COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

MONDAY, NOVEMBER 19, 2007

SESSION OF 2007 191ST OF THE GENERAL ASSEMBLY No. 103

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (DENNIS M. O'BRIEN) PRESIDING

PRAYER

The SPEAKER. The prayer will be offered by the Reverend William Earl Lee, guest of Representative Scavello.

REV. WILLIAM EARL LEE, Guest Chaplain of the House of Representatives, offered the following prayer:

If we would take a moment just to bow our heads and lift our hearts:

Eternal God, our Father, in the name of Jesus, once again we are privileged to come into this session and acknowledge You as the only one wise, true God, our savior, our redeemer, and our rock. We thank You, Lord, for everything that will transpire here today, that will bring glory and honor to Your name. For these 200-plus that we will be praying for today, we are trusting that Your will will be done, that the integrity of each and every man and woman here will be completely revealed unto Thee.

We thank You, Lord, for those whom You have placed as an overseer and for those who are underneath, that they will obey those who are in authority over them because they watch over their soul. We also thank You, Lord, for the privilege that each and every one of us has to come and just be in Your presence today, just because You are God.

So we take this final moment just to lift You up and say thank You, Lord. Thank You for this session. Thank You for everyone that will be in this session today and even those who had a desire to be here but for some reason they physically could not be here.

We thank You, Lord, for the honesty and the wisdom that You have given to those who are in authority, that they will continue to lead those and lead this great State of Pennsylvania, that we would lead them into all righteousness.

It is in Jesus' name that we pray. Amen.

PLEDGE OF ALLEGIANCE

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

GUESTS INTRODUCED

The SPEAKER. Please welcome, as the guests of Representatives Mario Scavello, John Siptroth, Mike Peifer, and Mike Carroll, today's Guest Chaplain, the Reverend William Earl Lee from Jesus the Christ Church located in Stroudsburg, Monroe County. Reverend Lee also serves as the chaplain at the Monroe County Correctional Facilities.

Accompanying Reverend Lee to the Capitol is Bradford Harkley, chairman deacon of Jesus the Christ Church, and these guests are seated to the left of the Speaker. Would you please rise and be recognized.

REMARKS SUBMITTED FOR THE RECORD

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

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

Mr. Speaker, I would like to read to the members of the House of Representatives the following citation of Thomas R. Purcell.

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

Now therefore, Mr. Speaker and members of the House of Representatives, it is my privilege to congratulate and place in the Legislative Journal the name of Thomas R. Purcell.

The SPEAKER. Would Representative Quinn approach the rostrum, please.

DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes Representative Grucela.

Mr. GRUCELA. Thank you, Mr. Speaker.

Mr. Speaker, if I could have the attention of the members. The Democrats will report to caucus immediately, and we will return to the floor at 2 o'clock. Thank you, Mr. Speaker.

REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the minority whip, Representative Argall.

Representative Stern.

Mr. STERN. The House Republicans will report to caucus immediately and also return to the floor at 2 o'clock.

The SPEAKER. The Chair thanks the gentleman.

Are there any other announcements?

ANNOUNCEMENT BY SPEAKER

The SPEAKER. For the information of the members – I know there are some puzzled looks on the members' faces – there seems to be a large number of members that are caught on the turnpike. Apparently a fog has rolled in since the weather is warming up, and we are giving them the opportunity to get here.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Chair recognizes Representative Conklin.

Mr. CONKLIN. There will be an Appropriations meeting at 2 p.m. in the majority caucus room. Please, all Appropriation members, be present at 2 p.m. in the majority caucus room. Thank you.

The SPEAKER. The Chair thanks the gentleman.

There will be an Appropriations meeting at 2 p.m. in the majority caucus room.

RECESS

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

RECESS EXTENDED

The time of recess was extended until 2:30 p.m.

AFTER RECESS

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

THE SPEAKER PRO TEMPORE (JOSEPH A. PETRARCA) PRESIDING

JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. Without objection, approval of the Journal of Thursday, November 15, 2007, will be postponed until printed. The Chair hears no objection.

LEAVES OF ABSENCE

The SPEAKER pro tempore. Turning to leaves of absence, the Chair recognizes the majority whip, who requests leave for the day for Representatives BELFANTI, MUNDY, BENNINGTON, and STABACK, and Representative CRUZ for the week. Without objection, those leaves will be granted.

The Chair recognizes the minority whip, who requests leave for the day for Representatives WATSON, MAJOR, GINGRICH, HICKERNELL, PEIFER, MURT, ROCK, and NICKOL. Without objection, those leaves will be granted.

LEAVE OF ABSENCE CANCELED

The SPEAKER pro tempore. The Chair does recognize the presence of Representative Watson on the floor. Her name will be added to the master roll.

Will members please report to the floor.

MASTER ROLL CALL

The SPEAKER pro tempore. The Chair is about to take today's master roll. Members will proceed to vote.

