

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, NOVEMBER 13, 2007

SESSION OF 2007

191ST OF THE GENERAL ASSEMBLY

No. 100

HOUSE OF REPRESENTATIVES

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

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

PRAYER

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

Good afternoon, ladies and gentlemen.

Other than the normal prayers that I say for the Armed Forces and members of the House and the President of the United States, et cetera, today, because Sunday was officially Veterans Day, I wanted to say a special memorial in honor of our veterans, and I am going to do that for a moment.

(Prayer in Hebrew.)

O God, full of mercy, who dwells on high, grant proper rest on the wings of Your divine presence in the lofty levels of the holy and the pure ones who shine like the glow of the firmament, for the souls of those that were in the United States Armed Forces all over the world during all our wars on behalf of the United States government.

Without making a vow, I will contribute to charity in remembrance of their souls. May their resting place be in the Garden of Eden; therefore, may the master of mercy shelter them in the shelter of His wings for eternity, and may He bind their souls in the bond of life. The Almighty is their heritage, and may their repose be in peace on their resting place. And let us say 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 Thursday, November 1, 2007, will be postponed until printed. The Chair hears no objection.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 500 By Representatives KOTIK, SAINATO, PALLONE, PETRARCA, LONGIETTI, KORTZ, CAPPELLI, KILLION, JAMES, MAHONEY, R. STEVENSON, HERSHEY, READSHAW, WANSACZ, HORNAMAN, WOJNAROSKI, KENNEY, PICKETT, SAYLOR, GABIG, MYERS, CREIGHTON, YOUNGBLOOD, K. SMITH, MUSTIO, HARHAI, CLYMER, SIPTROTH, REICHLEY, FABRIZIO, MENSCH, BOYD, EVERETT, DALEY, SWANGER, DENLINGER, BEYER, GERGELY, HUTCHINSON, R. MILLER, HENNESSEY, SOLOBAY, PYLE, GEIST, KESSLER, HARKINS, McILVAINE SMITH, DePASQUALE, BIANCUCCI, BROOKS, KULA, SHIMKUS, CONKLIN and SCHRODER

A Concurrent Resolution memorializing Congress to make permanent the tax cuts which are set to expire in 2010.

Referred to Committee on FINANCE, November 2, 2007.

No. 501 By Representatives PAYTON, OLIVER, KENNEY, BRENNAN, CIVERA, COHEN, CRUZ, CUTLER, DALEY, DiGIROLAMO, EACHUS, FABRIZIO, GEORGE, GIBBONS, GINGRICH, GRUCELA, HENNESSEY, JAMES, JOSEPHS, KORTZ, LEACH, MACKERETH, MAJOR, McCALL, McGEEHAN, MELIO, MOYER, MUSTIO, PALLONE, PARKER, RAMALEY, READSHAW, SAINATO, SANTONI, SAYLOR, SONNEY, TURZAI, VULAKOVICH, WATERS, WATSON, YOUNGBLOOD, PEIFER, W. KELLER, MYERS, McILVAINE SMITH and SIPTROTH

A Resolution directing the House of Representatives Health and Human Services Committee to develop recommendations for sports nutrition and sports nutritional supplements.

Referred to Committee on HEALTH AND HUMAN SERVICES, November 2, 2007.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1951 By Representatives PERZEL, SCAVELLO, ADOLPH, BAKER, BENNINGHOFF, BEYER, CAPPELLI, CIVERA, DALEY, DeLUCA, J. EVANS, EVERETT, FAIRCHILD, GEORGE, GILLESPIE, GINGRICH, GODSHALL, HERSHEY, HESS, HORNAMAN, W. KELLER, KENNEY, KILLION, KOTIK, MACKERETH, MARSHALL, MENSCH, MICOZZIE, MOYER, MUSTIO,

MYERS, PEIFER, PETRARCA, PETRONE, PHILLIPS, PICKETT, PYLE, RAPP, RAYMOND, ROSS, RUBLEY, SIPTROTH, SOLOBAY, STAIRS, STERN, J. TAYLOR, VEREB, WANSACZ, WATERS, YOUNGBLOOD, YUDICHAK, BASTIAN, SWANGER, HENNESSEY, R. TAYLOR, HARPER and CAUSER

An Act providing for the elimination of property tax for older Pennsylvanians and for the transfer of certain funds; and making related repeals.

Referred to Committee on FINANCE, November 7, 2007.

