body and that that is where the question of accountability would rest, that it was accountability that I am willing to take on, and I should be, and I am accountable to you, just as each and all of us are accountable to the people that represent us.

So I do not want to be misrepresented, Mr. Speaker, by the previous comments that I was in some way suggesting that we are not accountable. I said that – read it back in the record; that is exactly what I said – we are all accountable. This is a special situation. It is a special committee that has unique responsibilities to this body first and foremost, more so than even the people of Pennsylvania. It has a responsibility to this body, and that is where the accountability should rest.

Thank you, Mr. Speaker.

The SPEAKER. Representative DeWeese.

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

When this debate commenced in the not too dim, distant past, the initial proffer from some of the Reform Commission membership and people outside the process was that 100 percent of our House Ethics Committee should be chosen by lots. The work product that we have in front of us today is 50 percent of the Ethics Committee will be chosen by lot. The honorable gentleman from Jefferson County, the minority leader, and our majority leadership team each will have two picks. Just reviewing for the record, the additional four will be picked at random. In the quintessence of parliamentary exercise,

this was a compromise: eight people; four by lot, four by the leadership.

This is certainly not an indictment of any of the members that currently serve. I do acquiesce to the rationale of the gentleman, Mr. Steil, when he said that any entity – and I am paraphrasing – organically has an ability to be augmented or enhanced. When I look at my own membership – young Mr. Goodman, former Marine Corps NCO (noncommissioned officer); Mr. Buxton, former businessman; Mr. Donatucci, a businessman; Mr. Jewell Williams, a former law enforcement agent – and Republicans who are on the committee have equal stature within their ranks, we have sterling manifestations of our membership on that committee. We no longer live in olden days; we live in a modern world with e-government and the Internet. We need stronger codes of conduct. We need more compliance with those codes of conduct.

When Robert Mueller of the FBI testified before the Congress recently, he indicated that the biggest mistake he had made as the head of the FBI was to not have an aggressive compliance system within his organization from day one. Well, obviously this is not day one. We have been around for 300 years, and during my 32 years, I have no recollection of any malfeasance or lack of appropriate behavior by our Ethics Committee.

This work product today is a step in the right direction. It can be an enhanced Ethics Committee, and the honorable gentleman from Philadelphia who offers this amendment does so for the best of motivations. He does have faith in the leadership teams on both sides of the aisle. He does have faith in the members of the Ethics Committee currently serving. He does have faith in the traditions of this House and its Ethics Committees. But, I am convinced that this effort by the Rules Reform Commission, which we were able to launch in January, is worthy and the work product will be embellished if this amendment is defeated.

So, I would ask for a negative vote with the utmost respect for the gentleman who offers it and for the traditions that he embraces.

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

The Chair recognizes Representative John Taylor from Philadelphia.

Mr. J. TAYLOR. Very briefly, Mr. Speaker, I would just suggest to the body that if the arguments, if you buy the arguments that were offered here today that randomness, randomness equals independence, openness, transparency, and if the three of those elements equal a better day for Pennsylvania, then I say to all of you, then let us elect the Speaker by lot, let us elect the majority leader by lot, let us elect the Republican leadership by lot, and I am sure after this very argument we will see a resolution from the Reform Commission that chooses all of them by lot, because all of you have the same right to be on that commission as the folks offering this resolution today.

Please vote in favor of this. Thank you.

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

The following roll call was recorded:

YEAS—98

Adolph	Geist	McIlhattan	Raymond
Baker	Gerber	Mensch	Readshaw
Barrar	Gillespie	Metcalfe	Reed
Bastian	Gingrich	Micozzie	Reichley
Belfanti	Godshall	Millard	Ross
Beyer	Goodman	Miller	Sabatina
Boback	Grucela	Milne	Santoni
Buxton	Harhart	Moul	Saylor
Cappelli	Harper	Moyer	Scavello
Civera	Harris	Mustio	Smith, K.
Clymer	Helm	Nickol	Smith, S.
Costa	Hennessey	O'Neill	Sonney
Creighton	Hershey	Oliver	Stairs
Cruz	Hess	Payne	Stern
Dally	Keller, M.	Peifer	Stevenson
DeLuca	Kenney	Perzel	Sturla
Denlinger	Killion	Petrarca	Surra
DiGirolamo	Kotik	Petri	Swanger
Donatucci	Leach	Petrone	Taylor, J.
Ellis	Mackereth	Phillips	Turza
Evans, J.	Maher	Pickett	Waters
Everett	Major	Pyle	Watson
Fabrizio	Mantz	Quigley	Youngblood
Fairchild	Marsico	Quinn	Yudichak
Fleck	McGeehan		

NAYS—99

Argall	Galloway	Markosek	Shapiro
Bear	George	Marshall	Shimkus
Benninghoff	Gergely	McCall	Sipthoth
Bennington	Gibbons	McI. Smith	Smith, M.
Bishop	Grell	Melio	Solobay
Blackwell	Haluska	Mundy	Staback
Boyd	Hanna	Myers	Steil
Brennan	Harhai	Nailor	Tangretti
Brooks	Harkins	O'Brien, M.	Taylor, R.
Caltagirone	Hickernell	Parker	Thomas
Carroll	Hornaman	Pashinski	True
Casorio	Hutchinson	Payton	Vereb
Causar	James	Perry	Vitali
Cohen	Josephs	Preston	Vulakovich
Conklin	Kauffman	Ramaley	Wagner
Cox	Kessler	Rapp	Walko
Curry	King	Roae	Wansacz
Cutler	Kortz	Rock	Wheatley
Daley	Kula	Roebuck	White
DePasquale	Lentz	Rohrer	Williams
Dermody	Levdansky	Rublely	Wojnaroski
DeWeese	Longiatti	Sainato	Yewcic
Eachus	Mahoney	Samuelson	
Frankel	Manderino	Schroder	O'Brien, D., Speaker
Freeman	Mann	Seip	
Gabig			

NOT VOTING—0

EXCUSED—6

Bianucci	Keller, W.	Murt	Pallone
Evans, D.	Kirkland		

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

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

Mr. **REICHLEY** offered the following amendment
No. **A03674**:

Amend First Resolve Clause, page 1, line 10, by striking out the bracket before "The"

Amend First Resolve Clause, page 2, lines 10 through 26, by striking out the bracket after "~~party~~ ." in line 10 and all of lines 11 through 26

Amend First Resolve Clause, page 3, line 6, by inserting after "Ethics"

and a Code of Conduct

Amend First Resolve Clause, page 3, line 9, by inserting after "duties."

The committee shall provide a copy of the handbook and the code to each member. Each member shall provide written acknowledgment of receipt of the handbook and the code.

Amend First Resolve Clause, page 3, lines 10 through 13, by striking out all of said lines

Amend First Resolve Clause, page 6, lines 5 and 6, by striking out "The committee shall have the authority to recommend to the House action as appropriate." and inserting

If the committee, upon majority vote, deems certain action by the House appropriate, the committee shall recommend that action to the House.

Amend First Resolve Clause, page 7, lines 16 through 24, by striking out all of said lines

On the question,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

The SPEAKER. On the amendment, the Chair recognizes Representative Reichley.

Mr. REICHLEY. Thank you, Mr. Speaker.

Actually, Mr. Speaker, I would like to withdraw this amendment and move to amendment 03678, please.

On the question recurring,

Will the House adopt the resolution as amended?

Mr. **REICHLEY** offered the following amendment
No. **A03678**:

Amend First Resolve Clause, page 3, line 6, by inserting after "Ethics"

and a Code of Conduct

Amend First Resolve Clause, page 3, line 9, by inserting after "duties."