The following roll call was recorded:

PRESENT–191

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

ADDITIONS–0

NOT VOTING–0

EXCUSED–12

Belfanti	Gingrich	Mundy	Peifer
Bennington	Hickernell	Murt	Rock
Cruz	Major	Nickol	Staback

LEAVES ADDED–2

O'Brien, D. Micozzie

LEAVES CANCELED–2

Bennington Mundy

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

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair returns to leaves of absence and recognizes the minority whip, who requests leave of absence for Representative Dennis O'BRIEN from Philadelphia. Without objection, that leave is granted.

RESOLUTIONS REPORTED FROM COMMITTEE

HR 371, PN 2266 By Rep. THOMAS

A Resolution memorializing the Congress of the United States to increase funding to the National Institutes of Health (NIH) by 6.7% in each of the next three years to accelerate the momentum of discovery to improve health and quality of life for millions of Americans.

INTERGOVERNMENTAL AFFAIRS.

HR 377, PN 2372 By Rep. THOMAS

A Resolution memorializing the Congress of the United States to pass and the President of the United States to sign Indian Health Care Improvement Act reauthorization legislation.

INTERGOVERNMENTAL AFFAIRS.

BILL REPORTED FROM COMMITTEE

HB 1705, 2255 By Rep. THOMAS

An Act authorizing the Commonwealth of Pennsylvania to join the Great Lakes-St. Lawrence River Basin Water Resources Compact; providing for the form of the compact; and imposing additional powers and duties on the Governor, the Secretary of the Commonwealth and the Compact.

INTERGOVERNMENTAL AFFAIRS.

BILL REREFERRED

The SPEAKER pro tempore. The Chair moves, at the majority leader's request, that HB 1705, PN 2255, be rereferred to the Committee on Environmental Resources and Energy.

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

The SPEAKER pro tempore. Without objection, that bill will be so rereferred.

RESOLUTION REPORTED FROM COMMITTEE

HR 388, PN 2440 By Rep. THOMAS

A Resolution urging the Congress of the United States to support H.R. 690, which reduces the minimum age for receipt of military retired pay for nonregular service from 60 to 55.

INTERGOVERNMENTAL AFFAIRS.

RESOLUTION REREFERRED

The SPEAKER pro tempore. The Chair moves, at the majority leader's request, that HR 388, PN 2440, be rereferred to the Committee on Veterans Affairs and Emergency Preparedness.

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

The SPEAKER pro tempore. Without objection, that resolution will be so rereferred.

RESOLUTION REPORTED FROM COMMITTEE

HR 400, PN 2425 By Rep. THOMAS

A Resolution memorializing the Congress of the United States to address the need for improvement and an increase of programs for veterans health care under the Department of Veterans Affairs.

INTERGOVERNMENTAL AFFAIRS.

RESOLUTION REREFERRED

The SPEAKER pro tempore. The Chair moves, at the majority leader's request, that HR 400, PN 2425, be rereferred to the Committee on Veterans Affairs and Emergency Preparedness.

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

The SPEAKER pro tempore. Without objection, that resolution will be so rereferred.

GUEST INTRODUCED

The SPEAKER pro tempore. The Chair would like to welcome to the hall of the House, seated to the left of the

Speaker, Mark Hoffman, who is project manager at PPL, here today as the guest of Representative McCall. Welcome to the hall of the House.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1999 By Representatives SEIP, BENNINGTON, CALTAGIRONE, CASORIO, HARHAI, JOSEPHS, KULA, MAHONEY, McCALL, MURT, MUSTIO, MYERS, PETRARCA, SOLOBAY, WALKO, WATERS, YOUNGBLOOD and HARKINS

An Act amending the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, further providing for physician assistants and for respiratory care practitioners.

Referred to Committee on PROFESSIONAL LICENSURE, November 19, 2007.

No. 2041 By Representatives BENNINGHOFF, WATSON, ADOLPH, BAKER, BELFANTI, BEYER, BOBACK, CLYMER, COHEN, DALLY, J. EVANS, FLECK, FRANKEL, GEIST, GIBBONS, HARHAI, HARHART, HERSHEY, HUTCHINSON, KENNEY, MACKERETH, MANN, McGEEHAN, McILHATTAN, R. MILLER, MOYER, MURT, NAILOR, PAYNE, PICKETT, QUINN, RAPP, REICHLEY, ROAE, RUBLEY, SAYLOR, SCAVELLO, SCHRODER, SEIP, STERN, SWANGER, J. TAYLOR, WAGNER, YOUNGBLOOD and MELIO

An Act amending the act of April 23, 1956 (1955 P.L.1510, No.500), known as the Disease Prevention and Control Law of 1955, requiring reports of cases of methicillin-resistant Staphylococcus aureus; providing for examination and diagnosis of persons suspected of having methicillin-resistant Staphylococcus aureus; further providing for examinations; and further providing for rules and regulations of the board.

Referred to Committee on HEALTH AND HUMAN SERVICES, November 19, 2007.

No. 2042 By Representative MAHONEY

An Act providing for public access to government contracts.

Referred to Committee on INTERGOVERNMENTAL AFFAIRS, November 15, 2007.

