

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, DECEMBER 5, 2007

SESSION OF 2007

191ST OF THE GENERAL ASSEMBLY

No. 109

HOUSE OF REPRESENTATIVES

The House convened at 10:30 a.m., e.s.t.

THE SPEAKER (DENNIS M. O'BRIEN) PRESIDING

PRAYER

HON. THOMAS C. CREIGHTON, member of the House of Representatives, offered the following prayer:

Lord, this day You have made, we awake refreshed to do the work of the people. This is the season of celebration and thanksgiving. Let us give thanks to You, our Heavenly Father. We have been the recipients of the choicest bounties of heaven. We thank You, O Lord.

We have been preserved these many years in peace and prosperity. We thank You, O Lord. We have grown in numbers, wealth, and power, as no other nation has grown. Lest we forget Your gracious hand which has preserved us in peace and multiplied and enriched and strengthened us. We thank You, O Lord.

We, as a solemn assembly of lawmakers, beseech the holy throne of grace, recognizing Thee as the supreme lawgiver of all mankind. The Heavens declare Your glory. The Earth proclaims the work of Your hands. Day after day we enjoy Your creation. Night after night we learn of Your wisdom. Your knowledge goes out to the ends of the world. Your law is perfect, reviving the soul. Your statutes are trustworthy, making wise as simple. Your precepts are right, giving joy to the heart. Your commands are radiant, giving light to the eyes.

You are pure, enduring forever. Your ordinances are sure and altogether righteous. They are more precious than gold. They are sweeter than honey. In keeping them, there is great reward. May the words of our mouths and the meditations of our heart be pleasing in Your sight, O Lord, our rock and our redeemer. Enable us, O Lord, to honor Thee and the people of Pennsylvania this day, we pray. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal of Tuesday, December 4, 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. The Chair recognizes the majority whip, who requests that Representative GERBER of Montgomery County be placed on leave for the day. The Chair sees no objection. The leave will be granted.

The Chair recognizes the minority leader, who requests that Representative ARGALL from Schuylkill County, Representative REICHLEY from Lehigh County, Representative HENNESSEY from Chester County, and Representative RAYMOND from Delaware County be placed on leave for the day. The Chair hears no objection. These leaves will be granted.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—197

Adolph	Gabig	Marshall	Rubley
Baker	Galloway	Marsico	Sabatina
Barrar	Geist	McCall	Sainato
Bastian	George	McGeehan	Samuelson
Bear	Gergely	McI. Smith	Santoni
Belfanti	Gibbons	McIlhattan	Saylor
Benninghoff	Gillespie	Melio	Scavello
Bennington	Gingrich	Mensch	Schroder
Beyer	Godshall	Metcalfe	Seip
Biancucci	Goodman	Micozzie	Shapiro
Bishop	Grell	Millard	Shimkus
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	Hershey	Nickol	Stern
Causer	Hess	O'Brien, M.	Stevenson
Civera	Hickernell	O'Neill	Sturla
Clymer	Hornaman	Oliver	Surra

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—6

Argall	Gerber	Raymond	Reichley
DeLuca	Hennessey		

LEAVES ADDED—12

Blackwell	Kirkland	Payton	Wheatley
Cruz	Myers	Roebuck	Williams
James	Parker	Thomas	Youngblood

LEAVES CANCELED—2

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

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED
FOR CONCURRENCE AND
REFERRED TO COMMITTEE ON RULES

The clerk of the Senate, being introduced, returned **HB 296, PN 2873**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

The SPEAKER. The House will be at ease.

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader, who moves that the following bill be removed from the tabled bill calendar and placed on the active calendar: HB 1867.

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves the following bill be removed from the active calendar and placed on the tabled bill calendar: HB 1867.

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

BILLS REMOVED FROM TABLE

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

- HB 4;
- HB 5;
- HB 6;
- HB 7;
- HB 93;
- HB 949;
- HB 1257;
- HB 1357;
- HB 1474;
- HB 1598;
- HB 1600;
- HB 1889;
- HB 1947; and
- SB 972.

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

BILLS RECOMMITTED

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

- HB 4;
- HB 5;
- HB 6;
- HB 7;
- HB 93;
- HB 949;
- HB 1257;
- HB 1357;
- HB 1474;
- HB 1598;
- HB 1600;
- HB 1889;
- HB 1947; and
- SB 972.

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

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader, who moves that the following bill be removed from the tabled bill calendar and placed on the active calendar: SB 1100.

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

JUDICIARY COMMITTEE MEETING

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

Mr. CALTAGIRONE. Thank you, Mr. Speaker.
To make an announcement.

The SPEAKER. The gentleman is in order and may proceed.

