

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

MONDAY, FEBRUARY 2, 2004

SESSION OF 2004

188TH OF THE GENERAL ASSEMBLY

No. 5

HOUSE OF REPRESENTATIVES

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

THE SPEAKER PRO TEMPORE (PATRICIA H. VANCE) PRESIDING

PRAYER

REV. LOUISE WILLIAMS BISHOP, member of the House of Representatives, offered the following prayer:

Thank you, Madam Speaker.

Let us pray:

Almighty, all-wise, all-knowing, everlasting God; the God of our silent tears, the God of our weary years; the God of our hope and the God of our peace:

We give thanks unto You today for all of Your goodness and all of Your grace and all of Your mercy along with Your divine presence.

Guide us this day as we work on behalf of the people of this beautiful Commonwealth. Be a lamp unto our feet and a light unto our pathway. Help each of us to do justly, love mercy, and walk humbly before You. Be our light when things seem unclear, our hope when we are in doubt.

Bless all who are assembled here today. Give strength to the faint. Cover us with Your wings of mercy and love, and lift us up higher, to where You would like to take us – beyond all doubt, beyond all confusion. Unite us where we are divided, and give us a double portion of Your patience and Your love and Your understanding for each other.

We ask these and all blessings in Your mighty name. Amen.

PLEDGE OF ALLEGIANCE

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

BILLS REMOVED FROM TABLE

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. S. SMITH. Madam Speaker, I move that the following bills be taken off the table:

HB 81;
HB 82;
HB 164;
HB 523; and
HB 1530.

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

BILLS TABLED

The SPEAKER pro tempore. The Chair again recognizes the majority leader.

Mr. S. SMITH. Madam Speaker, I move that the following bills be placed on the table:

HB 81;
HB 82;
HB 164;
HB 523; and
HB 1530.

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

BILLS REMOVED FROM TABLE

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. S. SMITH. Madam Speaker, I move that the following bills be taken from the table:

HB 2239;
SB 152; and
SB 778.

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

BILLS ON SECOND CONSIDERATION

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

HB 2239, PN 3218; SB 152, PN 1324; and SB 778, PN 937.

BILLS RECOMMITTED

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. S. SMITH. Madam Speaker, I move that the following bills be recommitted to the Appropriations Committee:

HB 2239;
SB 152; and
SB 778.

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

BILL REMOVED FROM TABLE

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. S. SMITH. Madam Speaker, I move that the following bill be taken off the table: HB 428.

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

JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. Without objection, the approval of the Journal of Wednesday, January 28, 2004, will be postponed until printed. The Chair hears no objection.

COMMUNICATIONS FROM INSURANCE DEPARTMENT

The SPEAKER pro tempore. The Speaker acknowledges receipt of the annual report of the status of the Catastrophic Loss Benefits Continuation Fund in accordance with Act 24 of 1989.

The Speaker acknowledges receipt of the Pennsylvania Insurance Department's Motor Vehicle Financial Responsible Law in accordance with section 1723 of Title 75 of the Consolidated Statutes.

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

COMMUNICATIONS FROM DEPARTMENT OF HEALTH

The SPEAKER pro tempore. The Speaker also acknowledges receipt of the second annual report of the Tobacco Use Prevention and Cessation Program for the State fiscal year 2002-2003 submitted under the guidelines of Act 77 of 2001.

The Speaker acknowledges receipt of the 2003 Annual Report of the Organ Donation Advisory Committee submitted pursuant to Act 102 of 1994.

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

GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair is pleased to welcome to the hall of the House, as the guests of Representative Larry O. Sather, Shannon Gearin and her

mother, Jody Woods. Shannon is here today to job shadow Representative Sather. Shannon is an 11th grader from Lewistown High School, and they are seated to the left of the Speaker. Would they please rise.

LEAVES OF ABSENCE

The SPEAKER pro tempore. Are there requests for leaves of absence?

The Chair recognizes the majority whip, who asks for a leave of absence for the gentleman from York, Mr. SAYLOR; the gentleman from Erie, Mr. EVANS; and the gentleman from Mercer, Mr. WILT. Without objection, the leaves of absence are granted.