No. 2043 By Representatives HALUSKA, BENNINGHOFF, CAPPELLI, GEIST, GODSHALL, HENNESSEY, HERSHEY, W. KELLER, KOTIK, KULA, MAHONEY, MOUL, READSHAW, SIPTROTH, SONNEY, STABACK and YOUNGBLOOD

An Act amending Titles 32 (Forests, Waters and State Parks), 42 (Judiciary and Judicial Procedure) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, reconsolidating provisions on snowmobiles and all-terrain vehicles; further providing for the definition of "all-terrain vehicle"; and making editorial changes.

Referred to Committee on TOURISM AND RECREATIONAL DEVELOPMENT, November 19, 2007.

No. 2060 By Representatives D. O'BRIEN, VEREB, BAKER, BELFANTI, BENNINGHOFF, BIANCUCCI, BLACKWELL, BRENNAN, CALTAGIRONE, CAPPELLI, CARROLL, CASORIO, CAUSER, CLYMER, DALLY, DePASQUALE, D. EVANS, EVERETT, GEIST, GODSHALL, GRUCELA, HARHAI, HARKINS, HARRIS, HENNESSEY, HERSHEY, HESS, JOSEPHS, KAUFFMAN, KILLION, KOTIK, KULA, MACKERETH, MAHONEY, MARSHALL, McILHATTAN, MICOZZIE, MILNE, MOUL, MOYER, MURT, MUSTIO, NAILOR, O'NEILL, PAYNE, PHILLIPS, QUIGLEY, RAPP, READSHAW, REICHLEY, RUBLEY, SABATINA, SAYLOR, SIPTROTH, STERN, SURRA, SWANGER, J. TAYLOR, VULAKOVICH, WATSON, WOJNAROSKI, YOUNGBLOOD, PYLE, MELIO and R. TAYLOR

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for sentence for murder and murder of unborn child; providing for the offense of criminal homicide of law enforcement officer and for the offense of assault of law enforcement officer; imposing penalties; and prescribing sentences for offenses committed against law enforcement officer.

Referred to Committee on JUDICIARY, November 19, 2007.

The SPEAKER pro tempore. Members will take their seats. We are about to take up a condolence resolution. Will the Sergeants at Arms please clear the aisles. Will members please take their seats.

CALENDAR

RESOLUTION PURSUANT TO RULE 35

Ms. QUINN called up **HR 507, PN 2851,** entitled:

A Resolution honoring the life of Marine First Lieutenant Travis Joseph Lemma Manion, United States Marine Corps, who paid the supreme sacrifice in the service of his country on April 29, 2007, at the age of 26 when he was killed during combat operations in the Al Anbar province, Iraq, while serving his second tour of duty assigned to the 1st Reconnaissance Battalion, 1st Marine Division, 1st United States Marine Expeditionary Force based at Camp Pendleton, California.

On the question,
Will the House adopt the resolution?

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

Ms. QUINN. Thank you, Mr. Speaker.

It is an honor and a privilege for me to speak to you today about one of Pennsylvania's true heroes, 1st Lt. Travis Manion, who died on April 29, 2007, while serving our nation during his second tour in support of Operation Iraqi Freedom.

Travis was one of Pennsylvania's best, one of our nation's best. He was raised in a military family, and his parents instilled in him the Marine Corps values of honor, courage, self-sacrifice, and love of freedom. He was the epitome of all that is wonderful about America and her people.

At home, in Doylestown Township, Travis will be remembered for his great sense of humor, his leadership ability, his big heart, and crushing bear hugs. Travis graduated from La Salle College High School in 1999 with a 3.7 grade point average, and varsity letters in wrestling, football, and lacrosse. He was named first team all-Catholic six times for wrestling and lacrosse, and he earned All-American honors in wrestling. Travis left an indelible mark on his high school, just as he did on anyone who ever got to know him.

Travis was determined to attend the United States Naval Academy and graduated from the Academy in 2004 as a second lieutenant in the Marine Corps. That same year he was named a preseason national Top 20 wrestler. Lieutenant Manion finished in the top of his class and had many career options, but chose to serve his first tour in Iraq with the 1st Reconnaissance Battalion, because he believed he could best serve his country with the 1st Marine Division.

Not long after this tour, Travis was selected to serve with the Marine's Military Transition Team, which was charged with advising the Iraqi Army and training them to eventually take over and defend the country. He not only worked with the Iraqi soldiers he was training, he also lived with them. Travis and his fellow Marines worked to build a brotherhood with the Iraqi Army units and set the example with strong leadership and a passion for their mission. In honor of Travis and as a testament to how much he was admired, the Iraqis have named their new headquarters after him, Combat Outpost Manion.

Travis proved his courage time and again in battle, never losing sight of why he was in Iraq. During one incident while on patrol with his team, they were struck by an improvised explosive device. An unscathed and composed Travis, wearing 80 pounds of gear, chased down the bomber and brought him into custody.

In another stunning example of his heroism, Travis stormed through poison gas and enemy fire, up an exposed staircase to the roof of his barracks, which was under attack. On the roof he maneuvered sandbags to create firing positions so the building could be defended and the wounded removed.

Travis's final act of gallantry took place while conducting a patrol with the Iraqi Army. During the patrol, a corpsman and a young marine were critically hit by a sniper. Leaving a safe position, Lieutenant Manion provided fire to allow the sailor and the marine to be rescued. While firing, Travis was mortally wounded. Lieutenant Manion died upholding the highest tradition of the corps. He put the safety of his brothers-in-arms ahead of his own. He died a hero in the truest sense of the word.

