

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, APRIL 9, 2002

SESSION OF 2002

186TH OF THE GENERAL ASSEMBLY

No. 26

HOUSE OF REPRESENTATIVES

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

THE SPEAKER PRO TEMPORE (BRETT FEESE) PRESIDING

PRAYER

REV. JULIANN PUGH, Chaplain of the House of Representatives, offered the following prayer:

Let us go to God in prayer:

Lord God, lift up the light of Your countenance upon us this day; let Your peace rule in our hearts, and may it be our strength and our song. When You challenge us to attempt any great matter, give us the assurance that it is not the beginning but the continuing of that cause until it is thoroughly finished which will yield a sense of rightness. In this House chamber, may Your Spirit be strong and free, enabling otherwise ordinary people to make possible extraordinary solutions and with quality and equality bring to all the people of our Commonwealth a better life.

Inspire us today to be Your people, truly Your people, for You have created us to be such honorable, glorious creations, and we have settled for a substandard of what You have intended. We have allowed the comments of others, our own insecurities, and weakness mold us into a tiny glimmer of what we could be. Open our minds to Your wisdom and our hearts to Your love so that we might again be the strong, courageous children of a great king.

Take out of our hearts, O Lord, all bitterness, hatred, and even indifference as it respects others. Help us to feel kindly toward others, to be sincerely interested in their welfare and happiness. This world is at war, and we pray for peace. At times we are like strangers on this earth, taken aback by all the violence, the harsh oppositions. Like a gentle breeze, You breathe upon us the Spirit of peace. Transfigure the deserts of our doubts, and so prepare us to be bearers of reconciliation wherever You place us, until the day when hope of peace dawns in our world.

Use us until then, O God, for whatever purpose and in whatever way You may require. Here are our hearts, empty vessels. Fill us with Your grace, and lead us into the path of wisdom.

Hear this our common prayer. 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, April 8, 2002, will be postponed until printed. The Chair hears no objection.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2537 By Representatives VEON, LAUGHLIN, DeWEESE, BELFANTI, GEORGE, WALKO, PETRARCA, WOJNAROSKI, SAINATO, CURRY, McCALL, STABACK, MANN, BELARDI, DeLUCA, CAPPELLI, MARKOSEK, SCRIMENTI, G. WRIGHT, SURRA, MELIO, CRUZ, CORRIGAN, PIPPY, GRUITZA, BLAUM, COSTA, STEELMAN, JAMES, PISTELLA, TRAVAGLIO, LESCOVITZ, DALEY, COLAFELLA, SOLOBAY, HORSEY, GRUCELA, HARHAI, HALUSKA, HANNA, LUCYK, YOUNGBLOOD and BEBKO-JONES

An Act providing for health care assistance for certain steelworkers; establishing the Steelworker Health Care Assistance Retiree Board and the Steelworker Health Care Assistance Retiree Trust Fund; providing for issuance of bonds; making an appropriation; and making a repeal.

Referred to Committee on LABOR RELATIONS, April 9, 2002.

No. 2538 By Representatives STETLER, BELFANTI, CAPPELLI, FREEMAN, GRUCELA, HALUSKA, JAMES, LAUGHLIN, PISTELLA, SHANER, STABACK, E. Z. TAYLOR, THOMAS, WASHINGTON, J. WILLIAMS and YOUNGBLOOD

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further defining "separate and apart" for purposes of divorce; and further providing for grounds for divorce and for counseling.

Referred to Committee on JUDICIARY, April 9, 2002.

No. 2539 By Representatives CAPPELLI, BELFANTI, CREIGHTON, DeLUCA, GEORGE, HORSEY, LAUGHLIN, PICKETT, ROEBUCK, SATHER, STEELMAN, E. Z. TAYLOR and TURZAI

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for exceptions to sovereign immunity.

Referred to Committee on JUDICIARY, April 9, 2002.

No. 2540 By Representatives VANCE, S. MILLER, ROSS, YOUNGBLOOD, BARRAR, BEBKO-JONES, BENNINGHOFF, CAPPELLI, CAWLEY, CLYMER, L. I. COHEN, M. COHEN, COY, CREIGHTON, CURRY, DALEY, DiGIROLAMO, EGOLF, FEESE, FLICK, GEORGE, GODSHALL, HENNESSEY, HESS, HORSEY, KELLER, LAUGHLIN, MARSICO, McCALL, McGEEHAN, MICOZZIE, R. MILLER, NAILOR, NICKOL, PALLONE, PISTELLA, RUBLEY, SATHER, SAYLOR, SHANER, B. SMITH, STABACK, STEELMAN, E. Z. TAYLOR, J. TAYLOR, THOMAS, TIGUE, TRELLO, WANSACZ, G. WRIGHT and YUDICHAK

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for release of information in confidential reports.

Referred to Committee on JUDICIARY, April 9, 2002.

No. 2541 By Representatives EGOLF, SAYLOR, ARMSTRONG, M. BAKER, BARRAR, BASTIAN, BENNINGHOFF, BIRMELIN, CAPPELLI, CIVERA, CLARK, CREIGHTON, DALEY, DALLY, DeLUCA, FLEAGLE, FORCIER, GABIG, GEIST, GRUCELA, HARHART, HERSHEY, HESS, HORSEY, HUTCHINSON, JADLOWIEC, KREBS, LEDERER, LEH, LYNCH, MAITLAND, MARSICO, McGEEHAN, McILHATTAN, MELIO, R. MILLER, MUNDY, NAILOR, PALLONE, PICKETT, ROHRER, SHANER, STABACK, STEELMAN, STERN, R. STEVENSON, E. Z. TAYLOR, J. TAYLOR, TULLI, WILT and YOUNGBLOOD

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, adding provisions relating to child molester control; and providing for sentencing for certain sexual offense convictions, for restrictions on parole or release, for treatment and for voluntary treatment for first offenders.

Referred to Committee on JUDICIARY, April 9, 2002.

No. 2542 By Representatives STURLA, GEIST, MUNDY, BELARDI, BELFANTI, BROWNE, CAWLEY, COY, CREIGHTON, CURRY, DALEY, DIVEN, FRANKEL, FREEMAN, GRUCELA, HARHAI, HENNESSEY, JAMES, LAUGHLIN, LESCOVITZ, MANDERINO, McCALL, MELIO, MICHLOVIC, PALLONE, ROBINSON, SAINATO, SCRIMENTI, SHANER, SOLOBAY, STABACK, STEELMAN, THOMAS, TIGUE, TRELLO, WALKO, WASHINGTON, J. WILLIAMS, WOJNAROSKI, YOUNGBLOOD and YUDICHAK

An Act amending the act of December 3, 1959 (P.L.1688, No.621), known as the Housing Finance Agency Law, creating the Housing Insurance Fund; and providing for the Home Mortgage Insurance Program.

Referred to Committee on URBAN AFFAIRS, April 9, 2002.

BILLS REMOVED FROM TABLE

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. PERZEL. Mr. Speaker, I move that the following bills be removed from the table:

HB 167;
HB 614;
HB 979;
HB 1104;
HB 1245; and
HB 1953.

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

BILLS TABLED

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. PERZEL. Mr. Speaker, I move that the following bills be laid on the table:

HB 167;
HB 614;
HB 979;
HB 1104;
HB 1245; and
HB 1953.

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

SENATE MESSAGE

HOUSE BILL CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 2129, PN 2841**, with information that the Senate has passed the same without amendment.

SENATE MESSAGE

ADJOURNMENT 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
April 8, 2002

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week, it reconvene on Monday, April 15, 2002, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week, it reconvene on Monday, April 15, 2002, 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.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 2015, PN 3627 (Amended) By Rep. J. TAYLOR

An Act establishing the Information Technology and Electronic Commerce Advisory Council and Joint Committee on Information Technology and Electronic Commerce and providing for their powers and duties.

INTERGOVERNMENTAL AFFAIRS.

SB 656, PN 1864 (Amended) By Rep. J. TAYLOR

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for definitions, for unlawful use of computer and for bases of personal jurisdiction over persons outside this Commonwealth.

INTERGOVERNMENTAL AFFAIRS.

RESOLUTIONS REPORTED FROM COMMITTEE

HR 387, PN 3629 (Amended) By Rep. J. TAYLOR

A Concurrent Resolution memorializing the Citizens' Stamp Advisory Committee of the United States Postal Service to consider and recommend to the United States Postal Service Board of Governors the issuance of a commemorative stamp honoring the United States Brig Niagara.

INTERGOVERNMENTAL AFFAIRS.

HR 401, PN 3204 By Rep. J. TAYLOR

A Resolution memorializing the Congress of the United States to authorize funding for the National Park Service to purchase the Schwoebel Tract, which lies within the boundaries of the Valley Forge National Historical Park.

INTERGOVERNMENTAL AFFAIRS.

HR 488, PN 3520 By Rep. J. TAYLOR

A Resolution urging the President and Congress of the United States to provide Federal relief for steel industry retiree health care costs.

INTERGOVERNMENTAL AFFAIRS.

SR 97, PN 1288

By Rep. J. TAYLOR

A Concurrent Resolution memorializing Congress to honor Commodore John Barry as the first flag officer of the United States Navy.

INTERGOVERNMENTAL AFFAIRS.

LEAVES OF ABSENCE

The SPEAKER pro tempore. The Chair recognizes the majority whip, who requests a leave of absence for the Representative from Montgomery County, Mr. MCGILL, for the remainder of the day. Without objection, the leave will be granted. The Chair hears no objection.

The Chair recognizes the Democratic whip, who requests a leave of absence for the gentleman from Philadelphia, Mr. MYERS, and the gentleman from Allegheny, Mr. RUFFING. Without objection, the leaves will be granted. The Chair hears no objection.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—197

Adolph	Egolf	Mackereth	Schroder
Allen	Evans, D.	Maher	Schuler
Argall	Evans, J.	Maitland	Scrimenti
Armstrong	Fairchild	Major	Semmel
Baker, J.	Feese	Manderino	Shaner
Baker, M.	Fichter	Mann	Smith, B.
Bard	Fleagle	Markosek	Smith, S. H.
Barrar	Flick	Marsico	Solobay
Bastian	Forcier	Mayernik	Staback
Bebko-Jones	Frankel	McCall	Stairs
Belardi	Freeman	McGeehan	Steelman
Belfanti	Gabig	McIlhattan	Steil
Benninghoff	Gannon	McIlhinney	Stern
Birmelin	Geist	McNaughton	Stetler
Bishop	George	Melio	Stevenson, R.
Blaum	Godshall	Metcalfe	Stevenson, T.
Boyes	Gordner	Michlovic	Strittmatter
Brooks	Grucela	Micozzie	Sturla
Browne	Gruitza	Miller, R.	Surra
Bunt	Habay	Miller, S.	Tangretti
Butkovitz	Haluska	Mundy	Taylor, E. Z.
Buxton	Hanna	Nailor	Taylor, J.
Caltagirone	Harhai	Nickol	Thomas
Cappelli	Harhart	O'Brien	Tigue
Casorio	Harper	Oliver	Travaglio
Cawley	Hasay	Pallone	Trello
Civera	Hennessey	Perzel	Trich
Clark	Herman	Petrarca	Tulli
Clymer	Hershey	Petrone	Turzai
Cohen, L. I.	Hess	Phillips	Vance
Cohen, M.	Horsey	Pickett	Veon
Colafella	Hutchinson	Pippy	Vitali
Coleman	Jadlowiec	Pistella	Walko
Cornell	James	Preston	Wansacz
Corrigan	Josephs	Raymond	Washington
Costa	Kaiser	Readshaw	Waters
Coy	Keller	Reinard	Watson

Creighton	Kenney	Rieger	Williams, J.
Cruz	Kirkland	Roberts	Wilt
Curry	Krebs	Robinson	Wojnaroski
Dailey	LaGrotta	Roebuck	Wright, G.
Daley	Laughlin	Rohrer	Wright, M.
Dally	Lawless	Rooney	Yewcic
DeLuca	Lederer	Ross	Youngblood
Dermody	Leh	Rubley	Yudichak
DeWeese	Lescovitz	Sainato	Zug
DiGirolo	Levdansky	Samuelson	
Diven	Lewis	Santoni	
Donatucci	Lucyk	Sather	Ryan,
Eachus	Lynch	Saylor	Speaker

ADDITIONS—0

NOT VOTING—0

EXCUSED—4

McGill	Myers	Ruffing	Zimmerman
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LEAVES ADDED—3

Dailey	Donatucci	Rubley
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LEAVES CANCELED—2

McGill	Rubley
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GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair is pleased to welcome today, as the guests of Representative Casorio, members of the Fraternal Order of Police, Lodge 39. The members with us today are Leroy Anthony, Ronald Reed, Anthony Pecora, Victor DeSanti, and John Rudosky. Those gentlemen are seated in the gallery. Will those individuals please rise.

The Chair is also pleased to welcome today to the hall of the House, as guests of Representative Thomas Creighton, the students and teachers from Mount Calvary Christian School. They are here on a field trip and are seated in the gallery. Would those students please rise. Welcome to the hall of the House.

The Chair is also pleased to welcome today to the hall of the House two students from the Dallastown Area Senior High School. They are the guests of Representative Ron Miller. Their names are Jennifer Conley — she is a junior at Dallastown Area Senior High — and Eric Payne, who is a senior at Dallastown Area Senior High School. They will be shadowing Representative Miller today. Will those students please rise. Welcome to the hall of the House.

As guests of Representative Curt Schroder, today we have the senior seminar political science class from West Chester University. The students are seated on the floor at the rear of the hall of the House. Will those students please rise. Welcome to the hall of the House.

The Chair is pleased to welcome today to the hall of the House, as the guest of Representative John Pippy, Leslie Mylan from Fredericktown, Washington County. Leslie is a junior at the University of Pittsburgh, where she is majoring in political science. Leslie, would you please rise. Welcome to the hall of the House, Leslie.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND Tabled

HB 721, PN 805

By Rep. SCHULER

An Act establishing the Long-Term Care Partnership Program; and conferring powers and duties on the Insurance Department, the Department of Aging and the Department of Public Welfare.

AGING AND OLDER ADULT SERVICES.

HB 2055, PN 3628 (Amended)

By Rep. SCHULER

An Act requiring certain elder care facilities to provide refunds and payments in certain circumstances.

AGING AND OLDER ADULT SERVICES.

RYAN SMITH AND JASON MILLER PRESENTED

The SPEAKER pro tempore. The Chair recognizes the lady from Cumberland County, Representative Vance. The Chair also recognizes the gentlemen, Representatives Nailor and Gabig.

The lady, Mrs. Vance.

Mrs. VANCE. Thank you, Mr. Speaker.

I am particularly delighted to be joined by my colleagues, Representative Nailor and Representative Gabig, in honoring some fine young students from Cumberland Valley High School. The school has long been known for its academic excellence, but we are especially pleased to honor some people today who have excelled athletically.

The first person that we are going to honor is Ryan Smith. Would Ryan like to come down here, please. Ryan recently captured the PIAA Class AAA girls swimming State championship in the 100-meter backstroke, and I think we also need to notice that she captured sixth place in the 100-yard freestyle and fifth place in the 200-yard freestyle relay. She is really deserving of recognition, and we are delighted to have her with us today. Congratulations, Ryan.

The second swimmer of excellence is Jason Miller. Jason, would you come up here, please.

And I am especially pleased to note that they are joined by their coach, Jack Weaver. Jack.

Jason captured the championship in the 100-meter butterfly competition and also captured a bronze medal in the 200-meter medley relay. We are so pleased to again recognize the powerhouse in swimming that Cumberland Valley has been over the years. Congratulations, Jason.

CUMBERLAND VALLEY HIGH SCHOOL GIRLS BASKETBALL TEAM PRESENTED

The SPEAKER pro tempore. The lady, Mrs. Vance.

Mrs. VANCE. Thank you, Mr. Speaker.

I am especially pleased to introduce to all of you the State AAAA championship girls basketball team from Cumberland Valley. When the season started, I do not think anyone gave them a shot to win this championship except themselves. Obviously they had talent, but they had something very intangible. They had a lot of team spirit, and they worked so well together. I was delighted to

see them play several times this year, and this is truly a group of champions.

So I am pleased to read the citation, which reads as follows:

... The House of Representatives of Pennsylvania is always proud to recognize those young citizens who strive tirelessly toward achievements in their competitive endeavors; and

WHEREAS, The Cumberland Valley Girls' Basketball Team recently captured the...PIAA Class AAAA Girls' Basketball State Championship; and

WHEREAS, Under the expert guidance of head coach John Smith and assistant coaches Toni Wolf, Thomas Krause and Jason Knisely....