The Chair recognizes the minority whip. The gentleman requests a leave of absence for the day for the gentleman from Philadelphia, Mr. THOMAS. Without objection, the leave of absence is granted.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—197

Adolph	Evans, D.	Levdansky	Ruffing
Allen	Fabrizio	Lewis	Sainato
Argall	Fairchild	Lynch	Samuelson
Armstrong	Feese	Mackereth	Santoni
Baker	Fichter	Maher	Sather
Baldwin	Fleagle	Maitland	Scavello
Bard	Flick	Major	Schroder
Barrar	Forcier	Manderino	Scrimenti
Bastian	Frankel	Mann	Semmel
Bebko-Jones	Freeman	Markosek	Shaner
Belardi	Gabig	Marsico	Smith, B.
Belfanti	Gannon	McCall	Smith, S. H.
Benninghoff	Geist	McGeehan	Solobay
Bianucci	George	McGill	Staback
Birmelin	Gergely	McIlhattan	Stairs
Bishop	Gillespie	McIlhinney	Steil
Blaum	Gingrich	McNaughton	Stern
Boyd	Godshall	Melio	Stetler
Browne	Good	Metcalfe	Stevenson, R.
Bunt	Goodman	Micozzie	Stevenson, T.
Butkovitz	Grucela	Miller, R.	Sturla
Buxton	Gruitza	Miller, S.	Surra
Caltagirone	Habay	Mundy	Tangretti
Cappelli	Haluska	Mustio	Taylor, E. Z.
Casorio	Hanna	Myers	Taylor, J.
Causar	Harhai	Nailor	Tigue
Cawley	Harhart	Nickol	Travaglio
Civera	Harper	O'Brien	True
Clymer	Harris	Oliver	Turzai
Cohen	Hasay	O'Neill	Vance
Coleman	Hennessey	Pallone	Veon
Corrigan	Herman	Payne	Vitali
Costa	Hershey	Petrarca	Walko
Coy	Hess	Petri	Wansacz
Crahalla	Hickernell	Petrone	Washington
Creighton	Horsey	Phillips	Waters
Cruz	Hutchinson	Pickett	Watson
Curry	James	Pistella	Weber
Dailey	Josephs	Preston	Wheatley
Daley	Keller	Raymond	Williams
Dally	Kenney	Readshaw	Wojnaroski

DeLuca	Killion	Reed	Wright
Denlinger	Kirkland	Reichley	Yewcic
Dermody	Kotik	Rieger	Youngblood
DeWeese	LaGrotta	Roberts	Yudichak
DiGirolamo	Laughlin	Roebuck	Zug
Diven	Leach	Rohrer	
Donatucci	Lederer	Rooney	
Eachus	Leh	Ross	Perzel,
Egolf	Lescovitz	Rubley	Speaker

ADDITIONS—0

NOT VOTING—0

EXCUSED—4

Evans, J.	Saylor	Thomas	Wilt
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LEAVES ADDED—1

Horsey

CALENDAR

RESOLUTIONS PURSUANT TO RULE 35

Mr. PHILLIPS called up **HR 538, PN 3206**, entitled:

A Resolution recognizing the importance and contributions of sportsmen to Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—197

Adolph	Evans, D.	Levdansky	Ruffing
Allen	Fabrizio	Lewis	Sainato
Argall	Fairchild	Lynch	Samuelson
Armstrong	Feese	Mackereth	Santoni
Baker	Fichter	Maher	Sather
Baldwin	Fleagle	Maitland	Scavello
Bard	Flick	Major	Schroder
Barrar	Forcier	Manderino	Scrimenti
Bastian	Frankel	Mann	Semmel
Bebko-Jones	Freeman	Markosek	Shaner
Belardi	Gabig	Marsico	Smith, B.
Belfanti	Gannon	McCall	Smith, S. H.
Benninghoff	Geist	McGeehan	Solobay
Biancucci	George	McGill	Staback
Birmelin	Gergely	McIlhatten	Stairs
Bishop	Gillespie	McIlhinney	Steil
Blaum	Gingrich	McNaughton	Stern
Boyd	Godshall	Melio	Stetler
Browne	Good	Metcalfe	Stevenson, R.
Bunt	Goodman	Micozzie	Stevenson, T.
Butkovitz	Grucela	Miller, R.	Sturla
Buxton	Gruitza	Miller, S.	Surra
Caltagirone	Habay	Mundy	Tangretti
Cappelli	Haluska	Mustio	Taylor, E. Z.
Casorio	Hanna	Myers	Taylor, J.
Causer	Harhai	Nailor	Tigue
Cawley	Harhart	Nickol	Travaglio
Civera	Harper	O'Brien	True
Clymer	Harris	Oliver	Turzai
Cohen	Hasay	O'Neill	Vance
Coleman	Hennessey	Pallone	Veon