The committee shall provide a copy of the handbook and the code to each member. Each member shall provide written acknowledgment of receipt of the handbook and the code.

Amend First Resolve Clause, page 3, lines 10 through 13, by striking out all of said lines

Amend First Resolve Clause, page 6, lines 5 and 6, by striking out "The committee shall have the authority to recommend to the House action as appropriate." and inserting

If the committee, upon majority vote, deems certain action by the House appropriate, the committee shall recommend that action to the House.

Amend First Resolve Clause, page 7, lines 16 through 24, by striking out all of said lines

On the question,

Will the House agree to the amendment?

PARLIAMENTARY INQUIRY

AMENDMENT DIVIDED

The SPEAKER. On the amendment, the Chair recognizes Representative Reichley.

Mr. REICHLEY. May I ask a question of parliamentary inquiry, Mr. Speaker?

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

Mr. REICHLEY. Mr. Speaker, is this amendment divisible between lines 16 and 17 to allow consideration of the language of the amendment, lines 1 through 16, separately?

The SPEAKER. Yes, it is.

Mr. REICHLEY. Then, Mr. Speaker, I would so move to divide the amendment between lines 16 and 17, under rule 63.

The SPEAKER. Which part of the amendment does the gentleman wish to offer first?

Mr. REICHLEY. Lines 1 through 16, Mr. Speaker.

The SPEAKER. We will refer to that as amendment A03678-A.

On the question,

Will the House agree to part A of the amendment?

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

Mr. REICHLEY. Thank you, Mr. Speaker.

Mr. Speaker, I rise to offer this amendment because I think that it contains both some technical clarifications from the language of the resolution as it has been presented to the House but also gets to a deeper point about the capacity to somehow instruct the members of the House on ethical behavior.

As you will see from the language of the amendment, initially I am seeking to insert a reference to the code of conduct that Representative Steil informed us in our caucus last week exists and to require that a copy of the ethics handbook and the code of conduct be provided to each member and that each member would provide a written acknowledgment or receipt of that to make it clear—

The SPEAKER. Will the gentleman suspend.

The Chair will remind the members the noise level is entirely too loud. The Sergeants at Arms will again ask the members to take their seats.

Mr. REICHLEY. Thank you, Mr. Speaker.

—and this would make it clear that each and every member of the House has received both the code of conduct and the ethics handbook, which can be referred to whether you are a freshman member or you have been here for as many years as the majority leader or others here in the House.

Moving down through the amendment, again, just a slight clarification to allow the committee to make a recommendation by majority vote as to whatever action they think the House should take. Those are the technical changes and the clarifications.

Getting to the real heart and substance of this, I would refer for the members in the House who are lawyers to reflect back upon their experience in law school. For roughly the last 30 years or so in law schools throughout the United States, after the Watergate scandal in the 1970s, it was felt to be incumbent upon law schools to teach ethics classes to people in law school to prevent the kinds of violations that were seen during the Watergate period, and when I was in law school, it always

prompted the question that if you do not have ethics by the time you have gotten to law school, taking a course in it is not going to help you. And I guess I would repeat the same inquiry to the members of the House: If you do not have ethics by the time you have been elected by the 60-some thousand people of your district and your conduct has been reviewed in the course of a campaign or by the general public or by the media, do we really think that having 2 hours of training in the course of a session is going to correct all the possible speculation and calculation as to how people perhaps behave in an unethical fashion?

I do not think I am telling any tales that lawyers have to go through, at this point I think it is 12 hours of mandatory continuing legal education, and one of those hours must be in ethical training. Now, I do not think anybody who attends those steely hours at this point, particularly in the ethics classes, would be able to tell you with a straight face that there is a strenuous level of attention paid during the course of those classes. That is not to mean that people are completely disregarding the materials that are provided, but let us be honest about this, that there are things that distract people from attending those, and I think it begs the question of, what would happen in 2 hours of ethical classes in the legislature? Is somebody going to be there to take attendance? Is somebody going to be there to make sure you are paying attention to every aspect of this supposed ethical training? Is there going to be a test at the end of this? And then lastly, the rule reads, as it is in the resolution right now, that the members must attend this 2 hours of ethical training, which would imply somehow that if you did not attend the 2 hours of ethical training, you might be removed from the House, which would fly in the face of the Constitution.

So I ask the members to let us be honest about this situation. Certainly the kinds of allegations that have been made, both in the most recent past and for years in the past about alleged unethical behavior of the House, how can we seriously face the general public and say, all that will be corrected by my going to a class for 2 hours in the course of 2 years, and as a result, I would ask the members of the House for their approval of this amendment.

Thank you, Mr. Speaker.

The SPEAKER. Representative Manderino.

Ms. MANDERINO. Thank you, Mr. Speaker.

I rise to ask members to vote "no" on this part of amendment 3678, and there are two things in particular in this amendment that I would like to address.

First of all, I think it is problematic to add language in here with regard to a code of conduct. There is no definition of a "code of conduct" using that term as it is here, and the reality of it is I in general support having a code of conduct, Congress has a written code of conduct, and we talked about that in the Reform Commission, but it was decided on balance, when we talked about the whole aspect of it and when it would be drafted and how it would be presented, that it did not make sense to charge the Ethics Committee with writing this code of conduct without any approval of the House, and that if members wanted a members' code of conduct, that such a thing could be drafted by resolution, considered by the Rules Committee, and passed by this House, but that to just assume this as a new function of the Ethics Committee to write this code of conduct was not the best way to go.

Now, we do already have – and maybe there is some confusion in the term – we do already have a Legislative Code of Ethics. The Legislative Code of Ethics is a law. It is a State statute. It is codified in Title 65. When the Speaker's Reform Commission recommended that the Ethics Committee put together a members' handbook, and we specifically used the language "compile a Members' Handbook on Ethics," we were talking about putting together in one place things that already exist. The statutory code of ethics that already exists in law plus any of our House rules which are located in different places but that may have some ethical components, things that are in, there is also another law that deals with our finances, and I am forgetting exactly where that is codified now and what it is called—

The SPEAKER. If the lady will suspend.

The noise level is entirely too loud. The Chair will once again ask members to take their seats. Members will take their seats. Members will take their seats.

The lady is in order and may proceed.

Ms. MANDERINO. Thank you, Mr. Speaker.

When the resolution calls for a compilation, it is talking about things that currently exist, the two statutes that already exist – the Legislative Code of Ethics in Title 65 and the other legislative, there is another statute that deals with our finances that is statutorily defined, and then there are other things in our House rules in different rules that deal with ethics. So we were not charging the committee with creating something new; we were asking them to put together everything that already exists, that no one gave you that handbook when you first became a member, and put it all together so that members can see in one place all of the things that already govern our behavior. So I think that is the appropriate role for the Ethics Committee, and if we want to write something new, like a code of conduct, like what Congress has, that that ought to go through this whole resolution process, and I would be happy to work on that, but I do not think charging the eight-member Ethics Committee with writing something new is the proper way to go.

The second point that I want to make has to do with the ethics education. I, too, like the prior speaker, am also an attorney, and my experience with my ethical requirement for my legal license has obviously been very different. Most professions are governed by some canon of ethics, and most professions nowadays that have continuing education requirements have an ethics component to what they do. This is not a class where somebody sits you down and says this is right or this is wrong. What you find is that there are very few things that are black and white. There is an awful lot of gray, but if you never stop and think about what those gray areas might be, you can find yourself in trouble before you even knew you had a problem. That is what we want to avoid for every member of this House.