No. 1966 By Representatives PAYTON, COHEN, JAMES, JOSEPHS, LENTZ, McGEEHAN, M. O'BRIEN, PARKER, SIPTROTH, STURLA, THOMAS, WHEATLEY and YOUNGBLOOD

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for a tax on the sale of firearms; establishing the Violence Reduction Fund; and making an editorial change.

Referred to Committee on FINANCE, November 7, 2007.

No. 2000 By Representatives COHEN, GEIST, JOSEPHS, BELFANTI, GEORGE, CALTAGIRONE, JAMES, YOUNGBLOOD, WATERS, K. SMITH, SIPTROTH, SHIMKUS, SANTONI, SABATINA, PARKER, M. O'BRIEN, MURT, MANN, LEACH, HORNAMAN, HARKINS, GOODMAN, BRENNAN, HESS, W. KELLER, MYERS and MELIO

An Act making an appropriation from the General Fund to the Department of Health for the purpose of funding a grant for antibiotic research and development to find a cure for streptococcus pneumonias for the fiscal year beginning July 1, 2008.

Referred to Committee on APPROPRIATIONS, November 2, 2007.

No. 2001 By Representatives M. SMITH, BENNINGHOFF, BOYD, CALTAGIRONE, CAPPELLI, CONKLIN, CREIGHTON, DePASQUALE, EVERETT, FABRIZIO, FREEMAN, GEORGE, GOODMAN, HERSHEY, HORNAMAN, KOTIK, LONGIETTI, MAHONEY, MELIO, MURT, RAMALEY, ROAE, SEIP, K. SMITH, SWANGER, J. WHITE, GINGRICH, HARKINS, HICKERNELL, KING, LENTZ, MACKERETH, McILVAINE SMITH, MOUL, PETRONE, READSHAW, RUBLEY, SIPTROTH, SURRA, TRUE, YOUNGBLOOD, SCHRODER and KULA

An Act amending the act of August 7, 1963 (P.L.549, No.290), referred to as the Pennsylvania Higher Education Assistance Agency Act, further providing for governing bodies.

Referred to Committee on FINANCE, November 2, 2007.

No. 2002 By Representatives M. SMITH, BELFANTI, BRENNAN, CALTAGIRONE, CAPPELLI, COHEN, CRUZ, DONATUCCI, FABRIZIO, GEORGE, GERGELY, GRUCELA, HARKINS, JAMES, LEACH, McCALL, McILHATTAN, MICOZZIE, MYERS, PETRONE, REICHLEY, SEIP, SIPTROTH, SOLOBAY, THOMAS, J. WHITE, HARHAI, HENNESSEY, KILLION, MAHONEY, McGEEHAN, McILVAINE SMITH, MOYER, M. O'BRIEN,

READSHAW, ROEBUCK, SHIMKUS, K. SMITH, SURRA, WALKO, YOUNGBLOOD and KULA

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 school health services.

Referred to Committee on EDUCATION, November 2, 2007.

No. 2003 By Representatives McGEEHAN, BELFANTI, BRENNAN, CALTAGIRONE, COHEN, GEORGE, HALUSKA, JOSEPHS, MUNDY, M. O'BRIEN, SANTONI, SHAPIRO, STURLA, GRUCELA and SIPTROTH

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further providing for parking authorities in cities of the first class.

Referred to Committee on LOCAL GOVERNMENT, November 2, 2007.

No. 2004 By Representatives McGEEHAN, BELFANTI, BRENNAN, CALTAGIRONE, GEORGE, HALUSKA, JOSEPHS, LEVDANSKY, McILHATTAN, PALLONE, PRESTON, SANTONI, SHAPIRO, STURLA, R. TAYLOR, COHEN, GRUCELA, SCHRODER, SURRA, SONNEY and MELIO

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further providing for restrictions on authorities in cities of the first class.

Referred to Committee on LOCAL GOVERNMENT, November 2, 2007.

No. 2006 By Representatives YEWIC, CONKLIN, GEORGE, GRUCELA, HERSHEY, HESS, PALLONE, PHILLIPS, PRESTON, REICHLEY, ROHRER, SEIP, STABACK, PAYNE, CALTAGIRONE, BASTIAN, COHEN, DeWEESE, EACHUS, GOODMAN, HALUSKA and REED

An Act amending the act of November 30, 2004 (P.L.1672, No.213), known as the Alternative Energy Portfolio Standards Act, further providing for alternative energy credits; and making a related repeal.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, November 2, 2007.