I would like to share with you Travis's own words about his mission in Iraq: "There are many different views on our mission here; however, all I can say with certainty is that there are thousands of Americans over here working hard toward a positive outcome in Iraq. Every day I am here, I see great things being accomplished under harsh circumstances from young Americans. I am truly honored to serve beside these Marines, Sailors, Soldiers and Airmen. I am not sure the average American sees the positives that these servicemen and women accomplish or even understands the sacrifices of their efforts; however, whatever course of action our leadership decides upon, there are those in waiting, ready to carry out the mission in support of our country and in defense of its people and their freedoms." Travis, like the men and women with whom he served, firmly believed in what he was doing in Iraq.

FAMILY INTRODUCED

Ms. QUINN. With us today are some members of Travis's family: his parents, Jannette and Marine Col. Thomas Manion; Travis's sister, Ryan; and some of his aunts, uncles, and cousins. If you would please stand, we would like to acknowledge and to thank you for your sacrifice.

I ask you all to join me in honoring 1st Lt. Travis Manion today, Nov 19, on what would have been his 27th birthday, by adopting HR 507.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the lady.

Members and guests will rise as a sign of respect for the fallen soldier, Marine 1st Lt. Travis Manion.

(Whereupon, the members of the House and all visitors stood in a moment of silence in solemn respect to the memory of Marine 1st Lt. Travis Manion.)

On the question recurring,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS–190

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

Everett	Mackereth	Reed	Wojnaroski
Fabrizio	Maher	Reichley	Yewcic
Fairchild	Mahoney	Roae	Youngblood
Fleck	Manderino	Roebuck	Yudichak
Frankel	Mann		

NAYS–0

NOT VOTING–0

EXCUSED–13

Belfanti	Hickernell	Nickol	
Bennington	Major	Peifer	O'Brien, D.,
Cruz	Mundy	Rock	Speaker
Gingrich	Murt	Staback	

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. Seated at the back of the House, the Chair welcomes the Iraq War Veterans Organization, who are guests of Representative Gerber. Welcome to the hall of the House.

STATEMENT BY MR. GERBER

The SPEAKER pro tempore. For what purpose does the gentleman, Representative Gerber, rise?

Mr. GERBER. Thank you, Mr. Speaker. And thank you for welcoming our friends from the Iraq War Veterans Organization.

We just sat here and heard a very moving presentation by one of our colleagues about a fallen serviceperson, Travis Manion, and in listening to that, we realize how brave these veterans are who join us here today in our chamber. They not only fought for our country overseas, but they have returned home to fight for their fellow veterans and their families.

And while we may have diverging views on politics and policy here in this chamber and in the national discourse, I think we can all agree that the men and women who volunteer to protect our country and fight on our behalf deserve the very best that this country can offer.

And so from this wonderful chamber, which is really the very essence of our freedom and democracy here in the United States, I rise simply to say thank you to our friends that have joined us today. We thank you for volunteering for our country, we thank you for the work that you are doing for your fellow veterans, and we thank you for the work you are doing for families like the family of Travis Manion.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

BILLS ON THIRD CONSIDERATION

Mr. BAKER called up **HB 143, PN 2589,** entitled:

An Act amending the act of July 2, 1984 (P.L.561, No.112), known as the Pennsylvania Conservation Corps Act, further providing for supervisors.

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

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

(Bill analysis was read.)

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

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

The following roll call was recorded:

YEAS–187

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

Fabrizio	Mackereth	Reichley	Youngblood
Fairchild	Maher	Roebuck	Yudichak
Fleck	Mahoney	Rohrer	

NAYS–3

Metcalfe	Perry	Roae

NOT VOTING–0

EXCUSED–13

Belfanti	Hickernell	Nickol	
Bennington	Major	Peifer	O'Brien, D.,
Cruz	Mundy	Rock	Speaker
Gingrich	Murt	Staback	

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

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

* * *

The House proceeded to third consideration of **HB 1723, PN 2282,** entitled:

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

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

(Bill analysis was read.)

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

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

The following roll call was recorded:

YEAS–190

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

NAYS–0

NOT VOTING–0

EXCUSED–13

Belfanti	Hickernell	Nickol	
Bennington	Major	Peifer	O'Brien, D.,
Cruz	Mundy	Rock	Speaker
Gingrich	Murt	Staback	

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

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

* * *

The House proceeded to third consideration of **HB 958, PN 2803,** entitled:

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

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

(Bill analysis was read.)

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

For what purpose does the gentleman, Mr. Casorio, rise?

Mr. CASORIO. Thank you, Mr. Speaker.

Mr. Speaker, could we have a brief explanation of HB 958, please?

The SPEAKER pro tempore. The Chair recognizes Representative Youngblood for a description of the bill.

Ms. YOUNGBLOOD. Mr. Speaker, where individuals are imposed fines and penalties and cannot pay, this is a way that we can have them make restitution by doing community service. I think it is an ideal bill that Representative Cruz has introduced because it is a way to show that you have done a crime and you are not going to get away, because you are obligated to do community service.