I consider myself an ethical person, I consider every member of this House an ethical person, yet I never think that there is not more that I can learn. When we were in the Speaker's Reform Commission, I know almost to a person, because I had a lot of discussions with people, that there were things that we learned that were in those statutory code of ethics that we did not realize were in there. So, one, sometimes just examining a particular part of a statute can be helpful. But even if you just examine those words, it does not tell you how to apply that to a given situation. When I sit in ethics classes for my law degree, we might look at rule 1.5 of the legal canons, and when

somebody presents a fact scenario, 99 percent of the lawyers in the room will agree in a black-and-white way that that crosses the line or it does not, but then somebody changes the fact scenario with a few new nuances, and all of a sudden the gray area widens.

Listening to the dialogue from other people in your profession about what they think happens in that gray area and how they think they should evaluate when and if they cross the line in that gray area has been so valuable to me, and I think it will be so valuable to all of us, because the goal here is not to say you are a bad person, you are doing wrong; the goal here is to say, here are our ideals, here is our code of ethics statutorily that we are bound by. Let us make sure we think through all the modern-day scenarios of how this rule, applied to particular facts, will keep us on the straight and narrow and keep us doing the people's business in a way that they can respect us and we can respect ourselves.

I think that is so critical. I think we all will benefit from this kind of ongoing education, and I ask you to keep this in this proposed rule by voting "no" on this amendment.

The SPEAKER. Representative Steil. The Chair rescinds. Representative Gabig.

Mr. GABIG. Thank you, Mr. Speaker.

May I interrogate the maker of the amendment?

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

Mr. GABIG. Thank you, Mr. Speaker.

I am not sure how the cameras work in the House. I do not get cable at home, so I never get to see us on PCN (Pennsylvania Cable Network). But I am going to turn around to face Mr. Reichley, who is to the rear of me in the House, if that is all right, and I do not mean to put my back to any of my fellow colleagues here. But I would ask, Mr.— And I certainly do not mean to do it to the Speaker either; it is just the way we are juxtapositioned with this microphone.

I would ask the maker of the amendment, if I understand his amendment, is what this amendment merely does is take out the technical requirement that there would have to be generated some type of 2 hours of training during the course of the year for all the 203 members of the House to sit through some kind of lecture on ethics? Is that what the amendment does?

Mr. REICHLEY. Mr. Speaker, the amendment does a variety of things, but I think to be fair and honest, that is the heart of the amendment. And I am struck by the irony of the lady from Philadelphia, who was the previous speaker, who said that the Ethics Committee does not have the capacity to be able to develop a code of conduct, and I may have mislabeled it as something instead of the Legislative Code of Ethics, a code of conduct, when in the very language of this resolution, on page 3, starting at line 11, it says, "The committee shall be responsible for planning and offering the ethics education programs." You know, that would, therefore, give the responsibility to that eight-member committee to do the planning and the development and the curriculum descriptions of what would be involved in this.

But beyond that, we are not told in any way what this ethics training would involve. It leaves open, Mr. Speaker, the question of, well, would this teach the members when it is inappropriate to move to call the previous question, as was done with the transportation bill towards the end of June when debate was cut off by members from the other side, or when the gentleman from Dauphin was criticized last week by the

gentleman from Greene for cutting off the debate on one of Mr. Maher's resolutions? Is this going to be what ethics training is about?

The gentlelady from Philadelphia just said, well, we need to be more civil with each other. Does that mean we are going to now be trained as to when and where members in the House can refer to other people in their various descriptions that have been so colorfully added in the last few months? Is it going to give members the benefit, well, this is how you invoke the speech-and-debate clause in case there is a search warrant served, or how you are going to instruct members of your staff not to respond to subpoenas? Is this what is going to be involved in ethics training, Mr. Speaker?

So I think that we really need to stop this pretense, that every one of the people in this House, as the gentlelady from Philadelphia just admitted, is ethical. Everyone here, she said, is ethical. Well, then that means there is not the need for the class to teach us to be ethical. You either have it or you do not, and I think that this idea of a fig leaf of coverage, that somehow all things are going to be resolved by having us march into a classroom and watch a DVD for 2 hours, that that is going to resolve any possible ethical dilemma we could encounter to reassure the general public is hogwash.

We need to be honest with the people of this State, of the Commonwealth of Pennsylvania, and have ourselves based on our behavior, on our actions, on our words, and not some figment of reform that says, go to a class for 2 hours and all your sins are forgiven.

Mr. GABIG. Thank you, Mr. Speaker, for that response, and that actually anticipated several of my other questions, so that would conclude my interrogation. If I could just make some brief comments.

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

Mr. GABIG. I share the maker's concern. I am also a member of the bar here in Pennsylvania, and we do have a mandate on our license, our professional license. We are licensed, and I know there are other licensed professionals in this body. There are accountants, I know, and there are— I do not know if there are any more barbers. I think there are— You know, there are people that have professional licenses in here, and if you fail to do the things you need to do to keep your license, your license can be put in jeopardy. But this mandate, this requirement on members, to call it mandatory when it cannot be enforced, because they are not going to yank your license to be a State Representative away; only the people that elect you can do that. You know, nobody can do that to me here. You cannot get a group here to do that to me here, and I cannot do that to you here because you did not show up for a 2-hour class, and there is nothing in there that says what the class is going to be about.

There are two very good friends of mine in this House chamber, well, there are many friends actually, but there are two good ones that I have a lot a respect for, that I know have a Bible study when we are in session, an hour-long Bible study – Chairman Hershey and Representative Readshaw – bipartisan, Democrat and Republican, have a 1-hour Bible study. Now, is that going to count, to go to that Bible study group, is that going to count toward our CLE (continuing legal education), or not CLE but whatever it is going to be called, this mandatory ethics training, to go there to see where our heart really is and see what is right and see what is wrong and see if we are going to obey the Ten Commandments and do right by our God and by our

neighbor? Would that count under this scenario? If you go to church, there is a church right down on State Street that I occasionally attend when I am up here. I know the Speaker – I saw him in my diocesan paper – he apparently attends down there on occasion. Now, is that 1 hour that we spend down in church, many of us, or the churches or synagogues that you might attend in the capital area, or back home for that matter, is that going to count toward maintaining a good ethical training?

You know, I think some of the things we are trying to do here, I commend the work of the commission. I have done that every time I have stood up here, and we have talked about these issues, the two chairmen. I know they have been in the press, and somebody mentioned some of those. I am not going to listen to the press about that. They are two fine gentlemen, and all the people that serve on there have done a fine job. They are under a big microscope – we all are, but they are in particular – and some of the things they have done I agree with and some I disagree with. The last vote we had, I really was not sure, it was a toss-up to me; I thought there were good arguments on both sides.

But this particular thing, I think, has potential for abuse, and that is why I am opposed to it. It can be used politically by your opponents to say, oh, they did not show up; they are violating their ethics because they did not show up or they did not do it on time. Maybe you got very busy. Maybe somebody, you had a family crisis or somebody passed away in your family, or, you know, your schedule got busy and you were not able to make this scheduled time. So are you going to say, oh, they missed their ethical training; they are violating the ethics code of the House? It can be used wrongly, and I do not think the benefit of it is that great, to be honest with you.

So I think this is a good amendment to make this bill a stronger bill, a better bill, and I would encourage my colleagues to consider the Reichley amendment. Thank you.

The SPEAKER. Representative Steil.

Mr. STEIL. Thank you, Mr. Speaker.

I am going to ask for a "no" vote on amendment A03678-A for the following reasons. What is it that—

The SPEAKER. Will the gentleman suspend?

PARLIAMENTARY INQUIRY

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

Mr. REICHLEY. A matter of parliamentary inquiry, Mr. Speaker.