We are joined today by the team captains and the coach. We have Carla Thomas, Katie Herr, and Cristen Robinson.

I hope you all give them a large round of applause.

I would ask that the rest of the wonderful basketball team in the rear would stand up so they could all be recognized as well.

Just this past weekend, the coach, John Smith, who is the head coach of this girls team, was named the Associated Press Big School Coach of the Year. So we have been very blessed at Cumberland Valley, and we are very proud to honor Coach Smith today as well.

GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair is pleased to welcome today, as the guests of Representative Tulli, the students from the Center for Youth Leadership in Law and Government project. Those students are seated in the gallery. Will those students please rise and be recognized. Welcome to the hall of the House.

NATIONAL RECORDING ARTISTS PRESENTED

The SPEAKER pro tempore. The Chair recognizes the gentleman from York County, Mr. Saylor.

Could the gentleman, Mr. Saylor, have the attention of the House, please. We have some additional special guests for a presentation, and then those special guests will be performing for us here today. Members will please take their seats.

The gentleman, Mr. Saylor.

Mr. SAYLOR. Thank you, Mr. Speaker.

I would like to introduce to the members of the House three recording solo artists we are honoring today. With me are Major Harris, Pat Palmer, and Frank Washington. Welcome to the House of Representatives, gentlemen.

I would also like to thank today Representative Coy and Deb Brady from his staff for setting this up. Deb, thank you very much. Deb is a close friend of the performing artists, and I wanted to thank her for all her help today.

I was thrilled when Representative Coy asked me to make this presentation. Mr. Palmer is a constituent of mine, and his production company, called P&P Productions, is located in my district. Their work is well known not only in York County but across America and throughout this country. Ladies and gentlemen, we have very talented and accomplished musical

guests in our midst today.

So today we are proud to honor these musicians for 30 years of excellence in the music industry. In addition to their successful solo work, this trio has collaborated on many projects over the last three decades.

Their list of achievements is long and distinguished. Mr. Palmer has opened for such groups as the Temptations, the Four Tops, and the O'Jays. Mr. Harris has a solo album called "My Way," which sold more than 8 million copies. And Mr. Washington has released several hit singles, including the well-known "Love Is Love."

This trio has performed around the world, produced dozens of hits, and sold millions of records. Their contribution to the music industry is virtually immeasurable. This citation that I have today for each of them is a measure of our gratitude and our admiration for them.

Also accompanying this trio today is Ronald Queen. We would like to welcome him also to the House.

They say that music is one of the greatest gifts of all. It asks nothing in return except to be heard and to be listened to. Well, gentlemen, I understand that we are going to be receiving a performance today, and I know this House is ready to listen to you.

For those of you hearing these renowned artists for the first time, you are in for a real treat. Thank you very much.

(A musical program was presented by Major Harris, Pat Palmer, Frank Washington, and Ronald Queen.)

THE SPEAKER PRO TEMPORE (PATRICIA H. VANCE) PRESIDING

CALENDAR

RESOLUTIONS PURSUANT TO RULE 35

Mr. MARSICO called up **HR 499, PN 3544**, entitled:

A Resolution recognizing April 26, 2002, as "Arbor Day"; promoting public participation in the celebration; and further recognizing the value of trees to our environment.

On the question,

Will the House adopt the resolution?

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair recognizes the majority whip, who moves that the lady, Mrs. RUBLEY, be placed on leave for the remainder of the day. The Chair hears no objection.

CONSIDERATION OF HR 499 CONTINUED

On the question recurring,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

Adolph	Egolf	Mackereth	Schroder
Allen	Evans, D.	Maher	Schuler
Argall	Evans, J.	Maitland	Scrimenti
Armstrong	Fairchild	Major	Semmel
Baker, J.	Feese	Manderino	Shaner
Baker, M.	Fichter	Mann	Smith, B.
Bard	Fleagle	Markosek	Smith, S. H.
Barrar	Flick	Marsico	Solobay
Bastian	Forcier	Mayernik	Staback
Bebko-Jones	Frankel	McCall	Stairs
Belardi	Freeman	McGeehan	Steelman
Belfanti	Gabig	McIlhattan	Steil
Benninghoff	Gannon	McIlhinney	Stern
Birmelin	Geist	McNaughton	Stetler
Bishop	George	Melio	Stevenson, R.
Blaum	Godshall	Metcalfe	Stevenson, T.
Boyes	Gordner	Michlovic	Strittmatter
Brooks	Grucela	Micozzie	Sturla
Browne	Gruitza	Miller, R.	Surra
Bunt	Habay	Miller, S.	Tangretti
Butkovitz	Haluska	Mundy	Taylor, E. Z.
Buxton	Hanna	Nailor	Taylor, J.
Caltagirone	Harhai	Nickol	Thomas
Cappelli	Harhart	O'Brien	Tigue
Casorio	Harper	Oliver	Travaglio
Cawley	Hasay	Pallone	Trello
Civera	Hennessey	Perzel	Trich
Clark	Herman	Petrarca	Tulli
Clymer	Hershey	Petrone	Turzai
Cohen, L. I.	Hess	Phillips	Vance
Cohen, M.	Horsey	Pickett	Veon
Colafella	Hutchinson	Pippy	Vitali
Coleman	Jadlowiec	Pistella	Walko
Cornell	James	Preston	Wansacz
Corrigan	Josephs	Raymond	Washington
Costa	Kaiser	Readshaw	Waters
Coy	Keller	Reinard	Watson
Creighton	Kenney	Rieger	Williams, J.
Cruz	Kirkland	Roberts	Wilt
Curry	Krebs	Robinson	Wojnaroski
Dailey	LaGrotta	Roebuck	Wright, G.
Daley	Laughlin	Rohrer	Wright, M.
Dally	Lawless	Rooney	Yewcic
DeLuca	Lederer	Ross	Youngblood
Dermody	Leh	Sainato	Yudichak
DeWeese	Lescovitz	Samuelson	Zug
DiGirolamo	Levdansky	Santoni	
Diven	Lewis	Sather	
Donatucci	Lucyk	Saylor	Ryan,
Eachus	Lynch		Speaker

NAYS-0

NOT VOTING-0

EXCUSED-5

McGill	Rubley	Ruffing	Zimmerman
Myers			

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

* * *

Mr. GODSHALL called up **HR 500, PN 3555**, entitled:

A Resolution recognizing the contributions of the Blue Star Mothers of America, Inc.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-196

Adolph	Egolf	Mackereth	Schroder
Allen	Evans, D.	Maher	Schuler
Argall	Evans, J.	Maitland	Scrimenti
Armstrong	Fairchild	Major	Semmel
Baker, J.	Feese	Manderino	Shaner
Baker, M.	Fichter	Mann	Smith, B.
Bard	Fleagle	Markosek	Smith, S. H.
Barrar	Flick	Marsico	Solobay
Bastian	Forcier	Mayernik	Staback
Bebko-Jones	Frankel	McCall	Stairs
Belardi	Freeman	McGeehan	Steelman
Belfanti	Gabig	McIlhattan	Steil
Benninghoff	Gannon	McIlhinney	Stern
Birmelin	Geist	McNaughton	Stetler
Bishop	George	Melio	Stevenson, R.
Blaum	Godshall	Metcalfe	Stevenson, T.
Boyes	Gordner	Michlovic	Strittmatter
Brooks	Grucela	Micozzie	Sturla
Browne	Gruitza	Miller, R.	Surra
Bunt	Habay	Miller, S.	Tangretti
Butkovitz	Haluska	Mundy	Taylor, E. Z.
Buxton	Hanna	Nailor	Taylor, J.
Caltagirone	Harhai	Nickol	Thomas
Cappelli	Harhart	O'Brien	Tigue
Casorio	Harper	Oliver	Travaglio
Cawley	Hasay	Pallone	Trello
Civera	Hennessey	Perzel	Trich
Clark	Herman	Petrarca	Tulli
Clymer	Hershey	Petrone	Turzai
Cohen, L. I.	Hess	Phillips	Vance
Cohen, M.	Horsey	Pickett	Veon
Colafella	Hutchinson	Pippy	Vitali
Coleman	Jadlowiec	Pistella	Walko
Cornell	James	Preston	Wansacz
Corrigan	Josephs	Raymond	Washington
Costa	Kaiser	Readshaw	Waters
Coy	Keller	Reinard	Watson
Creighton	Kenney	Rieger	Williams, J.
Cruz	Kirkland	Roberts	Wilt
Curry	Krebs	Robinson	Wojnaroski
Dailey	LaGrotta	Roebuck	Wright, G.
Daley	Laughlin	Rohrer	Wright, M.
Dally	Lawless	Rooney	Yewcic
DeLuca	Lederer	Ross	Youngblood
Dermody	Leh	Sainato	Yudichak
DeWeese	Lescovitz	Samuelson	Zug
DiGirolamo	Levdansky	Santoni	
Diven	Lewis	Sather	
Donatucci	Lucyk	Saylor	Ryan,
Eachus	Lynch		Speaker

NAYS-0

NOT VOTING-0

EXCUSED-5

McGill Rubley Ruffing Zimmerman
Myers

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

* * *

Mr. SAYLOR called up **HR 502, PN 3557**, entitled:

A Resolution designating the week of April 7 through 13, 2002, as “Week of the Young Child” in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

Adolph	Egolf	Mackereth	Schroder
Allen	Evans, D.	Maher	Schuler
Argall	Evans, J.	Maitland	Scrimenti
Armstrong	Fairchild	Major	Semmel
Baker, J.	Feese	Manderino	Shaner
Baker, M.	Fichter	Mann	Smith, B.
Bard	Fleagle	Markosek	Smith, S. H.
Barrar	Flick	Marsico	Solobay
Bastian	Forcier	Mayernik	Staback
Bebko-Jones	Frankel	McCall	Stairs
Belardi	Freeman	McGeehan	Steelman
Belfanti	Gabig	McIlhattan	Steil
Benninghoff	Gannon	McIlhinney	Stern
Birmelin	Geist	McNaughton	Stetler
Bishop	George	Melio	Stevenson, R.
Blaum	Godshall	Metcalfe	Stevenson, T.
Boyes	Gordner	Michlovic	Strittmatter
Brooks	Grucela	Micozzie	Sturla
Browne	Gruitza	Miller, R.	Surra
Bunt	Habay	Miller, S.	Tangretti
Butkovitz	Haluska	Mundy	Taylor, E. Z.
Buxton	Hanna	Nailor	Taylor, J.
Caltagirone	Harhai	Nickol	Thomas
Cappelli	Harhart	O'Brien	Tigue
Casorio	Harper	Oliver	Travaglio
Cawley	Hasay	Pallone	Trello
Civera	Hennessey	Perzel	Trich
Clark	Herman	Petrarca	Tulli
Clymer	Hershey	Petrone	Turzai
Cohen, L. I.	Hess	Phillips	Vance
Cohen, M.	Horsey	Pickett	Veon
Colafella	Hutchinson	Pippy	Vitali
Coleman	Jadlowiec	Pistella	Walko
Cornell	James	Preston	Wansacz
Corrigan	Josephs	Raymond	Washington
Costa	Kaiser	Readshaw	Waters
Coy	Keller	Reinard	Watson
Creighton	Kenney	Rieger	Williams, J.
Cruz	Kirkland	Roberts	Wilt
Curry	Krebs	Robinson	Wojnaroski
Dailey	LaGrotta	Roebuck	Wright, G.
Daley	Laughlin	Rohrer	Wright, M.
Dally	Lawless	Rooney	Yewcic
DeLuca	Lederer	Ross	Youngblood
Dermody	Leh	Sainato	Yudichak
DeWeese	Lescovitz	Samuelson	Zug
DiGiolamo	Levdansky	Santoni	
Diven	Lewis	Sather	
Donatucci	Lucyk	Saylor	Ryan,
Eachus	Lynch		Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

McGill Rubley Ruffing Zimmerman
Myers

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

* * *

Mr. ARGALL called up **HR 503, PN 3558**, entitled:

A Resolution designating the week of April 15 through 21, 2002, as “Local Government Week” in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

Adolph	Egolf	Mackereth	Schroder
Allen	Evans, D.	Maher	Schuler
Argall	Evans, J.	Maitland	Scrimenti
Armstrong	Fairchild	Major	Semmel
Baker, J.	Feese	Manderino	Shaner
Baker, M.	Fichter	Mann	Smith, B.
Bard	Fleagle	Markosek	Smith, S. H.
Barrar	Flick	Marsico	Solobay
Bastian	Forcier	Mayernik	Staback
Bebko-Jones	Frankel	McCall	Stairs
Belardi	Freeman	McGeehan	Steelman
Belfanti	Gabig	McIlhattan	Steil
Benninghoff	Gannon	McIlhinney	Stern
Birmelin	Geist	McNaughton	Stetler
Bishop	George	Melio	Stevenson, R.
Blaum	Godshall	Metcalfe	Stevenson, T.
Boyes	Gordner	Michlovic	Strittmatter
Brooks	Grucela	Micozzie	Sturla
Browne	Gruitza	Miller, R.	Surra
Bunt	Habay	Miller, S.	Tangretti
Butkovitz	Haluska	Mundy	Taylor, E. Z.
Buxton	Hanna	Nailor	Taylor, J.
Caltagirone	Harhai	Nickol	Thomas
Cappelli	Harhart	O'Brien	Tigue
Casorio	Harper	Oliver	Travaglio
Cawley	Hasay	Pallone	Trello
Civera	Hennessey	Perzel	Trich
Clark	Herman	Petrarca	Tulli
Clymer	Hershey	Petrone	Turzai
Cohen, L. I.	Hess	Phillips	Vance
Cohen, M.	Horsey	Pickett	Veon
Colafella	Hutchinson	Pippy	Vitali
Coleman	Jadlowiec	Pistella	Walko
Cornell	James	Preston	Wansacz
Corrigan	Josephs	Raymond	Washington
Costa	Kaiser	Readshaw	Waters
Coy	Keller	Reinard	Watson
Creighton	Kenney	Rieger	Williams, J.
Cruz	Kirkland	Roberts	Wilt
Curry	Krebs	Robinson	Wojnaroski
Dailey	LaGrotta	Roebuck	Wright, G.
Daley	Laughlin	Rohrer	Wright, M.

Dally	Lawless	Rooney	Yewcic
DeLuca	Lederer	Ross	Youngblood
Dermody	Leh	Sainato	Yudichak
DeWeese	Lescovitz	Samuelson	Zug
DiGirolamo	Levdansky	Santoni	
Diven	Lewis	Sather	
Donatucci	Lucyk	Saylor	Ryan, Speaker
Eachus	Lynch		

NAYS—0

NOT VOTING—0

EXCUSED—5

McGill	Rubley	Ruffing	Zimmerman
Myers			

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

* * *

Mr. ARGALL called up **HR 504, PN 3559**, entitled:

A Resolution designating the week of May 5 through 11, 2002, as “Drinking Water Awareness Week” in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

Adolph	Egolf	Mackereth	Schroder
Allen	Evans, D.	Maher	Schuler
Argall	Evans, J.	Maitland	Scrimenti
Armstrong	Fairchild	Major	Semmel
Baker, J.	Feese	Manderino	Shaner
Baker, M.	Fichter	Mann	Smith, B.
Bard	Fleagle	Markosek	Smith, S. H.
Barrar	Flick	Marsico	Solobay
Bastian	Forcier	Mayernik	Staback
Bebko-Jones	Frankel	McCall	Stairs
Belardi	Freeman	McGeehan	Steelman
Belfanti	Gabig	McIlhattan	Steil
Benninghoff	Gannon	McIlhinney	Stern
Birmelin	Geist	McNaughton	Stetler
Bishop	George	Melio	Stevenson, R.
Blaum	Godshall	Metcalfe	Stevenson, T.
Boyes	Gordner	Michlovic	Strittmatter
Brooks	Grucela	Micozzie	Sturla
Browne	Gruitza	Miller, R.	Surra
Bunt	Habay	Miller, S.	Tangretti
Butkovitz	Haluska	Mundy	Taylor, E. Z.
Buxton	Hanna	Nailor	Taylor, J.
Caltagirone	Harhai	Nickol	Thomas
Cappelli	Harhart	O’Brien	Tigue
Casorio	Harper	Oliver	Travaglio
Cawley	Hasay	Pallone	Trello
Civera	Hennessey	Perzel	Trich
Clark	Herman	Petrarca	Tulli
Clymer	Hershey	Petrone	Turzai
Cohen, L. I.	Hess	Phillips	Vance
Cohen, M.	Horsey	Pickett	Veon
Colafella	Hutchinson	Pippy	Vitali
Coleman	Jadlowiec	Pistella	Walko
Cornell	James	Preston	Wansacz

Corrigan	Josephs	Raymond	Washington
Costa	Kaiser	Readshaw	Waters
Coy	Keller	Reinard	Watson
Creighton	Kenney	Rieger	Williams, J.
Cruz	Kirkland	Roberts	Wilt
Curry	Krebs	Robinson	Wojnaroski
Dailey	LaGrotta	Roebuck	Wright, G.
Daley	Laughlin	Rohrer	Wright, M.
Dally	Lawless	Rooney	Yewcic
DeLuca	Lederer	Ross	Youngblood
Dermody	Leh	Sainato	Yudichak
DeWeese	Lescovitz	Samuelson	Zug
DiGirolamo	Levdansky	Santoni	
Diven	Lewis	Sather	
Donatucci	Lucyk	Saylor	Ryan, Speaker
Eachus	Lynch		

NAYS—0

NOT VOTING—0

EXCUSED—5

McGill	Rubley	Ruffing	Zimmerman
Myers			

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

* * *

Mr. GABIG called up **HR 505, PN 3560**, entitled:

A Resolution designating the week of May 11 through 19, 2002, as “Pennsylvania Hiking Trails Week.”