The SPEAKER pro tempore. The Chair thanks the lady.

On the question recurring,

Shall the bill pass finally?

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

The following roll call was recorded:

YEAS–190

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

NAYS–0

NOT VOTING–0

EXCUSED–13

Belfanti	Hickernell	Nickol	
Bennington	Major	Peifer	O'Brien, D.,
Cruz	Mundy	Rock	Speaker
Gingrich	Murt	Staback	

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

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

* * *

The House proceeded to third consideration of **HB 1863, PN 2549,** entitled:

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.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

(Bill analysis was read.)

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

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

The following roll call was recorded:

YEAS–190

Adolph	Freeman	Mantz	Rohrer
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Benninghoff	Gergely	McI. Smith	Santoni
Beyer	Gibbons	McIlhattan	Saylor
Biancucci	Gillespie	Melio	Scavello
Bishop	Godshall	Mensch	Schroder
Blackwell	Goodman	Metcalfe	Seip
Boback	Grell	Micozzie	Shapiro
Boyd	Grucela	Millard	Shimkus
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Brooks	Hanna	Milne	Smith, K.
Buxton	Harhai	Moul	Smith, M.

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

NAYS–0

NOT VOTING–0

EXCUSED–13

Belfanti	Hickernell	Nickol	
Bennington	Major	Peifer	O'Brien, D.,
Cruz	Mundy	Rock	Speaker
Gingrich	Murt	Staback	

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

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

The SPEAKER pro tempore. The House will be at ease temporarily.

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 895, PN 2748,** entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for exception for adopted children; providing for sibling visitation; and making an editorial change.

On the question,

Will the House agree to the bill on second consideration?

Bill was agreed to.

DEMOCRATIC CAUCUS

Mr. DeWEESE. Mr. Speaker?

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

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

I would like to announce an immediate Democratic caucus. We will return to the floor, after caucusing on four bills, at 4 o'clock sharp. Thank you very much, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

ANNOUNCEMENT BY MR. STERN

The SPEAKER pro tempore. The Chair recognizes Representative Stern for a caucus announcement.

Mr. STERN. The House Republicans have already caucused on those bills. We do not need to caucus at this time, so we can come back to the call of the Chair. So House Republicans do not have to caucus at this time.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

Mr. DALLY. I am not sure if it is a parliamentary inquiry or perhaps a question for the majority leader, but on our Week Ahead Schedule this week, we were scheduled to vote open records today, and I do not see it on the voting calendar. I am wondering what happened to open records, especially in light of next week being canceled, when we are going to be getting to that.

The SPEAKER pro tempore. That is not a question for the Chair, Representative Dally.

Mr. DALLY. So I guess it remains to be unknown. Open records is out floating in never-never land somewhere, but it was on our voting calendar to be voted, and I am just wondering what happened to the bill.

I guess no one wants to open up about that. Thank you, Mr. Speaker.

The SPEAKER pro tempore. Perhaps there will be an answer later, Representative Dally.

INTERGOVERNMENTAL AFFAIRS COMMITTEE MEETING

The SPEAKER pro tempore. For what purpose does the gentleman, Mr. Sabatina, rise?

Mr. SABATINA. I would like to make a committee announcement.

The SPEAKER pro tempore. The gentleman is in order.

Mr. SABATINA. There will be a committee meeting of the Intergovernmental Affairs Committee at 3:45 in G-50, Irvis.

The SPEAKER pro tempore. The Chair thanks the gentleman.

At 3:45 in G-50, Irvis, there will be a committee meeting of the Intergovernmental Affairs Committee.

Are there any other announcements? We expect to come back and be on the floor at 4 o'clock.

RECESS

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

AFTER RECESS

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

LEAVES OF ABSENCE CANCELED

The SPEAKER pro tempore. The Chair notes the presence on the floor of Representative Mundy and Representative Bennington. Their names will be added to the master roll.

The House will come to order.

RECESS

The SPEAKER pro tempore. We will now recess regular session and move to special session.

AFTER RECESS

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

The SPEAKER pro tempore. The House will come to order in regular session.

The House will be at ease.

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair recognizes the minority whip, who asks that Representative MICOZZIE be placed on leave for the remainder of the day. Without objection, that leave will be granted.

CALENDAR CONTINUED

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1961, PN 2832,** entitled:

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

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

* * *

The House proceeded to second consideration of **SB 117, PN 1466,** entitled:

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.

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

* * *

The House proceeded to second consideration of **SB 915, PN 1436,** entitled:

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.