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

Mr. REICHLEY. The gentleman, Mr. Shapiro, and the gentleman, Mr. Steil, both spoke initially in introducing the resolution. They also spoke on the previous amendment. Does that not make it two times they have each spoken now?

The SPEAKER. The members of the House are entitled to speak twice on every question. That includes amendments and the resolution. The gentleman will be recognized one more time on the final passage of the resolution, but they are entitled to speak on the amendment.

Mr. REICHLEY. May I also ask, Mr. Speaker, are the gentleman, Mr. Shapiro, and the gentleman, Mr. Steil, subject to questioning during the consideration of this amendment? May I question the two prime sponsors of the resolution, or would some other member be able to question them, during consideration of this amendment?

The SPEAKER. It is the custom of the House that any member can ask another member to stand for interrogation.

Mr. REICHLEY. Thank you, Mr. Speaker.

The SPEAKER. Representative Steil.

Mr. STEIL. If the gentleman would like to interrogate me on his amendment, I would be happy to stand for interrogation.

The SPEAKER. Does the gentleman defer to Representative Reichley?

Mr. REICHLEY. I will defer to the gentleman from Bucks finishing his remarks, Mr. Speaker, and then decide if I want to proceed with any questioning. Thank you.

Mr. STEIL. Thank you, Mr. Speaker.

After listening to the debate, I guess I have to ask the question, what is it that we are afraid of? What is it about understanding the ethics which we are asked to comply with that is so fearful? There is nothing in this legislation that says members are not ethical and cannot comply with ethical standards, but the purpose for asking for the training is real simple: The times change, people change, the law changes, court decisions change, and those decisions have an impact on our ethical standards. We ought to understand those changes when they come along. This legislation, and I will read the sentence on page 3, beginning on line 11, "The committee" – the Ethics Committee – "shall be responsible for planning and offering the ethics education programs."

Now, members today have expressed great confidence in us as a body and in individual members. Are we now saying that the Ethics Committee, no matter how it is constituted, is not capable of planning and offering an ethics education program? That is a huge condemnation on us. And it also says we know everything; there is nothing an Ethics Committee can teach us because we came here with ethical standards; we know it; we do not need to be reeducated in it; we do not need to be aware of changes. I think that is incorrect, and I think we should defeat this amendment because ethical standards and ethical training can be beneficial to every one of us.

Thank you, Mr. Speaker.

The SPEAKER. Representative Shapiro.

Mr. SHAPIRO. Thank you, Mr. Speaker.

Just briefly, Mr. Speaker, I would ask the members of this body to oppose Mr. Reichley's amendment. The goal of the Reform Commission in establishing 2 hours of ethics education over the course of a term was to simply empower members to better, more effectively carry out their duties of office, to be able to reflect the changes in the law, the changes in the rules, the changes in the outside factors that impact our House. A second goal is to simply stop problems from occurring. The more members have an appreciation for the challenges that are on the horizon, the better, I believe at least this member, will act.

And so, Mr. Speaker, I would respectfully ask the members to oppose the Reichley amendment, which guts a very important and critical piece of this resolution, the ethics education piece. Thank you, Mr. Speaker.

LEAVE OF ABSENCE

The SPEAKER. The Chair recognizes the majority whip, who requests that Representative WHEATLEY be placed on leave for the remainder of the day. The Chair sees no objection.

CONSIDERATION OF HR 263 CONTINUED

The SPEAKER. Representative Schroder.

Mr. SCHRODER. Thank you, Mr. Speaker.

Mr. Speaker, like Representative Reichley, I, too, am an attorney who has to take the hour of ethics during our continuing legal education yearly training requirements, and I will admit that my experience with that is probably closer to Representative Reichley's experience than that was described by Representative Manderino. However, with that said, I oppose this amendment for a couple reasons, with all due respect.

I do not pretend for a moment that by taking an hour or two of an ethics course that it will change the heart and mind of anyone who is intent on, you know, acting badly and acting not up to ethical standards. However, Mr. Speaker, I think there is something to be said for raising the awareness of ethics and the importance of ethics in this chamber, and I think that the 2-hour requirement of that course will serve to do that, and by doing that, that can only have a positive effect on all of us, on the body as a whole and on all of us as individuals. I do not think there is anything to fear from this concept of ethics training. Many professions incorporate that into their requirements for licensure these days, and there is no reason why we in the General Assembly should not adopt what is really this modest proposal at an ethics requirement.

Mr. Speaker, we can go back any number of years and there have been far too many people who have left this House, left this House in disgrace, left this House to serve time for things that they did and crimes that they have committed, and that is unfortunate. But, Mr. Speaker, by adopting or rejecting this amendment, what we are going to say today is that we realize that there have been problems in the past. We are doing something to attempt to address them, and we are not just going to look the other way and continue with business as usual.

So, Mr. Speaker, for all those reasons I ask for a "no" vote on the Reichley amendment. Thank you.

The SPEAKER. Representative Adolph.

Mr. ADOLPH. Thank you, Mr. Speaker.

Just to digress a moment, Mr. Speaker, I supported the Taylor amendment because I really thought that picking members of the Ethics Committee by random, I thought that was a bad idea. I really believe that you need some experience involved. And it really was not at random, because they were putting their names in, and there are so many new members, you do not know what is going on. However, now that the Taylor amendment was defeated, I do not support the Reichley amendment. I really believe that considering that the Taylor amendment did not go in, I think it is a good idea to bring a 2-hour ethics course into play here to remind the members, not only every House member but also the members that get selected to this committee. I took an ethics course when I took a test, to prepare tax returns, in front of the Internal Revenue Service, in order to represent clients in audits in front of the Internal Revenue Service. I do not see harm whatsoever in establishing a set of ethics, taking a 2-hour test.

With all due respect for my friend from the Lehigh Valley, I am going to vote "no" on the Reichley amendment. I think a lot of this stuff is fluff that we are doing here today. However, this is not one of them. I really believe that the ethics statement that we sign when we take office and we are sworn in means something to each and every one of us. And I think once we get involved in this, I think we are going to see that this was a sincere effort, and I think we should take this seriously.

I think the Taylor amendment should have gone in, and I keep on saying that because I am going to vote on each amendment for what it means. I still would like to see that Taylor amendment reconsidered, but I am not going to make the motion to do that, because I do not think it is random because you are voluntarily putting your name in. So that is really not random. So there seems to be a conflict there.

But on this amendment, I see absolutely no harm in having an ethics statement and a 2-hour schooling or credits, whatever you want to call it. I think it is a step in the right direction, and I oppose the amendment. Thank you.

The SPEAKER. Representative DePasquale.

Mr. DePASQUALE. Thank you, Mr. Speaker.

I am going to oppose this amendment for the simple reason that, as someone who is an attorney and has to go through ethics training on a yearly basis, I find those sessions actually quite informative. You learn a lot through that process, and I think that this can only be more helpful to members.

As time goes on, some of the issues we have to go through become more and more complicated through some of the new media that we have to deal with, some of the additional challenges and burdens we have to go through, especially with e-mail, Internet, et cetera, that I think continually learning, updating yourself on how to adapt to those new technologies and giving yourself the tools to make sure that you are operating as ethically as humanly possible, can only be helpful to this body and I believe it will actually help to protect each individual member in this institution.

So for that reason, I am going to be opposing this amendment.

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

The Chair recognizes Representative Reichley.

Mr. REICHLEY. Thank you, Mr. Speaker.

Would the gentleman, Mr. Steil, stand for brief interrogation?

The SPEAKER. The gentleman indicates that he will. The gentleman is in order and may proceed.

Mr. REICHLEY. Thank you, Mr. Speaker.