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

Adolph	Egolf	Mackereth	Schroder
Allen	Evans, D.	Maher	Schuler
Argall	Evans, J.	Maitland	Scrimenti
Armstrong	Fairchild	Major	Semmel
Baker, J.	Feese	Manderino	Shaner
Baker, M.	Fichter	Mann	Smith, B.
Bard	Fleagle	Markosek	Smith, S. H.
Barrar	Flick	Marsico	Solobay
Bastian	Forcier	Mayernik	Staback
Bebko-Jones	Frankel	McCall	Stairs
Belardi	Freeman	McGeehan	Steelman
Belfanti	Gabig	McIlhattan	Steil
Benninghoff	Gannon	McIlhinney	Stern
Birmelin	Geist	McNaughton	Stetler
Bishop	George	Melio	Stevenson, R.
Blaum	Godshall	Metcalfe	Stevenson, T.
Boyes	Gordner	Michlovic	Strittmatter
Brooks	Grucela	Micozzie	Sturla
Browne	Gruitza	Miller, R.	Surra
Bunt	Habay	Miller, S.	Tangretti
Butkovitz	Haluska	Mundy	Taylor, E. Z.
Buxton	Hanna	Nailor	Taylor, J.
Caltagirone	Harhai	Nickol	Thomas
Cappelli	Harhart	O’Brien	Tigue
Casorio	Harper	Oliver	Travaglio
Cawley	Hasay	Pallone	Trello

Civera	Hennessey	Perzel	Trich
Clark	Herman	Petrarca	Tulli
Clymer	Hershey	Petrone	Turzai
Cohen, L. I.	Hess	Phillips	Vance
Cohen, M.	Horsey	Pickett	Veon
Colafella	Hutchinson	Pippy	Vitali
Coleman	Jadlowiec	Pistella	Walko
Cornell	James	Preston	Wansacz
Corrigan	Josephs	Raymond	Washington
Costa	Kaiser	Readshaw	Waters
Coy	Keller	Reinard	Watson
Creighton	Kenney	Rieger	Williams, J.
Cruz	Kirkland	Roberts	Wilt
Curry	Krebs	Robinson	Wojnaroski
Dailey	LaGrotta	Roebuck	Wright, G.
Daley	Laughlin	Rohrer	Wright, M.
Dally	Lawless	Rooney	Yewcic
DeLuca	Lederer	Ross	Youngblood
Dermody	Leh	Sainato	Yudichak
DeWeese	Lescovitz	Samuelson	Zug
DiGirolamo	Levdansky	Santoni	
Diven	Lewis	Sather	
Donatucci	Lucyk	Saylor	Ryan,
Eachus	Lynch		Speaker

NAYS-0

NOT VOTING-0

EXCUSED-5

McGill	Rubley	Ruffing	Zimmerman
Myers			

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

* * *

Mr. ARGALL called up **HR 506, PN 3561**, entitled:

A Resolution designating the month of May 2002 as "Stroke Awareness Month" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-196

Adolph	Egolf	Mackereth	Schroder
Allen	Evans, D.	Maher	Schuler
Argall	Evans, J.	Maitland	Scrimenti
Armstrong	Fairchild	Major	Semmel
Baker, J.	Feese	Manderino	Shaner
Baker, M.	Fichter	Mann	Smith, B.
Bard	Fleagle	Markosek	Smith, S. H.
Barrar	Flick	Marsico	Solobay
Bastian	Forcier	Mayernik	Staback
Bebko-Jones	Frankel	McCall	Stairs
Belardi	Freeman	McGeehan	Steelman
Belfanti	Gabig	McIlhattan	Steil
Benninghoff	Gannon	McIlhinney	Stern
Birmelin	Geist	McNaughton	Stetler
Bishop	George	Melio	Stevenson, R.
Blaum	Godshall	Metcalfe	Stevenson, T.
Boyes	Gordner	Michlovic	Strittmatter
Brooks	Grucela	Micozzie	Sturla

Browne	Gruitza	Miller, R.	Surra
Bunt	Habay	Miller, S.	Tangretti
Butkovitz	Haluska	Mundy	Taylor, E. Z.
Buxton	Hanna	Nailor	Taylor, J.
Caltagirone	Harhai	Nickol	Thomas
Cappelli	Harhart	O'Brien	Tigue
Casorio	Harper	Oliver	Travaglio
Cawley	Hasay	Pallone	Trello
Civera	Hennessey	Perzel	Trich
Clark	Herman	Petrarca	Tulli
Clymer	Hershey	Petrone	Turzai
Cohen, L. I.	Hess	Phillips	Vance
Cohen, M.	Horsey	Pickett	Veon
Colafella	Hutchinson	Pippy	Vitali
Coleman	Jadlowiec	Pistella	Walko
Cornell	James	Preston	Wansacz
Corrigan	Josephs	Raymond	Washington
Costa	Kaiser	Readshaw	Waters
Coy	Keller	Reinard	Watson
Creighton	Kenney	Rieger	Williams, J.
Cruz	Kirkland	Roberts	Wilt
Curry	Krebs	Robinson	Wojnaroski
Dailey	LaGrotta	Roebuck	Wright, G.
Daley	Laughlin	Rohrer	Wright, M.
Dally	Lawless	Rooney	Yewcic
DeLuca	Lederer	Ross	Youngblood
Dermody	Leh	Sainato	Yudichak
DeWeese	Lescovitz	Samuelson	Zug
DiGirolamo	Levdansky	Santoni	
Diven	Lewis	Sather	
Donatucci	Lucyk	Saylor	Ryan,
Eachus	Lynch		Speaker

NAYS-0

NOT VOTING-0

EXCUSED-5

McGill	Rubley	Ruffing	Zimmerman
Myers			

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

* * *

Mr. SEMMEL called up **HR 508, PN 3563**, entitled:

A Resolution designating the week of April 21 through 27, 2002, as "Pennsylvania One Call Week."

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-196

Adolph	Egolf	Mackereth	Schroder
Allen	Evans, D.	Maher	Schuler
Argall	Evans, J.	Maitland	Scrimenti
Armstrong	Fairchild	Major	Semmel
Baker, J.	Feese	Manderino	Shaner
Baker, M.	Fichter	Mann	Smith, B.
Bard	Fleagle	Markosek	Smith, S. H.
Barrar	Flick	Marsico	Solobay
Bastian	Forcier	Mayernik	Staback

Bebko-Jones	Frankel	McCall	Stairs
Belardi	Freeman	McGeehan	Steelman
Belfanti	Gabig	McIlhattan	Steil
Benninghoff	Gannon	McIlhinney	Stern
Birmelin	Geist	McNaughton	Stetler
Bishop	George	Melio	Stevenson, R.
Blaum	Godshall	Metcalfe	Stevenson, T.
Boyes	Gordner	Michlovic	Strittmatter
Brooks	Grucela	Micozzie	Sturla
Browne	Gruitza	Miller, R.	Surra
Bunt	Habay	Miller, S.	Tangretti
Butkovitz	Haluska	Mundy	Taylor, E. Z.
Buxton	Hanna	Nailor	Taylor, J.
Caltagirone	Harhai	Nickol	Thomas
Cappelli	Harhart	O'Brien	Tigue
Casorio	Harper	Oliver	Travaglio
Cawley	Hasay	Pallone	Trello
Civera	Hennessey	Perzel	Trich
Clark	Herman	Petrarca	Tulli
Clymer	Hershey	Petrone	Turzai
Cohen, L. I.	Hess	Phillips	Vance
Cohen, M.	Horsy	Pickett	Veon
Colafella	Hutchinson	Pippy	Vitali
Coleman	Jadlowiec	Pistella	Walko
Cornell	James	Preston	Wansacz
Corrigan	Josephs	Raymond	Washington
Costa	Kaiser	Readshaw	Waters
Coy	Keller	Reinard	Watson
Creighton	Kenney	Rieger	Williams, J.
Cruz	Kirkland	Roberts	Wilt
Curry	Krebs	Robinson	Wojnaroski
Dailey	LaGrotta	Roebuck	Wright, G.
Daley	Laughlin	Rohrer	Wright, M.
Dally	Lawless	Rooney	Yewcic
DeLuca	Lederer	Ross	Youngblood
Dermody	Leh	Sainato	Yudichak
DeWeese	Lescovitz	Samuelson	Zug
DiGirolamo	Levdansky	Santoni	
Diven	Lewis	Sather	
Donatucci	Lucyk	Saylor	Ryan,
Eachus	Lynch		Speaker

NAYS-0

NOT VOTING-0

EXCUSED-5

McGill	Rubley	Ruffing	Zimmerman
Myers			

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

* * *

Ms. BEBKO-JONES called up **HR 509, PN 3564**, entitled:

A Resolution designating the month of April 2002 as "Sexual Assault Awareness Month" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-196

Adolph	Egolf	Mackereth	Schroder
Allen	Evans, D.	Maher	Schuler
Argall	Evans, J.	Maitland	Scrimenti
Armstrong	Fairchild	Major	Semmel
Baker, J.	Feese	Manderino	Shaner
Baker, M.	Fichter	Mann	Smith, B.
Bard	Fleagle	Markosek	Smith, S. H.
Barrar	Flick	Marsico	Solobay
Bastian	Forcier	Mayernik	Staback
Bebko-Jones	Frankel	McCall	Stairs
Belardi	Freeman	McGeehan	Steelman
Belfanti	Gabig	McIlhattan	Steil
Benninghoff	Gannon	McIlhinney	Stern
Birmelin	Geist	McNaughton	Stetler
Bishop	George	Melio	Stevenson, R.
Blaum	Godshall	Metcalfe	Stevenson, T.
Boyes	Gordner	Michlovic	Strittmatter
Brooks	Grucela	Micozzie	Sturla
Browne	Gruitza	Miller, R.	Surra
Bunt	Habay	Miller, S.	Tangretti
Butkovitz	Haluska	Mundy	Taylor, E. Z.
Buxton	Hanna	Nailor	Taylor, J.
Caltagirone	Harhai	Nickol	Thomas
Cappelli	Harhart	O'Brien	Tigue
Casorio	Harper	Oliver	Travaglio
Cawley	Hasay	Pallone	Trello
Civera	Hennessey	Perzel	Trich
Clark	Herman	Petrarca	Tulli
Clymer	Hershey	Petrone	Turzai
Cohen, L. I.	Hess	Phillips	Vance
Cohen, M.	Horsy	Pickett	Veon
Colafella	Hutchinson	Pippy	Vitali
Coleman	Jadlowiec	Pistella	Walko
Cornell	James	Preston	Wansacz
Corrigan	Josephs	Raymond	Washington
Costa	Kaiser	Readshaw	Waters
Coy	Keller	Reinard	Watson
Creighton	Kenney	Rieger	Williams, J.
Cruz	Kirkland	Roberts	Wilt
Curry	Krebs	Robinson	Wojnaroski
Dailey	LaGrotta	Roebuck	Wright, G.
Daley	Laughlin	Rohrer	Wright, M.
Dally	Lawless	Rooney	Yewcic
DeLuca	Lederer	Ross	Youngblood
Dermody	Leh	Sainato	Yudichak
DeWeese	Lescovitz	Samuelson	Zug
DiGirolamo	Levdansky	Santoni	
Diven	Lewis	Sather	
Donatucci	Lucyk	Saylor	Ryan,
Eachus	Lynch		Speaker

NAYS-0

NOT VOTING-0

EXCUSED-5

McGill	Rubley	Ruffing	Zimmerman
Myers			

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

COMMUNICATION FROM SPEAKER

The SPEAKER pro tempore. The clerk will read the following communication from the Speaker of the House.

The following communication was read:

House of Representatives
Commonwealth of Pennsylvania
Harrisburg

DATE: April 8, 2002

SUBJECT: Republican Caucus Election

TO: The Honorable Theodore Mazia
Chief Clerk

FROM: Matthew J. Ryan
The Speaker

Please be advised of the following changes to the
Republican Caucus Leadership:

Majority Appropriations Chairman – David G. Argall
Majority Caucus Chairman – Brett Feese

Thank you.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the gentleman from Schuylkill County, Mr. Argall, for an announcement for the Appropriations Committee.

Mr. ARGALL. Thank you, Madam Speaker.

At the announcement of the recess, the House Appropriations Committee will meet in our conference room.

The SPEAKER pro tempore. The Chair thanks the gentleman.

REPUBLICAN CAUCUS

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Feese, for a caucus announcement.

Mr. FEESE. Thank you, Madam Speaker.

Madam Speaker, the Republicans will caucus beginning at 12:15 on some matters for today's voting schedule as well as Wednesday's. I expect the caucus to last approximately one-half hour.

DEMOCRATIC CAUCUS

The SPEAKER pro tempore. Does the gentleman, Mr. Cohen, have an announcement?

Mr. COHEN. Thank you, Madam Speaker.

Madam Speaker, we, too, have bills to caucus on from the Finance, Education, and Health and Human Services Committees, and we are also going to be joined by the national recording artists we just heard from – Pat Palmer, Major Harris, Frank Washington, and Ron Queen.

RECESS

The SPEAKER pro tempore. This House will now stand in recess until 2 p.m.; 2 p.m.

RECESS EXTENDED

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

AFTER RECESS

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

THE SPEAKER (MATTHEW J. RYAN) PRESIDING

LEAVES OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence and recognizes the majority whip, who requests a leave of absence for the lady from Montgomery, Mrs. DAILEY. Without objection, that leave will be granted. The Chair hears no objection.

The Chair recognizes the minority whip, who requests a leave of absence for today's session for the gentleman from Philadelphia County, Mr. DONATUCCI. Without objection, leave will be granted. The Chair hears no objection.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair notes the presence on the floor of the House of the gentleman from Montgomery, Mr. McGill, who shall be placed upon the master roll call and removed from the leave list.

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 292, PN 3632 (Amended) By Rep. GANNON

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for unlawful use of computer and for bases of personal jurisdiction over persons outside this Commonwealth.

JUDICIARY.

HB 1368, PN 3630 (Amended) By Rep. GEIST

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for lighted lamp requirements for motorcycles; and further providing for periods for requiring lighted lamps.

TRANSPORTATION.

HB 1553, PN 1899 By Rep. GEIST

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for footrests and handlebars on motorcycles.

TRANSPORTATION.

HB 1986, PN 2606 By Rep. GEIST

An Act designating a portion of State Road 3017 in Springville Township, Susquehanna County, as West Nicholson Road.

TRANSPORTATION.

HB 2207, PN 2992

By Rep. CIVERA

An Act amending the act of May 23, 1945 (P.L.913, No.367), known as the Engineer, Land Surveyor and Geologist Registration Law, further providing for procedure for licensing as professional land surveyor.

PROFESSIONAL LICENSURE.

HB 2312, PN 3180

By Rep. GEIST

An Act designating a portion of Pennsylvania Traffic Route 33 Extension in Northampton County as the General Anthony Clement McAuliffe 101st Airborne Memorial Highway.