No. 2007 By Representatives HARHAI, BELFANTI, BIANCUCCI, BRENNAN, CALTAGIRONE, CASORIO, COHEN, DALEY, DePASQUALE, DeWEESE, FABRIZIO, FREEMAN, GEIST, GERGELY, GRUCELA, HALUSKA, HANNA, HARKINS, HERSHEY, KING, KOTIK, KULA, LENTZ, LEVDANSKY, LONGIETTI, MAHONEY, MARKOSEK, McCALL, MELIO, PETRARCA, PETRONE, READSHAW, SAINATO, SAMUELSON, SANTONI, SURRA, TANGRETTI, WALKO, WANSACZ and GODSHALL

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for affidavits of candidates, for examination of nomination petitions, certificates and papers; return of rejected nomination petitions, certificates and papers, for affidavits of candidates, for filling of certain vacancies in public office by means of nomination certificates and

nomination papers and for substituted nominations to fill certain vacancies for a November election.

Referred to Committee on STATE GOVERNMENT, November 2, 2007.

No. 2008 By Representatives FLECK, BEAR, BEYER, BOBACK, CAPPELLI, CONKLIN, DENLINGER, J. EVANS, FAIRCHILD, GALLOWAY, GEIST, GEORGE, HENNESSEY, HESS, MAHONEY, MAJOR, MILLARD, MOYER, O'NEILL, PEIFER, PHILLIPS, QUINN, READSHAW, SCAVELLO, SIPTROTH, STERN, R. STEVENSON, THOMAS, WOJNAROSKI, YOUNGBLOOD, KULA and HARHART

An Act designating the Johnstown Traction Company's Car Number 355 as the official State trolley of the Commonwealth.

Referred to Committee on STATE GOVERNMENT, November 2, 2007.

SENATE BILLS FOR CONCURRENCE

The clerk of the Senate, being introduced, presented the following bills for concurrence:

SB 751, PN 822

Referred to Committee on JUDICIARY, November 7, 2007.

SB 1068, PN 1372

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, November 2, 2007.

SB 1069, PN 1373

Referred to Committee on TOURISM AND RECREATIONAL DEVELOPMENT, November 2, 2007.

SB 1137, PN 1510

Referred to Committee on INSURANCE, November 2, 2007.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. May I have the attention of the members.

As you can see in looking at the electronic voting board, there is a technical difficulty. We are trying to resolve those technical issues before we take the master roll. However, for the information of the members, if you will listen carefully, it is my understanding that the vote will be recorded. We are not sure how it will be reflected visually on the board itself, so we are going to experiment in that regard, and then we will have a further announcement as the day goes on as to how that will affect further business.

There is precedent, if the board fails entirely, there is precedent that we will rely on, but hopefully we will not have to go that far, and the Chair asks the indulgence and cooperation of the members until we get this issue resolved.

LEAVES OF ABSENCE

The SPEAKER. The Chair turns to requests for leaves of absence.

The Chair recognizes the majority whip, Representative McCall, who requests that Representative YUDICHAK be placed on leave for the week; Representative LEVDANSKY be placed on leave for the week; Representative PALLONE be placed on leave for the day; Representative STABACK be placed on leave for the week; Representative TANGRETTI be placed on leave for the day; Representative WOJNAROSKI be placed on leave for the week.

The Chair turns to the minority whip, who requests that Representative STEIL be placed on leave for the day, and Representative ROSS be placed on leave for the week.

Without objection, these leaves will be granted. The Chair sees no objection.

May I have the attention of the members. We are going to attempt to take the master roll call, and we are going to see what happens.

Members will report to the floor.

MASTER ROLL CALL

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

(Members proceeded to vote.)

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair recognizes Representative Wojnaroski. His name will be added to the master roll.

MASTER ROLL CALL CONTINUED

The SPEAKER. At the Speaker's rostrum, the number of votes is being tallied.