Mr. Speaker, when the gentelady from Philadelphia originally criticized the language of this amendment, she said that there is no code of conduct. She referred to a Legislative Code of Ethics. I believe it was last week during our caucus that you questioned the members of the caucus, how many of us knew that a code of conduct existed, and that is really where I took that language from.

Is the Legislative Code of Ethics that the gentelady referred to what you were also referring to as a code of conduct?

Mr. STEIL. That is correct. I used the wrong term.

Mr. REICHLEY. Okay. Fair enough.

And, Mr. Speaker, would the gentleman agree that the Republican Caucus has counsel or lawyers who have come into caucus to advise us about certain ethical dilemmas or concerns, whether it be from the use of State-owned equipment for

potentially political purposes, ethics form reporting requirements, how to characterize our participation on nonprofit boards, most recently from some of the other, I think, changes in the rules earlier this year? Does the Republican Caucus have a counsel who comes in to provide advice to the members about that?

Mr. STEIL. Again, the amendment says, "The committee shall be responsible for planning and offering the ethics education programs." I see no reason why those types of caucus efforts aimed at specific ethics and ethical standards would not and should not qualify, I mean, should qualify for part of the 2 hours every 2 years.

Mr. REICHLEY. And, Mr. Speaker, is the counsel also available for members to consult with on a private basis? If a member has a question about something, is the counsel for the Republican Caucus available to consult with those individual members?

Mr. STEIL. Yes, they are.

Mr. REICHLEY. Okay. That is the extent of the interrogation I have for Mr. Steil.

Mr. Speaker, may I ask the gentleman, Mr. Shapiro, if he would stand for brief interrogation?

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

Mr. REICHLEY. Thank you, Mr. Speaker.

Mr. Speaker, in lines 10 through 11 of the resolution it says, "Each member shall be required to complete two hours of ethics education and training each legislative term." Mr. Speaker, does the resolution spell out what happens to a member if you do not complete the 2 hours of ethical training during the session?

Mr. SHAPIRO. Mr. Speaker, I am more than happy to answer the gentleman's questions. It is difficult to hear. If the gentleman could please repeat the question.

The SPEAKER. The gentleman is in order.

Members will please take their seats. The Sergeants at Arms will clear the aisles. The House will wait to resume debate until all members are seated.

Mr. REICHLEY. Would the gentleman care for me to ask the question again, Mr. Speaker?

The SPEAKER. The gentleman will suspend.

Will the members please take their seats.

Mr. SHAPIRO. Mr. Speaker, if the gentleman would repeat the question, I could not hear the question as asked.

Mr. REICHLEY. Sure; absolutely.

Mr. Speaker, on the resolution, page 3, lines 10 through 11, it states, "Each member shall be required to complete two hours of ethics education and training each legislative term." Does the resolution spell out anywhere, Mr. Speaker, what happens to a member if he does not complete the 2 hours of ethics education or training in that legislative session?

Mr. SHAPIRO. The scope of the jurisdiction, Mr. Speaker, of the Ethics Committee is in fact to look at, investigate, make recommendations on violations of the House rules, the Legislative Code of Ethics, and other statutory provisions. Therefore, if, in fact, a member was not in compliance with this House rule to require the 2 hours, it would turn back to the Ethics Committee to enforce that member to come to the ethics education or in fact to take steps against that member for violating this particular section of the rules.

Mr. REICHLEY. Well, does this mean, Mr. Speaker, that if I am an hour and a half into my session and I get called away because my child has been in an accident and I do not complete

the last 30 minutes of the ethics training in that legislative session, I am now going to be referred to the Ethics Committee for possible discipline?

Mr. SHAPIRO. Mr. Speaker, we simply state in the language here that the member is required to complete 2 hours. We cannot possibly be prepared for every hypothetical the gentleman or anyone else would proffer on the House floor. There will be a process, as defined by the newly constituted House Ethics Committee, to address the situations that members on a daily basis would have in terms of other commitments in their lives or other commitments to this chamber, and I am sure that the newly constituted House Ethics Committee would be able to devise a structure within which each member of the House would be given ample opportunity to complete those 2 hours.

Thank you.

Mr. REICHLEY. Well, with all due respect, Mr. Speaker, I do not believe you have answered the question. The question originally was, does the resolution at any point identify what measures will be taken against a member if he or she fails to complete the 2 hours of ethics training in a legislative session?

Mr. SHAPIRO. Again, Mr. Speaker, I have answered the question the gentleman asked. What I did not do is engage in the hypotheticals that the gentleman asked. The scope of the jurisdiction of the Ethics Committee is to enforce the House rules and to investigate violations of the House rules, put more succinctly. In this case if an individual did not complete the 2 hours of ethics education, that would come back to the Ethics Committee for review.

Mr. REICHLEY. Well, with all due respect, Mr. Speaker, I do not think I asked you a hypothetical. It was a rather straightforward question: Is there anywhere in this resolution that spells out what the discipline is? And let me go a step further, Mr. Speaker. Does this language mean that if I fail to complete 2 hours of ethics training in a session, I can be removed as a member from the House, Mr. Speaker, as a violation of the House rules then?

Mr. SHAPIRO. Mr. Speaker, again, the question has been asked. It has now been answered twice. I will answer it again. If there is a violation of the House rules, that violation of the House rules would fall under the jurisdiction of the Ethics Committee, and the Ethics Committee would be in a position to make a determination as to what sanctions should occur or whether or not a member should be given another opportunity or what have you. That is up to the Ethics Committee, Mr. Speaker.

Mr. REICHLEY. Well, Mr. Speaker, you, as the prime sponsor of this resolution, I would think, could tell the members in a straightforward way if they risk being expelled from membership in the House, contrary to being elected by the people of their district, under the constitutional qualifications, if failure to meet 2 hours of ethics training means they will be removed from the House as a member. Please just tell us that; a yes or a no, Mr. Speaker.

Mr. SHAPIRO. Mr. Speaker, the gentleman frames the question—

The SPEAKER. The gentleman will suspend.

The gentleman has asked the question and believes the gentleman, Representative Shapiro, has responded. The Chair will ask the gentleman to move on.

Mr. REICHLEY. Well, Mr. Speaker, I will follow the ruling of the Chair, and I think I will leave the gentleman's remarks to speak for themselves in that he has not answered the question.

Let me move on to a second area.

Mr. Speaker, how much will this ethics training cost?

Mr. SHAPIRO. Mr. Speaker, the cost of the ethics education, I would point out it is ethics education—

The SPEAKER. The gentleman will suspend.

Many members are indicating they cannot hear the debate. The Chair will ask again for members to take their seats. The noise level is entirely too loud.

Mr. SHAPIRO. Mr. Speaker, the cost of the ethics education and training could come out in various forms. The Ethics Committee could determine that members should have to review a Web site, as is done in online continuing legal education courses, which I am sure the gentleman is familiar with. I imagine the cost there would be minimal. The Ethics Committee could recommend that a portion of those 2 hours be spent in a meeting room listening to an analysis or a lecture by counsel or some other individual. I am not sure what the cost would be there. The Ethics Committee could decide that it should simply be a book or a pamphlet or some leaflet that the membership reads during a period of time.

In terms of what the actual cost would be, that would be up to the Ethics Committee in terms of how they define what ethics education and training constitutes under this new House rule, Mr. Speaker.

Mr. REICHLEY. Well, Mr. Speaker, I take it from that response then that the ethics education and training classes will be paid for by the taxpayers then? Either operation of the Web site, printing and provision of the materials, hiring of an instructor, provision of space to have this ethics training done, that would all be done at taxpayer expense. Is that correct, Mr. Speaker?