TRANSPORTATION.

HB 2410, PN 3631 (Amended)

By Rep. GEIST

An Act amending Titles 42 (Judiciary and Judicial Procedure) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for sentences for offenses committed with a vehicle involved in accidents resulting in death or personal injury; further providing for definitions, for grounds for refusing registration and for renewal of registration; providing for motor carrier vehicles; further providing for operation following suspension of registration and for suspension of registration; providing for suspension of motor carrier vehicle registration; further providing for suspension of operating privilege, for schedule of convictions and points, for occupational limited license, for duty of driver in construction and maintenance areas, for special speed limitations and for speed timing devices; providing for accidents involving death or personal injury in work zone and for accidents involving certain vehicles; further providing for unlawful activities; providing for lighted head lamps in work zones; further providing for requirement for periodic inspection of vehicles, for operation of vehicle without official certificate of inspection and for inspection by police or Commonwealth personnel; providing for designation of highway safety corridors; further providing for erection of traffic-control devices while working; and requiring a study by the Legislative Budget and Finance Committee.

TRANSPORTATION.

HB 2489, PN 3568

By Rep. ARGALL

An Act to provide from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and for the public schools for the fiscal year July 1, 2002, to June 30, 2003, for certain institutions and organizations, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2002; to provide appropriations from the State Lottery Fund, the Energy Conservation and Assistance Fund, the Hazardous Material Response Fund, The State Stores Fund, the Milk Marketing Fund, the Home Investment Trust Fund, the Emergency Medical Services Operating Fund, the Tuition Payment Fund, the Banking Department Fund, the Firearm Records Check Fund and the Ben Franklin Technology Development Authority Fund to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department for the fiscal year July 1, 2002, to June 30, 2003; to provide appropriations from the Motor License Fund for the fiscal year July 1, 2002, to June 30, 2003, for the proper operation of the several departments of the Commonwealth and the Pennsylvania State Police authorized to spend

Motor License Fund moneys; to provide for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the establishment of restricted receipt accounts for the fiscal year July 1, 2002, to June 30, 2003, and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2002.

APPROPRIATIONS.

HB 2490, PN 3569

By Rep. ARGALL

A Supplement to the act of April 1, 1863 (P.L.213, No.227), entitled "An act to accept the grant of Public Lands, by the United States, to the several states, for the endowment of Agricultural Colleges," making appropriations for carrying the same into effect; and providing for a basis for payments of such appropriations, for a method of accounting for the funds appropriated and for certain fiscal information disclosure.

APPROPRIATIONS.

HB 2491, PN 3570

By Rep. ARGALL

A Supplement to the act of July 28, 1966 (3rd Sp.Sess., P.L.87, No.3), entitled "An act providing for the establishment and operation of the University of Pittsburgh as an instrumentality of the Commonwealth to serve as a State-related university in the higher education system of the Commonwealth; providing for change of name; providing for the composition of the board of trustees; terms of trustees, and the power and duties of such trustees; authorizing appropriations in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts of expenditures from said appropriations; providing for public support and capital improvements; authorizing the issuance of bonds exempt from taxation within the Commonwealth; requiring the chancellor to make an annual report of the operations of the University of Pittsburgh," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

APPROPRIATIONS.

HB 2492, PN 3571

By Rep. ARGALL

A Supplement to the act of November 30, 1965 (P.L.843, No.355), known as the Temple University-Commonwealth Act, making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

APPROPRIATIONS.

HB 2493, PN 3572

By Rep. ARGALL

A Supplement to the act of July 7, 1972 (P.L.743, No.176), known as the Lincoln University-Commonwealth Act, making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

APPROPRIATIONS.

HB 2494, PN 3573

By Rep. ARGALL

An Act making an appropriation to the Trustees of Drexel University, Philadelphia.

APPROPRIATIONS.

HB 2495, PN 3574

By Rep. ARGALL

An Act making appropriations to the Trustees of the University of Pennsylvania.

APPROPRIATIONS.

HB 2496, PN 3575

By Rep. ARGALL

An Act making appropriations to the Philadelphia Health and Education Corporation for the MCP Hahnemann University and for continuation of pediatric services.

APPROPRIATIONS.

HB 2497, PN 3576

By Rep. ARGALL

An Act making appropriations to the Thomas Jefferson University, Philadelphia.

APPROPRIATIONS.

HB 2498, PN 3577

By Rep. ARGALL

An Act making an appropriation to the Philadelphia College of Osteopathic Medicine, Philadelphia.

APPROPRIATIONS.

HB 2499, PN 3578

By Rep. ARGALL

An Act making an appropriation to the Pennsylvania College of Optometry, Philadelphia.

APPROPRIATIONS.

HB 2501, PN 3579

By Rep. ARGALL

An Act making an appropriation to the University of the Arts, Philadelphia, for instruction and student aid.

APPROPRIATIONS.

HB 2502, PN 3580

By Rep. ARGALL

An Act making appropriations to the Trustees of the Berean Training and Industrial School at Philadelphia for operation and maintenance expenses and for payment of debt service.

APPROPRIATIONS.

HB 2503, PN 3581

By Rep. ARGALL

An Act making an appropriation to the Johnson Technical Institute of Scranton for operation and maintenance expenses.

APPROPRIATIONS.

HB 2504, PN 3582

By Rep. ARGALL

An Act making an appropriation to the Williamson Free School of Mechanical Trades in Delaware County for operation and maintenance expenses.

APPROPRIATIONS.

HB 2505, PN 3583

By Rep. ARGALL

An Act making an appropriation to the Fox Chase Institute for Cancer Research, Philadelphia, for the operation and maintenance of the cancer research program.

APPROPRIATIONS.

HB 2506, PN 3584

By Rep. ARGALL

An Act making appropriations to the Wistar Institute, Philadelphia, for operation and maintenance expenses and for research.

APPROPRIATIONS.

HB 2507, PN 3585

By Rep. ARGALL

An Act making an appropriation to the Central Penn Oncology Group.

APPROPRIATIONS.

HB 2508, PN 3586

By Rep. ARGALL

An Act making an appropriation to St. Francis Hospital, Pittsburgh, for cardiovascular studies.

APPROPRIATIONS.

HB 2509, PN 3587

By Rep. ARGALL

An Act making an appropriation to the Lancaster Cleft Palate for outpatient-inpatient treatment.

APPROPRIATIONS.

HB 2510, PN 3588

By Rep. ARGALL

An Act making an appropriation to the Pittsburgh Cleft Palate for outpatient-inpatient treatment.

APPROPRIATIONS.

HB 2511, PN 3589

By Rep. ARGALL

An Act making an appropriation to the Burn Foundation, Philadelphia for outpatient and inpatient treatment.

APPROPRIATIONS.

HB 2512, PN 3590

By Rep. ARGALL

An Act making an appropriation to The Children's Institute, Pittsburgh for treatment and rehabilitation of certain persons with disabling diseases.

APPROPRIATIONS.

HB 2513, PN 3591

By Rep. ARGALL

An Act making an appropriation to The Children's Hospital of Philadelphia for comprehensive patient care and general maintenance and operation of the hospital.

APPROPRIATIONS.

HB 2514, PN 3592 By Rep. ARGALL

An Act making an appropriation to the Beacon Lodge Camp.

APPROPRIATIONS.

HB 2515, PN 3593 By Rep. ARGALL

An Act making an appropriation to the Arsenal Family and Children's Center.

APPROPRIATIONS.

HB 2516, PN 3594 By Rep. ARGALL

An Act making appropriations to the Carnegie Museums of Pittsburgh for operations and maintenance expenses and the purchase of apparatus, supplies and equipment.

APPROPRIATIONS.

HB 2517, PN 3595 By Rep. ARGALL

An Act making an appropriation to the Franklin Institute Science Museum for maintenance expenses.

APPROPRIATIONS.

HB 2518, PN 3596 By Rep. ARGALL

An Act making an appropriation to the Academy of Natural Sciences for maintenance expenses.

APPROPRIATIONS.

HB 2519, PN 3597 By Rep. ARGALL

An Act making an appropriation to the African-American Museum in Philadelphia for operating expenses.

APPROPRIATIONS.

HB 2520, PN 3598 By Rep. ARGALL

An Act making an appropriation to the Everhart Museum in Scranton for operating expenses.

APPROPRIATIONS.

HB 2521, PN 3599 By Rep. ARGALL

An Act making an appropriation to the Mercer Museum in Doylestown, Pennsylvania, for operating expenses.

APPROPRIATIONS.

HB 2522, PN 3600 By Rep. ARGALL

An Act making an appropriation to the Whitaker Center for Science and the Arts in Harrisburg, Pennsylvania, for operating expenses.

APPROPRIATIONS.

HB 2523, PN 3601 By Rep. ARGALL

An Act making an appropriation from the Health Endowment Account for Long-Term Hope in the Tobacco Settlement Fund to provide for expenses of the Tobacco Settlement Investment Board for the fiscal year July 1, 2002, to June 30, 2003, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2002.

APPROPRIATIONS.

HB 2524, PN 3602 By Rep. ARGALL

An Act making an appropriation from the Health Endowment Account for Long-Term Hope in the Tobacco Settlement Fund to provide for expenses of the Tobacco Settlement Investment Board for the fiscal year July 1, 2001, to June 30, 2002.

APPROPRIATIONS.

HB 2525, PN 3603 By Rep. ARGALL

An Act making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the fiscal year July 1, 2002, to June 30, 2003, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2002.

APPROPRIATIONS.

HB 2526, PN 3604 By Rep. ARGALL

An Act making an appropriation from the Public School Employees' Retirement Fund to provide for expenses of the Public School Employees' Retirement Board for the fiscal year July 1, 2002, to June 30, 2003, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2002.

APPROPRIATIONS.

HB 2527, PN 3605 By Rep. ARGALL

An Act making appropriations from the Professional Licensure Augmentation Account and from restricted revenue accounts within the General Fund to the Department of State for use by the Bureau of Professional and Occupational Affairs in support of the professional licensure boards assigned thereto.

APPROPRIATIONS.

HB 2528, PN 3606 By Rep. ARGALL

An Act making appropriations from the Workmen's Compensation Administration Fund to the Department of Labor and Industry and the Department of Community and Economic Development to provide for the expenses of administering the Workers' Compensation Act, The Pennsylvania Occupational Disease Act and the Office of Small Business Advocate for the fiscal year July 1, 2002, to June 30, 2003, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2002.

APPROPRIATIONS.

HB 2529, PN 3607 By Rep. ARGALL

An Act providing for the capital budget for the fiscal year 2002-2003.

APPROPRIATIONS.

HB 2531, PN 3609 By Rep. ARGALL

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Consumer Advocate in the Office of Attorney General.

APPROPRIATIONS.

HB 2532, PN 3610 By Rep. ARGALL

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Small Business Advocate in the Department of Community and Economic Development.

APPROPRIATIONS.

SB 1007, PN 1868 (Amended) By Rep. CIVERA

An Act amending the act of February 14, 1986 (P.L.2, No.2), known as the Acupuncture Registration Act, providing for the definition of "acupuncture educational program"; and further providing for the regulations of the practice of acupuncture.

PROFESSIONAL LICENSURE.

SB 1017, PN 1867 (Amended) By Rep. GANNON

An Act amending the act of December 4, 1996 (P.L.893, No.141), known as the Volunteer Health Services Act, further defining "volunteer license"; further providing for volunteer status, for regulations and for exemptions; and providing for indemnity and defense for active practitioners and for optional liability coverage.

JUDICIARY.

SB 1325, PN 1822 By Rep. BUNT

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, providing for animal exhibition sanitation; and imposing penalties.

AGRICULTURE AND RURAL AFFAIRS.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HB 1536, PN 3477

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, further providing for the composition of the shade tree commission.

HB 1923, PN 3463

An Act amending the act of April 8, 1982 (P.L.310, No.87), referred to as the Recorder of Deeds Fee Law, further providing for a fee for recording a document in counties of the second A, third, fourth, fifth,

sixth, seventh and eighth classes and home rule charter counties of these classes.

HB 2129, PN 2841

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the offense of unlawful possession of retail or library theft instruments.

SB 16, PN 1842

An Act amending the act of May 29, 1956 (1955 P.L.1804, No.600), referred to as the Municipal Police Pension Law, further providing for benefits and for payment into police pension funds by members.

Whereupon, the Speaker, in the presence of the House, signed the same.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair returns to leaves of absence and notes the presence on the floor of the lady from Chester, Mrs. Rubley, and asks that she be added to the master roll call and taken from the leave list.

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.
Mr. PERZEL. Mr. Speaker, I move that the following bills be taken from the table:

HB 731;
HB 1521;
HB 2322; and
SB 1093.

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

BILLS ON SECOND CONSIDERATION

The following bills, having been called up, were considered for the second time and agreed to, and ordered transcribed for third consideration:

HB 731, PN 3403; HB 1521, PN 1845; HB 2322, PN 3541; and SB 1093, PN 1524.

BILLS RECOMMITTED

The SPEAKER. The Chair recognizes the gentleman, Mr. Argall.

Mr. ARGALL. Mr. Speaker, I move that the following bills be recommitted to the Committee on Appropriations:

HB 731;
HB 1521;
HB 2322; and
SB 1093.

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

GUESTS INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall of the House today Stephanie Shutter and Barbara Shutter. Barbara is Representative Zug's legislative aide. Would the guests please rise, seated to the left of the Chair.

The Chair is pleased to welcome, as a guest page of Representative Saylor, Andrew Shanberger, who is an Eagle Scout and attends the Red Lion Area High School in York County. Would the gentleman please rise. He is seated in front of the Chair.

The Chair welcomes, as the guests of Representative Chris Ross, guest pages from St. Patrick's School in Chester County. They include Jeff Roland, Christopher Jennings, Erin Lathrop, and Kyle Schiltz. Would these guests please rise. They are here with their families: Cathy Roland, Marianne Jennings, Tami Zubillaga, and Laurie Schiltz. Would they rise. They are seated to the left of the Chair.

FILMING PERMISSION

The SPEAKER. The Chair advises the members of the House that permission is now being given to Mark Rogers of the Pottsville Republican to take still photographs of Representative Argall. The photographer has the freedom of the floor for a period of 15, 20 minutes.

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 237, PN 774**, entitled:

An Act providing for unannounced inspections of certain facilities and persons that provide child day care; and conferring powers and duties on the Department of Public Welfare.

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

Ms. WASHINGTON offered the following amendment No. **A0469**:

Amend Sec. 3, page 3, line 8, by striking out "15%" and inserting 25%

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

REMARKS SUBMITTED FOR THE RECORD

Ms. WASHINGTON submitted the following remarks for the Legislative Journal:

Amendment A0469 to HB 237 requires the Department of Public Welfare to annually inspect at least 25 percent of all family day-care homes.

Currently there are 3,860 registered family day-care homes in our State. However, the Public Welfare Code, as currently written, does not require the department to inspect the homes annually. The department is authorized to inspect the homes on a random sample basis. That random sampling has typically been about 5 percent of the homes. At this rate, it means that a family day-care home is only inspected once every 20 years!

My recommendation is for the State to inspect 25 percent of the homes every year, which would mean that every home would be inspected at least once every 4 years, not every 20 years.

There are about 27,000 children unrelated to the family day-care providers who currently are receiving child care in these homes, not counting the provider's own children and children who are relatives of the provider.

Last session the House members adopted the same amendment to Mr. Godshall's previous day-care bill, HB 2191, which resembles the bill we are discussing today, HB 237. That amendment, to require annual inspections for 25 percent of all the family day-care homes, was adopted with strong bipartisan support (a vote of 177-19). The fiscal note that was provided to me at the time indicated a cost of \$222,000 for this improvement in our State law.

I urge the members to seize this opportunity to strengthen our inspection system for family day-care homes. I believe this is a reasonable approach that will neither burden the State nor harm the day-care system. It is a step in the right direction, a step that I hope you can take with me.

Thank you for your support.

