

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, DECEMBER 4, 2007

SESSION OF 2007

191ST OF THE GENERAL ASSEMBLY

No. 108

HOUSE OF REPRESENTATIVES

The House convened at 11 a.m., e.s.t.

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

PRAYER

The SPEAKER. The prayer will be offered by Pastor Harold Burrell, who is the guest of Representative Matt Baker.

REV. HAROLD BURRELL, Guest Chaplain of the House of Representatives, offered the following prayer:

Father, we thank You, Lord, for this gathering. God, we thank You, Lord, for just giving me the opportunity to be here. Lord, I thank You for these men and women, Lord, that You have commissioned.

God, what an awesome responsibility. God, I pray, Lord, that You will help us, help these folks, Lord, this day to realize that this is Your Commonwealth.

God, we thank You, Lord, for Your Word. We thank You for Your spirit. God, I pray, Lord, that You will just help us to be obedient to You, Lord, that You will speak to hearts, Lord, that we will be willing to offer ourselves. Lord, whatever it is, Lord, whether it be to our families, to our communities, O Lord, mostly, Lord, that we will be just obedient to You.

God, help us, Lord; help us, Lord, we pray. Speak to hearts, but, Lord, we commit this day to You. We thank You, Lord, for the privilege, Lord, it is to just be here and to be a part of this thing.

We pray these things in Jesus' name. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNALS APPROVED

The SPEAKER. The Journals of Wednesday, June 27; Thursday, June 28; and Friday, June 29 of 2007 are now in print. Will the House approve those Journals?

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

The SPEAKER. Those Journals are approved.

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal of Monday, December 3, 2007, will be postponed until printed. The Chair hears no objection.

LEAVES OF ABSENCE

The SPEAKER. The Chair turns to requests for leaves of absence and recognizes the majority whip, who requests that Representative SHIMKUS from Lackawanna County be placed on leave for the day. The Chair sees no objection. The leave will be granted.

The Chair turns to the minority whip. The minority whip has no request for leaves.

Already on leave for the week is Representative DeLUCA.

Members will report to the floor.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—201

Adolph	Gabig	Markosek	Rohrer
Argall	Galloway	Marshall	Ross
Baker	Geist	Marsico	Rubley
Barrar	George	McCall	Sabatina
Bastian	Gerber	McGeehan	Sainato
Bear	Gergely	McI. Smith	Samuelson
Belfanti	Gibbons	McIlhattan	Santoni
Benninghoff	Gillespie	Melio	Saylor
Bennington	Gingrich	Mensch	Scavello
Beyer	Godshall	Metcalfe	Schroder
Biancucci	Goodman	Micozzie	Seip
Bishop	Grell	Millard	Shapiro
Blackwell	Grucela	Miller	Siptroth
Boback	Haluska	Milne	Smith, K.
Boyd	Hanna	Moul	Smith, M.
Brennan	Harhai	Moyer	Smith, S.
Brooks	Harhart	Mundy	Solobay
Buxton	Harkins	Murt	Sonney
Caltagirone	Harper	Mustio	Staback
Cappelli	Harris	Myers	Stairs
Carroll	Helm	Nailor	Steil
Casorio	Hennessey	Nickol	Stern
Causer	Hershey	O'Brien, M.	Stevenson
Civera	Hess	O'Neill	Sturla

Clymer	Hickernell	Oliver	Surra
Cohen	Hornaman	Pallone	Swanger
Conklin	Hutchinson	Parker	Tangretti
Costa	James	Pashinski	Taylor, J.
Cox	Josephs	Payne	Taylor, R.
Creighton	Kauffman	Payton	Thomas
Cruz	Keller, M.	Peifer	True
Curry	Keller, W.	Perry	Turzai
Cutler	Kenney	Perzel	Vereb
Daley	Kessler	Petrarca	Vitali
Dally	Killion	Petri	Vulakovich
Denlinger	King	Petrone	Wagner
DePasquale	Kirkland	Phillips	Walko
Dermody	Kortz	Pickett	Wansacz
DeWeese	Kotik	Preston	Waters
DiGirolamo	Kula	Pyle	Watson
Donatucci	Leach	Quigley	Wheatley
Eachus	Lentz	Quinn	White
Ellis	Levdansky	Ramaley	Williams
Evans, D.	Longietti	Rapp	Wojnaroski
Evans, J.	Mackereth	Raymond	Yewcic
Everett	Maher	Readshaw	Youngblood
Fabrizio	Mahoney	Reed	Yudichak
Fairchild	Major	Reichley	
Fleck	Manderino	Roae	O'Brien, D., Speaker
Frankel	Mann	Rock	
Freeman	Mantz	Roebuck	

ADDITIONS—0

NOT VOTING—0

EXCUSED—2

DeLuca Shimkus

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

**HOUSE BILLS
INTRODUCED AND REFERRED**

No. 66 By Representatives PARKER, HARPER, ADOLPH, BENNINGTON, BRENNAN, CLYMER, CURRY, FRANKEL, GOODMAN, HARHART, HARRIS, HENNESSEY, HESS, HORNAMAN, JAMES, JOSEPHS, KILLION, KOTIK, MANDERINO, McILHATTAN, MENSCH, MICOZZIE, R. MILLER, MURT, M. O'BRIEN, PHILLIPS, ROEBUCK, ROSS, RUBLEY, K. SMITH, SURRA, J. TAYLOR, VEREB, WATSON, WOJNAROSKI, YOUNGBLOOD, CONKLIN, McILVAINE SMITH, GIBBONS, RAPP and GEIST

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for expert testimony in certain criminal proceedings.

Referred to Committee on JUDICIARY, December 4, 2007.

No. 2075 By Representatives YOUNGBLOOD, CRUZ, McGEEHAN, LEVDANSKY, CARROLL, HORNAMAN and KIRKLAND

An Act amending the act of January 10, 1968 (1967 P.L.925, No.417), referred to as the Legislative Officers and Employees Law, further providing for the Bi-partisan Management Committee.

Referred to Committee on RULES, December 4, 2007.

No. 2076 By Representatives BAKER, CLYMER, PICKETT, STERN, BENNINGHOFF, BRENNAN, CAPPELLI, CIVERA, EVERETT, FAIRCHILD, GINGRICH, HENNESSEY, HESS, KAUFFMAN, M. KELLER, KORTZ, MARSHALL, McILHATTAN, METCALFE, MILLARD, R. MILLER, MOUL, MOYER, PYLE, RAPP, REICHLEY, SAYLOR, R. STEVENSON, SWANGER, VULAKOVICH, HORNAMAN, SCHRODER and M. O'BRIEN

An Act providing for transfers of riparian interests of the Commonwealth to casino properties.

Referred to Committee on STATE GOVERNMENT, December 4, 2007.

No. 2077 By Representatives FRANKEL, BENNINGTON, BRENNAN, COSTA, DERMODY, GIBBONS, HARKINS, JAMES, JOSEPHS, MARSHALL, R. MILLER, MUSTIO, PARKER, PETRI, RAYMOND, REED, K. SMITH, TURZAI, WAGNER, WALKO, WHEATLEY, J. WHITE and YOUNGBLOOD

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offense of debt pooling.

Referred to Committee on COMMERCE, December 4, 2007.

No. 2078 By Representatives DePASQUALE, GEORGE, SURRA, BASTIAN, BELFANTI, BENNINGTON, CALTAGIRONE, CAPPELLI, CAUSER, EVERETT, FRANKEL, GEIST, HUTCHINSON, JOSEPHS, W. KELLER, LONGIETTI, McCALL, R. MILLER, M. O'BRIEN, REICHLEY, SAYLOR, SIPTROTH, K. SMITH, YOUNGBLOOD and HORNAMAN

An Act amending the act of November 30, 2004 (P.L.1672, No.213), known as the Alternative Energy Portfolio Standards Act, further defining "alternative energy sources" and "Tier II alternative energy source."

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, December 4, 2007.

No. 2079 By Representatives MACKERETH, R. MILLER, NICKOL, SAYLOR, GILLESPIE, BENNINGHOFF, BEYER, CALTAGIRONE, CAPPELLI, FAIRCHILD, GINGRICH, HALUSKA, HARPER, HENNESSEY, M. KELLER, KULA, MOYER, NAILOR, PICKETT, RUBLEY, SIPTROTH, SONNEY, SWANGER, TRUE and HORNAMAN

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for award of custody, partial custody or visitation.