Corrigan	Herman	Payne	Vitali
Costa	Hershey	Petrarca	Walko
Coy	Hess	Petri	Wansacz
Crahalla	Hickernell	Petrone	Washington
Creighton	Horsey	Phillips	Waters
Cruz	Hutchinson	Pickett	Watson
Curry	James	Pistella	Weber
Dailey	Josephs	Preston	Wheatley
Daley	Keller	Raymond	Williams
Dally	Kenney	Readshaw	Wojnaroski
DeLuca	Killion	Reed	Wright
Denlinger	Kirkland	Reichley	Yewcic
Dermody	Kotik	Rieger	Youngblood
DeWeese	LaGrotta	Roberts	Yudichak
DiGirolamo	Laughlin	Roebuck	Zug
Diven	Leach	Rohrer	
Donatucci	Lederer	Rooney	
Eachus	Leh	Ross	Perzel,
Egolf	Lescovitz	Rubley	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—4

Evans, J.	Saylor	Thomas	Wilt
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The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

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Mr. MUSTIO called up **HR 540, PN 3208**, entitled:

A Resolution honoring the outstanding athletic achievements of Erica Lenzner.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

Adolph	Evans, D.	Lewis	Ruffing
Allen	Fabrizio	Lynch	Sainato
Argall	Fairchild	Mackereth	Samuelson
Armstrong	Feese	Maher	Santoni
Baker	Fichter	Maitland	Sather
Baldwin	Fleagle	Major	Scavello
Bard	Flick	Manderino	Schroder
Barrar	Forcier	Mann	Scrimenti
Bastian	Frankel	Markosek	Semmel
Bebko-Jones	Freeman	Marsico	Shaner
Belardi	Gabig	McCall	Smith, B.
Belfanti	Gannon	McGeehan	Smith, S. H.
Benninghoff	Geist	McGill	Solobay
Biancucci	George	McIlhatten	Staback
Birmelin	Gergely	McIlhinney	Stairs
Bishop	Gillespie	McNaughton	Steil
Blaum	Gingrich	Melio	Stern
Boyd	Godshall	Metcalfe	Stetler
Browne	Good	Micozzie	Stevenson, R.
Bunt	Goodman	Miller, R.	Stevenson, T.
Butkovitz	Grucela	Miller, S.	Sturla
Buxton	Gruitza	Mundy	Surra
Caltagirone	Habay	Mustio	Tangretti
Cappelli	Haluska	Myers	Taylor, E. Z.

Casorio	Hanna	Nailor	Taylor, J.
Causer	Harhai	Nickol	Tigue
Cawley	Harhart	O'Brien	Travaglio
Civera	Harper	Oliver	True
Clymer	Harris	O'Neill	Turzai
Cohen	Hasay	Pallone	Vance
Coleman	Hennessey	Payne	Veon
Corrigan	Herman	Petrarca	Vitali
Costa	Hershey	Petri	Walko
Coy	Hess	Petrone	Wansacz
Crahalla	Hickernell	Phillips	Washington
Creighton	Horsey	Pickett	Waters
Cruz	Hutchinson	Pistella	Watson
Curry	Josephs	Preston	Weber
Dailey	Keller	Raymond	Wheatley
Daley	Kenney	Readshaw	Williams
Dally	Killion	Reed	Wojnaroski
DeLuca	Kirkland	Reichley	Wright
Denlinger	Kotik	Rieger	Yewcic
Dermody	LaGrotta	Roberts	Youngblood
DeWeese	Laughlin	Roebuck	Yudichak
DiGirolamo	Leach	Rohrer	Zug
Diven	Lederer	Rooney	
Donatucci	Leh	Ross	
Eachus	Lescovitz	Rubley	Perzel,
Egolf	Levdansky		Speaker

NAYS-0

NOT VOTING-1

James

EXCUSED-4

Evans, J. Saylor Thomas Wilt

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

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The SPEAKER pro tempore. Could we please have some order for this resolution. Would the members please take their seats. Could we have some quiet in the hall of the House, please.

Mr. NAILOR called up **HR 541, PN 3209**, entitled:

A Resolution paying tribute to and honoring the memory of Staff Sgt. Kimberly Fahnestock Voelz, an explosive ordnance disposal team leader with the United States Army, 703d Ordnance Company, who tragically lost her life while on active duty in Iraq.

On the question,
Will the House adopt the resolution?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Cumberland, Mr. Nailor.

Mr. NAILOR. Thank you, Madam Speaker.

It is with a great deal of sadness and yet a great deal of pride that I stand here as a Representative for Kimberly Voelz. Kimberly was born in Monroe Township in Cumberland County. As a matter of fact, when my wife, Donna, and I moved into our second house, her parents, Floyd and Carol, lived just

around the corner, six houses away. That was 1976, the year that Kimberly was born.

She was always a dedicated, unusual individual in that she always was so enthusiastic in her pursuits. She had to do something special and go that extra step, and that was part of her life. She graduated from Trinity High School in Cumberland County, and she loved showing horses and was very good at it, but it was not enough. Then she wanted to get into barrel racing, and she was such a topnotch competitor that she competed right here at our Farm Show specials in January of each year.