The following roll call was recorded:

PRESENT—196

Adolph	Frankel	Mann	Roae
Argall	Freeman	Mantz	Rock
Baker	Gabig	Markosek	Roebuck
Barrar	Galloway	Marshall	Rohrer
Bastian	Geist	Marsico	Rubley
Bear	George	McCall	Sabatina
Belfanti	Gerber	McGeehan	Sainato
Benninghoff	Gergely	McI. Smith	Samuelson
Bennington	Gibbons	McIlhattan	Santoni
Beyer	Gillespie	Melio	Saylor
Biancucci	Gingrich	Mensch	Scavello
Bishop	Godshall	Metcalfe	Schroder
Blackwell	Goodman	Micozzie	Seip
Boback	Grell	Millard	Shapiro
Boyd	Grucela	Miller	Shimkus
Brennan	Haluska	Milne	Siptroth
Brooks	Hanna	Moul	Smith, K.
Buxton	Harhai	Moyer	Smith, M.
Caltagirone	Harhart	Mundy	Smith, S.
Cappelli	Harkins	Murt	Solobay
Carroll	Harper	Mustio	Sonney

Casorio	Harris	Myers	Stairs
Causser	Helm	Nailor	Stern
Civera	Hennessey	Nickol	Stevenson
Clymer	Hershey	O'Brien, M.	Sturla
Cohen	Hess	O'Neill	Surra
Conklin	Hickernell	Oliver	Swanger
Costa	Hornaman	Parker	Taylor, J.
Cox	Hutchinson	Pashinski	Taylor, R.
Creighton	James	Payne	Thomas
Cruz	Josephs	Payton	True
Curry	Kauffman	Peifer	Turzai
Cutler	Keller, M.	Perry	Vereb
Daley	Keller, W.	Perzel	Vitali
Dally	Kenney	Petrarca	Vulakovich
DeLuca	Kessler	Petri	Wagner
Denlinger	Killion	Petrone	Walko
DePasquale	King	Phillips	Wansacz
Dermody	Kirkland	Pickett	Waters
DeWeese	Kortz	Preston	Watson
DiGirolamo	Kotik	Pyle	Wheatley
Donatucci	Kula	Quigley	White
Eachus	Leach	Quinn	Williams
Ellis	Lentz	Ramaley	Wojnaroski
Evans, D.	Longietti	Rapp	Yewcic
Evans, J.	Mackereth	Raymond	Youngblood
Everett	Maher	Readshaw	
Fabrizio	Mahoney	Reed	O'Brien, D.,
Fairchild	Major	Reichley	Speaker
Fleck	Manderino		

ADDITIONS—0

NOT VOTING—0

EXCUSED—7

Levdansky	Ross	Steil	Yudichak
Pallone	Staback	Tangretti	

LEAVES CANCELED—1

Pallone

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

ANNOUNCEMENT BY SPEAKER

The SPEAKER. For the information of the members, the master roll call was recorded. It did not reflect the same on the board. As I said, we are trying to resolve these difficulties both here with the CORE employees and with the— We believe that the problem is simply with the display board, that all other functions are currently working, but we will adjust today's proceedings accordingly.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 734, PN 861 By Rep. ROEBUCK

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 filling of vacancies.

EDUCATION.

HB 1695, PN 2830 (Amended) By Rep. ROEBUCK

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for required parental notification of certain incidents.

EDUCATION.

GUESTS INTRODUCED

The SPEAKER. The Chair would like to recognize, as the guests of Representative Boback, two guest pages. Adam Bilder is a sophomore at Holy Redeemer High School. He was accepted for training at the Pennsylvania State Police Camp Cadet Program and is a certified lifeguard. He aspires to major in criminal justice, education, physical therapy, or math. Adam is accompanied today by his mother, Gloria Bilder. Also, we have Michael Calkins, a sophomore at Dallas High School. He is a Life Scout working to attain his Eagle Scout rank. He aspires to enter the U.S. Naval Academy. Michael is joined today by his mother, Heather Calkins. Mrs. Bilder and Mrs. Calkins are located in the gallery. Would you please stand and would the pages please stand and be recognized.

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader, who moves that the following bills be removed from the tabled bill calendar: HB 377 and HB 1817.

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

BILLS RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader, who moves that the following bills be recommitted to the Committee on Appropriations: HB 377 and HB 1817.

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

CALENDAR

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 261, PN 2772**, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, further providing, in budget procedures, for revenue estimates, for transmission of budget information to legislature, for budget implementation data and for electronic access to information; and establishing the Independent Fiscal Review Board.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 261 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 to.

**BILLS REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND TABLED**

HB 1532, PN 1938 By Rep. MARKOSEK

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, providing for the designation of a portion of U.S. Route 202 and a portion of the Pennsylvania Turnpike as a scenic byway.

TRANSPORTATION.