Referred to Committee on JUDICIARY, December 4, 2007.

No. 2081 By Representatives STERN, NAILOR, CAUSER, HESS, FLECK, SCAVELLO, WATSON, PAYNE, McILHATTAN, PICKETT, KAUFFMAN, R. MILLER, ROAE, PHILLIPS, KENNEY, MILLARD, PYLE, CREIGHTON, REICHLEY, BRENNAN, BEYER, RAPP, GRUCELA, SIPTROTH, MOUL, VEREB, MILNE, WANSACZ, YOUNGBLOOD, DALLY, MOYER, HICKERNELL, GILLESPIE, CRUZ, BIANCUCCI,

HARHART, WATERS, THOMAS, SWANGER,
HORNAMAN, BASTIAN, HENNESSEY, MELIO and GEIST

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for suspension of operating privilege.

Referred to Committee on TRANSPORTATION,
December 4, 2007.

No. 2082 By Representatives NICKOL, ARGALL, BOYD, CAPPELLI, CARROLL, DePASQUALE, GEIST, GILLESPIE, GINGRICH, GODSHALL, HENNESSEY, HERSHEY, HESS, McILVAINE SMITH, R. MILLER, MOYER, PEIFER, PETRONE, PHILLIPS, REICHLEY, ROSS, RUBLEY, SAYLOR, SCAVELLO, SIPTROTH, SONNEY, STEIL, TURZAI and WATSON

An Act amending the act of June 27, 2006 (1st Sp.Sess., P.L.1873, No.1), known as the Taxpayer Relief Act, further providing for State property tax reduction allocation and for school district choice.

Referred to Committee on FINANCE, December 4, 2007.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 1474, PN 2930 (Amended) By Rep. BELFANTI

An Act providing for the location and operation of registered family child day care and certified group child day care in private residential homes and for the issuance of certificates of occupancy for certification and registration purposes.

LABOR RELATIONS.

GUESTS INTRODUCED

The SPEAKER. The Chair would like to recognize, to the left of the Speaker, the proud grandfather, Representative Ron Marsico, and his lovely granddaughter, Leah Brown. Would you please stand and be recognized.

I am pleased to welcome to the hall of the House today students from Pottsville High School. They are here today with their teachers, Mrs. Pam Delenick, and the former social studies teacher of Representative Seip, Mr. Howard Merick. Would you please stand and be recognized.

Today we also welcome to the floor of the House two guests of Representative Murt. S. Sgt. Keith Brey is from Llewellyn, a constituent of Representative Seip; and Amanda Yoder, who is from Orwigsburg, is a constituent of Representative Argall. Staff Sergeant Brey is a decorated combat veteran and an Army reservist with the 442d Quartermaster Company from Bellefonte. Staff Sergeant Brey served in Iraq with Representative Murt in 2003-2004, where they were assigned to serve with the U.S. Army's 4th Infantry Division.

Amanda Yoder is a full-time college student at Penn State, where she is majoring in business administration. Please join me in welcoming them both to the House today.

CALENDAR

RESOLUTION PURSUANT TO RULE 35

Mrs. BEYER called up **HR 448, PN 2632**, entitled:

A Resolution commending St. John's United Church of Christ and other groups and volunteers in Coopersburg Borough, Lehigh County, on the success of their community outreach benefit efforts.

On the question,
Will the House adopt the resolution?

The SPEAKER. On the question, the Chair recognizes Representative Beyer, along with Representative Clymer.

Mrs. BEYER. Good morning. Thank you, Mr. Speaker.

I come before you today to ask for your consideration of HR 448, which pays tribute to the spirited volunteers of St. John's United Church of Christ, located in the beautiful borough of Coopersburg, Lehigh County. I am joined in this effort by my colleague, Representative Paul Clymer of Bucks County.

Our Commonwealth – indeed, our entire nation – is served so well by the tireless efforts and spirit of volunteerism that is shown every day of the year, and even more so during the holiday season. This is the time of year when we hear a great deal about giving.

Today I stand before you to talk about the efforts of St. John's UCC (United Church of Christ) and its incredibly generous members who have established the Community Outreach Benefit, which raises moneys to assist families who have serious medical conditions and need help in paying medical bills that too often exceed their ability to pay. In the 6 years that St. John's UCC has held their Community Outreach Benefit, more than 7 area churches have joined in with more than 200 volunteers, and they have raised more than \$180,000, which went to residents in the southern Lehigh and upper Bucks Counties. This assistance went to families in need, including more than \$56,000 to families of seriously ill children just this year.

At a time in our nation when health care and people's ability to pay has taken center stage in the world of vexing public policy, this church, whose motto is "the little church with a big heart," has found a way to provide action, instead of hand-wringing and empty promises, in helping those in need.

At this time Representative Clymer has a few words he would like to share.

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

I just would like to echo the words that she just mentioned, that in this festive time of year when there are many needs out there, we have people who come together without any fanfare. You will not see their names in headlines, but they have a passion for helping the less fortunate – the people who really need that helping hand, who need that warm embrace, who need a few kind words – and that is what they have done. And they have done it in a way that we, today, want to give them this special recognition for their generosity, for their caring, for their compassion for others.

And so I am delighted to be a cosponsor of HR 448, which recognizes the church and the affiliated churches involved and the members of these churches for their contribution to humanity and to our society.

Thank you.

Mrs. BEYER. It is fitting today to honor these wonderful people who worship in the little church with a big heart in HR 448. They are an example of what President Abraham Lincoln once referred to as "the better angels of our nature."

GUESTS INTRODUCED

Mrs. BEYER. We are pleased to have some of them with us today in the House chamber. To the left of the Speaker are Rev. Richard Guhl and his lovely wife, Judy; Nancy Carr; Tim Talaber; Nancy Mihalko; and additionally, there are nine members of St. John's UCC Community Outreach Benefit group at the rear of the chamber. Will you join me in welcoming them here today.

I ask for your support of HR 448. Thank you, Mr. Speaker.
The SPEAKER. Thank you.

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

The following roll call was recorded:

YEAS—201

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

Fabrizio	Mahoney	Reed	Yudichak
Fairchild	Major	Reichley	
Fleck	Manderino	Roae	O'Brien, D.,
Frankel	Mann	Rock	Speaker
Freeman	Mantz	Roebuck	

NAYS—0

NOT VOTING—0

EXCUSED—2

DeLuca Shimkus

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

COMMUNICATION FROM GOVERNOR

The SPEAKER. The Speaker acknowledges receipt of a communication from His Excellency, the Governor, the Honorable Edward G. Rendell, which the clerk will read.

The following communication was read:

Commonwealth of Pennsylvania
Office of the Governor
Harrisburg

GREETINGS:

It is my great pleasure to recognize the 325th anniversary of the forming of the Pennsylvania General Assembly.

The first assembly, which had 72 representatives, was created in 1682 by William Penn, the founder and first governor of the commonwealth, and it met for the first time that year on December 4th. The current general assembly has 253 officials – representatives who are entrusted with enacting legislation that protects and enhances the lives of their constituents. It is a weighty responsibility, and one that is essential to fairly addressing the needs of the citizens of the commonwealth.

While we sometimes disagree about how to best serve our constituents, we often agree on solutions and programs that best serve the voters who elected us. The legislative process involves a lot of give-and-take, but the benefits of creating an annual budget and providing for the things that enhance so many areas of importance in Pennsylvania are rewarding.

I commend you for the important public service you perform, and encourage you to continue to do the people's work as Pennsylvania moves forward to even greater prosperity and a better quality of life for all our citizens.

Edward G. Rendell
Governor
December 4, 2007

RESOLUTION PURSUANT TO RULE 35

Mr. DeWEESE called up HR 509, PN 2866, entitled:

A Resolution observing the month of December 2007 as the 325th anniversary of the General Assembly.

On the question,
Will the House adopt the resolution?

The SPEAKER. Members and guests will please take their seats.

Representative DeWeese.

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

No long, ornate stem-winder, just a 1-minute observation that this is the 325th anniversary of William Penn's announcement that there would be a great experiment. And as I look around this room and see people like Galloway, Pallone, DeWeese, Beyer, Steil, it is experimental, and what a wonderful experiment it is.