She moved on to more challenging pursuits in that she joined the United States Army, but rather than being a routine soldier, as many of us were, she chose to go to the Explosive Ordnance Disposal School. She was the only female in that school, and out of the dozens of people that participated and entered the school, less than a half dozen, I understand, graduated. That is where she met her husband, Max, her husband of 4 years.

Kimberly was clearly recognized as one of the best in her field in the United States Army. She was the first female soldier from Pennsylvania to die in Iraq. She will be missed by many and be remembered by many of us who respect her as well.

I know her parents well, and I will be proud on behalf of the House of Representatives to present a copy of this resolution to her husband, Max Voelz, and to her parents, Floyd and Carol Fahnestock.

Thank you, 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-197

Adolph	Evans, D.	Levdansky	Ruffing
Allen	Fabrizio	Lewis	Sainato
Argall	Fairchild	Lynch	Samuelson
Armstrong	Feese	Mackereth	Santoni
Baker	Fichter	Maher	Sather
Baldwin	Fleagle	Maitland	Scavello
Bard	Flick	Major	Schroder
Barrar	Forcier	Manderino	Scrimenti
Bastian	Frankel	Mann	Semmel
Bebko-Jones	Freeman	Markosek	Shaner
Belardi	Gabig	Marsico	Smith, B.
Belfanti	Gannon	McCall	Smith, S. H.
Benninghoff	Geist	McGeehan	Solobay
Biancucci	George	McGill	Staback
Birmelin	Gergely	McIlhattan	Stairs
Bishop	Gillespie	McIlhinney	Steil
Blaum	Gingrich	McNaughton	Stern
Boyd	Godshall	Melio	Stetler
Browne	Good	Metcalfe	Stevenson, R.
Bunt	Goodman	Micozzie	Stevenson, T.
Butkoviz	Grucela	Miller, R.	Sturla
Buxton	Gruitza	Miller, S.	Surra
Caltagirone	Habay	Mundy	Tangretti
Cappelli	Haluska	Mustio	Taylor, E. Z.
Casorio	Hanna	Myers	Taylor, J.
Causer	Harhai	Nailor	Tigue
Cawley	Harhart	Nickol	Travaglio
Civera	Harper	O'Brien	True
Clymer	Harris	Oliver	Turzai
Cohen	Hasay	O'Neill	Vance
Coleman	Hennessey	Pallone	Veon
Corrigan	Herman	Payne	Vitali

Costa	Hershey	Petrarca	Walko
Coy	Hess	Petri	Wansacz
Crahalla	Hickernell	Petrone	Washington
Creighton	Horsey	Phillips	Waters
Cruz	Hutchinson	Pickett	Watson
Curry	James	Pistella	Weber
Dailey	Josephs	Preston	Wheatley
Daley	Keller	Raymond	Williams
Dally	Kenney	Readshaw	Wojnaroski
DeLuca	Killion	Reed	Wright
Denlinger	Kirkland	Reichley	Yewcic
Dermody	Kotik	Rieger	Youngblood
DeWeese	LaGrotta	Roberts	Yudichak
DiGirolamo	Laughlin	Roebuck	Zug
Diven	Leach	Rohrer	
Donatucci	Lederer	Rooney	
Eachus	Leh	Ross	Perzel,
Egolf	Lescovitz	Rubley	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-4

Evans, J.	Saylor	Thomas	Wilt
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The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair is pleased to welcome to the floor of the House the Pennsylvania State Association of Township Commissioners' State Executive Board, who are here today attending their annual meeting at the Hilton. They are the guests of Representative John Payne. They are seated at the rear of the House. Would they please rise.

GROUNDHOG DAY REMARKS

The SPEAKER pro tempore. The Chair now recognizes the majority leader for the purpose of making important remarks for today. The Chair recognizes the gentleman from Punxsutawney, Mr. Smith.

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

Are you talking about the important remarks relative to my hometown?

Thank you, Madam Speaker.

You had me worried there for a minute. I thought maybe I was supposed to talk about something else.

As some of you may be aware, being a native of Punxsutawney, it has always been my pleasure and somewhat my duty to report to you on what happened on Gobbler's Knob on this bright, sunny Groundhog Day.

As you may know, the day came from a German day that was known as Candlemas Day, and the old adage was that if it was sunny and bright on Candlemas Day, then the winter would go on. Well, in case you did not notice, it was a rather bright and sunny day out there, and I know everyone here will be happy to know and cheerful to hear that Punxsutawney Phil rose from his burrow this morning and saw his shadow, which means 6 more weeks of this beautiful winter.

