

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

FRIDAY, JANUARY 13, 2023

FIRST SPECIAL SESSION OF 2023-2024

No. 2

HOUSE OF REPRESENTATIVES

The House convened at 9 a.m., e.s.t.

THE SPEAKER PRO TEMPORE (STEVEN R. MALAGARI) PRESIDING

PRAYER

HON. STEVEN R. MALAGARI, Speaker pro tempore of the House of Representatives, offered the following prayer:

O guardian of life and liberty, may our nation always merit Your protection. Teach us to give thanks for what we have by sharing it with those who are in need. Keep our eyes open to the wonders of creation and alert to the care of the earth. May we never be lazy in the work of peace. May we honor those who have died in defense of our ideals. Grant our leaders wisdom and forbearance; may they govern with justice and compassion. Help us all to appreciate one another and to respect the many ways that we may serve You. May our homes be safe from affliction and strife, and our country be sound in body and spirit.

In Your name we pray. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. Without objection, the approval of the Journal of Monday, January 9, 2023, will be postponed until printed.

PARLIAMENTARY INQUIRIES

The SPEAKER pro tempore. For what—

Mr. CUTLER. Mr. Speaker?

The SPEAKER pro tempore. Yes, for what purpose does the gentleman rise?

Mr. CUTLER. I have some questions regarding, parliamentary inquiries regarding the schedule.

The SPEAKER pro tempore. The gentleman will make his parliamentary inquiry.

Mr. CUTLER. Thank you, Mr. Speaker.

Mr. Speaker, it is my understanding that this is currently being broadcast, and I just wanted to thank you for that, at our request. Is the purpose of today's special session, nonvoting session to

ensure compliance with Article II, section 14, of the Pennsylvania Constitution, which states that we cannot adjourn for more than 3 days without consent of the Senate?

The SPEAKER pro tempore. Yes.

Mr. CUTLER. Thank you. Mr. Speaker, could we comply with that requirement by having any kind of voting session?

The SPEAKER pro tempore. Yes.

Mr. CUTLER. Mr. Speaker, is it your understanding that either special session or regular session would meet that requirement?

The SPEAKER pro tempore. This is a constitutional question that would be ultimately up to the body, but it is my understanding, yes.

Mr. CUTLER. Mr. Speaker, is it necessary to do this for each version of session, both regular and special, or is doing it in either at any time meet that requirement?

The SPEAKER pro tempore. Either would meet that requirement.

Mr. CUTLER. Thank you, Mr. Speaker.

Mr. Speaker, if we are not called into voting session, either special or regular, is it your intent to continue to call us into nonvoting session on a regular schedule in order to ensure compliance with Article II, section 14, of the Pennsylvania Constitution?

The SPEAKER pro tempore. So it is the Chair's understanding that you had a conversation with the Speaker yesterday and that he has indicated that he is at a funeral today. So as I am only the pro tem, I cannot answer that question for you. It would have to be directed to the Speaker.

Mr. CUTLER. Mr. Speaker, is it the Parliamentarian's understanding, then, that we would be here in some form every 3 or 4 days as required by Article II, section 14? It, respectfully, it is just a scheduling question. The reason for the parliamentary inquiry is, I was contacted by many members last evening inquiring if they needed to attend session today, and if this will become a matter of routine going forward, I simply wanted to be able to notify the members.

The SPEAKER pro tempore. The Parliamentarian simply advises that the Speaker cannot speak on behalf of the Speaker.

Mr. CUTLER. Very good.

Mr. Speaker, further parliamentary inquiry, if I may?

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

Mr. CUTLER. Regarding the session calendar, who is ultimately responsible for publishing that, both regular and special?

The SPEAKER pro tempore. The Speaker.

Mr. CUTLER. And, Mr. Speaker, it is my understanding that we have not yet adopted rules in either special or regular session, so at this point, what would govern us? It is my understanding

that it would be past precedent and reliance on past sessions' rules up and to the point that rules are adopted, and I was just wondering if that is correct.

The SPEAKER pro tempore. So according to past precedent from Speaker Ryan in 2003, " '...in the absence of rules, as immediately upon convening and before rules are adopted,' which is our" current "situation, 'the Houses are governed by usages, custom, and precedent, and by general parliamentary law. The best evidence of what are the established usages and customs is the rules as last in effect...' " as you have mentioned.

Mr. CUTLER. Thank you. Mr. Speaker, recognizing that you are the pro tem, I do wish to recognize the organization of the Speaker's Workgroup to Move Pennsylvania Forward, which was, I believe, to be organized next Tuesday. It seems similar to the path taken in 2007 and I would simply like to publicly request, as this work group does its important work and relying on past precedent, would it be appropriate to temporarily adopt the rules from the past session in order to organize the House in either special or regular session or both?

The SPEAKER pro tempore. The gentleman is out of order. That is not a parliamentary inquiry.

Mr. CUTLER. Mr. Speaker, could the House adopt under past, you know, following the past precedent that was just cited, organize under temporary rules consistent with past sessions and precedents, as outlined by Speaker Ryan. While the group works on their important work, could we begin ours here in the chamber regarding the adoption of rules for either special or regular session?

The SPEAKER pro tempore. That is not a parliamentary inquiry.

Mr. CUTLER. Mr. Speaker, I have an additional parliamentary inquiry?

The SPEAKER pro tempore. You are in order.

Mr. CUTLER. Could the House adopt temporary rules either in regular session or special session in order to organize and begin the work for the people?

The SPEAKER pro tempore. So pursuant to Mason's Manual, section 250, paragraph 1, "A parliamentary inquiry is a request for information from the presiding officer with respect to procedure concerning some..." question "before the house or that may be immediately brought before the house." So as your question pertains to a matter neither before the House nor able to be immediately brought before the House, what you are asking is in fact not a parliamentary inquiry and it is out of order for a nonvoting session day.

So furthermore, the Chair reminds the gentleman that Mason's Manual, section 250, paragraph 2, makes it clear that it is not the presiding officer's duty to answer general questions concerning parliamentary law.

Mr. CUTLER. Respectfully, Mr. Speaker, regarding the parliamentary inquiry, I believe it is very specific to the operations of the body, which would be the next natural component of our organization. I understand, based on the prior answers, that past precedent will dictate until such time that the rules are adopted, and I am simply asking if this chamber could adopt temporary rules in regular or special session in order to begin business?

The SPEAKER pro tempore. The Chair has answered that question, and as it is not immediate business before the House on a nonvoting session day, we have provided you that answer. And the gentleman is able to consult legal counsel.

Mr. CUTLER. Thank you, Mr. Speaker.

Further parliamentary inquiry?

The SPEAKER pro tempore. You may proceed.

Mr. CUTLER. Would we be able to adopt temporary rules now, either in special session or regular session if it were scheduled, or does that require the scheduling of a voting session day?

The SPEAKER pro tempore. That would require a voting session day.

Mr. CUTLER. Thank you, Mr. Speaker.

Are there currently any voting session days scheduled?

The SPEAKER pro tempore. It is up to the Speaker to set the voting calendar, and as I am the pro tem, it would be up to the Speaker to do so.

Mr. CUTLER. Thank you, Mr. Speaker.

I appreciate your indulgence.

RECESS

The SPEAKER pro tempore. The House stands in recess until the call of the Chair.