So on this moment preceding the Christmas holiday, I would like to wish all the members of William Penn's grand experiment a moment of focus, and it is helpful that from time to time a resolution does transfix our attention to the meaning and the history behind our deliberations. Every day when we look at the Apotheosis; every day when we hear each other's commentaries, sometimes droll, sometimes mundane, sometimes at the dizzying apex of inspiration – I am thinking of the gentleman from Upper St. Clair – I just love this place; I think we all love this place, and it is 325 years old.

And I think I am going to just say thank you, Mr. Speaker, for recognizing me on this celebratory moment of commemoration for Pennsylvania's General Assembly, and especially the founding big brother of the operation, the House of Representatives.

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

The following roll call was recorded:

YEAS—201

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

Cutler	Kenney	Perzel	Vereb
Daley	Kessler	Petrarca	Vitali
Dally	Killion	Petri	Vulakovich
Denlinger	King	Petrone	Wagner
DePasquale	Kirkland	Phillips	Walko
Dermody	Kortz	Pickett	Wansacz
DeWeese	Kotik	Preston	Waters
DiGirolamo	Kula	Pyle	Watson
Donatucci	Leach	Quigley	Wheatley
Eachus	Lentz	Quinn	White
Ellis	Levdansky	Ramaley	Williams
Evans, D.	Longiotti	Rapp	Wojnaroski
Evans, J.	Mackereth	Raymond	Yewcic
Everett	Maher	Readshaw	Youngblood
Fabrizio	Mahoney	Reed	Yudichak
Fairchild	Major	Reichley	
Fleck	Manderino	Roae	O'Brien, D., Speaker
Frankel	Mann	Rock	
Freeman	Mantz	Roebuck	

NAYS—0

NOT VOTING—0

EXCUSED—2

DeLuca Shimkus

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

SUPPLEMENTAL CALENDAR A

RESOLUTION PURSUANT TO RULE 35

Mr. TURZAI called up **HR 520, PN 2920**, entitled:

A Resolution honoring Stephen N. Frick, Commander, United States Navy, on leading the National Aeronautics and Space Administration space shuttle mission STS-122 to the International Space Station in December 2007.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—201

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

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

NAYS-0

NOT VOTING-0

EXCUSED-2

DeLuca Shimkus

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

CALENDAR CONTINUED

RESOLUTION PURSUANT TO RULE 35

Mr. BENNINGHOFF called up **HR 521, PN 2914**, entitled:

A Resolution commemorating December 7, 2007, as "Pearl Harbor Remembrance Day" and encouraging local governments and communities throughout this Commonwealth to conduct appropriate observances of "Pearl Harbor Remembrance Day."

On the question,
Will the House adopt the resolution?

The **SPEAKER**. The Chair recognizes Representative Benninghoff.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

Very briefly, I appreciate the members that have offered to cosponsor this resolution. I think we are always reminded to remember our past and honor those who have given their service. So to the veterans in this organization here today, we thank you for your service, and those across the Commonwealth, we do as well. I think a smart country, a strong

country, is one that stays vigilant and remembers things that have happened in the past, and that we should never forget tragedies such as the attack on Pearl Harbor.

I thank you, Mr. Speaker, and all the members, and I would ask for unanimous support.

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

The following roll call was recorded:

YEAS-201

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

NAYS-0

NOT VOTING-0

EXCUSED-2

DeLuca Shimkus

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

STATEMENT BY MR. BAKER

The SPEAKER. The Chair recognizes Representative Matt Baker for a very special introduction.

Mr. BAKER. Thank you, Mr. Speaker.

Before I make that introduction, I would like to make a few remarks regarding Pearl Harbor Day. The members will not be here on the floor of the House on December 7, when we traditionally honor our Pearl Harbor veterans and all the sacrifices that they experienced. So I would like to make a few remarks and then use that as a segue into the introduction, Mr. Speaker.

The SPEAKER. The gentleman is in order.

The Chair, again, will ask all members to take their seats. Conversations will cease.

Representative Baker.

Mr. BAKER. Thank you, Mr. Speaker.

Today we join together as a legislative body, a Commonwealth, and a nation to remember the tragic events of December 7, 1941, Pearl Harbor Day. What happened at Pearl Harbor was the start of a long and terrible war for America. However, out of that surprise attack grew a steadfast resolve that made America freedom's defender. And that mission, our great calling, continues to this hour as the brave men and women of our military fight the forces of terror in Afghanistan and around the world.

The attack on Pearl Harbor was plotted in secret, waged without mercy, taking the lives of 2,403 Americans. The shock and chaos came on a quiet Sunday morning. There were acts of great heroism amongst those who survived and those who did not. Nine who fell that day had Navy ships named after them. In 2 hours' time, for bravery above and beyond the call of duty, 15 men earned the Medal of Honor, and 10 of them did not live to wear it.

Young sailors refused to abandon ship even as waters washed over the decks; they chose, instead, to stay and try to save their friends. Those were among the scenes of December 7. On December 8, as the details became known, the nation's grief turned to resolution.

As our 32d President, Franklin Roosevelt, said on December 8, 1941, "No matter how long it may take us to overcome this premeditated invasion, the American people in their righteous might, will win through to absolute victory."

During 4 years of war, no one doubted the rightness of our cause and no one wavered in the quest of victory. As a result of the efforts and sacrifice of the veterans who are with us today and millions like them, the world was saved from tyranny.

Today we once again must put our faith in the ideals Americans hold dear – freedom, liberty, independence – that have served this nation well through the years.

Young service men and women have, again, stepped up to fight for these ideals. In 1941, and today, our men and women in service have been on the front lines of democracy to help ensure the safety of all Americans.

War has taken far too many lives prematurely – young lives sacrificed at the altar of freedom – so that the people of our nation could go on and live in a world with liberty and justice for all.

December 7, 1941, was not just a day of infamy. In many ways it was a day of discovery for America and for the world. It changed us. It made us stronger. It did not defeat us. That is why we gather every year to remember the events and sacrifices of that terrible Sunday.

May God bless all our American soldiers, those who served more than 65 years ago, those protecting us today, and those who will protect us tomorrow.

Thank you.

JOSH BURRELL INTRODUCED

Mr. BAKER. In further commemoration, Mr. Speaker, I have a special announcement and introduction. Josh Burrell is with us to sing the national anthem a cappella. He is actually the son of Pastor Burrell, who gave the invocation, opening prayer, this morning, and they have actually been singing and performing in various churches for many years as a family. They have cut back recently, but back in June, Josh had an opportunity to sing before 17,000 people in Arkansas in Razorback Stadium, and he has a very— God has blessed him with a tremendous voice, and he is here today to bless us with the national anthem. Please welcome Josh Burrell.

("The Star-Spangled Banner" was sung by Josh Burrell.)

STATEMENT BY MR. CLYMER

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

Mr. CLYMER. Mr. Speaker, I rise for unanimous consent for a few brief remarks on Pearl Harbor, if I may?

The SPEAKER. The gentleman rises under the provision of unanimous consent. The Chair sees no objection. The gentleman is in order and may proceed.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I was born and raised in Sellersville, a small borough in upper Bucks County. Another person, as we remember Pearl Harbor, who also was born and raised there was Russell K. Shelly, Jr. He was Sell-Perk High School Class of 1935. Shortly after his graduation from high school, he enlisted in the United States Navy. After his naval training, he was assigned to one of our country's premier battleships, the USS California. If you know your history, the USS California was moored in "Battleship Row," there at Pearl Harbor.

On the attack that took place on December 7, 1941, Russell Shelly was one of the Navy men who was killed in the line of duty as he and his comrades fought off the enemy. And I just wanted to reflect that, sometimes we forget about individuals, and this name and this family have meant much to the borough of Sellersville and the surrounding communities, and we honor all the men who gave their lives on that day, but I just wanted to make these brief remarks.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

**ANNOUNCEMENT BY
MS. McILVAINE SMITH**

The SPEAKER. The Chair recognizes Representative Barb McIlvaine Smith for an announcement.

Ms. McILVAINE SMITH. Thank you, Mr. Speaker.