I also, as I have customarily for the last several years, brought you a little groundhog cookie there for your enjoyment, and, Madam Speaker, perhaps you ought to recognize one of the gentlemen here from the Allegheny County area who is dressed appropriately with his groundhog hat that a member of his family, I believe, makes for their crew who has come up to Punxsutawney several times over the last few years. Perhaps he wants to be recognized to add to our comments.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Allegheny, Representative Costa.

Mr. COSTA. Thank you, Madam Speaker, and thank you, Majority Leader.

The hat that I am wearing was made by Mrs. Donovan, who is a friend of the family, and it is a yearly tradition that Representative Diven and I and the Donovan family trek up to Punxsutawney just to have a good time, and we were fortunate enough that the majority leader took care of us and showed us around, and we do appreciate it, and we are proud to help Punxsutawney Phil in everything he does.

The SPEAKER pro tempore. Does the gentleman, Mr. Diven, wish to be recognized?

Mr. DIVEN. I just wanted to congratulate the majority leader on all his great work on behalf of Punxsutawney Phil, and I hope he enjoys his day today. So thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Mr. S. SMITH. Madam Speaker?

The SPEAKER pro tempore. The Chair recognizes the majority leader, Mr. Smith.

Mr. S. SMITH. As you can see, we are recruiting new members to the Groundhog Club. It is open to any and all that are here.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Lancaster County, Mr. Armstrong.

Mr. ARMSTRONG. Thank you, Madam Speaker.

I rise to inform this body that Octoraro Orphie concurs with Punxsutawney Phil's prognostication of 6 more weeks of winter, for which we can all look forward to continued snow and continued cold weather and continued character development. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

GUEST INTRODUCED

The SPEAKER pro tempore. The Chair is pleased to welcome to the hall of the House, as the guest of Representative Jake Wheatley, Shelton Lewis of the Big Brothers Big Sisters of Harrisburg program. Would you please rise.

**HOUSE BILL
INTRODUCED AND REFERRED**

No. 2332 By Representatives WEBER, BAKER, HASAY, ALLEN, ARGALL, HARRIS, FAIRCHILD, DeWEESE, VEON, GEORGE and SCRIMENTI

An Act authorizing submission of a question to the electorate pertaining to incurring certain indebtedness; and provisionally

authorizing the incurring of debt for water and wastewater treatment projects.

Referred to Committee on APPROPRIATIONS, February 2, 2004.

RESOLUTIONS PURSUANT TO RULE 35

Mrs. RUBLEY called up HR 544, PN 3219, entitled:

A Resolution designating the week of February 8 through 14, 2004, as "Career and Technical Education Week" in Pennsylvania.

On the question, Will the House adopt the resolution?

The following roll call was recorded:

YEAS-197

Table listing names of members who voted 'YEAS' for Resolution HR 544. Includes names like Adolph, Allen, Argall, etc.

NAYS-0

NOT VOTING-0

EXCUSED-4

Table listing names of members who were not voting or excused: Evans, J., Saylor, Thomas, Wilt.

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

Mrs. RUBLEY called up HR 545, PN 3220, entitled:

A Resolution declaring the week of February 8 through 14, 2004, as "Child Passenger Safety Week" in Pennsylvania.

On the question, Will the House adopt the resolution?

The following roll call was recorded:

YEAS-195

Table listing names of members who voted 'YEAS' for Resolution HR 545. Includes names like Adolph, Allen, Argall, etc.

Donatucci Leh Ross Perzel,
Eachus Lescovitz Rubley Speaker
Egolf

NAYS—0

NOT VOTING—2

Josephs Roebuck

EXCUSED—4

Evans, J. Saylor Thomas Wilt

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

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Mrs. RUBLEY called up **HR 546, PN 3221**, entitled:

A Resolution recognizing March 24, 2004, as “World TB Day” in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—197