HB 1902, PN 2621 By Rep. MARKOSEK

An Act designating the bridge carrying U.S. Route 522 over the Aughwick Creek in Shirley Township, Huntingdon County, as the Queen Aliquippa Bridge.

TRANSPORTATION.

BILL REPORTED FROM COMMITTEE

HB 1933, PN 2686 By Rep. MARKOSEK

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for notice of available benefits and limits of motor vehicle insurance.

TRANSPORTATION.

BILL REREFERRED

The SPEAKER. The Chair moves, at the majority leader's request, that HB 1933, PN 2686, be rereferred to the Insurance Committee.

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

The SPEAKER. Without objection, the bill will be so rereferred.

Sergeants at Arms will clear the aisles. The Chair is about to take up a condolence resolution. Members will take their seats. Members will please take their seats.

RESOLUTION PURSUANT TO RULE 35

Mrs. MACKERETH called up **HR 439, PN 2603**, entitled:

A Resolution honoring the life and extending condolences for the supreme sacrifice of Private First Class Zachary Clouser, United States Army, who tragically lost his life in service to our country in Iraq on July 18, 2007.

On the question,
Will the House adopt the resolution?

The SPEAKER. The Chair recognizes Representative Mackereth on the resolution.

Mrs. MACKERETH. Thank you, Mr. Speaker.

Today I ask that you join me and Representative DePasquale in voting in support of HR 439 honoring the life and service of York County native Zachary Clouser, a graduate of the Dover Area High School.

When asked recently to describe her son, Deb Etheridge, Zach's mom, mentioned a line frequently attributed to those who fight for our country: "All gave some, some gave all." Zach Clouser gave it everything he had, touching many lives along the way. He was the excited elementary school kid, proudly wearing his Tri-Town football jersey to school after they had won the latest game. He was the boy who channeled his energies through sports, including a love of hunting. He was the teenager to whom school did not come easy but who fought to graduate on time – and did. By nature, Zach was a follower, quiet and introverted, but if you needed it done and were searching for someone to step up to the plate, Zach Clouser was your man.

When Zach turned 18, 2 months after graduating high school, he stepped forward and volunteered to serve his country in the United States Army. At the age of 19, Clouser was assigned to the 1st Battalion, 26th Infantry, 2d Brigade Combat Team, 1st Infantry Division, operating out of Germany.

Zach was stationed in Iraq when the vehicle in which he was riding was hit by an explosive device and small arms fire. Just weeks shy of his 20th birthday and his being transferred home from Iraq, Zach Clouser and three of his fellow United States soldiers died that day, July 18, 2007.

The son of Kevin Clouser and Deb Etheridge, Pfc. Zachary R. Clouser, was flown to Dover Air Force Base in Delaware. His funeral was held August 11, 2007, in York, Pennsylvania.

This day, November 13, 2007, we are free – free to assemble, free to express our differences, free to enjoy things that many in this world cannot. For that, we must take time to thank men and women who have served this country. Some have lived to tell about it. Some, like Pfc. Zachary Clouser, have died, and we must tell others about them.

Please join me and Representative DePasquale in a resolution to honor the memory of this fallen soldier and the ultimate sacrifice he made for our country. Thank you.

The SPEAKER. Members and guests will please rise and remain standing in honor of United States Army Pfc. Zachary Clouser.

(Whereupon, the members of the House and all visitors stood in a moment of silence in solemn respect to the memory of Pfc. Zachary Clouser.)

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

The following roll call was recorded:

YEAS—196

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

NAYS—0

NOT VOTING—0

EXCUSED—7

Levdansky	Ross	Steil	Yudichak
Pallone	Staback	Tangretti	

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

FAMILY RECOGNIZED

The SPEAKER. The Chair recognizes Representative DePasquale.

Mr. DePASQUALE. Mr. Speaker, thank you.

The family of Zachary Clouser is here, and I would appreciate if they would stand and be recognized.

STATEMENT BY MR. PHILLIPS

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

Mr. PHILLIPS. Mr. Speaker, for personal privilege.

The SPEAKER. Does the gentleman wish to address the House under the provision of unanimous consent?

Mr. PHILLIPS. Yes, Mr. Speaker.

The SPEAKER. Without objection, the gentleman is in order and may proceed.

Mr. PHILLIPS. Thank you, Mr. Speaker.