I am very pleased today to tell you that I have a family group from my district in Chester County that is a family of seven young people that have come together to play music today in our rotunda, and I invite you to go hear them; they start at 12 noon. They are incredible. Their names are Susanna, Melody, Hope, Eleanor, B.J., and I am sorry, I forget the other two names, but they are just a wonderful young family. They played at the Barclay Friends home where my husband was in nursing care, and I heard them there. They have played here in the rotunda back in 2005, and in 2006 they were invited to play in the White House. So I invite you to hear them today in our main rotunda.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

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

HB 4, PN 2394

By Rep. CALTAGIRONE

An Act amending Titles 42 (Judiciary and Judicial Procedure) and 44 (Law and Justice) of the Pennsylvania Consolidated Statutes, providing for definitions of "board" and "department"; further providing for composition of the Pennsylvania Commission on Sentencing and for powers and duties; providing for adoption of guidelines for resentencing, adoption of guidelines for parole and adoption of recommitment ranges following revocation of parole by the Pennsylvania Board of Probation and Parole; further providing for publication of guidelines, for sentencing generally, for sentence of total confinement, for sentencing proceeding and place of confinement, for information required upon commitment and subsequent disposition and for referral to State intermediate punishment program; and providing for recidivism risk reduction incentive.

JUDICIARY.

HB 5, PN 2241

By Rep. CALTAGIRONE

An Act amending the act of July 11, 1923 (P.L.1044, No.425), referred to as the Prisoner Transfer Law, further providing for transfer of inmates.

JUDICIARY.

HB 6, PN 2931 (Amended)

By Rep. CALTAGIRONE

An Act amending the act of August 6, 1941 (P.L.861, No.323), referred to as the Pennsylvania Board of Probation and Parole Law, further providing for intent, for business of the Pennsylvania Board of Probation and Parole, for powers and duties of the board, for duties of the chairman of the board, for supervision of parole and probation, for power to parole and for commission of crime during parole.

JUDICIARY.

HB 7, PN 2906

By Rep. CALTAGIRONE

An Act amending the act of May 31, 1919 (P.L.356, No.170), entitled, as amended, "An act authorizing courts of record to remove convicts and persons confined in jails, workhouses, reformatories, reform or industrial schools, penitentiaries, prisons, houses of correction or any other penal institutions, who are seriously ill, to other

institutions; and providing penalties for breach of prison," further providing for removal of certain convicts who are seriously ill.

JUDICIARY.

URBAN AFFAIRS COMMITTEE MEETING

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

Mr. PETRONE. Thank you, Mr. Speaker.

Mr. Speaker, there will be an immediate meeting of the House Urban Affairs Committee in room G-50, Irvis Office Building, a very important meeting, and we urge all members to attend presently. Thank you.

The SPEAKER. The Urban Affairs Committee will meet in G-50, Irvis Office Building, immediately.

DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the majority leader, Representative DeWeese.

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

The House Democrats will caucus from 12 until 12:45. From 12:45 until 1:30, we will have lunch in the cafeteria, or wherever we have lunches now, and at 1:30 we will report to the floor for our afternoon session. Thank you.

REPUBLICAN CAUCUS

The SPEAKER. Representative Major.

Miss MAJOR. Thank you, Mr. Speaker.

I would like to announce a Republican caucus immediately at call of the recess, and we, too, will return to the floor at 1:30.

The SPEAKER. The Chair thanks the lady.

INSURANCE COMMITTEE MEETING

The SPEAKER. Are there any other announcements?
Representative Biancucci.

Mr. BIANCUCCI. Thank you, Mr. Speaker.

Mr. Speaker, the Insurance Committee will hold a meeting tomorrow at the call of the Chair, at the first break, in G-50 Irvis Building. We will be considering SB 1137.

Thank you. Tomorrow at the call of the Chair.

The SPEAKER. Tomorrow at the first break, the Insurance Committee will meet in G-50 of the Irvis Building.

**PROFESSIONAL LICENSURE
COMMITTEE MEETING**

The SPEAKER. Representative Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, the House Professional Licensure Committee will meet at 1:15 in room 205 of the Ryan Office Building, today at 1:15. We should be out of there in time to be back here on the floor at 1:30.

The SPEAKER. The Chair thanks the gentleman.

The Professional Licensure Committee will meet in the Ryan Office Building, room 205, at 1:15 today.

Are there any further announcements?

RECESS

The SPEAKER. This House will stand in recess until 1:30 p.m.

AFTER RECESS

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

**THE SPEAKER PRO TEMPORE
(JENNIFER L. MANN) PRESIDING****BILLS REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND TABLED**

HB 949, PN 2933 (Amended) By Rep. STURLA

An Act amending the act of July 10, 1990 (P.L.404, No.98), known as the Real Estate Appraisers Certification Act, further providing for real estate appraiser certification required, for State Board of Certified Real Estate Appraisers, for powers and duties of board, for application and qualifications, for reciprocity, for certification and licensure renewal, for disciplinary and corrective measures, for reinstatement, for reporting of multiple certification, for surrender of suspended or revoked certificate, for penalties and for injunctive relief.

PROFESSIONAL LICENSURE.

HB 1257, PN 2934 (Amended) By Rep. STURLA

An Act amending the act of May 1, 1933 (P.L.216, No.76), known as The Dental Law, further defining "expanded function dental assistant"; defining "certified dental assistant"; further providing for general powers of the State Board of Dentistry, for fees, for reason for refusal, revocation or suspension of license or certificate, for penalties, for civil penalties, for right of dentists to practice as dental hygienists and expanded function dental assistants, for reporting of multiple licensure or certification and for the definition of "assignment of duties"; and providing for scope of practice for certified function dental assistant and for scope of practice for certified dental assistant.

PROFESSIONAL LICENSURE.

SENATE MESSAGE**RECESS RESOLUTION
FOR CONCURRENCE**

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

In the Senate,
December 3, 2007

RESOLVED, (the House of Representatives concurring), Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the Regular Session of the Senate recesses this week, it reconvene on Monday, December 10, 2007, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the Regular Session of the House of Representatives recesses this week, it reconvene on Monday,

December 10, 2007, unless sooner recalled by the Speaker of the House of Representatives.

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

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

RECESS

The SPEAKER pro tempore. It is the intention of the Chair to recess regular session and convene special session at 1:50 p.m.

AFTER RECESS

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

CALENDAR CONTINUED**BILLS 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?

The SPEAKER pro tempore. The Chair understands the Representative has multiple amendments to this bill and was just wondering which of those amendments he would like to introduce.

Mr. FREEMAN. Thank you, Madam Speaker.
The amendment in question is amendment No. A04518.

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

Mr. **FREEMAN** offered the following amendment No. **A04518**:

Amend Sec. 1 (Sec. 4), page 3, line 9, by inserting before "Political"

(a)

Amend Sec. 1 (Sec. 4), page 3, lines 17 and 18, by striking out "and subdivision and land development ordinances"

Amend Sec. 1 (Sec. 4), page 3, by inserting between lines 22 and 23

(b) The Department of Community and Economic Development shall assist municipalities in complying with the provisions of this section by furnishing technical assistance relating to zoning matters.

(c) The Department of Conservation and Natural Resources shall assist municipalities in the identification and acquisition of property appropriate for a conservation easement or other protection measures

and provide information to municipalities relating to protection measures such as conservation easements and other techniques through its grant programs, subject to availability of funding, eligibility, and the terms, rules, procedures and requirements thereof.

(d) Municipalities which have not adopted ordinances under subsection (a) as of the effective date of this subsection shall receive priority for grant funding under the Land Use Planning and Technical Assistance Program of the Department of Community and Economic Development.

(e) Municipalities shall implement zoning ordinances under subsection (a) within one year of the effective date of this subsection.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On the question, the Chair recognizes Representative Freeman.

Mr. FREEMAN. Thank you, Madam Speaker.

Madam Speaker, the amendment before the chamber was drafted to address a number of concerns that were raised by the various stakeholders who weighed in on this issue. We sought, through this amendment, to allay their concerns and to provide assistance to those municipalities that will be called upon, in the act, to enact either partial or full zoning ordinances to protect the trail – the Appalachian Trail.

Under this amendment, we remove the requirement that municipalities would have to pass a subdivision and land development ordinance. It was deemed unnecessary, as the real protection can come from a zoning ordinance, so we relieve those communities of that responsibility. We also make requirements that the Department of Community and Economic Development and the Department of Conservation and Natural Resources assist those affected municipalities that currently do not have zoning, in being able to implement their charge. DCED would assist municipalities in furnishing technical assistance relating to zoning matters, and the Department of Conservation and Natural Resources would assist those communities in identifying property, for the acquisition of conservation easements and other protection measures through the various programs that they operate, to provide for conservation easements.