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

Mr. **NAILOR** offered the following amendment No. **A03622:**

Amend Title, page 1, line 2, by inserting after "Statutes,"
further providing for termination of certain health insurance benefits and adding a definition of "ancillary service plans";
Amend Bill, page 1, lines 10 and 11, by striking out all of said lines and inserting
Section 1. Section 7309(d) and (e) of Title 51 of the Pennsylvania Consolidated Statutes are amended to read:
§ 7309. Employment discrimination for military membership or duty.
* * *
(d) Termination of certain health insurance benefits.–
(1) As used in this subsection, the term "eligible member" applies to full-time students who are eligible for health insurance coverage or ancillary service plans under their parents' health insurance policies when the students are:
(i) members of the Pennsylvania National Guard or any reserve component of the armed forces of the United States who are called or ordered to active duty, other than active duty for training, for a period of 30 or more consecutive days; or
(ii) members of the Pennsylvania National Guard ordered to active State duty, including duty under 35 Pa.C.S. Ch. 76 (relating to Emergency Management Assistance Compact), for a period of 30 or more consecutive days.
(2) As used in this subsection, the term "full-time student" shall have the same meaning set forth in Chapter 32 (relating to Educational Assistance Program).
(3) The eligibility for health insurance coverage or ancillary service plans under a parent's health insurance policy for eligible members as defined in paragraph (1) shall be extended for a period equal to the duration of the eligible member's service on active duty or active State duty or until the eligible member is no longer a full-time student. The eligibility of an eligible member who is a full-time student for health insurance coverage under or ancillary service plans a parent's policy shall not terminate because of the age of the eligible member when the member's educational program was interrupted because of military duty.
(4) In order to qualify for this extension, the eligible member must:

(i) Submit a form approved by the Department of Military and Veterans Affairs notifying the insurer that the eligible member has been placed on active duty.

(ii) Submit a form approved by the Department of Military and Veterans Affairs notifying the insurer that the eligible member is no longer on active duty.

(iii) Submit a form approved by the Department of Military and Veterans Affairs showing that the student has reenrolled as a full-time student for the first term or semester starting 60 or more days after his or her release from active duty.

(5) The provisions of this subsection shall not apply to a health insurance policy or ancillary service plan that has been terminated.

(e) Definitions.–As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Ancillary service plans." Any individual or group health insurance plan, subscriber contract or certificate that provides exclusive coverage for dental services or vision services.

"Health insurance policy." An individual or group health, sickness or accident policy or subscriber contract or certificate issued by an entity subject to any one of the following:

(1) The act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921.

(2) The act of December 29, 1972 (P.L.1701, No.364), known as the Health Maintenance Organization Act.

(3) The act of May 18, 1976 (P.L.123, No.54), known as the Individual Accident and Sickness Insurance Minimum Standards Act.

(4) 40 Pa.C.S. Ch. 61 (relating to hospital plan corporations) or 63 (relating to professional health services plan corporations).

Section 2. Title 51 is amended by adding a section to read:

Amend Sec. 2, page 5, line 26, by striking out "2" and inserting 3

Amend Sec. 3, page 6, line 4, by striking out "3" and inserting 4

On the question,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

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

Mr. NAILOR. Thank you, Mr. Speaker.

Mr. Speaker, I have agreed with both chairmen of the Veterans Affairs and Emergency Preparedness Committee to withdraw this amendment at this time for future consideration. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

For what purpose does the gentleman, Mr. Melio, rise?

Mr. MELIO. Thank you, Mr. Speaker.

I just want to thank Representative Nailor for withdrawing his amendment to SB 915. This allows us to move this most important bill that much more swiftly.

I would also like to assure Representative Nailor that it is my intention to work with him on moving this bill to the Veterans Affairs and Emergency Preparedness Committee in the near future.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the bill on second consideration?

Bill was agreed to.

INTERGOVERNMENTAL AFFAIRS COMMITTEE MEETING

The SPEAKER pro tempore. For what purpose does the gentleman, Mr. Sabatina, rise?

Mr. SABATINA. Announcement of a meeting.

The SPEAKER pro tempore. The gentleman is in order.

Mr. SABATINA. Thank you.

There will be another meeting of the Intergovernmental Affairs Committee, 5 o'clock, in G-50, Irvis.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Intergovernmental Affairs Committee will be meeting at 5 o'clock in G-50 of the Irvis Building.

For what purpose does the gentleman, Mr. Maher, rise?

Mr. MAHER. Thank you, Mr. Speaker.

Am I gathering from the announcements that we are nearing the end of our expected voting calendar today? Or am I inferring what is not happening?

The SPEAKER pro tempore. We are still trying to ascertain what the schedule will be for the rest of the day.

Mr. MAHER. All right. I just would want to establish and confirm the conversation I had at the rostrum that if HB 2042 comes up for first consideration, at that time I would like to be recognized in connection with first consideration.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

STATEMENT BY MR. YUDICHAK

The SPEAKER pro tempore. For what purpose does the gentleman, Mr. Yudichak, rise?

Mr. YUDICHAK. Personal privilege, Mr. Speaker.

The SPEAKER pro tempore. The gentleman is in order.

Mr. YUDICHAK. Thank you, Mr. Speaker.

With a pause in the action, I just wanted, in this week of Thanksgiving, to extend my thank you to the members and the good Lord for blessing my family with two new additions, the birth of twin girls, to the Yudichak family, Anna and Evelyn. They join their big sister, Sarah. Sarah, Anna, Evelyn, and Mom are doing fantastic. Thanks to the members and my colleagues for their best wishes.

The SPEAKER pro tempore. The Chair congratulates the gentleman.

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1281, PN 1834,** entitled:

An Act amending the act of April 28, 1978 (P.L.87, No.41), known as the Pennsylvania Appalachian Trail Act, further providing for actions by municipalities and their powers and duties; and making editorial changes.