Mr. Speaker, I rise today as a proud Marine to recognize the corps' 232d birthday, which was celebrated this past Saturday. For 232 years, the Marines have been proudly serving our country, and they continue today fighting terrorism and al-Qaeda and keeping the peace around the world. We are so proud of our Marines – past, present, and future.

At this time I would like to recognize the Marines who are members of this House of Representatives – our majority leader, Bill DeWeese; Representative Bob Belfanti; Representative Neal Goodman; Representative Harry Readshaw; Representative Jake Wheatley; and of course myself – who have served in the Marine Corps.

For more than two and a quarter centuries, countless Marines have defended our nation's freedoms and preserved its liberties, those same liberties our first Marines fought so hard to give to the colonists back in the 1770s. We learned the unbroken tradition of proud and loyal service. We learned, above all else, in duty, honor, and country, and we strove to honor that commitment.

To be a United States Marine requires more than the mastery of skills and techniques of soldiering and seamanship – the practical abilities that come through training and experience. Being a Marine is a state of mind that comes from an embedded belief that he or she is, in fact, unique – a cut above. A Marine is, most of all, part of an organization that demands a difference and delivers excellence beyond others in all it is and does. This is the corps, the strongest brotherhood in the world.

This unique birthday for warriors is a day of camaraderie, a day to honor the corps and country. Throughout the world on November 10, U.S. Marines celebrate the birth of their corps – the most loyal, the most feared, the most revered, and the most professional fighting force the world has ever known.

I would say happy birthday to the Marine Corps, and may there be many more to come. You know, our motto is "semper fidelis," always faithful. Once a Marine, always a Marine.

Thank you, Mr. Speaker.

DEMOCRATIC CAUCUS**APPROPRIATIONS COMMITTEE MEETING**

The SPEAKER. The Chair recognizes Representative Grucela.

Mr. GRUCELA. Thank you, Mr. Speaker.

Mr. Speaker, upon the recess, there will be an immediate Democratic caucus.

The Appropriations Committee will then meet at 2:45, and we will return to the floor at 3 o'clock.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Appropriations Committee will meet at 2:45, following the Democratic caucus.

REPUBLICAN CAUCUS

The SPEAKER. Representative Major.

Miss MAJOR. Thank you, Mr. Speaker.

The Republicans will also caucus immediately at the call of the recess and will also be prepared to return to the floor at 3. Thank you.

The SPEAKER. The Chair thanks the lady.

GUESTS INTRODUCED

The SPEAKER. The Chair would like to recognize, as the guests of Representative Tim Solobay, the Bentleyville Leo Club from Bentleyville, Pennsylvania. They are in the gallery. Would you please rise and be recognized. We welcome you to the floor of the House.

STATEMENT BY MR. BELFANTI

The SPEAKER. The Chair recognizes Representative Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

For those who had some difficulty in understanding the Pennsylvania Dutch from my good friend and colleague from Northumberland County and fellow Marine, Merle Phillips, I would just like to echo his sentiments on behalf of the Marine Corps birthday by giving a big "Ooh-rah."

The SPEAKER. The Chair thanks the gentleman.

Are there any other announcements? Committee announcements?

RECESS

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

AFTER RECESS

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

BILLS REREPORTED FROM COMMITTEE

HB 306, PN 2831 (Amended) By Rep. D. EVANS

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, repealing provisions relating to certain appeals from the Pennsylvania Labor Relations Board.

APPROPRIATIONS.

HB 958, PN 2803 By Rep. D. EVANS

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for the judicial imposition of community service as a penalty.

APPROPRIATIONS.

HB 1177, PN 2804 By Rep. D. EVANS

An Act amending Title 40 (Insurance) of the Pennsylvania Consolidated Statutes, providing for clinical social work services.

APPROPRIATIONS.

HB 1250, PN 2801 By Rep. D. EVANS

An Act amending the act of September 27, 1961 (P.L.1700, No.699), known as the Pharmacy Act, further providing for definitions; providing for registration and permits for pharmacy technicians; further providing for multiple licensure, for refusal to grant revocation and suspension, for State Board of Pharmacy, for hearings and suspensions, for reinstatement, for drug therapy protocols and for penalties; and providing for collaborative drug therapy management.

APPROPRIATIONS.

HB 1415, PN 2749 By Rep. D. EVANS

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 powers and duties of the State Board of Education.

APPROPRIATIONS.

HB 1723, PN 2282 By Rep. D. EVANS

An Act designating the bridge on State Route 322 joining Clearfield and Centre Counties as the Veterans' Memorial Bridge.