Municipalities which have not adopted an ordinance under this act – and it really is only nine municipalities in the entire trail – would be granted priority in obtaining Land Use Planning and Technical Assistance Program grants – LUPTAP grants – which underwrite the cost of establishing a zoning ordinance. And finally, we give municipalities under this amendment the opportunity to have a full year before they would have to implement the provisions of the act.

I think this amendment goes a long way in allaying the concerns that were raised by some members. All the various stakeholders who participated in the meetings that came out of the draft of this amendment, the environmental groups, PSATS (Pennsylvania State Association of Township Supervisors), and legislators, all see this as an improvement to the legislation and are behind an effort to have this enacted as a way of improving the bill.

I would urge the members to support this. Our Appalachian Trail is one of the true natural wonders of the Commonwealth of Pennsylvania and the United States of America, and the legislation is intended to protect that, and this amendment is intended to assist those affected communities in being able to achieve that goal. So I would urge a "yes" vote.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes Representative Gabig.

Mr. GABIG. Thank you, Madam Speaker.

I talked about this in our caucus, and I also spoke to the maker of the amendment and the maker of the bill – I know we are on second consideration here – about a concern that I have with one of the townships in my district that is going to be impacted. The Appalachian Trail traverses my district. In fact, the middle point of the Appalachian Trail, from Georgia to Maine, is in a municipality in my district. I had the pleasure of being up there in October, hiking that area; it is a beautiful area. But it is in a State forest, Madam Speaker, Michaux State Forest. It is in Cook Township. I do not know; I would say at least two-thirds of Cook Township is State forest. I think they have about 89 registered voters in that township. It is a beautiful area. If you ever want to come, just give me a call and we can go up there hiking or whatever you want to do. There are lakes up there, biking. But the problem with this bill, and this amendment addresses it to some concern, Cook Township does not have zoning. Now, it really does not need zoning right now, because as I said, most of it is State forest, and they only have 89 people who reside there, or I do not know, maybe 100 now. They cannot afford it. So we are putting a mandate on them, an unfunded State mandate, to tell them to do zoning to protect a trail which does not need protected in their municipality because it is in a State forest.

Now, as I said, this Freeman amendment 4518, 04518, addresses some of those concerns, ameliorates some of that negative impact on Cook Township in Cumberland County, by having the State come in and help out, and it will put them up on a priority to get a grant that they could apply for. But their problem is, they could not afford to have a zoning officer, for example, so getting a grant or getting prioritized on a grant is a difficult situation.

But as I said, I have talked to Mr. Freeman, and I am hopeful that as this moves out – because we all want to protect this Appalachian Trail; it is a great asset that we have here, a recreational asset that we have in the Commonwealth and all the feeder trails to it, et cetera – I hope that we can address the specific impact, you know, accomplish what he wants to accomplish but without having this negative impact – unintended, I am sure – negative impact on a small municipality in my area.

So I would encourage the members to vote for this amendment, and I am hopeful that I will be able to work with the maker of the bill, as it moves through this process, to address this concern that affects my district. Thank you very much, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes Representative Dally.

Mr. DALLY. Thank you, Madam Speaker.

Just a quick question. I am not sure if this is a question that is appropriate for the amendment or the bill, but our caucus sheets indicated that the township supervisors were opposed to this legislation, and I am assuming this amendment, Madam Speaker—

The SPEAKER pro tempore. Could the gentleman please suspend?

Are you requesting to interrogate the maker of the amendment?

Mr. DALLY. Yes, Madam Speaker.

The SPEAKER pro tempore. The gentleman agrees. You are in order. Please proceed.

Mr. DALLY. He appears to be ready.

I am assuming that this amendment takes care of the concerns of the township supervisors?

Mr. FREEMAN. I actually spoke today with Mr. Elam Herr, who lobbies on behalf of the township supervisors. They are supportive of the amendment, seeing it as an improvement to the text of the bill. Obviously, they always have some concerns whenever we require municipalities to do anything, so those issues will probably be ongoing as the bill leaves our chamber and goes to the Senate. But I think they see in this amendment language that addresses a lot of their concerns, in particular, giving the priority on the LUPTAP grants to assist those nine municipalities that do not have a zoning ordinance in place, also the assistance we provide through the Department of Community and Economic Development and the Department of Conservation and Natural Resources to help them in their charge.

I would also note that one of the things that is very interesting about the Appalachian Trail Act which remains in place – we have not touched it with our amendment or with our bill – is the fact that it is the only instance I have come across where a community can comply with the act without having to actually enact a full-blown zoning ordinance. They can enact a partial zoning ordinance, under the Appalachian Trail Act, which would be a great savings in terms of time and cost. So I think there are some really good protections, both in the amendment and even in the actual bill, while achieving the very desirable goal of protecting the Appalachian Trail.

Mr. DALLY. Thank you, Madam Speaker.

I have three townships in Northampton County which the Appalachian Trail goes through; that is, Bushkill Township, Moore Township, and Plainfield Township. And according to the information that I received, all three of those municipalities have a municipal comprehensive plan, they have a zoning ordinance, and they have a subdivisional land development ordinance. So since they already have local zoning and subdivisional land development plans in place, all this bill would – and here again, I guess I am speaking to the bill rather than the amendment, but would they just have to tweak their existing ordinances to comply with this act?

Mr. FREEMAN. In actuality, they probably would not even have to tweak their ordinances, but it would be wise for them to review it just to see if they are in the spirit of the trail act. But just having the zoning would be the first step required. I would recommend to any community that has zoning along the trail that it is wise to review their ordinances periodically to make sure it is achieving what they are hoping to achieve and what the intent of the Appalachian Trail Act, passed in the 1970s, was intended to do.

Mr. DALLY. Okay. Thank you, Madam Speaker. That concludes my interrogation. Thanks.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Is anybody else seeking recognition on the amendment?

The House will be temporarily at ease.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—201

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

NAYS—0

NOT VOTING—0

EXCUSED—2

DeLuca Shimkus

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

On the question,

Will the House agree to the bill on second consideration as amended?

The SPEAKER pro tempore. There are no further amendments on this bill.

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

(Bill as amended will be reprinted.)

* * *

The House proceeded to second consideration of **SB 638, PN 1411**, entitled:

An Act establishing the Cancer Drug Repository Program for accepting donated cancer drugs and dispensing cancer drugs; and providing for the powers and duties of the State Board of Pharmacy.

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

Mr. **SOLOBAY** offered the following amendment No. **A03463**:

- Amend Sec. 5, page 4, line 14, by striking out "entity" and inserting approved participating pharmacy
- Amend Sec. 5, page 4, line 25, by striking out "A participating entity" and inserting
An approved participating pharmacy
- Amend Sec. 7, page 5, by inserting between lines 28 and 29
(1) Income eligibility criteria and other standards and procedures for individuals participating in the program, determined by the Department of Public Welfare in conjunction with the board.
- Amend Sec. 7, page 5, line 29, by striking out "(1)" and inserting
(2)
- Amend Sec. 7, page 6, line 2, by striking out "(2)" and inserting
(3)
- Amend Sec. 7, page 6, line 5, by striking out "(3)" and inserting
(4)
- Amend Sec. 7, page 6, line 8, by striking out "(4)" and inserting
(5)
- Amend Sec. 7, page 6, line 12, by striking out "(5)" and inserting
(6)
- Amend Sec. 7, page 6, line 15, by striking out "(6)" and inserting
(7)
- Amend Sec. 7, page 6, line 16, by striking out "(7)" and inserting
(8)

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

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

Mr. **SOLOBAY**. Thank you, Madam Speaker.

This amendment is an agreed-to amendment with the Senate sponsor of this bill. It basically is a cleanup amendment, a corrective amendment, that was necessary after it passed the Senate. This entire package, the entire bill itself, is also a similar bill that we have introduced, and we would ask everyone's consideration on the amendment.

POINT OF ORDER

The SPEAKER pro tempore. Will the House agree to the amendment? The Chair recognizes Representative Vitali.
Mr. **VITALI**. A point of order.
I do not see the amendment on the screen or on the board.
The SPEAKER pro tempore. The Chair thanks the gentleman, and it is now.