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

BILL TABLED

The SPEAKER pro tempore. The Chair recognizes the majority leader, who moves that HB 1281 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 pro tempore. The Chair recognizes the majority leader, who moves that HB 1281 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.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1664, PN 2199,** entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for theft of leased property.

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

BILL TABLED

The SPEAKER pro tempore. The Chair recognizes the majority leader, who moves that HB 1664 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 pro tempore. The Chair again recognizes the majority leader, who moves that HB 1664 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.

RESOLUTIONS

Mr. DeWEESE called up **HR 352, PN 2084,** entitled:

A Resolution directing the Legislative Budget and Finance Committee to study alternatives to the liquid fuels tax for purposes of funding the Commonwealth's transportation infrastructure and to report its findings to the General Assembly.

On the question,
Will the House adopt the resolution?

RESOLUTION TABLED

The SPEAKER pro tempore. The Chair recognizes the majority leader, who moves that HR 352 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.

RESOLUTION REMOVED FROM TABLE

The SPEAKER pro tempore. The Chair again recognizes the majority leader, who moves that HR 352 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.

* * *

Mr. DeWEESE called up **HR 353, PN 2085,** entitled:

A Resolution directing the Legislative Budget and Finance Committee to study the feasibility and cost-effectiveness of placing transit agency employees under the Commonwealth's jurisdiction for the purposes of providing health benefits and pension benefits and to make a report.

On the question,
Will the House adopt the resolution?

RESOLUTION TABLED

The SPEAKER pro tempore. The Chair recognizes the majority leader, who moves that HR 353 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.

RESOLUTION REMOVED FROM TABLE

The SPEAKER pro tempore. The Chair again recognizes the majority leader, who moves that HR 353 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.

BILL REMOVED FROM TABLE

The SPEAKER pro tempore. The Chair recognizes the majority leader, who moves that HB 1407 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.

BILL TABLED

The SPEAKER pro tempore. The Chair recognizes the majority leader, who moves that HB 1407 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 pro tempore. The Chair again recognizes the majority leader, who moves that SB 737 be removed from the tabled bill calendar.

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

BILL RECOMMITTED

The SPEAKER pro tempore. The Chair recognizes the majority leader, who moves that SB 737 be recommitted to the Committee on Appropriations.

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

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 377, PN 2849,** entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing an alternative special tax provision for poverty.

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

BILL RECOMMITTED

The SPEAKER pro tempore. The Chair recognizes the majority leader, who moves that HB 377 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.

The SPEAKER pro tempore. The House will be at ease temporarily.

The House will come to order.

INTERGOVERNMENTAL AFFAIRS COMMITTEE MEETING

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

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

While we are momentarily at ease, the Intergovernmental Affairs Committee is going to meet in the Irvis Office Building, room G-50, G-50, at this moment. So members of that committee should please report to the Irvis Office Building.

Thank you.

The SPEAKER pro tempore. The Chair gives permission to the members of the Intergovernmental Affairs Committee to meet while the House is in session.

POINT OF ORDER

Mr. MAHER. Mr. Speaker, I am seeking recognition on a point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. MAHER. Thank you, Mr. Speaker.

Was there a suspension of the rules, specifically suspension of rule 45, to permit the Intergovernmental Affairs Committee to proceed with a meeting? I do not recall that vote. And if there was not a suspension of the rules, Mr. Speaker, I think it is obvious on a very simple, straightforward reading of rule 45, which was adopted to promote openness, that 24 hours' notice is required to all members before a committee meeting proceeds. And I would ask that you would rule that a meeting absent that 24-hour notice is out of order and would hope that all of those reform-minded members, especially those who joined us this year with a notion of changing the rules—

Mr. DeWEESE. Mr. Speaker?

Mr. MAHER. —that they would—

Mr. DeWEESE. Mr. Speaker?

Mr. MAHER. Sir, I am just asking that you find the call for a meeting to be out of order, and if you would disagree, I would like to appeal that decision of the Chair.

The SPEAKER pro tempore. Will both gentlemen suspend.

Mr. Maher, the Chair asks that you specifically state your point of order.

Mr. MAHER. Yes, sir.

Mr. Speaker, rule 45 provides that there will be 24 hours' notice to all members of any committee meeting, and this committee meeting, just announced, does not meet that standard and therefore is out of order, unless there has been a suspension of the rules.

Now, if someone would like to make a motion to suspend that rule to proceed with this committee meeting, I am sure we could entertain that vote, but absent a suspension of the rules, Mr. Speaker, that meeting is clearly out of order.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair directs the gentleman to rule 45 that states that "...special meetings may be called from time to time by the chair of the committee or subcommittee as they deem necessary."

Mr. MAHER. Mr. Speaker, you are exactly right that rule 45 provides that, but in providing that, it does not waive the 24-hour notice.

The SPEAKER pro tempore. The gentleman has not been recognized.

Mr. MAHER. I am sorry, Mr. Speaker. I thought you were addressing me. I was simply responding.

So may I appeal the decision of the Chair, Mr. Speaker?

The SPEAKER pro tempore. The gentleman is not recognized.