APPROPRIATIONS.

HB 1863, PN 2549 By Rep. D. EVANS

An Act designating a bridge on PA Route 120 crossing the railroad tracks at the east end of Renovo Borough in Clinton County, Pennsylvania, as the Western Clinton County Veterans Bridge.

APPROPRIATIONS.

HB 1961, PN 2832 (Amended) By Rep. D. EVANS

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for information relating to prospective child-care personnel.

APPROPRIATIONS.

HB 1962, PN 2734

By Rep. D. EVANS

An Act amending Title 40 (Insurance) of the Pennsylvania Consolidated Statutes, providing for marriage and family therapy services and for professional counseling services.

APPROPRIATIONS.

SB 117, PN 1466

By Rep. D. EVANS

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for the establishment and operation of the Juvenile Court Judges' Commission; prescribing its powers and duties; and repealing provisions relating to Juvenile Court Judges' Commission.

APPROPRIATIONS.

SB 763, PN 1444

By Rep. D. EVANS

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, further providing for delegation of taxing powers and restrictions.

APPROPRIATIONS.

SB 915, PN 1436

By Rep. D. EVANS

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, providing for the establishment of a grant program for designated accredited veterans' service organizations, for defraying the costs for wages, benefits, training and equipment and for improving outreach and delivery of services to Pennsylvania's veterans.

APPROPRIATIONS.

SB 999, PN 1216

By Rep. D. EVANS

An Act designating a portion of State Route 26 in Centre County as the Marine Sergeant David "DJ" Emery, Jr. Highway.

APPROPRIATIONS.

SB 1065, PN 1465

By Rep. D. EVANS

An Act designating State Bridge No. 36-4009-0030-0000, the newly replaced bridge on Dillerville Road in the City of Lancaster, Lancaster County, as the Edward Anthony Davis Memorial Bridge.

APPROPRIATIONS.

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

GUEST INTRODUCED

The SPEAKER. The Chair would like to welcome to the floor of the House Zach Rice, who is shadowing Representative Mark Keller here today. He is the son of Dave Rice, senior legal counsel for the Republican Caucus, and Vickie Rice of Blain, Pennsylvania. He is a senior at West Perry High School in the college prep program. Zach is active in football, baseball, and basketball at West Perry, and he plans to attend Lebanon Valley College next fall. Would you please stand and be recognized.

CALENDAR CONTINUED**BILLS ON SECOND CONSIDERATION**

The House proceeded to second consideration of **HB 259, PN 291**, entitled:

An Act establishing the Pennsylvania Performance Evaluation Commission and providing for its powers and duties.

On the question,

Will the House agree to the bill on second consideration?

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Representative Evans.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. For the information of the members— May I have the members' attention, please? We still have a malfunction of the board, but the Chair informs the members that the roll call is being recorded accurately, although it does not appear that way on the board. The Chair will announce the total of the roll-call vote and furnish members with a hard copy of that vote immediately after the announcement.

CONSIDERATION OF HB 259 CONTINUED

The SPEAKER. Representative Evans.

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 260, PN 2771**, entitled:

An Act requiring executive agencies to prepare and submit strategic plans, performance plans and performance reports; and imposing additional powers and duties on the Office of the Budget.

On the question,

Will the House agree to the bill on second consideration?

Bill was agreed to.

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

Mr. MAHER. Thank you, Mr. Speaker.

Just a parliamentary request, probably not inquiry.

Recognizing that the electronic boards that share information with the members about the matter before us are not functioning, I would ask that the Chair ensure that there is sufficient enunciation of what matter is before us and a sufficient opportunity for the members to hear and understand that information before moving on to the next matter of business.

The SPEAKER. The Chair thanks the gentleman, and for the information of the members, the board is working in part. The bill number or amendment number is appearing at the top

of the board. The rest of the board that records the vote is not functioning.

Mr. MAHER. Well, Mr. Speaker, on whatever that last matter of business was, that did not seem to be the case. And I would add, Mr. Speaker, I am trusting that your intention is that only noncontroversial matters will be before us today, because in the event we get to controversial matters, I would intend to ask the Chair to respect rule 66 that requires that the "yeas" and "nays" shall be taken by our electric roll-call system so that each member can ensure that their vote is being appropriately recorded.

The SPEAKER. The Chair thanks the gentleman.

