

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

SUNDAY, JULY 8, 2007

SESSION OF 2007

191ST OF THE GENERAL ASSEMBLY

No. 69

### HOUSE OF REPRESENTATIVES

The House convened at 4 p.m., e.d.t.

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

#### PRAYER

HON. THADDEUS KIRKLAND, member of the House of Representatives, offered the following prayer:

Let us pray:

I will bless the Lord at all times. His praises will continually be in my mouth. Bless the Lord, O my soul, and all that is within me, and bless His holy name.

Our Father and our God, it is once again that we come into Your presence, not only giving thanks, O God, but blessing You, because You, O God, are the ultimate blessing. You blessed us today, O God, with life, health, and strength. You have blessed us, O God, with the blood yet still running warm in our veins. And so, God, we come today blessing You, blessing You with all of our heart and our soul.

And now, O God, as we go about the business of the people, we ask, O God, that You would cultivate our hearts and our minds and give us the wisdom from on high to do Your will. Father God, we are in some very trying times, but we know, O God, that there is nothing too difficult, nothing too hard for You. So we welcome You into this place. We welcome Your spirit into this House even right now, that You would be in our deliberations, You would be in our speech, You would be in our walk and our talk, and that You, O God, would make everything all right for these, Thine people.

And, God, when all is said and done, when budgets have been passed and when hands have been shaken and when things are done right for these, Your people, we will take no credit nor honor or glory. All that belongs to You. And so, God, we bless You today. We ask that You would go with us and guide us and direct us. We do all these things in the mighty and majestic name of Your son, Jesus Christ, and our soul says amen.

#### PLEDGE OF ALLEGIANCE

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

### JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal of Saturday, July 7, 2007, will be postponed until printed. The Chair hears no objection.

#### LEAVES OF ABSENCE

The SPEAKER. Turning to leaves of absence, the Chair recognizes the majority whip, who requests that Representative OLIVER from Philadelphia and Representative GEORGE from Clearfield County be put on leave. Without objection, these leaves will be granted.

The Chair recognizes the minority whip, who requests that Representative BASTIAN from Somerset County be placed on leave for the day. The Chair hears no objection. The leave will be granted.

#### MASTER ROLL CALL

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

(Members proceeded to vote.)

#### GUESTS INTRODUCED

The SPEAKER. The Chair would like to note the presence of Representative Brennan's family on the floor. With him today are his wife, Jane, and his sons, John and Patrick Brennan. What wonderful names. They are in the rear of the House.

#### LEAVE OF ABSENCE

The SPEAKER. The Chair returns to requests for leaves of absence. The Chair recognizes the majority whip, who requests that Representative BISHOP be put on leave. The Chair hears no objection. The leave will be granted.

#### MASTER ROLL CALL CONTINUED

The following roll call was recorded:

PRESENT—199

Adolph	Galloway	Marshall	Ross
Argall	Geist	Marsico	Rubley
Baker	Gerber	McCall	Sabatina
Barrar	Gergely	McGeehan	Sainato
Bear	Gibbons	McI. Smith	Samuelson

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

ADDITIONS—0  
 NOT VOTING—0  
 EXCUSED—4

Bastian                  Bishop                  George                  Oliver

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

**BILL REREPORTED FROM COMMITTEE**

**HB 83, PN 2265** (Amended)                  By Rep. D. EVANS

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, providing for reporting requirements; further providing for Assistance Recipient Identification Program; providing for income eligibility verification system; further providing for local administration of assistance; providing for fraud detection system and for residency and county assistance offices; and requiring the Department of Public Welfare to provide personal care home information on the department's Internet website.

APPROPRIATIONS.

The SPEAKER. The bill will be placed on the active calendar.

**BILL REPORTED FROM COMMITTEE,  
 CONSIDERED FIRST TIME, AND Tabled**

**SB 246, PN 1286** (Amended)                  By Rep. OLIVER

An Act establishing the Smoke Free Pennsylvania Act; prohibiting smoking in enclosed and substantially enclosed areas; imposing duties upon the Department of Health; imposing penalties; and making a related repeal.