Mr. CALTAGIRONE. At 11:45 I would like the members of the House Judiciary Committee to meet in room 205 at the Ryan Office Building to consider reporting two bills, SB 436 and SB 1156.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

There will be a House Judiciary Committee meeting in room 205 at the Ryan Office Building at 11:45.

INSURANCE COMMITTEE MEETING

The SPEAKER. The Chair recognizes Representative Frankel.

Mr. FRANKEL. Mr. Speaker, I would like to announce an immediate meeting of the Insurance Committee in Irvis, room 50; immediate meeting of the Insurance Committee in Irvis, room 50. Thank you.

The SPEAKER. There will be an immediate meeting of the Insurance Committee in Irvis, room 50.

ANNOUNCEMENT BY MR. FREEMAN

The SPEAKER. Representative Freeman.

Mr. FREEMAN. Thank you, Mr. Speaker.

I just want to alert the members of the House Local Government Committee that we will be reconvening from our recessed meeting of earlier today. It will not be at this point in time, but it will be at a later break that we anticipate having this afternoon. So I would just ask them to stay alert and to wait for an announcement as to when we reconvene this afternoon.

The SPEAKER. The Chair thanks the gentleman.

The House will be at ease.

ANNOUNCEMENT BY MR. SURRA

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

Mr. SURRA. Mr. Speaker, it is my understanding that we want to recess until 12:30.

The SPEAKER. The Chair thanks the gentleman.
Representative Major. The Chair thanks the lady.

RECESS

The SPEAKER. This House will stand in recess until 12:30 p.m.

AFTER RECESS

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

HOUSE BILLS INTRODUCED AND REFERRED

No. 1901 By Representatives BASTIAN, CLYMER, CREIGHTON, DENLINGER, EVERETT, HENNESSEY, HERSHEY, METCALFE, PETRI, PICKETT, ROAE, ROCK, ROHRER, STEIL and WATSON

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, prohibiting certain teacher strikes; and prohibiting certain lockouts.

Referred to Committee on EDUCATION, December 5, 2007.

No. 2084 By Representatives GIBBONS, SAINATO, GRUCELA, BELFANTI, BASTIAN, BIANCUCCI, BLACKWELL, BRENNAN, BROOKS, BUXTON, CAPPELLI, CARROLL, CAUSER, CLYMER, CONKLIN, COSTA, CRUZ, DENLINGER, ELLIS, FABRIZIO, FLECK, GEORGE, GERGELY, GINGRICH, GOODMAN, HALUSKA, HANNA, HARHAI, HARKINS, HARPER, HELM, HENNESSEY, HESS, HORNAMAN, HUTCHINSON, JAMES, KOTIK, KULA, LEACH, LONGIETTI, MAHONEY, MANDERINO, MARKOSEK, McILHATTAN, MENSCH, MILNE, MOYER, MUNDY, MURT, MUSTIO, MYERS, M. O'BRIEN, O'NEILL, PASHINSKI, PAYNE, PETRARCA, PETRONE, PICKETT, RAMALEY, READSHAW, REICHLEY, SCAVELLO, SCHRODER, SEIP, SHIMKUS, SIPTROTH, McILVAINE SMITH, K. SMITH, SOLOBAY, STERN, R. STEVENSON, SURRA, TANGRETTI, WAGNER, J. WHITE, WOJNAROSKI, YOUNGBLOOD, HARRIS, KAUFFMAN, D. EVANS and REED

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, providing for supplemental annuity commencing 2007.

Referred to Committee on STATE GOVERNMENT, December 5, 2007.

No. 2085 By Representatives J. EVANS, BRENNAN, COHEN, FLECK, FRANKEL, GEIST, GOODMAN, GRELL, GRUCELA, HARHAI, HARPER, HENNESSEY, HERSHEY, HESS, HORNAMAN, KENNEY, LEACH, LEVDANSKY, MACKERETH, MURT, MUSTIO, MYERS, NAILOR, M. O'BRIEN, O'NEILL, SCHRODER, SIPTROTH, SONNEY and THOMAS

An Act providing for restroom access for certain customers of retail establishments and for a penalty.

Referred to Committee on CONSUMER AFFAIRS, December 5, 2007.

No. 2086 By Representatives J. WHITE, SHIMKUS, DALLY, CONKLIN, PALLONE, MAHONEY, CALTAGIRONE, MOYER, BELFANTI, SCAVELLO, BRENNAN, MILNE, K. SMITH, LONGIETTI, MURT, GIBBONS, FRANKEL and SIPTROTH

An Act amending the act of August 21, 1953 (P.L.1323, No.373), known as The Notary Public Law, further providing for appointment of notaries, for eligibility and for application to become a notary public.

Referred to Committee on PROFESSIONAL LICENSURE, December 5, 2007.