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

The following roll call was recorded:

YEAS—196

Adolph	Evans, J.	Maitland	Schroder
Allen	Fairchild	Major	Schuler
Argall	Feese	Manderino	Scrimenti
Armstrong	Fichter	Mann	Semmel
Baker, J.	Fleagle	Markosek	Shaner
Baker, M.	Flick	Marsico	Smith, B.
Bard	Forcier	Mayernik	Smith, S. H.
Barrar	Frankel	McCall	Solobay
Bastian	Freeman	McGeehan	Staback
Bebko-Jones	Gabig	McGill	Stairs
Belardi	Gannon	McIlhattan	Steelman
Belfanti	Geist	McIlhinney	Steil
Benninghoff	George	McNaughton	Stern
Birmelin	Godshall	Melio	Stetler
Bishop	Gordner	Metcalfe	Stevenson, R.
Blaum	Grucela	Michlovic	Stevenson, T.
Boyes	Gruitza	Micozzie	Strittmatter
Brooks	Habay	Miller, R.	Sturla
Browne	Haluska	Miller, S.	Surra
Bunt	Hanna	Mundy	Tangretti
Butkovitz	Harhai	Nailor	Taylor, E. Z.
Buxton	Harhart	Nickol	Taylor, J.
Caltagirone	Harper	O'Brien	Thomas
Cappelli	Hasay	Oliver	Tigue
Casorio	Hennessey	Pallone	Travaglio
Cawley	Herman	Perzel	Trello
Civera	Hershey	Petrarca	Trich
Clark	Hess	Petrone	Tulli
Clymer	Horsey	Phillips	Turzai
Cohen, L. I.	Hutchinson	Pickett	Vance
Cohen, M.	Jadlowiec	Pippy	Veon
Colafella	James	Pistella	Vitali

Coleman	Josephs	Preston	Walko
Cornell	Kaiser	Raymond	Wansacz
Corrigan	Keller	Readshaw	Washington
Costa	Kenney	Reinard	Waters
Coy	Kirkland	Rieger	Watson
Creighton	Krebs	Roberts	Williams, J.
Cruz	LaGrotta	Robinson	Wilt
Curry	Laughlin	Roebuck	Wojnaroski
Daley	Lawless	Rohrer	Wright, G.
Dally	Lederer	Rooney	Wright, M.
DeLuca	Leh	Ross	Yewcic
Dermody	Lescovitz	Rubley	Youngblood
DeWeese	Levdansky	Sainato	Yudichak
DiGirolamo	Lewis	Samuelson	Zug
Diven	Lucyk	Santoni	
Eachus	Lynch	Sather	
Egolf	Mackereth	Saylor	Ryan,
Evans, D.	Maher		Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

Dailey	Myers	Ruffing	Zimmerman
Donatucci			

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 third consideration as amended?

Mr. DeLUCA offered the following amendment No. **A1092**:

Amend Title, page 1, line 2, by inserting after “day care;” requiring criminal history record and child abuse record information for certain persons who reside in family day-care homes;

Amend Bill, page 4, by inserting between lines 9 and 10

Section 4. Criminal and child abuse history information.

In addition to the requirements of 23 Pa.C.S. § 6344 (relating to information relating to prospective child-care personnel), an individual who applies to the Department of Public Welfare for a registration certificate to operate a family day-care home shall include criminal history record and child abuse record information required under section 6344(b) for every individual 18 years of age or older who resides in the home for at least 30 days in a calendar year.

Section 5. Required information.

Child abuse record information required under section 1 shall include certification by the Department of Public Welfare as to whether the applicant is named in the central register as the perpetrator of a founded report of child abuse, indicated report of child abuse, founded report for school employee or indicated report for school employee as defined in 23 Pa.C.S. § 6303 (relating to definitions).

Section 6. Effect on registration.

The department shall refuse to issue or renew a registration certificate or shall revoke a registration certificate if the family day-care home provider or individual 18 years of age or older who has resided in

the home for at least 30 days in a calendar year:

(1) is named in the central register on child abuse established under 23 Pa.C.S. Ch. 63 (relating to child protective services) as the perpetrator of a founded report of child abuse, indicated report of child abuse, founded report for school employee or indicated report for school employee as defined in 23 Pa.C.S. § 6303 (relating to definitions); or

(2) has been convicted of an offense enumerated in 23 Pa.C.S. § 6344(c) (relating to information relating to prospective child-care personnel).

Section 7. Regulations.

The Department of Public Welfare shall promulgate regulations to administer this act.

Amend Sec. 4, page 4, line 10, by striking out “4” and inserting 8

Amend Sec. 4, page 4, line 11, by striking out “in one year.” and inserting as follows:

- (1) Sections 2 and 3 shall take effect in one year.
- (2) Sections 4, 5, 6, 7 and 8 shall take effect in 60 days.

On the question,

Will the House agree to the amendment?

The SPEAKER. On the question of the adoption of the amendment, the Chair recognizes the gentleman, Mr. DeLuca.

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, this is an amendment that has passed the House in about three different sessions, and hopefully we can get the Senate to keep it in this time. What this amendment does, it prohibits DPW (Department of Public Welfare) from approving a family day-care home unless the provider has a criminal and child abuse clearance for any individual 18 years or older residing in the facility.

Now, we provide this for bigger day-care centers, and certainly, the individuals who have to utilize family day-care centers should have the same peace of mind that a lot of individuals have when they put them in a larger day-care facility. As we know, the statistics bear out the fact that a lot of this abuse, child abuse, happens in a lot of these residential family day-care centers, and hopefully, with this amendment, we will give these individuals who have to rely on day-care centers for their children the peace of mind that these facilities are clean.

I would appreciate an affirmative vote on this, Mr. Speaker. Thank you.

The SPEAKER. The gentleman from Philadelphia County, Mr. Horsey.

Mr. HORSEY. Mr. Speaker, I believe that any adult who has a communication as a daily job with kids should be watched. We should make sure that they have a criminal background check. This is consistent with law that we have done in the past, and we need to continue to watch adults with children. This is a good amendment, and I urge support of this amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—196

Adolph	Evans, J.	Maitland	Schroder
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Allen	Fairchild	Major	Schuler
Argall	Feese	Manderino	Scrimenti
Armstrong	Fichter	Mann	Semmel
Baker, J.	Fleagle	Markosek	Shaner
Baker, M.	Flick	Marsico	Smith, B.
Bard	Forcier	Mayernik	Smith, S. H.
Barrar	Frankel	McCall	Solobay
Bastian	Freeman	McGeehan	Staback
Bebko-Jones	Gabig	McGill	Stairs
Belardi	Gannon	McIlhattan	Steelman
Belfanti	Geist	McIlhinney	Steil
Benninghoff	George	McNaughton	Stern
Birmelin	Godshall	Melio	Stetler
Bishop	Gordner	Metcalfe	Stevenson, R.
Blaum	Grucela	Michlovic	Stevenson, T.
Boyes	Gruitza	Micozzie	Strittmatter
Brooks	Habay	Miller, R.	Sturla
Browne	Haluska	Miller, S.	Surra
Bunt	Hanna	Mundy	Tangretti
Butkovitz	Harhai	Nailor	Taylor, E. Z.
Buxton	Harhart	Nickol	Taylor, J.
Caltagirone	Harper	O'Brien	Thomas
Cappelli	Hasay	Oliver	Tigue
Casorio	Hennessey	Pallone	Travaglio
Cawley	Herman	Perzel	Trello
Civera	Hershey	Petrarca	Trich
Clark	Hess	Petrone	Tulli
Clymer	Horsey	Phillips	Turzai
Cohen, L. I.	Hutchinson	Pickett	Vance
Cohen, M.	Jadlowiec	Pippy	Veon
Colafella	James	Pistella	Vitali
Coleman	Josephs	Preston	Walko
Cornell	Kaiser	Raymond	Wansacz
Corrigan	Keller	Readshaw	Washington
Costa	Kenney	Reinard	Waters
Coy	Kirkland	Rieger	Watson
Creighton	Krebs	Roberts	Williams, J.
Cruz	LaGrotta	Robinson	Wilt
Curry	Laughlin	Roebuck	Wojnaroski
Daley	Lawless	Rohrer	Wright, G.
Dally	Lederer	Rooney	Wright, M.
DeLuca	Leh	Ross	Yewcic
Dermody	Lescovitz	Rubley	Youngblood
DeWeese	Levdansky	Sainato	Yudichak
DiGiroalamo	Lewis	Samuelson	Zug
Diven	Lucyk	Santoni	
Eachus	Lynch	Sather	Ryan,
Egolf	Mackereth	Saylor	Speaker
Evans, D.	Maher		

NAYS—0

NOT VOTING—0

EXCUSED—5

Dailey	Myers	Ruffing	Zimmerman
Donatucci			

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

On the question recurring,

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

The SPEAKER. Mr. DeLuca, are you offering amendment 1114?

Mr. DeLUCA. No, Mr. Speaker. We are withdrawing that, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Mr. Blaum, do you have one or two amendments? Which amendment do you want to offer first? It does not matter.

Mr. BLAUM. 683.

On the question recurring,

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

Mr. BLAUM offered the following amendment No. A0683:

Amend Title, page 1, line 2, by inserting after "care" and for dangerous child day-care facilities

Amend Title, page 1, line 3, by removing the period after "Welfare" and inserting

and law enforcement agencies.

Amend Sec. 1, page 1, line 8, by inserting after "Facilities" and the Dangerous Child Day-Care Facilities

Amend Bill, page 4, by inserting between lines 9 and 10

Section 4. Dangerous facilities.

(a) Department responsibility.—If the department finds that conditions exist which pose an immediate and serious threat to health, safety or well-being of children being cared for in a facility, the department shall immediately issue a temporary order to the facility pending the outcome of a hearing under subsection (d) and, if necessary, ensure the removal of the children from the facility.

(1) The temporary order shall specify that the facility shall be closed or that specific conditions must be remedied as a condition of continued operation.

(2) The temporary order shall specify all conditions that shall be immediately remedied by the facility.

(3) The temporary order shall specify the date and time of any required action or closure of the facility.

(4) The temporary order shall specify the appeal rights of the facility.

(b) Corrective action.—Immediately following the issuance of a temporary order under subsection (a) and until the hearing under subsection (d), the department shall monitor the facility's compliance with the temporary order.

(c) Law enforcement assistance.—The department may request and shall receive assistance from law enforcement officials whenever necessary to implement an order issued under this section.

(d) Hearings.—Within seven business days of the issuance of a temporary order under subsection (a), the department shall schedule an administrative hearing. If the hearing examiner rules that there was a violation of a statute or regulation which posed an immediate and serious threat to health, safety or well-being of the children being cared for in the facility, the hearing examiner shall order continued compliance with the temporary order, issue a new order or order the facility closed until the conclusion of a certificate revocation procedure. The decision of the hearing examiner shall be rendered within two hours of the conclusion of the hearing.

(e) Certificate revocation.—Within three business days of an order of closure under subsection (d), the department may initiate certificate revocation proceedings under the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, against the licensee or holder of a certificate of the facility.

(f) Supersedeas.—The appeal of an emergency order issued under this section shall be deemed an application for a supersedeas which shall be granted only if all of the following apply:

(1) There is substantial likelihood of success on appeal.

(2) Continued operation of the facility pending appeal will not jeopardize the life, health or safety of children being cared for in a facility.

(g) Other entities.—Nothing in this section shall preclude the department from closing or taking other emergency action with regard to

an entity supervised or licensed by the department.

Section 5. Regulations.

The department shall promulgate regulations to administer section 4 of this act.

Amend Sec. 4, page 4, line 10, by striking out “4” and inserting
6

On the question,

Will the House agree to the amendment?

The SPEAKER. Members, please come to order.

The Chair recognizes the gentleman, Mr. Birmelin, on the question of the adoption of the Blaum amendment.

Mr. BIRMELIN. Thank you, Mr. Speaker.

The SPEAKER. Will the gentleman yield, please.

The conference along the side aisle, please break up.

Mr. BLAUM. Mr. Speaker?

The SPEAKER. Will the gentleman yield.

Mr. Birmelin.

Mr. BLAUM. Mr. Speaker?

The SPEAKER. I am sorry. Mr. Blaum.

Mr. BLAUM. I did not know that anybody was going to talk on it, but since they are, maybe you want me to explain the amendment before—

The SPEAKER. All right.

Will the gentleman yield.

Mr. Blaum.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, this amendment allows the department to shut down a dangerous day-care facility as soon as the danger is discovered. This amendment comes from a case in Luzerne County where a child was killed at a day-care center by an accident in a dangerous situation, and we found out that day that the department did not have the authority under law to close that day-care center immediately until the danger was rectified. The consequences were that children arrived at that day-care center the very next morning. This amendment gives the department the necessary authority they need to close that day-care center temporarily until the corrective action is taken, and it provides remedy to the day-care owner that if they have corrected the deficiencies, to allow them to go to court and appeal the department’s decision.

So this is a very important amendment, I believe, to give the department immediate authority when children are placed in danger because of hazardous physical conditions at a day-care center, and I ask the members for their affirmative vote.

The SPEAKER. Mr. Birmelin.

Mr. BIRMELIN. Thank you, Mr. Speaker.

I certainly do not wish to contend with the purpose of this amendment, but I think it is flawed in two essential ways, and I would like to explain those two essential ways and why I am opposed to it.

To explain at least one of these objections that I have, I think you need a little bit of history of the whole day-care issue and how the religious day-cares of Pennsylvania come into the picture. For several years now the Department of Public Welfare has been blurring a distinction between two chapters in the Welfare Code that cover day-care programs in Pennsylvania. For the purpose of our discussion, we will just call them Title 9 and Title 10 of the code.

The religious day-cares of Pennsylvania have, and I believe clearly, rightly, assumed that Title 9 is the portion of the law that

pertains to them and not Title 10, but in their blurring of their distinctions between those two, they have attempted to force certification or licensure on religious day-cares to the point of taking administrative action against them and have, in some cases, actually cost several of these day-cares large amounts of money because of that. What I see in this amendment is the fact that there is no distinction in the amendment as to the procedure or to the process by which the religious day-care is differentiated from the for-profits, and if we were to pass this language into law without making that distinction, I think what it does is it gives authority or credence to what DPW is already doing, which the religious day-care are opposed to, and that is treating them all the same. So for that reason I would oppose this amendment, unless they were changed to clarify that distinction.

We have a couple of places, in particular on page 2 of the amendment, line 1, where it talks about a violation of a statute or a regulation. Well, if the regulations do not apply to the religious day-care, then this should not apply to them as well, and also on page 2, line 9, it talks about a certificate revocation. Well, the religious day-care do not believe they need to have a certificate, and that is what they are fighting DPW over. Now, that is the first concern that I have, is that this language passed into law would further bolster DPW’s argument that they have the right to regulate religious day-care just like they do for-profits.

The second problem I have with this amendment is that I do not think it really speeds up the process or changes things substantively in trying to achieve what the prime sponsor of the amendment wants to do, and again, I will say very clearly I support what he is trying to do. I think what he is trying to do is admirable. However, I do not think this amendment will do it. The amendment in its language says that they can file this temporary order against the day-care, but they do not have to obey that order. They can resist that order, stay open, and they can stay open until they have to be heard in court, which is the process that we have now. So unless the prime sponsor of this amendment puts a little more teeth into this temporary order that he is giving them the power to do, I do not think it is going to be any faster than what we see today, and that is a court-ordered process, and I would be willing to work with the maker of this amendment if he wants to do that to try to make it specific and more to the point of what he is trying to do, but I do not think this amendment does it today.

For those two reasons but primarily my biggest concern is that if this were in law today, it gives DPW what they have been trying to do and the religious day-cares have been trying to resist, and that is give them the power over the religious day-cares that they do not have today, and I do not think that was the intention of the maker of the amendment, but I think that is what the amendment does, and so I would respectfully ask the members to vote “no” on this particular amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Blaum, for the second time.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, the gentleman, the previous speaker, said the amendment does not do it. Well, Mr. Speaker, the amendment does do it. It does give the department the authority to close a dangerous day-care facility when a tragedy has occurred until that deficiency, that shortcoming, is corrected.

Mr. Speaker, the previous speaker has a bill which dramatically separates religious day-care centers from other day-care centers in Pennsylvania. That bill is not before us. This amendment has

nothing to do regarding religious day-care centers and what they may teach and who they may hire. It only has to do with the dangerous facility those kids might be placed in, whether it is a church basement or some other hall, where a hazardous condition exists for children who may be dropped off at that day-care center, and if something terrible happens in that day-care facility, the department wants the ability from a physical structure point of view, not curriculum, not teachers, not aides, but from a physical structure point of view allows them to close that day-care facility for 24, 48, 72 hours, however long is necessary, until that physical facility is made safe. Now, we all know that most of our religious institutions would never provide a physical setting that was unsafe for kids, but let us not be naive to think that there are not some who would.