Mr. SHAPIRO. Mr. Speaker, the ethics education and training falls under the role of the Ethics Committee. All of the work that the Ethics Committee does, to my knowledge, comes under the cost to the taxpayers in Pennsylvania. I would just simply add, Mr. Speaker, that I think it is a very, very, very small price to pay for the people of Pennsylvania to have confidence in the work that this legislative body commits itself to.

Mr. REICHLEY. Well, Mr. Speaker, does that mean that any of the members who are attorneys would be able to have the State taxpayers pay for the cost of their ethics class, which they can put towards the 12 hours of CLE credits they require each year then?

Mr. SHAPIRO. Mr. Speaker, that was not contemplated by the Reform Commission, and that would be up to the Ethics Committee. I, for one, believe that any ethics training that is done by the House Ethics Committee should be separate and apart from continuing legal education and should not have any bearing on one's continuing legal education credits.

Mr. REICHLEY. Well, I understand that you believe that, Mr. Speaker, but without further direction within this rule as to whether this is a State-taxpayer-provided program or whether the members are going to pay for this out of pocket, I believe the resolution is begging for further clarification.

Mr. SHAPIRO. Mr. Speaker—

Mr. REICHLEY. Now, my last inquiry, Mr. Speaker, is that the wording of the resolution at this point says, "The committee shall be responsible for planning and offering the ethics

education programs," and you as the prime sponsor, I am hoping, will now be able to answer this question: Would the ethics training that you contemplate within the language of the resolution you sponsor, Mr. Speaker, cover the situation where committee meetings are held and where chairmen of committees disallow members to table a bill for further consideration of amendments which are filed late?

Mr. SHAPIRO. Mr. Speaker, I am not sure I understand the gentleman's question. Perhaps I did not hear all of it, but if the gentleman would be willing to repeat the question, I would be more than happy to try and answer it.

Mr. REICHLEY. All right. Thank you. I will try to clarify. I apologize for the lack of clarity.

Just this past week, for instance, Mr. Speaker, the State Government Committee met after we concluded our session on Wednesday, and that committee meeting went on for some hours. And based upon media reports, it said that there were a number of efforts by members of the committee to postpone the hearing, to request more time for consideration of amendments, and each of those requests was gaveled down or precluded by the chairman of the committee. I am curious, would the ethics training be provided to chairmen of committees to say when and how they can disallow amendments?

Mr. SHAPIRO. Mr. Speaker, if the gentleman wants to inject his personal opinion into the goings-on of a committee, he should do so with the chairman or chairwoman at a separate time. That is not a question that I think relates to the Ethics Committee, Mr. Speaker.

Mr. REICHLEY. It is not my personal opinion, Mr. Speaker. It is what was reported in the media following the State Government Committee meeting last week.

Let me ask you a different question, Mr. Speaker: Would there be training on when it is ethical to raise a motion to move the previous question, such as was done by the gentleman on the other side of the aisle when we were considering the transportation bill last June, to cut off all debate on that measure? Is that something that would be covered in ethics training as well, Mr. Speaker?

Mr. SHAPIRO. Mr. Speaker, I would suggest if the gentleman wishes to pontificate about issues outside the scope of the Ethics Committee, that he does so under unanimous consent or the gentleman holds a press conference out in the hallway. I would further answer the questions by pointing the gentleman to line 11 on page 3 where it says, "The committee shall be responsible for planning and offering the ethics education programs." Since the newly constituted Ethics Committee has yet to take shape, because we have yet to pass this resolution, I cannot stand here and prejudge or predetermine the work that the Ethics Committee will do. If the gentleman wants to continue to throw out hypotheticals or continue to inject other issues into debate, I will be more than happy to continue to stand for the interrogation, but again, I would suggest that the gentleman just simply read the lines 11 through 13, which clearly states that the newly constituted Ethics Committee would have jurisdiction to create these new ethics education training programs.

Thank you, Mr. Speaker.

Mr. REICHLEY. Thank you for the advice, Mr. Speaker, as far as what I should be reading. I have been doing that for the past 4 days, and you, as the prime sponsor, I would believe would be ideally situated to be able to answer any of these

questions, since you were the one who marshaled this effort through the Reform Commission, you were the one, Mr. Speaker, who has been the champion of reform, and I would think that you, Mr. Speaker, would be able to answer these questions.

The SPEAKER. The gentleman will suspend. The gentleman will suspend. The Chair will ask the gentleman to confine his remarks to the amendment that is before us. The gentleman has answered the question.

Mr. REICHLEY. Mr. Speaker, would the ethics education, excuse me, would the ethics education and training also be provided to members as to how to respond to subpoenas or search warrants or how to instruct their staff?

The SPEAKER. The gentleman will cease.

The Chair will remind the members that questions for interrogation are not intended to be argumentative. The Chair is not suggesting that. The Chair is asking members to stick to the content of the amendment.

Mr. REICHLEY. That concludes my interrogation of the gentleman, Mr. Speaker. Thank you.

The SPEAKER. Does the gentleman wish to speak for the second time on his amendment?

Mr. REICHLEY. If there are no other individuals seeking to speak?

The SPEAKER. Are there any other members seeking recognition on the Reichley amendment?

As is the custom of the House, the Chair will recognize the sponsor of the amendment for the second time as the final speaker. Representative Reichley.

Mr. REICHLEY. Thank you, Mr. Speaker.

And I do appreciate the patience which the gentleman from Montgomery and the gentleman from Bucks demonstrated for me in my questions. I am not trying to be adversarial on this. I am not trying to be accusatorial. I share the gentlelady from Philadelphia's opinion that all members in the House are ethical.

What I think we have to address in straightforward fashion is, does anybody really think this is going to fool the general public? For all the accusations that have been lodged against the General Assembly for the last 3 years, do we really, honestly believe that going to 2 hours of training on some given time, when there is no consequence from failing to go, there is no indication in the plain, black-and-white language of this resolution, is there a test given to the members to see if they understood what was provided in terms of instruction? Is there some kind of way to verify that they have gone through the training? What is the real goal to be done here?

And I would caution the members, if you want to make yourselves look good and say, okay, I am voting to make sure we go through ethical training to be able to tell the public, well, we are really shaping things up in Harrisburg, we really ought to match words with deeds, Mr. Speaker. Let us improve the conduct of the House. Do not cut off debate; do not ram bills through committees; do not cut off amendment consideration. Let us do this for the betterment of Pennsylvania and approve a commonsense, thorough, straightforward resolution on the Ethics Committee and not some fig leaf that provides people with the impression that somehow things are different because we went to 2 hours of education classes that do not matter to a hill of beans.

Thank you, Mr. Speaker. Please vote for this amendment.

On the question recurring,
Will the House agree to part A of the amendment?