For the information of the members, even though the names are not appropriately displayed on the board, the rolling session will record this vote, and it will appear on your system as the vote is being taken.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair recognizes the presence of Representative Pallone on the floor. His name will be added to the master roll.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 848, PN 2807**, 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 sale of unused and unnecessary lands and buildings; providing for State reimbursement for mobile classroom facilities; and making editorial changes.

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

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

(Bill analysis was read.)

The SPEAKER. The question is, shall the bill pass finally?
Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

(Members proceeded to vote.)

The SPEAKER. For the information of the members, we are voting on **HB 848, PN 2807**.

PARLIAMENTARY INQUIRY

Mr. CIVERA. Mr. Speaker?

The SPEAKER. Who is rising? The Chair is having difficulty— Representative Civera.

Mr. CIVERA. Mr. Speaker, I think that Representative Maher had touched on this a few seconds ago. What we are used to doing, business in the House, and how we are used to doing business in the House, and the members very

conveniently could look at the board to see exactly what they are voting on and what the process is. This is kind of out of order, and I would hope that— What is our agenda today that is so— If this board is not going to work correctly, then I believe that we should recess the House until tomorrow—

The SPEAKER. The gentleman will approach the rostrum.

Mr. CIVERA. —and come back and do what we have to do here.

The SPEAKER. Will the gentleman approach the rostrum.

(Conference held at Speaker's podium.)

The SPEAKER. Nothing is in order but the taking of the roll.

Members are informed they can look on their system and check their roll-call vote. Rolling session has the appropriate roll call on the system.

VOTE STRICKEN

The SPEAKER. Due to the malfunction of the machine, the clerk will strike the vote.

PARLIAMENTARY INQUIRY

The SPEAKER. For what purpose does Representative Payne rise?

Mr. PAYNE. Thank you, Mr. Speaker.

Mr. Speaker, a question of either you, sir, or the Parliamentarian, if I may.

Just earlier we were assured that the bill number would be at the top of the screen. It is not there, and—

BILL PASSED OVER

The SPEAKER. For the information of the members, we are not going to have any more recorded votes today.

Mr. PAYNE. Thank you, Mr. Speaker.

The SPEAKER. Earlier today, the bill numbers were appearing at the head of the electronic boards. As I said when we first came to the floor, working with the board in its current state is a work in process and we would assess as we go along. It seems like the malfunction is significant enough to suspend the votes for the remainder of the day.

Mr. PAYNE. Thank you, Mr. Speaker.

BILL REPORTED FROM COMMITTEE

HB 1713, PN 2274

By Rep. JOSEPHS

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, further providing for association records; and providing for meetings of unit owners' associations.

STATE GOVERNMENT.

BILL REREFERRED

The SPEAKER. The Chair moves, at the majority leader's request, that **HB 1713, PN 2274**, be rereferred to the Committee on Urban Affairs.

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

The SPEAKER. Without objection, this bill will be so rereferred.

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 288, PN 1847**, 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,
Will the House agree to the bill on second consideration?

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 288 be removed from the active calendar and placed on the tabled bill calendar.

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

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 288 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.

* * *

The House proceeded to second consideration of **HB 1085, PN 1257**, entitled:

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, prohibiting investments in countries identified as sponsors of terrorism.

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 1085 be removed from the active calendar and placed on the tabled bill calendar.

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

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 1085 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.

* * *

The House proceeded to second consideration of **HB 1086, PN 1258**, entitled:

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, prohibiting investments in corporations doing business in countries which sponsor terrorism.

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 1086 be removed from the active calendar and placed on the tabled bill calendar.

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

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 1086 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.

* * *

The House proceeded to second consideration of **HB 1087, PN 1259**, entitled:

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, providing for prohibition of investments in countries identified as sponsors of terrorism.

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 1087 be removed from the active calendar and placed on the tabled bill calendar.

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

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 1087 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.

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader, who moves that the following bills be removed from the tabled bill calendar and placed on the active calendar:

HB 174;
HB 281;
HB 885; and
HB 1308.

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

The SPEAKER. The Chair intends to recess regular session and go into special session at 3:40 p.m.

RECESS

The SPEAKER. This House stands in recess.

AFTER RECESS

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

The SPEAKER. Are there any announcements?

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.

ADJOURNMENT

The SPEAKER. The Chair recognizes Representative Cutler from Lancaster County, who moves that this House do now adjourn until Wednesday, November 14, 2007, 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 3:45 p.m., e.s.t., the House adjourned.