The Chair recognizes Representative Steil.

Mr. STEIL. Thank you, Mr. Speaker.

Mr. DeWEESE. Mr. Speaker? Mr. Speaker, excuse me. May I just ask for a moment of recognition? A parliamentary inquiry.

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

Mr. DeWEESE. Thank you very much, sir.

My colleagues remind me that there is a strong impression on this side of the aisle that we are momentarily at ease for the committee meeting and therefore nothing else would be in order while we are at ease.

Thank you.

Mr. MAHER. Mr. Speaker, a point of order.

ANNOUNCEMENT BY MR. STEIL

The SPEAKER pro tempore. The gentleman, Mr. Steil.

Mr. STEIL. Thank you, Mr. Speaker.

While I believe your decision on the time frame to announce a meeting is incorrect, I have to ask all Republican members of the Intergovernmental Affairs Committee to go to room G-50 immediately to consider a bill which is before the committee at this time. So, please, all Republican members, Intergovernmental Affairs, to room G-50 so that we can attend the meeting, which I believe is not properly called and violates rule 45.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The House will be at ease.

PARLIAMENTARY INQUIRY

Mr. S. SMITH. Mr. Speaker?

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

Mr. S. SMITH. A point of parliamentary inquiry, and I guess it is really a question of process and procedure here.

The Chair announces this committee meeting, or the chairman calls for a committee meeting, and then the House seemingly goes at ease so that this committee meeting could meet. My question then, Mr. Speaker, is, how is it that we are now able to have any questions or dialogue with the Speaker? I think we are at ease. We should be at ease and no action, nothing that could precipitate a vote be taken on this floor of this House.

I just think we need to define this, and I do not think that that is properly defined. I do not think that committee meeting can be going on while I am standing here asking a question of the Chair and the Chair is responding.

The SPEAKER pro tempore. I believe the gentleman is correct. We are engaged in a dialogue at this point. We were at ease, and I recognized the majority leader, Mr. DeWeese.

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

My point of inquiry then is, once you recognize someone while we are at ease, have we not called the House back to order at that point in time? And if that is the case, then that committee meeting cannot be meeting.

Furthermore, Mr. Speaker, there is an appeal of the Chair's ruling that was posed as to whether or not we can do what we are talking about, and I think, Mr. Speaker, it is important that we clear this up because members are confused. Do they have a first obligation to be on the floor of the House, or do they have an obligation to go to that committee meeting?

The SPEAKER pro tempore. It is the recollection of the Chair that the House was called back into order before Representative DeWeese was recognized.

Mr. S. SMITH. Then, Mr. Speaker, I presume we are still in order at this moment?

The SPEAKER pro tempore. We were going to go back at ease, but then I did recognize the minority leader.

Mr. S. SMITH. Thank you, Mr. Speaker, and I appreciate that you recognized.

My point is that if we are here, then that meeting cannot be taking place. You cannot have it both ways. I do not mean you literally, Mr. Speaker. I mean, figuratively you cannot have it both ways.

The SPEAKER pro tempore. Permission was specifically granted in accordance with the rules for them to meet, and we are not taking any votes at this time.

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

However, there was an appeal of that Chair's decision that was posed, I believe, and that would be pending, and since that is directly related to the legality of this committee meeting taking place as we speak, why would we not be disposing of that before this committee would be meeting?

The SPEAKER pro tempore. No one was recognized to appeal the ruling of the Chair. The Chair went immediately to Representative Steil. Representative Steil was recognized after the explanation under rule 45 from the Chair.

RULING OF CHAIR APPEALED

Mr. S. SMITH. Well, then, Mr. Speaker, I would appeal the ruling of the Chair as to how the Chair is handling rule 45 with respect to the calling of a committee meeting that does not have the 24-hour notice and was called during the general time the House was in session. I will appeal that, and since we are still in session and we are not at ease, we are not out of session, I am appealing the ruling of the Chair, and that would call for a vote.

The SPEAKER pro tempore. The House will be at ease, and the Chair asks the minority leader to come to the rostrum, and the majority leader.

(Conference held at Speaker's podium.)

The SPEAKER pro tempore. The House will come to order.

APPEAL WITHDRAWN

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

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

I would withdraw my appeal of the Chair's decision, ruling.

The SPEAKER pro tempore. The Chair thanks the gentleman.

HOUSE SCHEDULE

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

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

A quorum was unable to be gathered in the Irvis Office Building. I know that comes as quite a surprise to my honorable Republican colleagues.

We are going to convene at 11 o'clock tomorrow and add to the 11 hours that we spent debating the open records. Just so it does not come as a great surprise, HB 443, under the leadership of Mr. Mahoney from Fayette County, will be a preeminent factor for our deliberations tomorrow, but I would politely admonish everyone to get more acquainted with the Grell amendment, the Grell amendment. This is a moment of initial enthusiasm on my part for the Grell amendment.

We will now ask for an adjournment motion for the evening and reconvene at 11 o'clock tomorrow morning.

Thank you, Mr. Speaker.

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 majority leader, Mr. DeWeese, who moves that this House do now adjourn until Tuesday, November 20, 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 5:59 p.m., e.s.t., the House adjourned.