HEALTH AND HUMAN SERVICES.

**BILL REPORTED FROM COMMITTEE**

**HB 539, PN 609**                  By Rep. OLIVER

An Act providing funding for standards and for implementation of a 211 abbreviated dialing code for information and human services referral telephone service; establishing the 211 Advisory Board; and making an appropriation.

HEALTH AND HUMAN SERVICES.

**BILL REREFERRED**

The SPEAKER. The Chair moves, at the majority leader's request, that HB 539, PN 609, be rereferred to the Committee on Consumer Affairs.

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

**ANNOUNCEMENT BY MRS. WATSON**

The SPEAKER. The Chair recognizes Representative Watson for an announcement.

Mrs. WATSON. Thank you, Mr. Speaker.

The SPEAKER. Before the lady speaks, can we have order in the House? I am sure everyone is going to want to hear this announcement. Members will take their seats. Members will take their seats.

Representative Watson.

Mrs. WATSON. Thank you, Mr. Speaker.

This is under, I guess, the personal-privilege rule. Thank you.

We have lots of important and very serious issues to discuss today. We have been discussing them; we have been working. At the same time, and I know that is important, I think it would be imprudent, speaking as a member of the Bucks County delegation, if we did not share with you today how special the day is for this delegation in that we would like to recognize the dean of our delegation, Representative Paul Clymer, on what today is a milestone birthday.

You will note, I do not give a number because I do not want you all ever giving a number for me, but in any case, I was struck by the fact that while it is Representative Clymer's birthday, local press has also talked about it is the 100th birthday for the Hershey Kiss. Not the same year;

not the same year. But at the same time, we thought for Representative Clymer, I know many of you would like to stop by sometime during the evening to wish him well and perhaps take a Kiss from Representative Clymer. You will note that this container is filled with all the latest Hershey Kisses.

Thank you, Mr. Speaker, and I believe Representative DiGirolamo has something.

The SPEAKER. Many happy returns, Representative Clymer.

**STATEMENT BY MR. DIGIROLAMO**

The SPEAKER. Representative DiGirolamo.

Mr. DiGIROLAMO. Mr. Speaker, may I be recognized under personal privilege? Thank you.

The SPEAKER. The gentleman is asking to be recognized under the provision of unanimous consent. The gentleman is in order and may proceed.

Mr. DiGIROLAMO. Thank you, Mr. Speaker.

And again, I would also, if I could have the attention of the members for just a moment, I would also like to recognize and honor Representative Paul Clymer on his 70th birthday, and for the information of the members, the Bucks County delegation got together and gave Representative Clymer a weekend at Trump Casino in Atlantic City for his birthday. Congratulations.

**STATEMENT BY MR. CLYMER**

The SPEAKER. Representative Clymer.

You may have to report that.

Mr. CLYMER. Yes, indeed.

Mr. Speaker, first of all, let me thank everyone for their generosity, for their kindness, as I have reached a milestone in my lifetime, and I am sure that others who have reached that milestone who are here can understand, as we look forward, that we just hope that our health and our minds continue to function in a good order.

But I need to correct the record on that last statement by my good friend and colleague, Representative Gene DiGirolamo. Unfortunately, I had something planned that weekend so I will not be able to go, but I am going to allow him to take my place, and I am sure he will have a good time down at the casino spending his money.

But again, thank you, everyone, for your well wishes. Thank you.

**CALENDAR**

**RESOLUTIONS PURSUANT TO RULE 35**

Mr. SIPTROTH called up **HR 200, PN 1243**, entitled:

A Resolution designating the month of October 2007 as "Domestic Violence Awareness Month" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

**YEAS—199**

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

**NAYS—0**

**NOT VOTING—0**

**EXCUSED—4**

Bastian	Bishop	George	Oliver
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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. WOJNAROSKI called up **HR 306, PN 1713**, entitled:

A Resolution designating the month of October 2007 as "Polish-American Month" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The SPEAKER. On the resolution, the Chair recognizes a very wonderfully attired gentleman, Representative Wojnaroski.