Adolph	Evans, D.	Levdansky	Ruffing
Allen	Fabrizio	Lewis	Sainato
Argall	Fairchild	Lynch	Samuelson
Armstrong	Feese	Mackereth	Santoni
Baker	Fichter	Maher	Sather
Baldwin	Fleagle	Maitland	Scavello
Bard	Flick	Major	Schroder
Barrar	Forcier	Manderino	Scrimenti
Bastian	Frankel	Mann	Semmel
Bebko-Jones	Freeman	Markosek	Shaner
Belardi	Gabig	Marsico	Smith, B.
Belfanti	Gannon	McCall	Smith, S. H.
Benninghoff	Geist	McGeehan	Solobay
Biancucci	George	McGill	Staback
Birmelin	Gergely	McIlhattan	Stairs
Bishop	Gillespie	McIlhinney	Steil
Blaum	Gingrich	McNaughton	Stern
Boyd	Godshall	Melio	Stetler
Browne	Good	Metcalfe	Stevenson, R.
Bunt	Goodman	Micozzie	Stevenson, T.
Butkovitz	Grucela	Miller, R.	Sturla
Buxton	Gruitza	Miller, S.	Surra
Caltagirone	Habay	Mundy	Tangretti
Cappelli	Haluska	Mustio	Taylor, E. Z.
Casorio	Hanna	Myers	Taylor, J.
Causser	Harhai	Nailor	Tigue
Cawley	Harhart	Nickol	Travaglio
Civera	Harper	O'Brien	True
Clymer	Harris	Oliver	Turzai
Cohen	Hasay	O'Neill	Vance
Coleman	Hennessey	Pallone	Veon
Corrigan	Herman	Payne	Vitali
Costa	Hershey	Petrarca	Walko
Coy	Hess	Petri	Wansacz
Craballa	Hickernell	Petrone	Washington
Creighton	Horsey	Phillips	Waters
Cruz	Hutchinson	Pickett	Watson
Curry	James	Pistella	Weber

Dailey	Josephs	Preston	Wheatley
Daley	Keller	Raymond	Williams
Dally	Kenney	Readshaw	Wojnaroski
DeLuca	Killion	Reed	Wright
Denlinger	Kirkland	Reichley	Yewcic
Dermody	Kotik	Rieger	Youngblood
DeWeese	LaGrotta	Roberts	Yudichak
DiGirolamo	Laughlin	Roebuck	Zug
Diven	Leach	Rohrer	
Donatucci	Lederer	Rooney	
Eachus	Leh	Ross	Perzel,
Egolf	Lescovitz	Rubley	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—4

Evans, J. Saylor Thomas Wilt

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

GUEST INTRODUCED

The SPEAKER pro tempore. The Chair is pleased to welcome to the hall of the House, as the guest of Representative Sam Rohrer, Peter Confalone, who is a guest page today. Pete is a freshman at Governor Mifflin High School and has a great interest in politics. Would the gentleman please rise.

RESOLUTIONS PURSUANT TO RULE 35

Mr. BAKER called up **HR 547, PN 3222**, entitled:

A Resolution directing the Secretary of Public Welfare to submit a letter of intent for the Commonwealth to apply for a \$250,000 grant from the Robert Wood Johnson Foundation to implement a Cash & Counseling Program.

On the question,
Will the House adopt the resolution?

Mr. BAKER offered the following amendment No. **A0139**:

Amend Title, page 1, line 1, by striking out “Directing” and inserting

Recommending that

Amend Title, page 1, line 1, by striking out “to”

Amend Second Resolve Clause, page 3, line 26, by striking out “direct” and inserting

recommend that

Amend Second Resolve Clause, page 3, line 27, by striking out “to” where it appears the first time

Amend Third Resolve Clause, page 4, line 1, by striking out “direct” and inserting

recommend that

Amend Third Resolve Clause, page 4, line 2, by striking out “to”

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

The following roll call was recorded:

YEAS-197

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

NAYS-0

NOT VOTING-0

EXCUSED-4

Evans, J.	Saylor	Thomas	Wilt
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The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

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

The following roll call was recorded:

YEAS-197

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

NAYS-0

NOT VOTING-0

EXCUSED-4

Evans, J.	Saylor	Thomas	Wilt
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The majority having voted in the affirmative, the question was determined in the affirmative and the resolution as amended was adopted.

* * *

Mr. LEH called up **HR 548, PN 3223**, entitled:

A Resolution designating the week of March 15 through 21, 2004, as “The Berks County American Cancer Society Daffodil Days” in Pennsylvania and commending the success of the Berks County unit of the American Cancer Society.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—197

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

NAYS—0

NOT VOTING—0

EXCUSED—4

Evans, J. Saylor Thomas Wilt

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

REPUBLICAN CAUCUS

The SPEAKER pro tempore. The Chair recognizes the lady from Chester County, Mrs. Taylor, for the purpose of an announcement.

Mrs. TAYLOR. Thank you, Madam Speaker.

The Republicans will caucus immediately, immediately following the break, and, Madam Speaker, we will need about 2 hours.

The SPEAKER pro tempore. The Chair thanks the lady.

DEMOCRATIC CAUCUS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Franklin County, Mr. Coy, for the purpose of an announcement.

Mr. COY. Thank you, Madam Speaker.

The Democrats will likewise caucus immediately, and we will return to the floor at the prescribed time.