This amendment deals with the physical complex, the facility itself, and I ask the members for an affirmative vote.

The SPEAKER. The gentleman, Mr. Gruitza, on the subject.

Mr. GRUITZA. Thank you, Mr. Speaker.

Mr. Speaker, I rise to join Representative Blaum in urging support for this measure.

We have been balancing in other legislation, other bills, as he has mentioned, the differences between the for-profit and the church-related day-cares, but I think the gentleman's point is well taken.

This is a very narrow amendment. It deals with situations where children could be at risk of serious bodily injury or worse, and it is in response to a situation that happened in the gentleman's district that really demands, I think, some response from this legislature.

So I think it is a good amendment, and I urge the members to support the amendment.

Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—155

Adolph	Feese	Markosek	Semmel
Argall	Flick	Marsico	Shaner
Bard	Frankel	Mayernik	Smith, B.
Barrar	Freeman	McCall	Smith, S. H.
Bebko-Jones	Gannon	McGeehan	Solobay
Belardi	Geist	McGill	Staback
Belfanti	George	McIlhinney	Stairs
Bishop	Gordner	Melio	Steelman
Blaum	Grucela	Michlovic	Steil
Boyes	Gruitza	Micozzie	Stetler
Brooks	Haluska	Miller, S.	Sturla
Browne	Hanna	Mundy	Surra
Bunt	Harhai	Nailor	Taylor, E. Z.
Butkovitz	Harhart	O'Brien	Taylor, J.
Buxton	Harper	Oliver	Thomas
Caltagirone	Hasay	Pallone	Tigue
Cappelli	Hershey	Perzel	Travaglio
Casorio	Hess	Petrarca	Trello
Cawley	Horsey	Petrone	Trich
Civera	Jadlowiec	Phillips	Tulli
Cohen, L. I.	James	Pippy	Turzai
Cohen, M.	Josephs	Pistella	Vance
Colafella	Kaiser	Preston	Veon
Coleman	Keller	Raymond	Vitali
Cornell	Kenney	Readshaw	Walko
Corrigan	Kirkland	Reinard	Wansacz
Costa	Krebs	Rieger	Washington

Coy	LaGrotta	Roberts	Waters
Cruz	Laughlin	Robinson	Watson
Curry	Lawless	Roebuck	Williams, J.
Daley	Lederer	Rooney	Wojnaroski
DeLuca	Lescovitz	Ross	Wright, G.
Dermody	Levdansky	Rubley	Wright, M.
DeWeese	Lucyk	Sainato	Youngblood
DiGirolamo	Lynch	Samuelson	Yudichak
Diven	Mackereth	Santoni	Zug
Eachus	Maher	Sather	
Evans, D.	Manderino	Schroder	Ryan,
Evans, J.	Mann	Scrimenti	Speaker
Fairchild			

NAYS—41

Allen	Egolf	Leh	Rohrer
Armstrong	Fichter	Lewis	Saylor
Baker, J.	Fleagle	Maitland	Schuler
Baker, M.	Forcier	Major	Stern
Bastian	Gabig	McIlhattan	Stevenson, R.
Benninghoff	Godshall	McNaughton	Stevenson, T.
Birmelin	Habay	Metcalfe	Strittmatter
Clark	Hennessey	Miller, R.	Tangretti
Clymer	Herman	Nickol	Wilt
Creighton	Hutchinson	Pickett	Yewcic
Dally			

NOT VOTING—0

EXCUSED—5

Daley	Myers	Ruffing	Zimmerman
Donatucci			

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

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

Mr. **BLAUM** offered the following amendment No. **A0684**:

Amend Title, page 1, line 2, by striking out "and"
Amend Title, page 1, line 3, by removing the period after "Welfare" and inserting
; and providing for information on prospective child-care personnel.
Amend Sec. 2, page 2, by inserting between lines 15 and 16
"Founded report." As defined in 23 Pa.C.S § 6303(a) (relating to definitions).
"Indicated report." As defined in 23 Pa.C.S. § 6303(a) (relating to definitions).
"Indicated report for school employee." As defined in 23 Pa.C.S. § 6303(a)(relating to definitions).
Amend Bill, page 4, by inserting between lines 9 and 10
Section 4. Criminal and child abuse history relating to prospective child-care personnel.
(a) Individuals.—An individual who directly provides child-care services which are subsidized by Federal or State funds but who is not otherwise subject to approval or licensure under Article IX or X of the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, and every individual 18 years of age or older who resides in the home of such an individual for at least 30 days in a calendar year when the child care is provided in such individual's home shall submit to the department criminal and child abuse history information under 23 Pa.C.S. § 6344(b)

(relating to information relating to prospective child-care personnel). The department shall refuse to authorize the use of Federal or State funds for child care if the department verifies that any of the following apply to an individual providing the child care or any individual 18 years of age or older who resides in the home of such an individual for at least 30 days in a calendar year when the child care is provided in such individual's home:

(1) The individual is named in the Statewide central register of child abuse as the perpetrator of a founded report, a founded report for school employee, an indicated report or an indicated report for school employee.

(2) The individual has been convicted of an offense under 23 Pa.C.S. § 6344.

(b) Use of funds.—The department may authorize the use of Federal or State funds for child care under this subsection on a provisional basis for a single period not to exceed 30 days if all of the following conditions are met:

(1) The individual who is subject to the requirements of this section has applied for the information required under this section and provides a copy of the appropriate request forms to the department or its designated agent.

(2) The individual who is subject to the requirements of this section swears or affirms in writing that the individual:

(i) is not named in the Statewide central register of child abuse as the perpetrator of a founded report, a founded report for school employee, an indicated report or an indicated report for school employee; and

(ii) has not been convicted of an offense under 23 Pa.C.S. § 6344(c).

Amend Sec. 4, page 4, line 10, by striking out "4" and inserting 5

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

The following roll call was recorded:

YEAS—196

Adolph	Evans, J.	Maitland	Schroder
Allen	Fairchild	Major	Schuler
Argall	Feese	Manderino	Scrimenti
Armstrong	Fichter	Mann	Semmel
Baker, J.	Fleagle	Markosek	Shaner
Baker, M.	Flick	Marsico	Smith, B.
Bard	Forcier	Mayernik	Smith, S. H.
Barrar	Frankel	McCall	Solobay
Bastian	Freeman	McGeehan	Staback
Bebko-Jones	Gabig	McGill	Stairs
Belardi	Gannon	McIlhattan	Steelman
Belfanti	Geist	McIlhinney	Steil
Benninghoff	George	McNaughton	Stern
Birmelin	Godshall	Melio	Stetler
Bishop	Gordner	Metcalfe	Stevenson, R.
Blaum	Grucela	Michlovic	Stevenson, T.
Boyes	Gruitza	Micozzie	Strittmatter
Brooks	Habay	Miller, R.	Sturla
Browne	Haluska	Miller, S.	Surra
Bunt	Hanna	Mundy	Tangretti
Butkovitz	Harhai	Nailor	Taylor, E. Z.
Buxton	Harhart	Nickol	Taylor, J.
Caltagirone	Harper	O'Brien	Thomas
Cappelli	Hasay	Oliver	Tigue
Casorio	Hennessey	Pallone	Travaglio
Cawley	Herman	Perzel	Trello
Civera	Hershey	Petrarca	Trich
Clark	Hess	Petrone	Tulli
Clymer	Horsey	Phillips	Turzai
Cohen, L. I.	Hutchinson	Pickett	Vance
Cohen, M.	Jadlowiec	Pippy	Veon
Colafella	James	Pistella	Vitali

Coleman	Josephs	Preston	Walko
Cornell	Kaiser	Raymond	Wansacz
Corrigan	Keller	Readshaw	Washington
Costa	Kenney	Reinard	Waters
Coy	Kirkland	Rieger	Watson
Creighton	Krebs	Roberts	Williams, J.
Cruz	LaGrotta	Robinson	Wilt
Curry	Laughlin	Roebuck	Wojnarowski
Daley	Lawless	Rohrer	Wright, G.
Dally	Lederer	Rooney	Wright, M.
DeLuca	Leh	Ross	Yewcic
Dermody	Lescovitz	Rubley	Youngblood
DeWeese	Levdansky	Sainato	Yudichak
DiGirolamo	Lewis	Samuelson	Zug
Diven	Lucyk	Santoni	
Eachus	Lynch	Sather	
Egolf	Mackereth	Saylor	Ryan,
Evans, D.	Maher		Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

Dailey	Myers	Ruffing	Zimmerman
Donatucci			

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

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

Mr. GEORGE offered the following amendment No. A0707:

Amend Sec. 3, page 3, line 10, by inserting a comma after "SENATE"

Amend Sec. 3, page 3, line 11, by striking out "AND" where it appears the first time

Amend Sec. 3, page 3, line 12, by inserting after "Representatives" and the Auditor General

Amend Sec. 3, page 3, line 13, by inserting after "section."

The department shall also post its findings on the department's World Wide Web site.

Amend Sec. 3, page 4, line 7, by striking out "and" where it appears the first time and inserting a comma

Amend Sec. 3, page 4, line 8, by inserting after "Representatives" and the Auditor General

Amend Sec. 3, page 4, line 9, by inserting after "section."

The department shall also post its findings on the department's World Wide Web site.

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

The following roll call was recorded:

YEAS—196

Adolph	Evans, J.	Maitland	Schroder
Allen	Fairchild	Major	Schuler
Argall	Feese	Manderino	Scrimenti
Armstrong	Fichter	Mann	Semmel
Baker, J.	Fleagle	Markosek	Shaner
Baker, M.	Flick	Marsico	Smith, B.

Bard	Forcier	Mayernik	Smith, S. H.
Barrar	Frankel	McCall	Solobay
Bastian	Freeman	McGeehan	Staback
Bebko-Jones	Gabig	McGill	Stairs
Belardi	Gannon	McIlhattan	Steelman
Belfanti	Geist	McIlhinney	Steil
Benninghoff	George	McNaughton	Stern
Birmelin	Godshall	Melio	Stetler
Bishop	Gordner	Metcalf	Stevenson, R.
Blaum	Grucela	Michlovic	Stevenson, T.
Boyes	Gruitza	Micozzie	Strittmatter
Brooks	Habay	Miller, R.	Sturla
Browne	Haluska	Miller, S.	Surra
Bunt	Hanna	Mundy	Tangretti
Butkovitz	Harhai	Nailor	Taylor, E. Z.
Buxton	Harhart	Nickol	Taylor, J.
Caltagirone	Harper	O'Brien	Thomas
Cappelli	Hasay	Oliver	Tigue
Casorio	Hennessey	Pallone	Travaglio
Cawley	Herman	Perzel	Trello
Civera	Hershey	Petrarca	Trich
Clark	Hess	Petrone	Tulli
Clymer	Horsey	Phillips	Turzai
Cohen, L. I.	Hutchinson	Pickett	Vance
Cohen, M.	Jadlowiec	Pippy	Veon
Colafella	James	Pistella	Vitali
Coleman	Josephs	Preston	Walko
Cornell	Kaiser	Raymond	Wansacz
Corrigan	Keller	Readshaw	Washington
Costa	Kenney	Reinard	Waters
Coy	Kirkland	Rieger	Watson
Creighton	Krebs	Roberts	Williams, J.
Cruz	LaGrotta	Robinson	Wilt
Curry	Laughlin	Roebuck	Wojnaroski
Daley	Lawless	Rohrer	Wright, G.
Dally	Lederer	Rooney	Wright, M.
DeLuca	Leh	Ross	Yewcic
Dermody	Lescovitz	Rubley	Youngblood
DeWeese	Levdansky	Sainato	Yudichak
DiGiolamo	Lewis	Samuelson	Zug
Diven	Lucyk	Santoni	
Eachus	Lynch	Sather	
Egolf	Mackereth	Saylor	Ryan,
Evans, D.	Maher		Speaker

NAYS-0

NOT VOTING-0

EXCUSED-5

Dailey	Myers	Ruffing	Zimmerman
Donatucci			

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

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

The SPEAKER. Mr. George, do you have a second amendment?

Mr. GEORGE. Yes, I do, and I would like to explain it, Mr. Speaker.

The SPEAKER. Pardon me?

Mr. GEORGE. May I explain it?

The SPEAKER. Wait until it is read.

On the question recurring,

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

Mr. GEORGE offered the following amendment No. **A0903**:

Amend Sec. 3, page 3, line 10, by inserting a comma after "SENATE"

Amend Sec. 3, page 3, line 11, by striking out "AND" where it appears the first time

Amend Sec. 3, page 3, line 12, by inserting after "Representatives" and the Auditor General

Amend Sec. 3, page 3, line 13, by inserting after "section."
The department shall also post its findings on the department's World Wide Web site.

Amend Sec. 3, page 3, line 26, by inserting after "(1),"
the department shall have one week to investigate complaints alleging a physical injury requiring medical attention. For all other complaints,

Amend Sec. 3, page 4, line 7, by striking out "and" where it appears the first time and inserting a comma

Amend Sec. 3, page 4, line 8, by inserting after "Representatives" and the Auditor General

Amend Sec. 3, page 4, line 9, by inserting after "section."
The department shall also post its findings on the department's World Wide Web site.

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman, Mr. George, for an explanation of his amendment.

Mr. GEORGE. Thank you, Mr. Speaker.

I think it is important and I think this General Assembly wants to do something about the matters that have happened in Pennsylvania. We all know, Mr. Speaker, there are more households with two working parents than ever before in our history. There are incidents that I know you and I want to handle.

This HB 237 is a very proper piece of legislation that deals with many matters of our concern, and what this amendment does, Mr. Speaker, it requires the department to take action 1 week after an incident has been proven so that the people in Pennsylvania on the Internet are aware of what has taken place and what the corrective action should be, and I think we ought to support this unanimously.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-196

Adolph	Evans, J.	Maitland	Schroder
Allen	Fairchild	Major	Schuler
Argall	Feese	Manderino	Scrimenti
Armstrong	Fichter	Mann	Semmel
Baker, J.	Fleagle	Markosek	Shaner
Baker, M.	Flick	Marsico	Smith, B.
Bard	Forcier	Mayernik	Smith, S. H.
Barrar	Frankel	McCall	Solobay
Bastian	Freeman	McGeehan	Staback
Bebko-Jones	Gabig	McGill	Stairs
Belardi	Gannon	McIlhattan	Steelman
Belfanti	Geist	McIlhinney	Steil
Benninghoff	George	McNaughton	Stern

Birmelin	Godshall	Melio	Stetler
Bishop	Gordner	Metcalfe	Stevenson, R.
Blaum	Grucela	Michlovic	Stevenson, T.
Boyes	Gruitza	Micozzie	Strittmatter
Brooks	Habay	Miller, R.	Sturla
Browne	Haluska	Miller, S.	Surra
Bunt	Hanna	Mundy	Tangretti
Butkovitz	Harhai	Nailor	Taylor, E. Z.
Buxton	Harhart	Nickol	Taylor, J.
Caltagirone	Harper	O'Brien	Thomas
Cappelli	Hasay	Oliver	Tigue
Casorio	Hennessey	Pallone	Travaglio
Cawley	Herman	Perzel	Trello
Civera	Hershey	Petrarca	Trich
Clark	Hess	Petrone	Tulli
Clymer	Horsey	Phillips	Turzai
Cohen, L. I.	Hutchinson	Pickett	Vance
Cohen, M.	Jadlowiec	Pippy	Veon
Colafella	James	Pistella	Vitali
Coleman	Josephs	Preston	Walko
Cornell	Kaiser	Raymond	Wansacz
Corrigan	Keller	Readshaw	Washington
Costa	Kenney	Reinard	Waters
Coy	Kirkland	Rieger	Watson
Creighton	Krebs	Roberts	Williams, J.
Cruz	LaGrotta	Robinson	Wilt
Curry	Laughlin	Roebuck	Wojnaroski
Daley	Lawless	Rohrer	Wright, G.
Dally	Lederer	Rooney	Wright, M.
DeLuca	Leh	Ross	Yewcic
Dermody	Lescovitz	Rubley	Youngblood
DeWeese	Levdansky	Sainato	Yudichak
DiGirolamo	Lewis	Samuelson	Zug
Diven	Lucyk	Santoni	
Eachus	Lynch	Sather	
Egolf	Mackereth	Saylor	Ryan,
Evans, D.	Maher		Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

Dailey	Myers	Ruffing	Zimmerman
Donatucci			

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

On the question of final passage, the gentleman, Mr. Birmelin.