Mr. WOJNAROSKI. Thank you, Mr. Speaker.

Mr. Speaker, if I may, I would like to also bring up HR 348, which parallels the other resolution. But in regard to HR 306, the resolution designating the month of October "Polish-American Month," and the resolution 348, a resolution designating October 11 as "Pulaski Day" in Pennsylvania, Mr. Speaker, I thought I would wear the proper attire in respect to these two resolutions.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—199

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

Frankel	Mantz	Roebuck	O'Brien, D.,
Freeman	Markosek	Rohrer	Speaker
Gabig			

NAYS—0

NOT VOTING—0

EXCUSED—4

Bastian	Bishop	George	Oliver
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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. WOJNAROSKI called up **HR 348, PN 2062**, entitled:

A Resolution designating October 11, 2007, as "Pulaski Day" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—199

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

Ellis	Longietti	Rapp	White
Evans, D.	Mackereth	Raymond	Williams
Evans, J.	Maher	Readshaw	Wojnaroski
Everett	Mahoney	Reed	Yewcic
Fabrizio	Major	Reichley	Youngblood
Fairchild	Manderino	Roae	Yudichak
Fleck	Mann	Rock	
Frankel	Mantz	Roebuck	O'Brien, D.,
Freeman	Markosek	Rohrer	Speaker
Gabig			

NAYS—0

NOT VOTING—0

EXCUSED—4

Bastian	Bishop	George	Oliver
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The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

### RULES AND APPROPRIATIONS COMMITTEE MEETINGS

The SPEAKER. The Chair recognizes Representative Cohen for the purpose of making an announcement.

Mr. COHEN. Mr. Speaker, I am announcing that there will be a meeting of the Rules Committee at 5:15— No, 5 o'clock. Immediate meeting of the Rules Committee— Mike is my guide here for these meetings. There is an immediate meeting of the Rules Committee at 5 o'clock. There will be an Appropriations Committee meeting at 5:15. We will be back on the floor at 5:30. All the meetings are in the majority caucus room.

Repeat: Immediate meeting of the Rules Committee at 5 o'clock; Appropriations, 5:15; back on the floor at 5:30.

The SPEAKER. Rules will meet at 5 o'clock and Appropriations at 5:30 in the majority caucus room.

For what purpose does the gentleman, Representative Everett, rise?

Mr. EVERETT. Mr. Speaker, I will stand by until 5:30 and would like to be recognized when we come back into session, please.

The SPEAKER. The Chair thanks the gentleman.

Representative Maher.

Mr. MAHER. Mr. Speaker, it is my understanding that a motion to recess is a debatable motion, and to the extent that there are those of us who are very concerned about the budget and may have some thoughts about the timeliness of recessing moments after coming into session, I for one would, pursuant to our Constitution's provision that a vote can be required, the "yeas" and "nays" on the request on any matter, at the request of two members of the House, I am rising as one to ask for such a motion so that those of us who have been shut down from speaking about the budget in recent days may have their opportunity to address the issue.

The SPEAKER. The gentleman's motion is out of order because the Chair has already authorized two committees to

have meetings immediately off the floor of the House, but it is the intention of the House to come back to order at 5:30.

Mr. MAHER. Mr. Speaker, where was the motion to recess in the sequence I heard? A member of the Democratic leadership announced his plans for a meeting—

The SPEAKER. If the gentleman will cease.

Mr. MAHER. —but I did not hear a motion to recess.

The SPEAKER. If the gentleman will cease.

The gentleman cannot make a motion. His intention to make a motion at this point will not be in order because the Chair has already given permission to two committees to meet immediately off the floor of the House, so the members are not here to vote on a motion if the gentleman makes one.