No. 2087 By Representatives DePASQUALE, BOBACK, BELFANTI, CALTAGIRONE, CARROLL, CRUZ, DALEY, FABRIZIO, HARKINS, HORNAMAN, JOSEPHS, KORTZ, LENTZ, MARSHALL, McCALL, McILVAINE SMITH, R. MILLER, MUNDY, PARKER, READSHAW, SABATINA, SAYLOR, SCAVELLO, SHAPIRO, SIPTROTH, SURRA, WANSACZ, J. WHITE, YUDICHAK, LEACH, GINGRICH, RUBLEY, McGEEHAN, FREEMAN, KULA, BENNINGTON, GOODMAN, YOUNGBLOOD and GEIST

An Act amending the act of December 17, 1968 (P.L.1224, No.387), known as the Unfair Trade Practices and Consumer Protection Law, further providing for definitions; and adding provisions relating to unsafe children's products.

Referred to Committee on CONSUMER AFFAIRS, December 5, 2007.

No. 2089 By Representatives PHILLIPS, FAIRCHILD, STERN, BAKER, BARRAR, BELFANTI, BOYD, CAPPELLI, CARROLL, CAUSER, CIVERA, COHEN, DALLY, EVERETT, FLECK, FRANKEL, GEIST, GEORGE, GILLESPIE, GODSHALL, HARHART, HENNESSEY, HERSHEY, HESS, KENNEY, KILLION, KULA, LONGIETTI, MELIO, MICOZZIE, MILLARD, R. MILLER, MILNE, MOYER, MURT, MUSTIO, PAYNE, PETRARCA, PICKETT, READSHAW, REICHLEY, RUBLEY, SAYLOR, SCAVELLO, SCHRODER, K. SMITH, SONNEY, R. STEVENSON, SWANGER, WALKO, WANSACZ, WATSON, WOJNAROSKI, YUDICHAK and SIPTROTH

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 the definition of "income."

Referred to Committee on FINANCE, December 5, 2007.

No. 2090 By Representatives PHILLIPS, BELFANTI, FAIRCHILD, DALEY, GEORGE, HESS, JAMES, KOTIK, R. MILLER, MURT, PICKETT, RAPP, REICHLEY, SOLOBAY, STABACK, STERN, SURRA, WATSON, WOJNAROSKI, M. SMITH, MOYER, MICOZZIE, SIPTROTH, KULA, M. KELLER and YOUNGBLOOD

An Act establishing and providing for a task force on school nurses; and providing for duties and responsibilities.

Referred to Committee on EDUCATION, December 5, 2007.

No. 2091 By Representatives PHILLIPS, GEIST, RUBLEY, CAPPELLI, CREIGHTON, FAIRCHILD, HENNESSEY, HERSHEY, HESS and WATSON

An Act amending the act of May 25, 1945 (P.L.1050, No.394), known as the Local Tax Collection Law, requiring tax collectors to receive tax payments from escrow agents or escrow accounts; further providing for penalties; and providing for application of requirements.

Referred to Committee on FINANCE, December 5, 2007.

No. 2092 By Representatives OLIVER, D. EVANS, BISHOP, WATERS, PARKER and BLACKWELL

An Act authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Education, to grant and convey to the Berean Manual Training and Industrial School, also known as the Berean Institute, approximately 1.533 acres of land including a building and all improvements thereon, situate at 1901-45 West Girard Avenue in the City of Philadelphia, Pennsylvania.

Referred to Committee on STATE GOVERNMENT, December 5, 2007.

No. 2093 By Representatives DERMODY, TURZAI, PRESTON, BENNINGTON, BIANCUCCI, COSTA, DeLUCA, FRANKEL, GERGELY, KORTZ, KOTIK, LEVDANSKY, MARKOSEK, MARSHALL, MUSTIO, PETRARCA, PETRONE, PYLE, RAMALEY, READSHAW, M. SMITH, VULAKOVICH, WAGNER, WALKO, WHEATLEY, BELFANTI, CALTAGIRONE, CAPPELLI, DePASQUALE, HARKINS, HORNAMAN, JOSEPHS, McCALL, McILHATTAN, MENSCH, PASHINSKI, PAYNE, SIPTROTH, S. H. SMITH, SOLOBAY, SURRA and K. SMITH

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, in restructuring of electric utility industry, further providing for duties of electric distribution companies.

Referred to Committee on CONSUMER AFFAIRS, December 5, 2007.

No. 2094 By Representatives FRANKEL, BRENNAN, CALTAGIRONE, CASORIO, COHEN, CREIGHTON, CURRY, GEORGE, HALUSKA, HARKINS, HARPER, JOSEPHS, MELIO, MUNDY, MYERS, M. O'BRIEN, PARKER, READSHAW, McILVAINE SMITH, K. SMITH, WHEATLEY, J. WHITE, YOUNGBLOOD, KULA and SIPTROTH

An Act amending the act of December 18, 1996 (P.L.1066, No.159), known as the Accident and Health Filing Reform Act, requiring insurers to notify persons insured of rate increases.