Mr. BIRMELIN. Thank you, Mr. Speaker.

I am going to encourage all of our members—

The SPEAKER. Will the gentleman please yield.

Conferences, please break up. Mr. Birmelin has the floor.

Mr. Birmelin.

Mr. BIRMELIN. Thank you, Mr. Speaker.

I am going to encourage all of our members to vote for the bill. While I opposed the one Blaum amendment that went into the bill,

I think there is going to be a good opportunity to tweak that a little bit on the Senate side, and Mr. Blaum and I will probably both be happy at the outcome of that, but I would encourage people to vote for this.

This is a very good bill, and it calls for unannounced inspections of our day-care centers across Pennsylvania, something that should have been done a long time ago. It is going to bring a lot more accountability to our day-care centers of Pennsylvania, and I just want to applaud Representative Godshall for his efforts over the many years to do this and encourage all the members to vote “yes.” Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Godshall.

Mr. GODSHALL. Thank you, Mr. Speaker.

The SPEAKER. Will the gentleman yield for a moment.

Conferences in the vicinity of the gentleman, Mr. Godshall, please break up.

Mr. Godshall.

Mr. GODSHALL. Thank you, Mr. Speaker.

I just wanted to say that I am hoping that a lot of the well-intentioned amendments that we put in here today do not succeed in killing the bill.

The bill deals really with unannounced inspections at our day-care facilities. It is something that we could have passed a long time ago, we should have passed a long time ago, but unfortunately, we get bogged down on amendments that try to make what is called a good bill a better bill, and as a result, for 14 years, I guess the last 14 years, we have not had it become law. I am really hoping it happens this time.

REMARKS SUBMITTED FOR THE RECORD

Mr. GODSHALL. I would like to present some additional remarks for the record, Mr. Speaker, and I want to thank the committee for the work that they have done again with this bill. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

It was 14 years ago – when my daughter, Jami, was looking for a day-care center for my granddaughter – that I became aware that the only inspections of child day-care centers in Pennsylvania were announced and planned well in advance, an inspection procedure that allowed the Department of Public Welfare to cut corners which created a situation that could allow operators to “clean up their act,” possibly hiding or disguising unsafe conditions.

Although Kaitlin is now 17, this issue is so important to me that I have continued to pursue passage of legislation to require unannounced inspections of all licensed day-care centers and group child-care homes in our Commonwealth.

That is why I have introduced legislation, which became a major priority of the House Republican Caucus, every session since becoming aware of this problem. Hopefully, this second year of a new century and a new millennium will be the banner year in which my proposal will be signed into law.

Last session’s bill, HB 1963, unanimously passed the House on November 16, 1999, but it was never considered by the Senate. This session I will continue to work with that chamber, the Department of Public Welfare, the Schweiker administration, and concerned interest groups to work for passage of a bill.

The bill:

- Authorizes the Department of Public Welfare (DPW) to inspect any of Pennsylvania’s child day-care centers during operational hours without prior notice to determine the standard of care being given to the children.
- Requires the DPW to conduct at least one unannounced inspection of every licensed child day-care center and group day-care home each year.
- Requires the DPW to annually inspect at least 15 percent of all family child-care homes.
- Requires the DPW to conduct an onsite, unannounced inspection, within 24 hours, upon receipt of a complaint alleging that the health or safety of a child in care at the facility is at serious risk.

Each session we come close to enactment of this bill. Previous concerns with the bill expressed by the religious-affiliated child-care community that prevented Senate passage in a prior session have been addressed successfully through an agreement reached as a result of numerous meetings with the DPW, the religious community, and the child-care community.

The great majority of our day-care providers run a tight ship and have the interests of our children at heart.

However, these are our children we are dealing with, our most precious responsibilities, and we cannot be too careful.

Occasionally, people take shortcuts in the operation of day-care centers which must be corrected to protect the welfare of our children and the good name of the majority of providers.

Fully agreeing with this, the DPW has expressed support for my proposal.

Child-care workers, parents, legislators, Senators, religious leaders, State inspectors, the Schweiker administration, physicians, law enforcement officials – we all have an obligation to see that day-care centers and providers are topnotch when it comes to the health and safety of Pennsylvania’s children.

We all have an obligation to place our children in a safe environment, watched over by trustworthy individuals.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—196

Adolph	Evans, J.	Maitland	Schroder
Allen	Fairchild	Major	Schuler
Argall	Feese	Manderino	Scrimenti
Armstrong	Fichter	Mann	Semmel
Baker, J.	Fleagle	Markosek	Shaner
Baker, M.	Flick	Marsico	Smith, B.
Bard	Forcier	Mayernik	Smith, S. H.
Barrar	Frankel	McCall	Solobay
Bastian	Freeman	McGeehan	Staback
Bebko-Jones	Gabig	McGill	Stairs
Belardi	Gannon	McIlhattan	Steelman
Belfanti	Geist	McIlhinney	Steil
Benninghoff	George	McNaughton	Stern
Birmelin	Godshall	Melio	Stetler
Bishop	Gordner	Metcalfe	Stevenson, R.
Blaum	Grucela	Michlovic	Stevenson, T.
Boyes	Gruitza	Micozzie	Strittmatter
Brooks	Habay	Miller, R.	Sturla
Browne	Haluska	Miller, S.	Surra
Bunt	Hanna	Mundy	Tangretti
Butkovitz	Harhai	Nailor	Taylor, E. Z.
Buxton	Harhart	Nickol	Taylor, J.
Caltagirone	Harper	O’Brien	Thomas
Cappelli	Hasay	Oliver	Tigue
Casorio	Hennessey	Pallone	Travaglio

Cawley	Herman	Perzel	Trello
Civera	Hershey	Petrarca	Trich
Clark	Hess	Petrone	Tulli
Clymer	Horsley	Phillips	Turzai
Cohen, L. I.	Hutchinson	Pickett	Vance
Cohen, M.	Jadlowiec	Pippy	Veon
Colafrilla	James	Pistella	Vitali
Coleman	Josephs	Preston	Walko
Cornell	Kaiser	Raymond	Wansacz
Corrigan	Keller	Readshaw	Washington
Costa	Kenney	Reinard	Waters
Coy	Kirkland	Rieger	Watson
Creighton	Krebs	Roberts	Williams, J.
Cruz	LaGrotta	Robinson	Wilt
Curry	Laughlin	Roebuck	Wojnaroski
Daley	Lawless	Rohrer	Wright, G.
Dally	Lederer	Rooney	Wright, M.
DeLuca	Leh	Ross	Yewcic
Dermody	Lescovitz	Rubley	Youngblood
DeWeese	Levdansky	Sainato	Yudichak
DiGirolamo	Lewis	Samuelson	Zug
Diven	Lucyk	Santoni	
Eachus	Lynch	Sather	
Egolf	Mackereth	Saylor	Ryan,
Evans, D.	Maher		Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

Daley	Myers	Ruffing	Zimmerman
Donatucci			

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

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

* * *

The House proceeded to third consideration of **HB 50, PN 36**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for per capita taxes.

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

Mr. **BROWNE** offered the following amendment No. **A0201**:

Amend Title, page 1, lines 1 through 6, by striking out all of said lines and inserting
Providing for low-income exemptions from certain local taxes.

Amend Bill, page 1, lines 9 through 18; page 2, lines 1 through 9, by striking out all of said lines on said pages and inserting
Section 1. Short title.

This act shall be known and may be cited as the Low-Income Exemption from Local Taxes Act.

Section 2. Low-income exemptions.

Notwithstanding any other law to the contrary, the governing body of a political subdivision may, by ordinance or resolution, exempt any person whose total income from all sources is less than \$15,000 per annum, or any portion thereof, from any of the following:

- (1) Per capita or similar head tax.
- (2) Occupation tax or similar tax based upon a flat rate or on a millage rate on an assessed value of a trade, occupation or profession.
- (3) Occupation privilege tax or similar tax upon persons employed within the political subdivision.
- (4) Earned income tax or any similar tax on earned income and net profits.

Section 3. Regulations.

The governing body may adopt regulations for the processing of claims for exemptions under section 2.

Section 4. Repeals.

All acts or parts of acts are repealed insofar as they are inconsistent with this act.

Section 5. Effective date.

This act shall take effect January 1, 2003.

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

The SPEAKER. On the question of the adoption of the Browne amendment, Mr. Browne.

Mr. BROWNE. Thank you, Mr. Speaker.

Just very briefly, this amendment would expand the good intentions of the maker of the bill by expanding the scope of it to include not only the School Code but other codes, the Local Tax Enabling Act, other municipal codes that include the \$5,000 exemption, to expand it to \$15,000.

Thank you very much.
The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—196

Adolph	Evans, J.	Maitland	Schroder
Allen	Fairchild	Major	Schuler
Argall	Feese	Manderino	Scrimenti
Armstrong	Fichter	Mann	Semmel
Baker, J.	Fleagle	Markosek	Shaner
Baker, M.	Flick	Marsico	Smith, B.
Bard	Forcier	Mayernik	Smith, S. H.
Barrar	Frankel	McCall	Solobay
Bastian	Freeman	McGeehan	Staback
Bebko-Jones	Gabig	McGill	Stairs
Belardi	Gannon	McIlhattan	Steelman
Belfanti	Geist	McIlhinney	Steil
Benninghoff	George	McNaughton	Stern
Birmelin	Godshall	Melio	Stetler
Bishop	Gordner	Metcalfe	Stevenson, R.
Blaum	Grucela	Michlovic	Stevenson, T.
Boyes	Gruitza	Micozzie	Strittmatter
Brooks	Habay	Miller, R.	Sturla
Browne	Haluska	Miller, S.	Surra
Bunt	Hanna	Mundy	Tangretti
Butkovitz	Harhai	Nailor	Taylor, E. Z.
Buxton	Harhart	Nickol	Taylor, J.
Caltagirone	Harper	O'Brien	Thomas
Cappelli	Hasay	Oliver	Tigue
Casorio	Hennessey	Pallone	Travaglio
Cawley	Herman	Perzel	Trello

Civera	Hershey	Petrarca	Trich
Clark	Hess	Petrone	Tulli
Clymer	Horsey	Phillips	Turzai
Cohen, L. I.	Hutchinson	Pickett	Vance
Cohen, M.	Jadlowiec	Pippy	Veon
Colafella	James	Pistella	Vitali
Coleman	Josephs	Preston	Walko
Cornell	Kaiser	Raymond	Wansacz
Corrigan	Keller	Readshaw	Washington
Costa	Kenney	Reinard	Waters
Coy	Kirkland	Rieger	Watson
Creighton	Krebs	Roberts	Williams, J.
Cruz	LaGrotta	Robinson	Wilt
Curry	Laughlin	Roebuck	Wojnarowski
Daley	Lawless	Rohrer	Wright, G.
Dally	Lederer	Rooney	Wright, M.
DeLuca	Leh	Ross	Yewcic
Dermody	Lescovitz	Rubley	Youngblood
DeWeese	Levdansky	Sainato	Yudichak
DiGirolamo	Lewis	Samuelson	Zug
Diven	Lucyk	Santoni	
Eachus	Lynch	Sather	
Egolf	Mackereth	Saylor	Ryan, Speaker
Evans, D.	Maher		

NAYS—0

NOT VOTING—0

EXCUSED—5

Dailey	Myers	Ruffing	Zimmerman
Donatucci			

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 third consideration as amended?

The SPEAKER. It is the understanding of the Chair that a number of other amendments were filed to this bill. However, they are out of order in light of the adoption of the Browne amendment.

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

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.
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—196

Adolph	Evans, J.	Maitland	Schroder
Allen	Fairchild	Major	Schuler
Argall	Feese	Manderino	Scrimenti
Armstrong	Fichter	Mann	Semmel
Baker, J.	Fleagle	Markosek	Shaner

Baker, M.	Flick	Marsico	Smith, B.
Bard	Forcier	Mayernik	Smith, S. H.
Barrar	Frankel	McCall	Solobay
Bastian	Freeman	McGeehan	Staback
Bebko-Jones	Gabig	McGill	Stairs
Belardi	Gannon	McIlhattan	Steelman
Belfanti	Geist	McIlhinney	Steil
Benninghoff	George	McNaughton	Stern
Birmelin	Godshall	Melio	Stetler
Bishop	Gordner	Metcalfe	Stevenson, R.
Blaum	Grucela	Michlovic	Stevenson, T.
Boyes	Gruitza	Micozzie	Strittmatter
Brooks	Habay	Miller, R.	Sturla
Browne	Haluska	Miller, S.	Surra
Bunt	Hanna	Mundy	Tangretti
Butkovitz	Harhai	Nailor	Taylor, E. Z.
Buxton	Harhart	Nickol	Taylor, J.
Caltagirone	Harper	O'Brien	Thomas
Cappelli	Hasay	Oliver	Tigue
Casorio	Hennessey	Pallone	Travaglio
Cawley	Herman	Perzel	Trello
Civera	Hershey	Petrarca	Trich
Clark	Hess	Petrone	Tulli
Clymer	Horsey	Phillips	Turzai
Cohen, L. I.	Hutchinson	Pickett	Vance
Cohen, M.	Jadlowiec	Pippy	Veon
Colafella	James	Pistella	Vitali
Coleman	Josephs	Preston	Walko
Cornell	Kaiser	Raymond	Wansacz
Corrigan	Keller	Readshaw	Washington
Costa	Kenney	Reinard	Waters
Coy	Kirkland	Rieger	Watson
Creighton	Krebs	Roberts	Williams, J.
Cruz	LaGrotta	Robinson	Wilt
Curry	Laughlin	Roebuck	Wojnaroski
Daley	Lawless	Rohrer	Wright, G.
Dally	Lederer	Rooney	Wright, M.
DeLuca	Leh	Ross	Yewic
Dermody	Lescovitz	Rubley	Youngblood
DeWeese	Levdansky	Sainato	Yudichak
DiGirolo	Lewis	Samuelson	Zug
Diven	Lucyk	Santoni	
Eachus	Lynch	Sather	
Egolf	Mackereth	Saylor	Ryan,
Evans, D.	Maher		Speaker

NAYS-0

NOT VOTING-0

EXCUSED-5

Dailey	Myers	Ruffing	Zimmerman
Donatucci			

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

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

* * *

The House proceeded to third consideration of **HB 2429, PN 3471**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further defining "tangible personal property" and "telecommunications service"; defining "mobile telecommunications service"; further providing for rules relating to the

sourcing of the sales and use tax relating to certain mobile telecommunications services; and providing for special rules for telecommunications services.

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

Mr. **GODSHALL** offered the following amendment No. **A1166**:

Amend Title, page 1, line 14, by striking out "and"
Amend Title, page 1, line 15, by removing the period after "services" and inserting

; and further providing for settlement and resettlement of the corporate net income tax.

Amend Bill, page 7, by inserting between lines 16 and 17 Section 3. Section 407(d) of the act, amended August 4, 1991 (P.L.97, No.22), is amended to read:

Section 407. Settlement and Resettlement.—* * *

(d) (1) If any corporation shall neglect or refuse to make any report and payment of tax required by this article, the department shall estimate the tax due by such corporation and subject to audit and approval by the Department of the Auditor General, settle the amount due by it for taxes, penalties, and interest thereon as prescribed herein, from which settlement there shall be no right of review or appeal, but the department, with the approval of the Department of the Auditor General, may require a report to be filed, and thereupon make a settlement based upon such report and cancel the estimated settlement.

(2) If the department finds that a corporation designs quickly to depart from this Commonwealth, remove property from this Commonwealth or do any other act that may prejudice or render wholly or partly ineffectual an action to collect any tax, penalty or interest due under this article, whereby it becomes important that such proceedings be brought without delay, the department may immediately make an estimated assessment of taxes, penalties and interest due under this article whether or not any report is then due by law and may proceed under such estimated assessment to collect the tax, penalties and interest, or compel security for the same, and thereafter shall cause notice of such finding to be given to such corporation, together with a demand for an immediate report and immediate payment of such tax, penalties and interest. If the corporation receiving an estimated assessment files all required reports, the estimated assessment shall be canceled after such reports have been settled under this section and the corporation has paid the taxes, penalties and interest due under such settlement.