Mr. MAHER. Mr. Speaker, there has been no motion to recess that has been acted on by this body.

The SPEAKER. It is the—

Mr. MAHER. There has been no motion—

The SPEAKER. The gentleman will cease.

It is the intention of the Chair to announce a recess until 5:30, which is the appointed time that the committee meetings that were announced by the Chair will meet and return to the floor at that appointed time.

Mr. MAHER. And pursuant to the Constitution, Mr. Speaker, I am asking that the "yeas" and "nays" be taken on the question of recess. That is a constitutional provision.

The SPEAKER. The House will be at ease.

The House will come to order.

### BILL ON CONCURRENCE REREPORTED FROM COMMITTEE

**HB 10, PN 2168**

By Rep. DeWEESE

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for compensation of judges, for exclusive jurisdiction of Supreme Court and for the Criminal Justice Enhancement Account; and making related repeals.

RULES.

The SPEAKER. The bill will be placed on the supplemental calendar.

### BILLS REREPORTED FROM COMMITTEE

**HB 1621, PN 2074**

By Rep. DeWEESE

An Act authorizing the Department of General Services, with the concurrence of the Department of Environmental Protection, to lease to VTE Philadelphia, LP, or its nominee, land within the bed of the Delaware River in the City of Philadelphia.

RULES.

**HB 1627, PN 2080**

By Rep. DeWEESE

An Act authorizing the Department of General Services, with the concurrence of the Department of Environmental Protection, to lease to NCCB Associates, LP, or its nominee, land within the bed of the Delaware River in the City of Philadelphia.

RULES.

**HB 1685, PN 2260**

By Rep. DeWEESE

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to the Allentown Commercial Industrial Authority, or their assigns, certain lands situate in the City of Allentown and the City of Bethlehem, Lehigh County, Pennsylvania.

## RULES.

The SPEAKER. These bills will be placed on the active calendar.

**BILLS REREPORTED FROM COMMITTEE****HB 289, PN 2263**

By Rep. D. EVANS

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for expenses of county boards and of primaries and elections to be paid by counties, for the date of the general primary and for absentee electors files and lists.

## APPROPRIATIONS.

**HB 874, PN 2261**

By Rep. D. EVANS

An Act providing for umbilical cord blood banking; requiring health care facilities and providers to give pregnant patients information regarding umbilical cord blood banking; and requiring health care facilities to permit pregnant patients to arrange for umbilical cord blood donations.

## APPROPRIATIONS.

**HB 1329, PN 1672**

By Rep. D. EVANS

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, further providing for jurisdiction of the zoning hearing board and the court of common pleas in challenges to the validity of an ordinance for procedural defects in the process of enactment.

## APPROPRIATIONS.

**HB 1330, PN 2262**

By Rep. D. EVANS

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for appeal from ordinances, resolutions, maps, etc.

## APPROPRIATIONS.

**SB 97, PN 1285**

By Rep. D. EVANS

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in sales and use tax, further defining "manufacture"; further providing, in sales and use tax, for refund of sales tax attributed to bad debt; in personal income tax, for operational provisions; in capital stock franchise tax, for the definition of "capital stock value" and, in bank and trust company shares tax, for ascertainment of taxable amount and exclusion of United States obligations; providing for a film production tax credit and conferring powers and imposing duties upon the Department of Community and Economic Development and for a resource enhancement and protection tax credit; further providing, in neighborhood assistance tax credit, for definitions, for tax credit and for grant of tax credit; and providing for pass-through entities and powdered metallurgy parts.

## APPROPRIATIONS.

The SPEAKER. These bills will be placed on the supplemental calendar.

**BILL REREPORTED FROM COMMITTEE****SB 151, PN 1288 (Amended)**

By Rep. D. EVANS

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for fines, for weapons or implements for escape and for contraband; and making a conforming amendment.