Referred to Committee on INSURANCE, December 5, 2007.

SENATE BILLS FOR CONCURRENCE

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

SB 826, PN 1609

Referred to Committee on EDUCATION, December 5, 2007.

SB 1000, PN 1490

Referred to Committee on CONSUMER AFFAIRS, December 5, 2007.

SB 1125, PN 1573

Referred to Committee on JUDICIARY, December 5, 2007.

SB 1147, PN 1575

Referred to Committee on JUDICIARY, December 5, 2007.

SB 1156, PN 1576

Referred to Committee on JUDICIARY, December 5, 2007.

SB 1159, PN 1548

Referred to Committee on TRANSPORTATION, December 5, 2007.

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

SB 436, PN 484 By Rep. CALTAGIRONE

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the offense of operation of methamphetamine laboratory.

JUDICIARY.

SB 1137, PN 1621 (Amended) By Rep. FRANKEL

An Act amending the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, further providing for medical professional liability insurance, for the Medical Care Availability and Reduction of Error Fund and for actuarial data; providing for the Medical Care Availability for Pennsylvanians (MCAP) Reserve Fund; further providing for abatement program, for the Health Care Provider Retention Account and for expiration; and providing for expiration of certain sections.

INSURANCE.

SB 1156, PN 1576

By Rep. CALTAGIRONE

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for notice and hearing and for disposition of dependent child.

JUDICIARY.

The SPEAKER. The Chair is about to take up the active calendar. Members will report to the floor.

CALENDAR

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1308, PN 2915**, entitled:

An Act amending the act of June 23, 1931 (P.L.932, No.317), known as The Third Class City Code, providing for a probationary period for police officers and firefighters.

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

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

(Bill analysis was read.)

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

The following roll call was recorded:

YEAS—190

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

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

NAYS—7

Gillespie	Miller	Nickol	Swanger
Metcalfe	Moul	Perry	

NOT VOTING—0

EXCUSED—6

Argall	Gerber	Raymond	Reichley
DeLuca	Hennessey		

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.

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **SB 1, PN 1583**, entitled:

An Act providing for access to public information, for a designated open-records officer in each Commonwealth agency, local agency, judicial agency and legislative agency, for procedure, for appeal of agency determination, for judicial review and for an Open Records Clearinghouse; imposing penalties; providing for reporting by State-related institutions; requiring the posting of certain State contract information on the Internet; and making related repeals.

On the question,

Will the House agree to the bill on second consideration?

Mr. **MAHONEY** offered the following amendment No. **A04720**:

Amend Table of Contents, page 2, line 11, by striking out "to public records"

Amend Table of Contents, page 2, by inserting between lines 23 and 24

Section 905. Administrative denial.

Section 906. Record discard.

Amend Table of Contents, page 3, line 8, by striking out "Clearinghouse" and inserting

Office of Open Records

Amend Table of Contents, page 3, by inserting between lines 18 and 19

Section 3101.1. Relation to other law or judicial actions.

Amend Sec. 102, page 4, line 20, by inserting after "The" Office of

Amend Sec. 102, page 6, by inserting between lines 15 and 16 (1.1) Political party caucuses of the Senate.

Amend Sec. 102, page 6, by inserting between lines 16 and 17 (2.1) Political party caucuses of the House of Representatives.

Amend Sec. 102, page 6, line 29, by striking out "Includes the following information" and inserting
Any of the following

Amend Sec. 102, page 6, line 30, by striking out "or standing committee"

Amend Sec. 102, page 7, line 9, by inserting after "AT"
a public hearing or a public committee meeting

Amend Sec. 102, page 8, by inserting between lines 7 and 8 (18) Proposed regulations, final-form regulations and final-omitted regulations submitted to a legislative agency.

Amend Sec. 102, page 9, line 12, by inserting after "notice" to a requester

Amend Sec. 102, page 9, line 23, by inserting after "includes" the Pennsylvania Gaming Control Board, the Pennsylvania Game Commission, the Pennsylvania Fish and Boat Commission,

Amend Sec. 102, page 9, line 24, by inserting after "Agency" and all nonprofit corporations established thereby

Amend Sec. 301, page 10, line 28, by inserting after "requester" unless otherwise provided by law

Amend Sec. 302, page 11, line 4, by inserting after "requester" unless otherwise provided by law

Amend Sec. 305, page 11, line 19, by inserting before "A"
(a) General rule.—

Amend Sec. 305, page 11, by inserting between lines 25 and 26
(b) Legislative records and financial records.—A legislative record in the possession of a legislative agency and a financial record in the possession of a judicial agency shall be presumed to be available to the public unless:

- (1) the record is exempt under 708(c) or (d);
- (2) the record is protected by a privilege; or
- (3) the record is exempt from disclosure under any other Federal or State law or regulation or judicial order or decree.