Thank you, Madam Speaker.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the gentleman from Schuylkill, Mr. Argall, for the purpose of an announcement.

Mr. ARGALL. Thank you, Madam Speaker.

At 1:45 the House Appropriations Committee will meet in room 245.

The SPEAKER pro tempore. The House Appropriations will meet at 1:45 in room 245.

RECESS

The SPEAKER pro tempore. Are there any further announcements?

The House now stands in recess until 3:30; 3:30.

RECESS EXTENDED

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

AFTER RECESS

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

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair returns to leaves of absence.

The minority whip requests that the gentleman, Mr. Horsey, from Philadelphia be placed on leave for the remainder of the day. The Chair hears no objections.

SENATE MESSAGE

JOINT SESSION

The clerk of the Senate, being introduced, presented the following extract from the Journal of the Senate, which was read as follows:

In the Senate
February 2, 2004

RESOLVED, (the House of Representatives concurring), That the Senate and House of Representatives meet in Joint Session, Tuesday, February 3, 2004, at 11:30 a.m., in the Hall of the House of Representatives for the purpose of hearing an address by His Excellency, Governor Edward G. Rendell; and be it further

RESOLVED, That a committee of three, on the part of the Senate, be appointed to act with a similar committee, on the part of the House of Representatives, to escort His Excellency, the Governor of the Commonwealth of Pennsylvania, to the Hall of the House of Representatives.

Ordered, That the clerk present the same to the House of Representatives for its concurrence.

On the question,
Will the House concur in the resolution of the Senate?
Resolution was concurred in.
Ordered, That the clerk inform the Senate accordingly.

STATEMENT BY MRS. HARHART

The SPEAKER pro tempore. For what purpose does the lady, Mrs. Harhart, rise?

Mrs. HARHART. For a point of personal preference, Madam Speaker.

The SPEAKER pro tempore. I think the lady is recognized under unanimous consent.

Mrs. HARHART. Oh, I am sorry. Okay. Unanimous consent. Thank you. I am sorry.

Thank you, Madam Speaker.

I would like to remind all the members, staff, and anyone watching on television to spread the word that the American Heart Association is encouraging everyone to participate in the association's "National Wear Red Day for Women" to raise awareness about the heart diseases and, in particular, the devastating toll it takes on women.

The House has adopted a resolution that I sponsored, HR 495, that designates Friday, February 6, as "Women's Heart Awareness Day" in Pennsylvania and encourages men and women alike to wear red to get us to think about living a heart-healthy lifestyle.

As you look around the chamber this week and particularly around your districts on Friday, when you see a red outfit or tie, think about heart health. The American Heart Association is, as it begins its year-long women's awareness heart campaign.

Heart disease is the number one killer of American women. According to recent statistics, one out of every two American women will die of heart disease, resulting in nearly 1400 female victims per day – that is 1400 per day – and contributing to more than 500,000 deaths nationwide per year.

Heart disease is preventable and treatable with early detection and risk-factor control. A healthy diet, exercise, lowering cholesterol are just some of the things we can do to lower our risk of this deadly killer.

I will be wearing red on Friday as will my esteemed colleague, E. Z. Taylor, our caucus chairperson from Chester County. She will also be wearing it.

We need to raise awareness about this issue. The women of our country, the women of Pennsylvania, need our help. These are our mothers, our daughters, our sisters, and our best friends. The only way to end this deadly epidemic that is sweeping our nation is through education and prevention.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the lady.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 2332, PN 3228

By Rep. ARGALL

An Act authorizing submission of a question to the electorate pertaining to incurring certain indebtedness; and provisionally authorizing the incurring of debt for water and wastewater treatment projects.

APPROPRIATIONS.

BILLS REREPORTED FROM COMMITTEE

HB 310, PN 356

By Rep. ARGALL

An Act designating a portion of State Route 1040 known as Spur Road in East Cocalico Township, Lancaster County, Pennsylvania, as Colonel George Howard Boulevard.

APPROPRIATIONS.

HB 345, PN 391

By Rep. ARGALL

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for adoption assistance programs; and making a repeal.

APPROPRIATIONS.

HB 700, PN 1049

By Rep. ARGALL

An Act selecting, designating and adopting celestite, more commonly known as celestine, as the official State mineral of the Commonwealth of Pennsylvania.

APPROPRIATIONS.

HB 842, PN 3002

By Rep. ARGALL

An Act amending the act of June 23, 1931 (P.L.932, No.317), known as The Third Class City Code, further providing for residency requirements for vacancy appointments.

APPROPRIATIONS.

HB 1438, PN 1784

By Rep. ARGALL

An Act amending the act of June 15, 1982 (P.L.502, No.140), known as the Occupational Therapy Practice Act, further providing for practice and referral.