## APPROPRIATIONS.

The SPEAKER. This bill will be placed on the active calendar.

**FILMING PERMISSION**

The SPEAKER. The Chair wishes to advise members that he has given permission to Daniel Maddox of WGAL-TV for videotape with audio.

**STATEMENT BY SPEAKER**

The SPEAKER. Can I have the attention of the members? The House will come to order.

For the information of the members, yesterday Representative Maher made an inquiry regarding the provision of rule 17 which allows members to speak at the close of business without requesting unanimous consent on a day designated by the Speaker. I have discussed this matter with both floor leaders, and we have determined that each Wednesday, members can be recognized pursuant to this rule.

Members who wish to be recognized should notify the Speaker prior to the final vote each Wednesday so that we know who will be seeking recognition, if anyone. As indicated, members will only be recognized after all business is completed. No motions other than the motion to adjourn will be in order, nor will it be appropriate to raise any questions during this time.

The parliamentary parameters of debate as contained in our House rules and Mason's Manual will be applicable and will be enforced. Other members not seeking recognition are free to leave during this period, but they are asked to do so quietly so that the member speaking can be heard.

Members – on another topic – members who wish to be recognized under unanimous consent, as a courtesy to the other members during the business portion of the session day, are also asked to inform the Chair prior to seeking recognition so that we can schedule this recognition at an appropriate time, and the Chair asks the cooperation of the members.

Representative Everett had sought the recognition of the Chair.

For what purpose does Representative Maher rise?

Mr. MAHER. Mr. Speaker, I need your guidance. I am uncertain if I am appealing a decision of the Chair—

The SPEAKER. Is the gentleman—

Mr. MAHER. —or making a parliamentary inquiry, but it might be clearer to you if you would allow me to proceed before you interrupt.

The SPEAKER. Well, the gentleman, and for the information of the members, when a member stands, he should ask for a point of personal privilege, he should ask for a point of order, or for unanimous consent. The Chair requests the gentleman do so.

Mr. MAHER. Mr. Speaker, I appeal that decision of the Chair, that you are absolutely incorrect, Mr. Speaker, and I will appeal that decision of the Chair.

The SPEAKER. The gentleman will cease.

Mr. MAHER. I am permitted—

The SPEAKER. The gentleman will cease.

Mr. MAHER. I am permitted to appeal decisions of the Chair, Mr. Speaker.

The SPEAKER. The gentleman will cease.

Members of the House will understand, there is no ruling of the Chair to appeal. The Chair made no ruling; it simply made an announcement. If the gentleman will state his purpose of rising, the Chair will respond accordingly.

Mr. MAHER. Mr. Speaker, you just said that members, upon rising, can only make three different occasions to rise, which is a substantial, an enormous limitation and change in the rules that I will not countenance by simply having you announce it and then pretend that your announcement will stand in front of the rules and in front of the Constitution. Therefore, I am appealing that decision of the Chair as provided under our rules.

Perhaps I misunderstood the gentleman, but if the gentleman was in fact saying that there are only three reasons why you will recognize a member—

The SPEAKER. The gentleman will cease.

There is no decision, there is no motion to appeal. The gentleman will stand and inform the Speaker for his purpose of rising so the House can conduct its business.

### PARLIAMENTARY INQUIRY

Mr. MAHER. A parliamentary inquiry, Mr. Speaker.

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

Mr. MAHER. Can you clarify what you meant when you said there were only three conditions when a member of this chamber will be recognized? Because apparently, if I am gathering from your response to my remarks, I must have misunderstood it, so I would appreciate the education.

The SPEAKER. No, there are generally four. The Chair was in error.

Mr. MAHER. I see.

The SPEAKER. Points of parliamentary inquiries, points of order, personal privilege, and unanimous consent, and the Chair simply requested that members, when they rise, that they make the appropriate announcement as to why they are seeking recognition.

Mr. MAHER. So, Mr. Speaker, then is it your position that all other motions will henceforth be out of order?