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

The following roll call was recorded:

YEAS—201

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

NAYS—0

NOT VOTING—0

EXCUSED—2

DeLuca Shimkus

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

On the question,

Will the House agree to the bill on second consideration as amended?

The SPEAKER pro tempore. Seeing no further amendments, will the House agree to the bill?

On the question recurring,

Will the House agree to the bill on second consideration as amended?

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

* * *

The House proceeded to second consideration of **SB 737, PN 1188**, entitled:

An Act amending the act of December 3, 2002 (P.L.1144, No.141), entitled "An act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for purchase, consumption, possession or transportation of liquor or malt or brewed beverages and for inducement of minors to buy liquor or malt or brewed beverages," extending the expiration provision.

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 763, PN 1444**, entitled:

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.

On the question,

Will the House agree to the bill on second consideration?

Bill was agreed to.

RESOLUTIONS REPORTED FROM COMMITTEE

HR 523, PN 2916

By Rep. PETRONE

A Resolution urging the Attorney General to ask for an injunction restraining construction on riparian lands of the Commonwealth and urging the Attorney General to appeal a submerged lands license issued by the Department of Licenses and Inspection of the City of Philadelphia.

URBAN AFFAIRS.

HR 524, PN 2917

By Rep. PETRONE

A Resolution questioning actions taken by the City of Philadelphia along its riverfront and directing the State Government Committee to hold hearings on these actions.

URBAN AFFAIRS.

The SPEAKER pro tempore. The resolutions will be placed on the calendar.

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1761, PN 2722**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for law enforcement officers of limited jurisdiction.

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 1761 be removed from the active calendar and placed on the tabled 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 1761 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 the following bill be removed from the tabled calendar and placed on the active calendar: HB 934.

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 the following bill be removed from the active calendar and placed on the tabled calendar: HB 934.

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

HOUSE SCHEDULE

The SPEAKER pro tempore. The Chair recognizes the majority leader, Representative DeWeese, for an announcement.

Mr. DeWEESE. Thank you, Madam Speaker.

I would like to make an announcement relative to schedule. Tomorrow our proceedings will commence at 10:30 a.m. We will do an additional debate on our open records proposal, which will be the SB 1, the Republican Senator Pileggi proposal, with 41 amendments that have been filed. We will break approximately 1 o'clock. We will come back after the break, well rested, well feted and toasted, I hope, and we will continue throughout the later afternoon and potentially into the early middle evening.

It is my desire to advocate aggressively on behalf of Republican bills and amendments as the second year of the session progresses. I would like to think that there could be an amplitude of cooperation on Senator Pileggi's bill and the amendments that we will entertain. The essential dynamic is that it will probably end up in a conference committee, but the tweaking will probably be minor at that point.

We have been studying this issue since January. We have had one 11-hour debate on the matter. We have had it entertained in a variety of committee settings. Tomorrow will be an additional full-fledged and open effort to study open records. The proposal will be altered, in some regard, certainly, along the Mahoney language, and that will be in conformance with some of our constructive critics outside this room and outside this immediate process.

So I am looking forward to a bipartisan effort. I would like to think that Republican bills will move in the ensuing months. I would like to think that we can have a very, very amicable dialogue as we go forward, and there is no better blueprint, in my view, than the open records law. This is not a partisan issue. I have been meeting with great regularity with Dominic Pileggi, my Senate Republican counterpart, the majority leader on the other side of the building, and we want to work with our Republican friends, not only in the Senate but in the House.

So with that as a quick adumbration of tomorrow's events, Madam Speaker, I will conclude my remarks. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

INTERROGATION

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

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

I appreciate the comments of the Democrat leader and would just like to ask if he could answer one or two quick questions for me relative to tomorrow's proceedings.

Madam Speaker, you indicated that this is not a partisan issue, and I certainly agree, this is not a Republican and Democrat issue by any stretch of the imagination. The issue is not without debate in terms of what the best way is to go about providing an appropriate and quality open records law.

To that end, you also mentioned, Madam Speaker, that we were working – that there was some working together; however, it was my understanding that there was somewhat of an omnibus amendment that had been looked at that I believe you just referenced. It kind of encompasses some of the original Mahoney bill of what would have been a variation of the Mahoney-Grell-Shapiro bill that we talked about last week, or the last time we were here, and that that amendment was shared with my staff earlier today. However, I am now informed, Madam Speaker, that what was being worked on and looked at, as of maybe an hour ago, has now been revised once again, and we are not aware of it. Can you tell me just what we are actually, supposedly, agreeing to when my staff is being told one thing is happening and then another thing is happening?

Mr. DeWEESE. Thank you, honorable leader of Jefferson County.

It is our view that tomorrow we will introduce an amendment that incorporates most of what your distinguished colleague, Attorney Grell, and our distinguished colleagues, Mr. Mahoney, Mr. Shapiro, have been hammering away at for weeks and weeks and weeks. Now, there may be a 2- or 3-percent factor, and we will try to get that information to you in the next hour or so, but 85, 90, 95, 96, 97 percent of what we are going to introduce as our first amendment tomorrow would be a compilation of the language that Mr. Grell, Mr. Shapiro, Mr. Mahoney had incorporated in HB 2072. If there are minor tweaks, we will try to get that to you as soon as we recess, and again, I would think that they are minor tweaks. We will come back after the break, at least this is the preliminary plan, and then deal with the subsequent amendments after we have, in our view – and I think there is some bipartisan perspective on this – put together a proposal that reflects Senator Pileggi and a 49-to-1 vote in the State Senate and a lot of work on behalf of Democrats and Republicans in this chamber, and then it can be fine-tuned by 40 other amendments. I think there are 41 amendments tomorrow. The first big one would be the omnibus amendment, which your team knows a great deal about, and if there are any changes, we will get those changes to you within minutes.

Mr. S. SMITH. Thank you.

STATEMENTS BY MINORITY AND MAJORITY LEADERS

Mr. S. SMITH. Madam Speaker, just to further comment on that exchange.

My staff informs me, and I went over some of this omnibus amendment that had been presented earlier in the day, it is my understanding that this is language that had been at least discussed with the Senate in order to try to save us some time in going directions that maybe we cannot achieve, and that is a good thing to do, to try to work out some of the issues that the Senate might have support for or find highly objectionable. What concerns me is that the amendment that would have been filed by 2 o'clock today was subsequently changed just within the last half hour or 45 minutes, and we had no knowledge of it. It was things that we thought had been agreed to. So my concern is, Madam Speaker, that while you refer to them as a tweak, what is a tweak on an ear and a tweak on a nose kind of has a different feeling to it. Nevertheless, it may still be a tweak; it just has a little different intent.

The SPEAKER pro tempore. Representative DeWeese. The gentleman may proceed.

Mr. DeWEESE. We were attempting to help our Senate brethren, and we were referring to matters that were extraneous to this body. So again, there is no purposeful mischief at all. We want to cooperate and we will cooperate, and again, it is my intention – and now I am speaking to the Republican rank and file – I would like for 2008 to be a setting where Democratic bills and Republican bills go forward, where Democratic amendments and Republican amendments go forward. There is no way that we can continue to have any hope for bipartisanship if we cannot agree on some very basic things, and we are using Republican Senator Dominic Pileggi's bill and we are trying to alter it ever so slightly to enhance it using your own worthy and honorable membership as some of our helpful mechanics in this process.

So again, I do want to extend the hand of friendship, preliminarily, before Christmas or next year. I do not think there is any reason why we cannot run Republican bills and Democratic bills, Republican amendments and Democratic amendments. But if we have to go to full-scale battle in open records debate, that has been debated for 11 months and has Mr. Grell's enthusiastic involvement and Mr. Baker's involvement, this is just something I want to share. I am looking forward to a healthy debate tomorrow, and naturally, we will have to terminate by 11 p.m. I would prefer to not terminate that late, but if we need to, we shall.

But I am very, very anxious to work with my Republican colleagues, Madam Speaker, as we forge what is a very necessary step that this chamber make, a brand-new open records law in Pennsylvania, and we would like to send it to the Governor's desk before Christmas. Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Representative Smith.