Amend Sec. 502, page 12, line 10, by inserting after "Representatives,"
or a political party caucus of the Senate or the House of Representatives

Amend Sec. 503, page 13, by inserting between lines 26 and 27
(iii) A political party caucus of the Senate or the House of Representatives.

Amend Sec. 503, page 14, line 4, by striking out "LAW ENFORCEMENT"

Amend Sec. 506, page 16, line 11, by striking out "for" and inserting
on behalf of

Amend Sec. 506, page 16, line 17, by striking out "public"

Amend Sec. 506, page 16, line 18, by inserting after "the" public

Amend Sec. 506, page 16, line 21, by striking out "The" and inserting
Upon a determination to grant the request, the

Amend Sec. 506, page 16, line 23, by inserting after "and" upon collection shall

Amend Sec. 701, page 17, line 2, by striking out "to public records"

Amend Sec. 701, page 17, line 6, by inserting after "record" being provided to a requester

Amend Sec. 701, page 17, line 6, by striking out "to a requester"

Amend Sec. 701, page 17, line 7, by striking out "the public record" and inserting
it

Amend Sec. 701, page 17, line 13, by striking out "the computer" and inserting

any computer either

Amend Sec. 703, page 17, line 26, by striking out "in" and inserting

pursuant to

Amend Sec. 703, page 18, line 2, by inserting after "records" unless otherwise provided by law

Amend Sec. 704, page 18, lines 13 and 14, by striking out "use the electronic access" and inserting

access the record electronically

Amend Sec. 704, page 18, lines 14 and 15, by striking out "submit a written request to the agency"

Amend Sec. 704, page 18, line 16, by inserting after "notification,"

submit a written request to the agency

Amend Sec. 706, page 18, line 30, by striking out "under section 305 or 708"

Amend Sec. 708, page 20, line 16, by striking out all of said line and inserting

(a) Burden of proof.—

(1) The burden of proving that a public

Amend Sec. 708, page 20, by inserting between lines 19 and 20

(2) The burden of proving that a legislative record is exempt from public access shall be on the legislative agency receiving a request, by a preponderance of the evidence.

(3) The burden of proving that a financial record of a judicial agency is exempt from public access shall be on the judicial agency receiving a request, by a preponderance of the evidence.

Amend Sec. 708, page 21, line 7, by striking out "life,"

Amend Sec. 708, page 22, lines 16 and 17, by striking out "an individual's" and inserting

a person's

Amend Sec. 708, page 22, line 17, by inserting after "number," date of birth;

Amend Sec. 708, page 22, line 19, by striking out "home, cellular or personal"

Amend Sec. 708, page 22, line 20, by striking out "number" where it appears the first time and inserting

numbers

Amend Sec. 708, page 22, line 20, by striking out "address" and inserting

addresses

Amend Sec. 708, page 22, line 20, by striking out "number;" and inserting

numbers; or

Amend Sec. 708, page 22, line 21, by striking out "number" and inserting

numbers

Amend Sec. 708, page 22, line 24, by striking out all of said line and inserting

(ii) Nothing in this paragraph shall:

(A) Prevent an agency from providing access to the date of birth of a deceased person for genealogical purposes.

(B) Preclude the

Amend Sec. 708, page 26, line 4, by inserting after "correspondence"

, videos

Amend Sec. 708, page 27, line 28, by striking out all of said line and inserting

(18) Records or parts of records pertaining to audio recordings, telephone or radio transmissions received by emergency dispatch personnel, including 911 recordings. However, a transcript of a recording may be released when the agency or a court determines that the public interest in disclosure outweighs the interest in nondisclosure.

Amend Sec. 708, page 28, line 2, by inserting after "of" an autopsy report,

Amend Sec. 708, page 28, line 8, by inserting after "cause" and manner

Amend Sec. 708, page 28, line 13, by striking out "Minutes" and inserting

Draft minutes of any meeting of an agency and minutes

Amend Sec. 708, page 29, line 25, by striking out "or"

Amend Sec. 708, page 30, line 9, by removing the period after "abuse" and inserting ; or

(iii) identifying a person that requests assistance or constituent services from a member of the General Assembly.

Amend Sec. 708, page 30, line 10, by striking out "The" and inserting

With respect to financial records, the

Amend Sec. 708, page 30, lines 11 and 12, by striking out all of line 11 and "financial records protected under" in line 12

Amend Sec. 708, page 30, lines 12 through 14, by striking out "or" in line 12, all of line 13, "information PROTECTED under subsection (b)(5)" in line 14 and inserting , (4) or (5) shall apply

Amend Sec. 708, page 30, line 14, by striking out "may" and inserting

shall

Amend Sec. 708, page 30, line 21, by striking out "shall not" and inserting

(1), (2), (3), (4) or (5) shall

Amend Sec. 708, page 30, lines 22 through 23, by striking out ", except for data protected under subsection (b)(1), (2), (3) or (4)"

Amend Sec. 901, page 31, line 2, by inserting after "request."