The SPEAKER. If the gentleman or any member of the House makes a motion and that motion is in order, the Chair will recognize that gentleman for a motion or that lady for a motion.

Mr. MAHER. Okay. So that—

The SPEAKER. There is currently no motion, there is no ruling; ergo, there is nothing before the House. If the gentleman

will state his purpose in standing, the Chair would very much appreciate that.

Mr. MAHER. Thank you, Mr. Speaker.

### PARLIAMENTARY INQUIRY

Mr. MAHER. A parliamentary inquiry then with respect to the material you read responsive to my question about allowing members to speak on the floor pursuant to rule 17. As you read that material, you invoked a series of terms and conditions that are not found in our rules, and I am asking under what authority the Speaker can unilaterally alter the rules that were adopted by this chamber after the study of the Speaker's own Reform Commission?

The SPEAKER. The Chair did not alter any provision of the House rules; it simply is applying the existing rules of this chamber to its interpretation under this provision of this rule. There are no— We just simply reminded the members of the House that under this provision, we are adding the rules of the House. All other rules will apply under this provision. It is a simple announcement. There are no rules being set aside; we are just reminding the members that all rules do apply.

Mr. MAHER. So when you make the announcement that members who desire to speak must somehow or another provide advance notice to you, and when you make the announcement that no business will be in order when members are permitted to speak, and when you make the announcement that no votes will be in order when members are permitted to speak, those do not have any binding effect? Is that correct, Mr. Speaker?

The SPEAKER. The rule specifically states, under the gentleman's inquiry, that this proviso will be made at the close of business. At the close of business, there will be no votes taken, and as the Chair explained it to the members, that is the interpretation of the rule. It will be at the close of business and members will be invited to speak on whatever issue. But for a courtesy, as a courtesy, so that the Chair does not overlook one's request, the Chair requests that a member come up and advise the Chair that they do seek that recognition.

Mr. MAHER. Now, Mr. Speaker, rule 17 says that in lieu of offering a resolution, members may speak. One of the things that can be done in lieu of offering a resolution, as was established here on swearing-in day and was reestablished on the day of the Governor's inaugural—

### POINT OF ORDER

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

Mr. BELFANTI. A point of order, Mr. Speaker.

Mr. Speaker, I have been here 27 years—

The SPEAKER. The gentleman will cease.

The gentleman is recognized only if his point of order relates to the gentleman's point of order that is before the House.

Mr. BELFANTI. It does indeed, Mr. Speaker.

Mr. Speaker, I have been here 27 years. I do not recall anyone ever rising to the microphone without asking the permission of the Speaker to speak under one of the four issues that the Speaker referred to, and I am wondering why we are even carrying on the dialect, the dialogue right now, when the gentleman has not been recognized under any of those

four reasons. There is no bill or amendment currently before the House, and I believe the gentleman is clearly out of order.

You know, I am not running for State Treasurer or Speaker of the House, so I am not trying to get free air time every couple of hours of every day, but I do believe that the dilatory activities of some of the members in this chamber are growing a bit old for many of us, and I do not know why the Speaker is even engaging in the dialogue with the gentleman. I believe the microphone— Unless he is acting on one of the four issues that you laid out, I do not believe further dialogue with the gentleman is in order, and I would respectfully request the Speaker discontinue the dialogue. Thank you.

The SPEAKER. The Chair thanks the gentleman.

For the information of the members, the gentleman's analysis is consistent with the Chair's general parameters that he set out for when members rise. However, the Chair did make an announcement responding to the gentleman, Representative Maher's inquiry of the other day, specific to rule 17: that during a special period of time established each week by the Speaker at the conclusion of House business on a specific day, the Chair was responding to the gentleman's request that we create such an opportunity. The Chair has merely set forward the parameters, responding to the gentleman, Representative Maher's request, and the gentleman is now inquiring as to the appropriateness of the parameters of rule 17. And the gentleman, if that is his point of order— Representative Maher.