The following roll call was recorded:

YEAS—42

Baker	Godshall	Millard	Rapp
Beyer	Harris	Miller	Reichley
Cappelli	Helm	Moul	Ross
Creighton	Hennessey	Moyer	Saylor
Ellis	Hershey	Nickol	Smith, S.
Everett	Hess	Payne	Sonney
Fairchild	Keller, M.	Perry	Stairs
Fleck	Kenney	Phillips	Stern
Gabig	Mackereth	Pickett	Swanger
Geist	Major	Pyle	Taylor, J.
Gillespie	Marsico		

NAYS—154

Adolph	Fabrizio	Markosek	Sainato
Argall	Frankel	Marshall	Samuelson
Barrar	Freeman	McCall	Santoni
Bastian	Galloway	McGeehan	Scavello
Bear	George	McI. Smith	Schroder
Belfanti	Gerber	McIlhattan	Seip
Benninghoff	Gergely	Melio	Shapiro
Bennington	Gibbons	Mensch	Shimkus
Bishop	Gingrich	Metcalfe	Sipthoth
Blackwell	Goodman	Micozzie	Smith, K.
Boback	Grell	Milne	Smith, M.
Boyd	Grucela	Mundy	Solobay
Brennan	Haluska	Mustio	Staback
Brooks	Hanna	Myers	Steil
Buxton	Harhai	Nailor	Stevenson
Caltagirone	Harhart	O'Brien, M.	Sturla
Carroll	Harkins	O'Neill	Surra
Casorio	Harper	Oliver	Tangretti
Causer	Hickernell	Parker	Taylor, R.
Civera	Hornaman	Pashinski	Thomas
Clymer	Hutchinson	Payton	True
Cohen	James	Peifer	Turzai
Conklin	Josephs	Perzel	Vereb
Costa	Kauffman	Petrarca	Vitali
Cox	Kessler	Petri	Vulakovich
Cruz	Killion	Petrone	Wagner
Curry	King	Preston	Walko
Cutler	Kortz	Quigley	Wansacz
Daley	Kotik	Quinn	Waters
Dally	Kula	Ramaley	Watson
DeLuca	Leach	Raymond	White
Denlinger	Lentz	Readshaw	Williams
DePasquale	Levdansky	Reed	Wojnaroski
Dermody	Longietti	Roae	Yewcic
DeWeese	Maher	Rock	Youngblood
DiGirolamo	Mahoney	Roebuck	Yudichak
Donatucci	Manderino	Rohrer	
Eachus	Mann	Rubley	O'Brien, D., Speaker
Evans, J.	Mantz	Sabatina	

NOT VOTING—0

EXCUSED—7

Bianucci	Keller, W.	Murt	Wheatley
Evans, D.	Kirkland	Pallone	

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

The SPEAKER. The Chair recognizes Representative Reichley from Lehigh County, who offers amendment A03678-B, which the clerk will read.

The clerk read the following amendment No. **A03678-B**:

Amend First Resolve Clause, page 7, lines 16 through 24, by striking out all of said lines

On the question,
Will the House agree to part B of the amendment?

PART B OF AMENDMENT WITHDRAWN

The SPEAKER. The gentleman waives off. He indicates he is not going to offer the amendment. The Chair thanks the gentleman.

AMENDMENT A03661 RECONSIDERED

The SPEAKER. Representative Taylor moves that the vote by which amendment 3661 was defeated to HR 263 on the 22d day of October be reconsidered.

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

The following roll call was recorded:

YEAS—136

Adolph	Freeman	Mensch	Ross
Argall	Gabig	Metcalfe	Rubley
Baker	Geist	Micozzie	Sabatina
Barrar	George	Millard	Samuelson
Bastian	Gerber	Miller	Santoni
Bear	Gillespie	Milne	Saylor
Belfanti	Gingrich	Moul	Scavello
Beyer	Godshall	Moyer	Siptroth
Bishop	Goodman	Mustio	Smith, S.
Blackwell	Grell	Myers	Solobay
Boback	Harhart	Nailor	Sonney
Boyd	Harper	Nickol	Staback
Brooks	Harris	O'Brien, M.	Stairs
Buxton	Helm	O'Neill	Stern
Caltagirone	Hennessey	Oliver	Stevenson
Cappelli	Hershey	Payne	Sturla
Causar	Hess	Peifer	Surra
Civera	Hickernell	Perry	Swanger
Clymer	Hutchinson	Perzel	Taylor, J.
Costa	James	Petrarca	Thomas
Creighton	Kauffman	Petri	True
Cruz	Keller, M.	Petrone	Turzai
Curry	Kenney	Phillips	Vereb
Cutler	Killion	Pickett	Vitali
Daley	Kotik	Pyle	Vulakovich
Dally	Leach	Quigley	Wansacz
DeLuca	Mackereth	Quinn	Waters
Denlinger	Maher	Rapp	Watson
DiGirolamo	Major	Raymond	Williams
Donatucci	Manderino	Reed	Youngblood
Ellis	Mantz	Reichley	Yudichak
Evans, J.	Marshall	Roae	
Everett	Marsico	Rock	O'Brien, D.,
Fairchild	McGeehan	Rohrer	Speaker
Fleck	McIlhattan		

NAYS—60

Benninghoff	Gergely	Longiatti	Sainato
Bennington	Gibbons	Mahoney	Schroder
Brennan	Grucela	Mann	Seip
Carroll	Haluska	Markosek	Shapiro
Casorio	Hanna	McCall	Shimkus
Cohen	Harhai	McI. Smith	Smith, K.
Conklin	Harkins	Melio	Smith, M.
Cox	Hornaman	Mundy	Steil
DePasquale	Josephs	Parker	Tangretti
Dermody	Kessler	Pashinski	Taylor, R.
DeWeese	King	Payton	Wagner
Eachus	Kortz	Preston	Walko
Fabrizio	Kula	Ramaley	White
Frankel	Lentz	Readshaw	Wojnaroski
Galloway	Levdansky	Roebuck	Yewcic

NOT VOTING—0

EXCUSED—7

Biancucci	Keller, W.	Murt	Wheatley
Evans, D.	Kirkland	Pallone	

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

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

The clerk read the following amendment No. **A03661**:

Amend First Resolve Clause, page 1, line 10, by striking out the bracket before "The"

Amend First Resolve Clause, page 2, lines 9 through 26, by striking out "party] ~~and the vice chair~~" in line 9 and all of lines 10 through 26 and inserting
party.

Amend First Resolve Clause, page 3, line 6, by inserting after "compile"

and distribute

Amend First Resolve Clause, page 3, line 12, by striking out "the"

Amend First Resolve Clause, page 6, lines 22 and 23 by striking out "by the alternate member from the same party who was selected"

Amend First Resolve Clause, page 7, line 6, by striking out the bracket before "another"

Amend First Resolve Clause, page 7, lines 7 and 8, by striking out "]" the alternate member from the same party who was selected"

Amend First Resolve Clause, page 7, lines 16 through 24, by striking out all of said lines

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

The SPEAKER. The Chair recognizes, on the amendment, Representative John Taylor.

Mr. J. TAYLOR. Mr. Speaker, this is the removal of the randomness, the random selection in this resolution.

The SPEAKER. Will the House agree to the amendment?

The Chair recognizes Representative Steil.

Mr. STEIL. Thank you, Mr. Speaker.

Once again I would ask you to oppose this amendment. We have argued this issue. The merits of the bill, or the resolution, as it stands I think are clear. It simply offers an

opportunity for anyone in this chamber who says I can serve effectively on the Ethics Committee to have an equal shot at being a member of the Ethics Committee. I think that enhances the openness. I think that enhances member participation. I think it makes it more possible for members to be part of the process.

Please oppose amendment A03661. Thank you.

The SPEAKER. Representative Shapiro.

Mr. SHAPIRO. Mr. Speaker, I would ask the members yet again to oppose the gentleman's amendment. This amendment guts one of the very key provisions that the Reform Commission has advanced in HR 263. Make no mistake, adoption of this amendment will gut a very, very critical part of this resolution, and I would ask the members to oppose the Taylor amendment.

The SPEAKER. Are there any other members seeking recognition?

The Chair recognizes the majority leader, Representative DeWeese.

Mr. DeWEESE. Just as a friendly reminder, Mr. Speaker, for the reasons that were asseverated early in the dialogue, I would respectfully, and I mean respectfully to the honorable gentleman from Philadelphia, ask for a negative vote.

The SPEAKER. Representative Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, I voted for the Taylor amendment the last go-around, and I intend to do so again this time.

I would like to just bring up one more issue that was not brought up by many of the previous speakers on the matter but I do believe that it is relevant and it is pertinent and it is something that some of the members ought to think about.