The response shall include a notice of applicable fees.

Amend Bill, page 33, by inserting between lines 4 and 5 Section 905. Administrative denial.

The following shall apply:

(1) An agency may deny access to a public record, legislative record or financial record due to the failure of the requester to pay the applicable fee.

(2) An agency may deny access to a public record, legislative record or financial record due to the failure of the requester to pay any fee associated with a previous request made by the requester to the same agency.

Section 906. Record discard.

If an agency response to a requester provides that the requested records are available for delivery at the office of an agency and the requester fails to retrieve the records within 60 days of the agency's response, the agency shall send a written notice to the requester specifying that the requested copies will be held for an additional 30 days, within which time the requester may return to the agency to retrieve the records. Thereafter, the agency may dispose of any copies which have not been retrieved and retain any fees paid to date.

Amend Sec. 1101, page 33, line 11, by inserting after "appropriate"

legislative or judicial

Amend Sec. 1307, page 38, line 26, by striking out all of said line and inserting

(2) (i) The fees must be reasonable and based on prevailing

Amend Sec. 1307, page 38, by inserting between lines 28 and 29

(ii) Fees for copying data, collections of data and compiled data, including, but not limited to, geographic information systems and property lists, may be based on consideration of the reasonable market value of same or closely comparable data, collections of data or compiled data.

Amend Sec. 1307, page 39, lines 1 through 5, by striking out all of said lines

Amend Sec. 1310, page 41, line 1, by striking out "Clearinghouse" and inserting

Office of Open Records

Amend Sec. 1310, page 41, line 3, by striking out "Community and Economic Development an" and inserting

State the Office of

Amend Sec. 1310, page 41, lines 20 and 21, by striking out "provided by the clearinghouse"

Amend Sec. 1310, page 42, by inserting between lines 8 and 9

(10) To make available in electronic form to persons making requests for public records, examples of previous requests for public records by other persons and the documents to which the other persons were given access. In performing this duty, the office may not reveal any information relating to the identity of the persons who made the previous requests.

(11) Enter into an agreement with the Department of Community and Economic Development to provide the training required by paragraphs (3), (4) and (5)(i).

Amend Sec. 1701, page 45, line 4, by striking out "All parties to the contract" and inserting

The name and business address of all parties executing the contract

Amend Sec. 1701, page 45, line 7, by striking out "format" and inserting

file

Amend Sec. 1701, page 45, line 8, by striking out "format" where it appears the first time and inserting

file

Amend Sec. 1701, page 45, line 8, by striking out "format provided by" and inserting

file provided by Treasury Department

Amend Sec. 1701, page 45, line 16, by inserting after "Treasurer."

The contract provided to the Treasury Department pursuant to this chapter shall be redacted in accordance with applicable provisions of this act by the agency providing the contract to the Treasury Department.

(d) Contracts provided pursuant to The Fiscal Code.—The copy of a contract provided to the Treasury Department pursuant to section 1701 shall be in addition to any copy of the contract provided to the Treasury Department under the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code. Copies of contracts received by the Treasury Department, Office of Auditor General, or Department of Revenue from an agency pursuant to The Fiscal Code shall not be made available to a requester by the State Treasurer, Auditor General or the Department of Revenue.

Amend Sec. 1702, page 45, lines 18 through 23, by striking out "The Treasury Department shall make each" in line 18, all of lines 19 through 23 and inserting

Except as otherwise provided in this chapter, a request for a copy of a contract shall only be made to an agency who is a party to the contract.

Amend Sec. 1702, page 45, line 24, by inserting after "Posting.—" The Treasury Department shall make each contract filed pursuant to section 1701 available for public inspection either by posting a copy of the contract on the Treasury Department's publicly accessible Internet website or by posting a contract summary on the department's publicly accessible Internet website.

Amend Sec. 3101, page 46, lines 13 and 14, by striking out all of said lines and inserting

(1) This act shall apply to requests for information made on or after December 31, 2008.

(2) With respect to an agency as defined under section 103, this act shall apply prospectively.

(3) In addition to paragraph (2), with respect only to an agency which was an agency as defined under the former

act of June 21, 1957 (P.L.390, No.212), referred to as the Right-to-Know Law, this act shall apply retroactively.