Mr. MAHER. Thank you, Mr. Speaker.

To my friend who has been here 27 years, I might offer some other examples of motions that you may be familiar with: a motion to recess, a motion to adjourn, a motion for a joint session of the House and Senate—

The SPEAKER. The gentleman will cease.

Mr. MAHER. Just for—

The SPEAKER. The gentleman will cease.

The Chair advised the gentleman that there are four areas that a member can stand up and seek recognition during the conduct of business of this House. If the gentleman requests that a motion be considered by this House, that also is in order.

Mr. MAHER. Thank you, Mr. Speaker.

The SPEAKER. The gentleman is correct.

Mr. MAHER. Thank you, Mr. Speaker. That is what I wanted to clarify. Thank you.

### MOTION TO SUSPEND RULES

The SPEAKER. Representative Everett.

Mr. EVERETT. Thank you, Mr. Speaker.

I rise on one of the points that you have just elucidated. I rise to make a motion to suspend the rules to bring HB 1717 to the floor immediately for final consideration today, final consideration, and should this motion to suspend succeed—

### MOTION RULED OUT OF ORDER

The SPEAKER. The gentleman is out of order.

The Chair corrects itself. The gentleman is not out of order; the motion is out of order.

### PARLIAMENTARY INQUIRY

The SPEAKER. The gentleman is recognized.

Mr. EVERETT. A point of parliamentary inquiry.

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

Mr. EVERETT. If I could ask how the motion to suspend the rules to consider—

The SPEAKER. Because the House needs three constitutional readings of the bill, so the rules cannot be suspended. In other words, the Constitution of the Commonwealth of Pennsylvania cannot be suspended.

Mr. EVERETT. I understand, sir. Then I would ask that we bring that bill to the floor for first consideration this evening and that we discuss not furloughing the employees of this State and get this bill on the floor and stop this furlough right now.

The SPEAKER. The Chair thanks the gentleman.

Representative Marsico.

Mr. MARSICO. Thank you, Mr. Speaker.

I would like to have unanimous consent to speak on the State employees that are going to be furloughed tomorrow.

The SPEAKER. The Chair would request, as it just stated, that requests for unanimous consent be entertained at the end of business today so that we can conclude the business before us.

Mr. MARSICO. Well—

The SPEAKER. The Chair assures the gentleman, the Chair assures the gentleman that he will be recognized under a provision of unanimous consent.

Mr. MARSICO. Sir, I would like to have a personal privilege, please.

The SPEAKER. The gentleman will state his point of personal privilege.

Mr. MARSICO. We have about 6 hours to go here before 26,000 State employees are going to be furloughed. I would like to make a point—

The SPEAKER. The gentleman is not stating a point of personal privilege.

Mr. MARSICO. Well, I am asking to make a statement, Mr. Speaker.

The SPEAKER. The gentleman would be entitled to make a statement under unanimous consent, and the Chair has asked that the gentleman reserve his request for unanimous consent until we conduct further business of the House, and the Chair assures the gentleman that he will be recognized.

Mr. MARSICO. Well, do you think that would be enough time, for the State employees that are going to be furloughed tomorrow, that they will have enough time, if it is 11 o'clock tonight, to prepare for their furlough?

The SPEAKER. The Chair will caution the gentleman, he cannot argue that point before the House at this time.

Mr. MARSICO. Thank you.

The SPEAKER. The Chair turns to page 2 of supplemental calendar A. The Chair recognizes the gentleman from Allegheny County, Representative Readshaw, who calls up HB 289—



### PARLIAMENTARY INQUIRY

The SPEAKER. For what purpose does the gentleman rise?

Mr. EVERETT. A parliamentary inquiry.

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

Mr. EVERETT. If the Speaker could inform me what the current status of bill 1717 is. Has it had first consideration here in the House yet?

The SPEAKER. The bill, I believe, was referred to the Appropriations Committee.