Beyond all of the other eloquent arguments, there are certain individuals within this chamber that, while ethical, while all ethical, are much more political than others. They are activists within their caucuses; they are activists outside of their districts; they are activists in fundraising and things of that nature. And, Mr. Speaker, at random, should one or more of these individuals, while very ethical, be put on this committee, they could easily use it as a political pulpit to sway elections, to impugn the name of a member in order to have their side win the day in a November election or for some other reason.

So, Mr. Speaker, that argument was not made. I did not intend to make it, but since the opportunity has now availed itself, I would like to point that out in addition to the arguments made by the gentleman, Mr. Taylor, and others in support of the Taylor amendment.

Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—103

Adolph	Fleck	McIlhattan	Raymond
Baker	Geist	Metcalfe	Reed
Barrar	Gerber	Micozzie	Reichley
Bastian	Gillespie	Millard	Ross
Belfanti	Gingrich	Miller	Sabatina
Beyer	Godshall	Milne	Santoni
Blackwell	Goodman	Moul	Saylor
Boback	Harhart	Moyer	Scavello

Buxton	Harkins	Mustio	Smith, S.
Caltagirone	Harper	Myers	Solobay
Cappelli	Harris	Nickol	Sonney
Civera	Helm	O'Neill	Staback
Clymer	Hennessey	Oliver	Stairs
Costa	Hershey	Payne	Stern
Creighton	Hess	Peifer	Stevenson
Cruz	James	Perry	Sturla
Curry	Keller, M.	Perzel	Surra
Dally	Kenney	Petrarca	Taylor, J.
DeLuca	Killion	Petri	Turzai
DiGirolamo	Kotik	Petrone	Wansacz
Donatucci	Leach	Phillips	Waters
Ellis	Mackereth	Pickett	Watson
Evans, J.	Maher	Pyle	Williams
Everett	Major	Quigley	Youngblood
Fabrizio	Marsico	Quinn	Yudichak
Fairchild	McGeehan	Rapp	

NAYS—93

Argall	Galloway	Mantz	Seip
Bear	George	Markosek	Shapiro
Benninghoff	Gergely	Marshall	Shimkus
Bennington	Gibbons	McCall	Siptroth
Bishop	Grell	McI. Smith	Smith, K.
Boyd	Grucela	Melio	Smith, M.
Brennan	Haluska	Mensch	Steil
Brooks	Hanna	Mundy	Swanger
Carroll	Harhai	Nailor	Tangretti
Casorio	Hickernell	O'Brien, M.	Taylor, R.
Causer	Hornaman	Parker	Thomas
Cohen	Hutchinson	Pashinski	True
Conklin	Josephs	Payton	Vereb
Cox	Kauffman	Preston	Vitali
Cutler	Kessler	Ramaley	Vulakovich
Daley	King	Readshaw	Wagner
Denlinger	Kortz	Roae	Walko
DePasquale	Kula	Rock	White
Dermody	Lentz	Roebuck	Wojnarowski
DeWeese	Levdansky	Rohrer	Yewcic
Eachus	Longietti	Rubley	
Frankel	Mahoney	Sainato	O'Brien, D., Speaker
Freeman	Manderino	Samuelson	
Gabig	Mann	Schroder	

NOT VOTING—0

EXCUSED—7

Bianucci	Keller, W.	Murt	Wheatley
Evans, D.	Kirkland	Pallone	

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

On the question recurring,

Will the House adopt the resolution as amended?

The following roll call was recorded:

YEAS—185

Adolph	Freeman	Marshall	Roebuck
Argall	Geist	Marsico	Rohrer
Baker	George	McCall	Ross
Barrar	Gerber	McGeehan	Rubley
Bastian	Gergely	McI. Smith	Sabatina
Bear	Gibbons	McIlhattan	Sainato
Belfanti	Gillespie	Melio	Samuelson
Benninghoff	Gingrich	Mensch	Santoni

Bennington	Godshall	Metcalf	Saylor
Beyer	Goodman	Micozzie	Scavello
Bishop	Gruclca	Millard	Seip
Blackwell	Haluska	Miller	Shimkus
Boback	Hanna	Milne	Siptroth
Boyd	Harhai	Moul	Smith, K.
Brennan	Harhart	Moyer	Smith, S.
Brooks	Harkins	Mundy	Solobay
Buxton	Harper	Mustio	Sonney
Caltagirone	Harris	Myers	Staback
Cappelli	Helm	Nailor	Stairs
Casorio	Hennessey	Nickol	Steil
Causar	Hershey	O'Brien, M.	Stern
Civera	Hess	O'Neill	Stevenson
Clymer	Hickernell	Oliver	Sturla
Cohen	Hornaman	Parker	Surra
Conklin	Hutchinson	Pashinski	Taylor, J.
Costa	James	Payne	Taylor, R.
Cox	Josephs	Payton	Thomas
Creighton	Kauffman	Peifer	True
Cruz	Keller, M.	Perry	Turzai
Curry	Kenney	Perzel	Vereb
Cutler	Kessler	Petrarca	Vitali
Daley	Killion	Petri	Vulakovich
Dally	King	Petrone	Wagner
DeLuca	Kortz	Phillips	Walko
Denlinger	Kotik	Pickett	Wansacz
Dermody	Kula	Preston	Waters
DeWeese	Leach	Pyle	Watson
DiGirolamo	Levdansky	Quigley	White
Donatucci	Longietti	Quinn	Williams
Eachus	Mackereth	Ramaley	Wojnaroski
Ellis	Maher	Rapp	Yewcic
Evans, J.	Mahoney	Raymond	Youngblood
Everett	Major	Readshaw	Yudichak
Fabrizio	Manderino	Reed	
Fairchild	Mann	Reichley	O'Brien, D.,
Fleck	Mantz	Roae	Speaker
Frankel	Markosek	Rock	

NAYS—11

Carroll	Galloway	Schroder	Swanger
DePasquale	Grell	Shapiro	Tangretti
Gabig	Lentz	Smith, M.	

NOT VOTING—0

EXCUSED—7

Biancucci	Keller, W.	Murt	Wheatley
Evans, D.	Kirkland	Pallone	

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

The SPEAKER. Will Representative Evans approach the rostrum; John Evans.

**THE SPEAKER PRO TEMPORE
(JOHN R. EVANS) PRESIDING**

The SPEAKER pro tempore. The Chair is preparing to enter special session. We will be recessing the regular session and starting special session at 5:28.

RECESS

The SPEAKER pro tempore. The House stands in recess.

AFTER RECESS

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

BILL REMOVED FROM TABLE

The SPEAKER pro tempore. The Chair recognizes the majority leader, who moves that HB 1787 be removed from the tabled bill calendar and placed on the active calendar.

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

CALENDAR CONTINUED

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1877, PN 2574**, entitled:

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

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

BILL RECOMMENDED

The SPEAKER pro tempore. The Chair recognizes the majority leader, who moves that HB 1877 be removed from the active calendar and recommitted to the Committee on Appropriations.

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

BILL REMOVED FROM TABLE

The SPEAKER pro tempore. The Chair recognizes the majority leader, who moves that HB 443 be removed from the tabled bill calendar.

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

BILL RECOMMENDED

The SPEAKER pro tempore. The Chair recognizes the majority leader, who moves that HB 443 be recommitted to the Committee on Appropriations.

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

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

The SPEAKER pro tempore. Is there any further business to come before the House? Any announcements?

Seeing none, Representative Boback from Luzerne County moves that this House do now adjourn until Tuesday, October 23, 2007, at 11 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,
Will the House agree to the motion?
Motion was agreed to, and at 5:37 p.m., e.d.t., the House adjourned.