Amend Sec. 3101, page 46, line 15, by striking out "(2)" and inserting

(4)

Amend Sec. 3101, page 46, line 17, by striking out "(3)" and inserting

(5)

Amend Sec. 3101, page 46, line 18, by striking out "the effective date of this section" and inserting

June 30, 2008

Amend Sec. 3101, page 46, line 19, by striking out "(4)" and inserting

(6)

Amend Sec. 3101, page 46, line 20, by striking out "the effective date of this section" and inserting

June 30, 2008

Amend Bill, page 46, by inserting between lines 20 and 21 Section 3101.1. Relation to other law or judicial actions.

If the provisions of this act regarding access to public records conflict with any Federal or State statute, the provisions of this act shall not apply.

Amend Sec. 3103, page 47, line 8, by striking out all "in 180 days." and inserting

as follows:

(1) Sections 101, 102, 1310, 3101 and 3102(1)(i) and (ii)(B) and (2) shall take effect July 1, 2008.

(2) This section shall take effect immediately.

(3) The remainder of this act shall take effect January 1, 2009.

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes Representative Mahoney on the amendment.

Mr. MAHONEY. Thank you, Mr. Speaker.

Mr. Speaker, this is not politics. This issue is about people.

Mr. Speaker, may I get a little respect somewhere along the line here?

The SPEAKER. I do not know about that, but we will ask the members to please take their seats. The Sergeants at Arms will clear the aisles. Members will take their seats.

Representative Mahoney.

Mr. MAHONEY. Mr. Speaker, 11 1/2 months ago, 52 new members were sworn in here to this great hall. They came to make change, to make reform, and to try to put trust back in to this great room. This is the first step in that process.

I would like, at this time, to thank the leadership on both sides of the aisle and especially Representative Grell and Representative Shapiro for helping me put this amendment together to present to you today.

As you all are aware, I had a bite of the apple about a couple of months ago, with HB 443. It kind of got watered down. Really, it got kind of hit by a tidal wave. I know there are members that do not want change, but change is here; you have to face it. Change is here. This is our pay raise vote on this amendment and on this bill today. Putting amendment 04720 to SB 1 makes it a real open records bill. It makes the people as good as the folks.

I thank you, Mr. Speaker.

The SPEAKER. Those in favor will vote "aye"; those opposed, "no." Members will proceed to vote.

The Chair rescinds that announcement.

LEAVE OF ABSENCE

The SPEAKER. The Chair recognizes Representative Myers.
Mr. MYERS. Thank you, Mr. Speaker. I request a Capitol leave for the duration of the day.

The SPEAKER. The gentleman requests to be placed on leave for the remainder of the day. Without objection, his leave will be granted.

LEAVE OF ABSENCE CANCELED

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

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes Representative Cruz.
Mr. CRUZ. Mr. Speaker, I also request a Capitol leave for the remainder of the day.

The SPEAKER. The Chair recognizes Representative Blackwell.

Mr. BLACKWELL. Mr. Speaker, I request leave for the remainder of the day, please.

The SPEAKER. Without objection, the leave will be granted. The Chair recognizes Representative Youngblood.

Ms. YOUNGBLOOD. Mr. Speaker, I request Capitol leave for the remainder of the day.

The SPEAKER. Without objection, the leave will be granted.

Mr. WILLIAMS. Mr. Speaker —

The SPEAKER. Representative Williams.

Mr. WILLIAMS. I join my colleagues with the request for leave for the rest of the day.

The SPEAKER. Without objection, the leave will be granted.

PARLIAMENTARY INQUIRY

The SPEAKER. Representative Pallone.

Mr. PALLONE. Thank you, Mr. Speaker.

I have a parliamentary inquiry. I thought under the new rules of the House we no longer have Capitol leave.

The SPEAKER. There is no Capitol leave. The Chair has corrected that announcement and said, leave will be granted for the remainder of the day. The gentleman is correct. There is no Capitol leave.

Mr. PALLONE. Thank you, Mr. Speaker.

LEAVES OF ABSENCE

The SPEAKER. Representative Roebuck.

Mr. ROEBUCK. Mr. Speaker, I request leave for the rest of the day.

The SPEAKER. Without objection, the gentleman's leave will be granted.

Representative Thaddeus Kirkland.

Mr. KIRKLAND. Thank you, Mr. Speaker.

I request leave for the rest of the day.

The SPEAKER. Without objection, the gentleman's leave will be granted. The Chair hears no objection.

Representative Payton.

Mr. PAYTON. Mr. Speaker, I request leave for the rest of the day.

The SPEAKER. Without objection, the gentleman's leave will be granted. The Chair sees no objection.

Representative Curtis Thomas.

Mr. THOMAS. Mr. Speaker, I request leave for the rest of the day.

The SPEAKER. Without objection, the gentleman's leave will be granted. The Chair sees no objection.

Representative Wheatley.

Mr. WHEATLEY. Mr. Speaker, I request leave for the rest of the day.