Mr. EVERETT. Would it be appropriate for me to suspend the rules to have that bill brought to the floor for second consideration this evening?

The SPEAKER. No.

Mr. EVERETT. Would it be proper for me to make a motion to bring it here for first consideration this evening?

The SPEAKER. The only mechanism available to the gentleman is a discharge resolution, and that is not currently before the House. The Chair is trying to help the gentleman, but there is no mechanism to suspend any rule to bring that bill immediately before the House.

Mr. EVERETT. Not for first consideration, second consideration, or third consideration?

The SPEAKER. The bill is in Appropriations. It would require a discharge resolution from the members to do that.

Mr. EVERETT. I understand, and you have given me that advice before, but a discharge resolution is not appropriate at this time. The bill has not been in there for 15 days yet. I do not have the availability of a discharge resolution—

The SPEAKER. And the Chair cannot change the rules of the House unilaterally. The Chair thanks the gentleman.

Mr. EVERETT. And we cannot suspend the rules to bring that bill, not for final consideration but for first or second consideration, out of the committee?

### MOTION TO SUSPEND RULES

Mr. EVERETT. I make a motion that we suspend the rules to bring that bill out of committee.

The SPEAKER. The Chair then will ask the gentleman what specific rule he asks this House to suspend?

Mr. EVERETT. Rule 53.

Mr. Speaker, I would just move that we suspend all the rules—

The SPEAKER. The gentleman will cease. The House will come to order.

The Chair has said before, the gentleman cannot suspend the Constitution.

Mr. EVERETT. I am not trying to suspend the Constitution to bring it here for final consideration. I am asking that it be brought to the floor of this House for discussion this evening at whatever reading that it is on, that it be discharged from the Appropriations Committee, we suspend the rules to discharge it from the Appropriations Committee and bring it before this body this evening.

The SPEAKER. The gentleman, if he can follow this, if the gentleman moves to suspend rule 53, then the gentleman is prohibited from offering a discharge resolution, which defeats the gentleman's purpose.

Mr. EVERETT. I have moved that we suspend any and all rules necessary to bring this bill to whatever level of consideration it is at – first consideration, second consideration, or third consideration – to the floor of this House to be discussed this evening.

The SPEAKER. The Chair will say it once again: The gentleman will have to ask what specific rule he is requesting to be suspended, but the Chair cannot suspend the Constitution.

Mr. EVERETT. The Constitution, as I understand it, requires that we consider it for 3 days—

The SPEAKER. And the House cannot, by any vote, suspend the Constitution.

Mr. EVERETT. I understand that. I am asking that it be brought here for its first consideration then this evening so that we can move this process along and get this bill to the Senate as quickly as possible.

### MOTION RULED OUT OF ORDER

The SPEAKER. The gentleman's motion is out of order. If the gentleman would like to appeal the ruling of the Chair, he is in order, but the Chair has tried to respond to the gentleman's request the only way that it possibly can.

### PARLIAMENTARY INQUIRY

The SPEAKER. Representative Smith.

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

As a parliamentary inquiry, I believe that the gentleman could in fact suspend the rules that create the committees, and that if those rules were disbanded by the suspension of the rules, then the bills would be before the entire House as a Committee of the Whole in a sense and not in committee.

The SPEAKER. The gentleman is in error: "No bill shall be considered unless referred to a committee, printed for the use of the members and returned therefrom."

Mr. S. SMITH. And, Mr. Speaker, from what were you reading there, if I might ask?

The SPEAKER. From the Constitution – Article III, section 2.

Mr. S. SMITH. May I just take a real quick look at that?

The SPEAKER. The gentleman is welcome to come to the rostrum.

Will the minority leader please come to the rostrum. Will the majority leader please come to the rostrum.

(Conference held at Speaker's podium.)

### BILLS AND RESOLUTIONS PASSED OVER

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

### RECESS

The SPEAKER. This House will stand in recess until the call of the Chair.