APPROPRIATIONS.

HB 2235, PN 3231 (Amended)

By Rep. ARGALL

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, providing for delivery sales of cigarettes and for violations.

APPROPRIATIONS.

HB 2239, PN 3232 (Amended)

By Rep. ARGALL

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for qualifications, eligibility and compensation for district attorneys; and making repeals.

APPROPRIATIONS.

HB 2254, PN 3085

By Rep. ARGALL

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for when a prosecution is barred by a former prosecution for a different offense.

APPROPRIATIONS.

SB 152, PN 1324

By Rep. ARGALL

An Act amending Titles 12 (Commerce and Trade) and 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, adding provisions relating to trade secrets; and further providing for the offense of theft of trade secrets.

APPROPRIATIONS.

SB 778, PN 937

By Rep. ARGALL

An Act amending the act of June 29, 1996 (P.L.434, No.67), known as the Job Enhancement Act, providing for keystone innovation zones.

APPROPRIATIONS.

BILL REMOVED FROM TABLE

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. S. SMITH. Madam Speaker, I move that HB 2332 be taken off the table.

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

CALENDAR CONTINUED**BILL ON THIRD CONSIDERATION**

The House proceeded to third consideration of **SB 748, PN 1371**, entitled:

An Act amending the act of June 14, 1961 (P.L.324, No.188), known as The Library Code, providing for fiscal year 2003-2004 waiver of standards and for temporary emergency aid to local libraries.

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.

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-196

Adolph	Evans, D.	Lewis	Ruffing
Allen	Fabrizio	Lynch	Sainato
Argall	Fairchild	Mackereth	Samuelson
Armstrong	Feese	Maher	Santoni
Baker	Fichter	Maitland	Sather
Baldwin	Fleagle	Major	Scavello
Bard	Flick	Manderino	Schroder
Barrar	Forcier	Mann	Scrimenti
Bastian	Frankel	Markosek	Semmel
Bebko-Jones	Freeman	Marsico	Shaner
Belardi	Gabig	McCall	Smith, B.
Belfanti	Gannon	McGeehan	Smith, S. H.
Benninghoff	Geist	McGill	Solobay
Biancucci	George	McIlhattan	Staback
Birmelin	Gergely	McIlhinney	Stairs
Bishop	Gillespie	McNaughton	Steil
Blaum	Gingrich	Melio	Stern
Boyd	Godshall	Metcalfe	Stetler
Browne	Good	Micozzie	Stevenson, R.
Bunt	Goodman	Miller, R.	Stevenson, T.
Butkovitz	Grucela	Miller, S.	Sturla
Buxton	Gruitza	Mundy	Surra
Caltagirone	Habay	Mustio	Tangretti
Cappelli	Haluska	Myers	Taylor, E. Z.
Casorio	Hanna	Nailor	Taylor, J.
Causer	Harhai	Nickol	Tigue
Cawley	Harhart	O'Brien	Travaglio
Civera	Harper	Oliver	True
Clymer	Harris	O'Neill	Turzai
Cohen	Hasay	Pallone	Vance
Coleman	Hennessey	Payne	Veon
Corrigan	Herman	Petrarca	Vitali
Costa	Hershey	Petri	Walko
Coy	Hess	Petrone	Wansacz
Crahalla	Hickernell	Phillips	Washington
Creighton	Hutchinson	Pickett	Waters
Cruz	James	Pistella	Watson
Curry	Josephs	Preston	Weber
Dailey	Keller	Raymond	Wheatley
Daley	Kenney	Readshaw	Williams

Dally	Killion	Reed	Wojnaroski
DeLuca	Kirkland	Reichley	Wright
Denlinger	Kotik	Rieger	Yewcic
Dermody	LaGrotta	Roberts	Youngblood
DeWeese	Laughlin	Roebuck	Yudichak
DiGirolamo	Leach	Rohrer	Zug
Diven	Lederer	Rooney	
Donatucci	Leh	Ross	
Eachus	Lescovitz	Rubley	Perzel,
Egolf	Levdansky		Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

Evans, J. Horsey	Saylor	Thomas	Wilt
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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 return the same to the Senate with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

The SPEAKER pro tempore. Can I have the members' attention, please.

There will be no further votes today.

The gentleman from Allegheny County, Mr. Mustio— Are there any announcements first? Are there any announcements?

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. The Chair recognizes the gentleman from Allegheny, Mr. Mustio.

Mr. MUSTIO. Madam Speaker, I move that this House do now adjourn until Tuesday, February 3, 2004, at 11 a.m., e.s.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 4:14 p.m., e.s.t., the House adjourned.