The SPEAKER. Without objection, the gentleman's leave will be granted. The Chair sees no objection.

Representative Parker.

Miss PARKER. Thank you, Mr. Speaker.

I request leave for the rest of the day.

The SPEAKER. Without objection, the lady's request will be granted. The Chair sees no objection.

Representative Bastian.

Mr. BASTIAN. Thank you, Mr. Speaker.

I am proud that I do not need leave. I am going to stay for the rest of the day. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes Representative James.

Mr. JAMES. Thank you, Mr. Speaker. I would just like to take this opportunity to request Capitol leave.

The SPEAKER. There is no Capitol leave. Does the gentleman request to be placed on leave for the remainder of the day? The Chair sees no objection. The leave will be granted.

The Chair recognizes Representative Jewell Williams. The gentleman waives off.

LEAVE OF ABSENCE CANCELED

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

RECESS

The SPEAKER. This House will stand in recess until 1:20 p.m.

AFTER RECESS

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

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader, who moves that the following bill be removed from the tabled bill calendar: SB 1137.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader, who moves that the following bill be recommitted to the Committee on Appropriations: SB 1137.

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

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Chair recognizes chairman of Appropriations, Representative Evans.

Mr. D. EVANS. Mr. Speaker, there will be, at 2:30 in the majority caucus room, an Appropriations meeting. I would like to ask all the members, on both sides of the aisle, to be there at 2:30.

The SPEAKER. There will be an Appropriations meeting at 2:30 in the majority caucus room.

LOCAL GOVERNMENT COMMITTEE MEETING

The SPEAKER. Representative Freeman.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, I would like to reconvene a meeting of the House Local Government Committee immediately in room 39, East Wing.

The SPEAKER. There will be an immediate Local Government Committee meeting in room 39, East Wing.

RECESS

The SPEAKER. This 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.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Chair recognizes the Appropriations chairman, Dwight Evans, for an announcement.

Mr. D. EVANS. Mr. Speaker, I would like to call the House Appropriations Committee meeting immediately in the majority caucus room.

The SPEAKER. The Appropriations Committee will meet immediately in the majority caucus room.

INTERROGATION

Mr. S. SMITH. Mr. Speaker? Relative to that announcement, could the Appropriations chairman tell me what bills they are planning to report out of that committee?

Mr. D. EVANS. Yes, Mr. Speaker.

HB 337 is the bill that came out of the House Insurance Committee and basically in terms of its impact on the Commonwealth—

The SPEAKER. 1137?

Mr. D. EVANS. 1137, I meant. SB 1137. I apologize, Mr. Speaker.

Mr. S. SMITH. Mr. Speaker? I do not know if it is entirely in order, but I must question why this bill that was coming out of the Insurance Committee earlier today where people on both sides of the aisle were professing their commitment to bipartisanship, to working towards some of the goals that the House Republicans had announced in how to deal with the health-care issue, I must ask, Mr. Speaker, why this bill is being ran out of the Appropriations Committee this very same day when there have been no discussions and no dialogue, no cooperative effort whatsoever other than virtual lip service from the administration and from some members in the majority. I strenuously question why this action is taking place at this point in time. I would phrase that as a question to the Appropriations chairman, if he would care to respond.

Mr. D. EVANS. Mr. Speaker, because I would like to put the bill in position for that discussion that the Republican leader has expressed, to take place next week. The only thing this will do is put the bill in position. I do agree with the gentleman that we should have a lot of discussion, but the bill needs to be put in position for that to take place, and it must come out of the committee and go to the floor in order for that to take place.

Mr. S. SMITH. Mr. Speaker, I would also note that this bill was amended in the Insurance Committee. It was not like it just came out as it had been reported. So not only was it amended in the Insurance Committee and jammed out of Appropriations on the same day, I seriously question where the bipartisan effort is.

Further interrogation, if I could, if the gentleman is willing? Is it the intent, since you are in such a rush to kick it out of committee today, do I obviously infer from that, that it is your intent to consider that bill on second consideration and possibly third consideration next week?

Mr. D. EVANS. Correct, Mr. Speaker.

Mr. S. SMITH. That is bipartisanship, Mr. Speaker.

Mr. D. EVANS. Thank you, Mr. Speaker.

RECESS

The SPEAKER. This 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. For the information of the members, tomorrow will be a nonvoting session.

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

Mr. S. SMITH. Mr. Speaker?

The SPEAKER. The House will come to order. The Chair recognizes the minority leader, Representative Smith.

Mr. S. SMITH. Mr. Speaker, I move that we adjourn the House until 11 tomorrow, what I understood would be a nonvoting day.

The SPEAKER. It has been moved by the minority leader, Representative Smith, that this House do now adjourn until Thursday, December 6, 2007, at 11 a.m.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 5:25 p.m., e.s.t., the House adjourned.