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

As I stated, this is not a partisan issue by any stretch of the imagination. I could bring you three or four members of my caucus together who might agree on 90 percent of the things that happen in this hall, or have uniformity, and they will tell you four or five different things they like or do not like about how to do an open records law. So it is not a partisan issue, and we certainly stand prepared to try to put together the best bill we can.

My concern, Madam Speaker, is that while we were discussing one omnibus amendment earlier in the day, at a couple minutes till 2 I am told that a new amendment was filed, and now, Madam Speaker, the Democrat leader says that they are still fine-tuning this proposal. That, Madam Speaker, suggests to me that the amendment, to which a certificate was filed at 4 minutes till 2, is not really completed. Not that the drafting by Legislative Reference Bureau is not just completed, but they have not really dotted all the i's and crossed all the t's.

That being said, Madam Speaker, I am prone to question whether or not we should maybe seek to suspend the rules so that when their newest amendment, to which a certificate was filed at 4 minutes till 2, that when we actually have the language to that, that all the other members of this body have an opportunity to file their amendments until that late date, or late time in the day. That is the real problem here, Mr. Speaker – Madam Speaker. Excuse me; I apologize. It is a habit to refer to "Mr." Speaker. Madam Speaker, that is the real question here.

It is that we are being told everybody wants to work together, but yet we are being kept in the dark and we are getting a lot of sleight of hand. Then whenever I respond with "wait a minute; we don't know what you're doing," I am being labeled as the obstructionist, the House Republicans are being labeled as the obstructionists.

My bottom-line concern, Madam Speaker, is that if we are going to work in a bipartisan manner, it is a two-way street, especially when you are dealing with a bill such as open records. We are trying to get a good bill that works the best, that will best serve the people of Pennsylvania, and I am not casting any aspersions that anybody else is not trying to do that. I am not casting judgment on anyone's motives; I am just saying that if we are going to work together in a bipartisan manner, then I need for the information to be exchanged in a two-way manner. I need for the members of the Republican Caucus to have equal input into what is a bipartisan product. And now that we have one more amendment that is new – and I do not care if it was tweaked or not; it is still different, and we all know what a comma can do – I am just saying we need to have access to amend that process, and I am questioning just what this new amendment looks like.

Mr. DeWEESE. Madam Speaker, I categorically reject the inference of the honorable gentleman from Jefferson County. The Republican House staff has been incorporated into every nuance, every jot and tittle of this process. Notwithstanding any comments to the contrary, we have reached across the aisle. The reason the amendment was generated – and it is tiny and it is modest – was because Republican, Republican, Republican Senate influences asked us to do it. So it is not as if there is any kind of chicanery afoot in the land.

I am asking Republican rank and file to work with us so that we can pass Republican bills, Republican amendments, as time rolls forward. I am asking that we have some cooperation on this, and I am asking it for Republican Senator Pileggi's proposal, a proposal that has been debated ad nauseam, ad infinitum, for 11 months. So the amendment that the honorable gentleman discusses now was at least looked at aggressively by his own staff men and staff women, and the impulse came from the Senate Republicans. So this is much ado about nothing, and I would entreat the honorable gentleman to not allow this to be the winter of our discontent.

Mr. S. SMITH. Madam Speaker, that does not change the fact that a new amendment has just been introduced that you would like to present as an omnibus amendment, and that is all well and good except for, procedurally, all of our other amendments, which we are entitled – not my amendments, not even your amendments as the majority leader, but members' amendments – are all out of order, and if that original amendment, this latest amendment, goes in, then you are going to be sitting behind the eight ball of people having another 24 hours to get those amendments drafted. The fact that the essence of this amendment is something that the Senate Republican leadership discussed with you – you indicated that that meeting was yesterday, but you did not, nor did your staff, indicate to my staff that that is what you were doing until just a few moments ago.

So, Madam Speaker, I insist that I am willing to work and I think our members are willing to work on this in a bipartisan manner, but it is a two-way street, Madam Speaker. You cannot change the name of the game and expect me to say, "oh, I'm just going to roll over and go along" if I want to be bipartisan and do

it your way. That is not bipartisanship, Madam Speaker. Bipartisanship is a mutual agreement towards a common goal. Your version of bipartisanship is, do it the way you want to do it; shut up and go along.

Thank you, Madam Speaker.

Mr. DeWEESE. One last point, Madam Speaker.

Historically, and every Republican rank and file that has been there more than a couple of terms realizes that year in and year out – my honorable gentleman from Berks, who is obviously listening closely to the debate; my honorable friend in the third row from Delaware County – you men and women, God bless you all, would not allow us to amend an omnibus amendment. You would not let us do it year in and year out. Well, in this new age of openness and transparency and reform, we are inviting you to do it. We are inviting you to participate. So the hypocrisy of some of the comments I have heard is very, very difficult to swallow. We have a new operation in this room, in this chamber, and we are going to comport to a brand-new parliamentary ethos, and as far as I am concerned, this is much ado about nothing.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia County, Representative Keller, for an announcement.

Mr. W. KELLER. Thank you, Madam Speaker.

I would like to announce an Appropriations meeting at 3 o'clock in the majority caucus room. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

At 3 o'clock, the Appropriations Committee will meet in the majority caucus room.

PARLIAMENTARY INQUIRY

The SPEAKER pro tempore. The Chair recognizes Representative Dally.

Mr. DALLY. Thank you, Madam Speaker.

I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. DALLY. My inquiry is, when you have a situation in a committee meeting and a committee chair makes a ruling, is that ruling, much like here on the floor, we can appeal the ruling of the Chair? How is that ruling appealed and what is the timing of that appeal?

The SPEAKER pro tempore. The Chair is uncertain of the gentleman's inquiry and would ask that, at adjournment, if he could please proceed to the rostrum for a sidebar to get an answer to his question.

Mr. DALLY. Well, I would like to know before the Appropriations meeting at 3 o'clock, if at all possible, so I will come to the Chair. My concern, Madam Speaker, is that we have seen a pattern now of bills being referred, substantive bills being referred to the Appropriations Committee. Just yesterday, SB 1, the open records bill, went directly to Appropriations rather than State Government where it should have gone, and my concern, Madam Speaker, is that we have a process now that basically the Appropriations Committee is the old Rules Committee, and I know we did a lot of work in the

Reform Commission meetings to prevent abuse from occurring that may have occurred in the past with the Rules Committee, and now basically the Appropriations Committee is serving that same function.

And, Madam Speaker, I am so concerned about the opportunity for mischief and perversion of the legislative process, I am going to publicly request the cochairs of the Reform Commission to convene a meeting of the commission posthaste to look at this issue of what is happening in the Appropriations Committee and whether we are perverting the legislative process by the process that is going on there. So I make that request to the cochairs of the Reform Commission, to call a meeting of the Reform Commission to look at this issue.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

PARLIAMENTARY INQUIRIES

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

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

For the purpose of a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. S. SMITH. Would it be appropriate to seek to suspend the rules, specifically the rules that have to do with the timing of amendments being filed, specifically in regards to the second consideration of SB 1, which, presumably, is tomorrow. And that would be my question: Could we suspend the rules now, as a parliamentary inquiry, and, perhaps, if we need to, as a second motion, enact a temporary timeline?

And let me just further state my purpose for the question: As we were discussing in the earlier dialogue, the late filing of the amendment that has been debated here indirectly could, in fact, cause and allow for redrafting of many other amendments. So I am afraid, Madam Speaker, that if that amendment passes, and I do believe that there is a lot of agreement to that amendment; it is just those tweaks that have me a little concerned. But nevertheless, Madam Speaker, if that amendment were to pass, then all of these other amendments have – all the other members who have amendments to the bill have rights under the current rules to have their amendments redrafted, and you have 24 hours to do that, and that that would create an undue delay.

So there is the basis for my question: In order to move the process around so that members are not shortchanged, if we truly want to keep this open and bipartisan, that we would allow for – back to my original question; I apologize for kind of rambling there – can we suspend the rules today as it relates to the second consideration of SB 1, specifically the rules that deal with the timely filing of amendments, in order to allow other members to file amendments later into the day or, perhaps, into tomorrow morning, subsequent to the potential that this new amendment may become the bill?

The SPEAKER pro tempore. To answer the gentleman's inquiry, now would not be the appropriate time to offer such a motion because there is nothing before the House. However, tomorrow when this bill is before the House, the gentleman may

introduce a temporary rule for the House to consider that would accomplish his goal.

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

That was kind of why I asked the question, because I was afraid that because the bill was not actually before us, I may not be in order to do that. So the Chair, to be clear, the Chair would advise that when that bill is called before the House and is presented before the House for second consideration, at that point in time I might offer a temporary rule which would essentially suspend the rules as far as the late filing of amendments?

The SPEAKER pro tempore. That would be an appropriate step to take.

Mr. S. SMITH. I understand what you are telling me; I am just trying to figure out how to best characterize it.

Further parliamentary inquiry, Madam Speaker.

What would be the proper way for members this afternoon to try to get ahead of the game – and I am thinking in terms of timeliness here – to try to get ahead of the game in order to have their amendments, maybe predrafted should that suspension of the rules pass? Again, I am just trying to think, Madam Speaker, of how to save time in order for us to consider members' amendments tomorrow, once we have better digested what the omnibus amendment may look like.

THE SPEAKER (DENNIS M. O'BRIEN) PRESIDING

The SPEAKER. If the Chair could respond to the minority leader's question.

Mr. DeWEESE. Mr. Speaker, may I ask where we are in our proceedings? We have an Appropriations meeting and a caucus and a variety of other things. If I might ask where we are, please?

The SPEAKER. The Chair is about to respond to the gentleman's inquiry. I think the best proposal would be the amendments that have been drafted would be available to be drafted as replacement amendments. I think the most appropriate way to deal with this situation is to look at the omnibus amendment and then look at the series of amendments that are drafted, and we can appropriately assess, very quickly, which amendments will be ruled out of order and those amendments can be drafted as replacement amendments. If the gentleman would like to approach the rostrum where we can set up a procedure to review that process. Thank you.

APPROPRIATIONS COMMITTEE MEETING

DEMOCRATIC CAUCUS

Mr. DeWEESE. Mr. Speaker?

The SPEAKER. The majority leader, Representative DeWeese.

Mr. DeWEESE. Just one more comment on scheduling.

The Appropriations chairman, Mr. Evans, has informed me that the committee will meet at 3 o'clock in the majority caucus room. We will have a Democratic caucus to discuss these open-record amendments at 3:15, and it will go on into the late afternoon and potentially early evening.

STATEMENT BY MAJORITY LEADER

Mr. DeWEESE. One final observation.

If my honorable colleague from Jefferson County does not accept the fact that we have been trying to be helpful and cooperative, then my view is, he never will. We have bent over backwards. We have worked with the Senate Republican membership, the Senate Republican staff, the House Republican members and the House Republican staff, and this amendment was timed in such a fashion that it comports within our rules. It was timely filed. A certificate was available. There was no chicanery.

So I am looking forward to a great debate tomorrow on open records, and again, I implore my colleagues in the rank and file amongst the Republicans to work with us to give a satisfactory work product on open records to the Governor for his signature, before Christmas, in a bipartisan way, and my commitment would be that we can work together in subsequent months with Republican amendments and Republican bills, Democratic amendments and Democratic bills.

Thank you again, Mr. Speaker.

INTERROGATION

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

Mr. STEIL. Thank you, Mr. Speaker.

I would like to ask the majority leader two questions for the benefit of the members.

The SPEAKER. The gentleman stands for interrogation.

Mr. STEIL. Thank you, Mr. Speaker.

I want to affirm that the omnibus amendment is A4720, offered by Representative Mahoney, and that is the first question. And the second question is, will that amendment be offered here on the floor of the House or in some other committee?

The SPEAKER. Representative DeWeese.

Mr. DeWEESE. Yes and yes.

The SPEAKER. Representative Solobay. Oh; I am sorry.

Mr. STEIL. Thank you, Mr. Speaker, and thank you for those answers.

I want to just make sure that members are aware that it is A4720 which is the omnibus amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

STATEMENT BY MR. SOLOBAY

The SPEAKER. For what purpose does Representative Solobay rise?

Mr. SOLOBAY. A matter of personal privilege, Mr. Speaker.

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

Mr. SOLOBAY. Thank you, Mr. Speaker.

Approximately 10 days ago, and then again this morning, everyone in the House, both staff and members, received an e-mail from the Chief Clerk on a project that myself along with the Governor's Office and the Department of Agriculture have been working on, along with the Pennsylvania Landscape and Nursery folks and our Christmas tree growers and the

mushroom association, on a little project to take a little bit of Pennsylvania over to Iraq for our soldiers during the Christmas season.

The memo basically stated that we were collecting decorations and any other type of donation willing to be given by the House members and the House staff as well as the Agriculture Committee, or the Agriculture Department staff, to bring those items to the Chief Clerk's Office by tomorrow, which is December the 5th. Initially there was going to be a send-off of all these materials to Iraq on Friday, December the 7th, from the Farm Show Complex. We have had to move that because of scheduling difficulties to Thursday morning at 10 a.m. So anyone interested in participating in the send-off of the very gracious donations that everyone has presented for our soldiers in Iraq, they are welcome, Thursday morning at 10 o'clock.

And again, on behalf of all the bodies and all those folks that I had mentioned earlier that have been working on this project, we thank everyone for their donations and hope to make things in Iraq, for our soldiers, just a little bit more Christmassy from Pennsylvania.

Thank you, Mr. Speaker.

HOUSE BILL INTRODUCED AND REFERRED

No. 2051 By Representatives SEIP, BENNINGTON, CALTAGIRONE, CASORIO, HARHAL, JOSEPHS, KULA, MAHONEY, McCALL, MURT, MUSTIO, MYERS, PETRARCA, SOLOBAY, WALKO, WATERS, YOUNGBLOOD, HARKINS, SONNEY, CIVERA, HORNAMAN, MACKERETH, MILLARD, KILLION and HELM

An Act amending the act of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act, further providing for physician assistants and for respiratory care practitioners; and making inconsistent repeals.

Referred to Committee on PROFESSIONAL LICENSURE, December 4, 2007.

The SPEAKER. Are there any further announcements? Any further business?

RECESS

The SPEAKER. The Speaker does not anticipate any further votes today. The House will stand in recess to the call of the Chair.

AFTER RECESS

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

THE SPEAKER PRO TEMPORE (ED PASHINSKI) PRESIDING

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 1357, PN 2937 (Amended) By Rep. MARKOSEK

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for vehicles exempt from registration, for weight restriction relating to special registration plates and for use and display of illuminated signs.

TRANSPORTATION.

HB 1598, PN 2938 (Amended) By Rep. MARKOSEK

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for visual signs on authorized vehicles.

TRANSPORTATION.

SB 972, PN 1616 (Amended) By Rep. MARKOSEK

An Act designating a portion of U.S. Route 322 in Centre County as the Thomas D. Larson Memorial Highway.

TRANSPORTATION.

SB 1100, PN 1617 (Amended) By Rep. D. EVANS

An Act providing for the Hazardous Sites Cleanup Fund, for its funding from certain lapses and appropriation, for expenditures from the fund and for audits of the fund; making an appropriation; and making related repeals.

APPROPRIATIONS.

BILLS REREPORTED FROM COMMITTEE

HB 652, PN 2939 (Amended) By Rep. D. EVANS

An Act providing for the exclusion of veterans' disability benefits as eligible income.

APPROPRIATIONS.

SB 810, PN 1301 By Rep. D. EVANS

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey certain lands situate in the City of Pittston, Luzerne County, to the Redevelopment Authority of the City of Pittston; and authorizing the Department of General Services, with the approval of the Governor, to grant and convey to Bensalem Township, certain lands situate in Bensalem Township, Bucks County.

APPROPRIATIONS.

The SPEAKER pro tempore. Those bills will be placed on the active calendar.

**ANNOUNCEMENT BY
SPEAKER PRO TEMPORE**

The SPEAKER pro tempore. Is there any further business? Yes; there is. Happy birthday to reading clerk Bob Theis and many more. At this time the entire House will engage in singing "Happy Birthday."

("Happy Birthday" was sung.)

The SPEAKER pro tempore. And many more, Bob. Congratulations.

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 gentelady from Dauphin County, Representative Helm, who moves the House do now adjourn this day until Wednesday, December 5, 2007, at 10:30 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 3:35 p.m., e.s.t., the House adjourned.