* * *

Amend Sec. 3, page 7, line 17, by striking out "3" and inserting 4

Amend Sec. 4, page 7, line 22, by striking out "4" and inserting 5

Amend Sec. 5, page 7, line 28, by striking out "5" and inserting 6

Amend Sec. 6, page 7, line 30, by striking out "6" and inserting 7

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

The following roll call was recorded:

YEAS-196

Adolph	Evans, J.	Maitland	Schroder
Allen	Fairchild	Major	Schuler
Argall	Feese	Manderino	Scrimenti
Armstrong	Fichter	Mann	Semmel
Baker, J.	Fleagle	Markosek	Shaner
Baker, M.	Flick	Marsico	Smith, B.

Bard	Forcier	Mayernik	Smith, S. H.
Barrar	Frankel	McCall	Solobay
Bastian	Freeman	McGeehan	Staback
Bebko-Jones	Gabig	McGill	Stairs
Belardi	Gannon	McLhattan	Steelman
Belfanti	Geist	McIlhinney	Steil
Benninghoff	George	McNaughton	Stern
Birmelin	Godshall	Melio	Stetler
Bishop	Gordner	Metcalfe	Stevenson, R.
Blaum	Grucela	Michlovic	Stevenson, T.
Boyes	Gruitza	Micozzie	Strittmatter
Brooks	Habay	Miller, R.	Sturla
Browne	Haluska	Miller, S.	Surra
Bunt	Hanna	Mundy	Tangretti
Butkovitz	Harhai	Nailor	Taylor, E. Z.
Buxton	Harhart	Nickol	Taylor, J.
Caltagirone	Harper	O'Brien	Thomas
Cappelli	Hasay	Oliver	Tigue
Casorio	Hennessey	Pallone	Travaglio
Cawley	Herman	Perzel	Trello
Civera	Hershey	Petrarca	Trich
Clark	Hess	Petrone	Tulli
Clymer	Horsey	Phillips	Turzai
Cohen, L. I.	Hutchinson	Pickett	Vance
Cohen, M.	Jadlowiec	Pippy	Veon
Colafella	James	Pistella	Vitali
Coleman	Josephs	Preston	Walko
Cornell	Kaiser	Raymond	Wansacz
Corrigan	Keller	Readshaw	Washington
Costa	Kenney	Reinard	Waters
Coy	Kirkland	Rieger	Watson
Creighton	Krebs	Roberts	Williams, J.
Cruz	LaGrotta	Robinson	Wilt
Curry	Laughlin	Roebuck	Wojnaroski
Daley	Lawless	Rohrer	Wright, G.
Dally	Lederer	Rooney	Wright, M.
DeLuca	Leh	Ross	Yewcic
Dermody	Lescovitz	Rubley	Youngblood
DeWeese	Levdansky	Sainato	Yudichak
DiGirolamo	Lewis	Samuelson	Zug
Diven	Lucyk	Santoni	
Eachus	Lynch	Sather	
Egolf	Mackereth	Saylor	Ryan,
Evans, D.	Maher		Speaker

NAYS-0

NOT VOTING-0

EXCUSED-5

Dailey	Myers	Ruffing	Zimmerman
Donatucci			

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 third consideration as amended?

Mr. **LESCOVITZ** offered the following amendment No. **A1167**:

Amend Title, page 1, line 14, by inserting after "services"
and for exemptions from the retail sales tax
Amend Bill, page 4, by inserting between lines 18 and 19
Section 2. Section 204 of the act is amended by adding a clause to read:

Section 204. Exclusions from Tax.—The tax imposed by section 202 shall not be imposed upon

* * *

(62) In accordance with regulations of the department, the sale at retail or use of tangible personal property during any period designated by the Secretary of Revenue at the direction of the Governor.

Amend Sec. 2, page 4, line 19, by striking out "2" and inserting 3

Amend Sec. 3, page 7, line 17, by striking out "3" and inserting 4

Amend Bill, page 7, by inserting between lines 21 and 22

Section 5. The Department of Revenue shall promulgate regulations to require reports from persons required to collect the tax under Article II of the act. The reports shall state the amount of tax which would have been collected but for the addition of section 204(62) of the act.

Amend Sec. 4, page 7, line 22, by striking out "4" and inserting 6

Amend Sec. 5, page 7, line 28, by striking out "5" and inserting 7

Amend Sec. 6, page 7, line 30, by striking out "6" and inserting 8

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

The following roll call was recorded:

YEAS-196

Adolph	Evans, J.	Maitland	Schroder
Allen	Fairchild	Major	Schuler
Argall	Feese	Manderino	Scrimenti
Armstrong	Fichter	Mann	Semmel
Baker, J.	Fleagle	Markosek	Shaner
Baker, M.	Flick	Marsico	Smith, B.
Bard	Forcier	Mayernik	Smith, S. H.
Barrar	Frankel	McCall	Solobay
Bastian	Freeman	McGeehan	Staback
Bebko-Jones	Gabig	McGill	Stairs
Belardi	Gannon	McLhattan	Steelman
Belfanti	Geist	McIlhinney	Steil
Benninghoff	George	McNaughton	Stern
Birmelin	Godshall	Melio	Stetler
Bishop	Gordner	Metcalfe	Stevenson, R.
Blaum	Grucela	Michlovic	Stevenson, T.
Boyes	Gruitza	Micozzie	Strittmatter
Brooks	Habay	Miller, R.	Sturla
Browne	Haluska	Miller, S.	Surra
Bunt	Hanna	Mundy	Tangretti
Butkovitz	Harhai	Nailor	Taylor, E. Z.
Buxton	Harhart	Nickol	Taylor, J.
Caltagirone	Harper	O'Brien	Thomas
Cappelli	Hasay	Oliver	Tigue
Casorio	Hennessey	Pallone	Travaglio
Cawley	Herman	Perzel	Trello
Civera	Hershey	Petrarca	Trich
Clark	Hess	Petrone	Tulli
Clymer	Horsey	Phillips	Turzai
Cohen, L. I.	Hutchinson	Pickett	Vance
Cohen, M.	Jadlowiec	Pippy	Veon
Colafella	James	Pistella	Vitali
Coleman	Josephs	Preston	Walko
Cornell	Kaiser	Raymond	Wansacz
Corrigan	Keller	Readshaw	Washington
Costa	Kenney	Reinard	Waters
Coy	Kirkland	Rieger	Watson
Creighton	Krebs	Roberts	Williams, J.
Cruz	LaGrotta	Robinson	Wilt
Curry	Laughlin	Roebuck	Wojnaroski
Daley	Lawless	Rohrer	Wright, G.

Dally	Lederer	Rooney	Wright, M.
DeLuca	Leh	Ross	Yewcic
Dermody	Lescovitz	Rubley	Youngblood
DeWeese	Levdansky	Sainato	Yudichak
DiGirolamo	Lewis	Samuelson	Zug
Diven	Lucyk	Santoni	
Eachus	Lynch	Sather	
Egolf	Mackereth	Saylor	Ryan,
Evans, D.	Maher		Speaker

NAYS-0

NOT VOTING-0

EXCUSED-5

Dailey	Myers	Ruffing	Zimmerman
Donatucci			

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

On the question recurring,

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

Ms. **MUNDY** offered the following amendment No. **A1239**:

Amend Title, page 1, line 14, by inserting after "services;"
excluding from sales tax construction materials
used for public school facilities;

Amend Bill, page 4, by inserting between lines 18 and 19

Section 2. Section 204 of the act is amended by adding a clause to read:

Section 204. Exclusions from Tax.—The tax imposed by section 202 shall not be imposed upon

* * *

(62) The sale at retail to or use by a public school district or a construction contractor employed by a public school district, of any materials and building supplies used in the construction, reconstruction, remodeling, repairs and maintenance of any public school building, facility or structure within this Commonwealth.

Amend Sec. 2, page 4, line 19, by striking out "2" and inserting
3

Amend Sec. 3, page 7, line 17, by striking out "3" and inserting
4

Amend Sec. 4, page 7, line 22, by striking out "4" and inserting
5

Amend Sec. 4, page 7, line 26, by inserting after "act"
concerning the amendment or addition of
sections 201(m), (rr) and (aaa) and 228 of the act

Amend Sec. 5, page 7, line 28, by striking out "5" and inserting
6

Amend Sec. 5, page 7, line 28, by inserting after "act"
concerning the amendment or addition of
sections 201(m), (rr) and (aaa) and 228 of the act

Amend Sec. 6, page 7, line 30, by striking out "6" and inserting
7

On the question,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-196

Adolph	Evans, J.	Maitland	Schroder
Allen	Fairchild	Major	Schuler
Argall	Feese	Manderino	Scrimenti
Armstrong	Fichter	Mann	Semmel
Baker, J.	Fleagle	Markosek	Shaner
Baker, M.	Flick	Marsico	Smith, B.
Bard	Forcier	Mayernik	Smith, S. H.
Barrar	Frankel	McCall	Solobay
Bastian	Freeman	McGeehan	Staback
Bebko-Jones	Gabig	McGill	Stairs
Belardi	Gannon	McIlhattan	Steelman
Belfanti	Geist	McIlhinney	Steil
Benninghoff	George	McNaughton	Stern
Birmelin	Godshall	Melio	Stetler
Bishop	Gordner	Metcalfe	Stevenson, R.
Blaum	Grucela	Michlovic	Stevenson, T.
Boyes	Gruitza	Micozzie	Strittmatter
Brooks	Habay	Miller, R.	Sturla
Browne	Haluska	Miller, S.	Surra
Bunt	Hanna	Mundy	Tangretti
Butkovitz	Harhai	Nailor	Taylor, E. Z.
Buxton	Harhart	Nickol	Taylor, J.
Caltagirone	Harper	O'Brien	Thomas
Cappelli	Hasay	Oliver	Tigue
Casorio	Hennessey	Pallone	Travaglio
Cawley	Herman	Perzel	Trelo
Civera	Hershey	Petrarca	Trich
Clark	Hess	Petrone	Tulli
Clymer	Horsey	Phillips	Turzai
Cohen, L. I.	Hutchinson	Pickett	Vance
Cohen, M.	Jadlowiec	Pippy	Veon
Colafella	James	Pistella	Vitali
Coleman	Josephs	Preston	Walko
Cornell	Kaiser	Raymond	Wansacz
Corrigan	Keller	Readshaw	Washington
Costa	Kenney	Reinard	Waters
Coy	Kirkland	Rieger	Watson
Creighton	Krebs	Roberts	Williams, J.
Cruz	LaGrotta	Robinson	Wilt
Curry	Laughlin	Roebuck	Wojnaroski
Daley	Lawless	Rohrer	Wright, G.
Dally	Lederer	Rooney	Wright, M.
DeLuca	Leh	Ross	Yewcic
Dermody	Lescovitz	Rubley	Youngblood
DeWeese	Levdansky	Sainato	Yudichak
DiGirolamo	Lewis	Samuelson	Zug
Diven	Lucyk	Santoni	
Eachus	Lynch	Sather	
Egolf	Mackereth	Saylor	Ryan,
Evans, D.	Maher		Speaker

NAYS-0

NOT VOTING-0

EXCUSED-5

Dailey	Myers	Ruffing	Zimmerman
Donatucci			

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

On the question recurring,

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

Mr. SAMUELSON offered the following amendment No. A1269:

Amend Title, page 1, line 14, by inserting after "services;"
excluding books from the sales and use tax;

Amend Bill, page 4, by inserting between lines 18 and 19
Section 2. Section 204 of the act is amended by adding a clause to
read:

Section 204. Exclusions from Tax.—The tax imposed by section
202 shall not be imposed upon

* * *

(62) The sale at retail or use of books.

Amend Sec. 2, page 4, line 19, by striking out "2" and inserting
3

Amend Sec. 3, page 7, line 17, by striking out "3" and inserting
4

Amend Sec. 4, page 7, line 22, by striking out "4" and inserting
5

Amend Sec. 5, page 7, line 28, by striking out "5. The provisions
of this act" and inserting

6. The amendment to or addition of sections 201
and 228 of the act

Amend Sec. 6, page 7, line 30, by striking out all of said line and
inserting

Section 7. This act shall take effect as follows:

(1) The amendment of section 204 of the act shall take
effect in 60 days.

(2) The remainder of this act shall take effect immediately.

On the question,

Will the House agree to the amendment?

The SPEAKER. On the question of the adoption of the
Samuelson amendment, Mr. Vitali. Will the gentleman yield.
Will the gentleman yield.

Conferences on the floor, please.

Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

I just want to understand this amendment. Would the maker
stand for brief interrogation?

The SPEAKER. The gentleman, Mr. Samuelson?

Mr. VITALI. Thank you, Mr. Speaker.

The description seems to imply that any retail book would be
excluded from the sales tax, be it any topic – travel or sports. What
would the fiscal impact to the Commonwealth be of this
exclusion?

Mr. SAMUELSON. The Appropriations Committee has
estimated that this has an annual fiscal impact of \$79.1 million, a
tax cut of \$79.1 million.

Mr. VITALI. Now, what would the thinking be? I mean, I could
understand certain books that have a heightened social value like
Bibles or educational instruction manuals, but what is the thinking
behind it generally? I mean, you could also go through Borders or
Barnes & Noble and find books of a relatively frivolous purpose.
What is the thinking behind excluding all books from the sales
tax?

Mr. SAMUELSON. Thank you, Mr. Speaker.

There would be three benefits to this amendment. You may
recall that back in 1999, the State Supreme Court, and then it was
upheld by the U.S. Supreme Court, said that the Department of
Revenue, which had had an exclusion from the sales tax on Bibles
and religious publications for nearly 40 years, since the 1950s, in
1999 the State Supreme Court, later upheld by the U.S. Supreme

Court, overturned that exemption saying that we have to treat
Bibles and religious publications the same as all other books.
Now, what the Department of Revenue has started to do is impose
the sales tax on Bibles and religious publications. This
amendment, we would still be treating the Bibles and religious
publications the same as all other books, but we would exclude all
books from the sales tax. This would make sure that we do not go
down the path of taxing Bibles and religious publications. It would
also be a tremendous boost to literacy and reading statewide.

You know that in the last couple of budgets we have had
significant support for our State libraries; we have had programs
through the Department of Education such as the Read to Succeed
program targeting funds to our elementary school students to
improve reading skills. This would be a tremendous benefit to
reading and really promoting literacy across the State. It would be
a tax cut that could benefit every community and every family.

And thirdly and finally, this would also help our Pennsylvania
bookstores compete with booksellers that sell books over the
Internet. Currently if somebody goes to one of the Internet book
providers, they do not have to pay the Pennsylvania sales tax. If
you walk into a bookstore here in Pennsylvania, you are charged
the 6-percent sales tax. This would help to level the playing field,
encourage, really promote our Pennsylvania bookstores.

This amendment has passed this House unanimously twice.
In December we approved this amendment on HB 957, and
last month, in March, we approved this amendment on HB 367.
So we have approved this amendment twice unanimously, and
I encourage an affirmative vote.

Mr. VITALI. Thank you, Mr. Speaker.

THE SPEAKER PRO TEMPORE (PATRICIA H. VANCE) PRESIDING

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—177

Adolph	Evans, J.	Maitland	Schroder
Allen	Fairchild	Manderino	Schuler
Argall	Feese	Mann	Scrimenti
Armstrong	Fichter	Markosek	Semmel
Baker, J.	Fleagle	Marsico	Shaner
Baker, M.	Flick	Mayernik	Smith, B.
Bard	Forcier	McCall	Smith, S. H.
Barrar	Freeman	McGeehan	Staback
Bastian	Gabig	McGill	Stairs
Bebko-Jones	Gannon	McIlhattan	Steelman
Belardi	Geist	McIlhinney	Stern
Belfanti	George	McNaughton	Stetler
Benninghoff	Godshall	Melio	Stevenson, R.
Bishop	Gordner	Metcalfe	Stevenson, T.
Brooks	Habay	Michlovic	Strittmatter
Browne	Haluska	Micozzie	Sturla
Bunt	Hanna	Miller, S.	Surra
Butkovitz	Harhai	Mundy	Tangretti
Buxton	Harhart	Nailor	Taylor, E. Z.
Caltagirone	Harper	O'Brien	Taylor, J.
Cappelli	Hasay	Oliver	Thomas
Casorio	Hennessey	Pallone	Travaglio
Cawley	Herman	Perzel	Trello
Civera	Hershey	Petrarca	Trich
Clark	Hess	Petrone	Tulli
Clymer	Horsey	Phillips	Turzai

Cohen, L. I.	Hutchinson	Pickett	Veon
Cohen, M.	Jadlowiec	Pippy	Walko
Colafella	James	Pistella	Wansacz
Coleman	Josephs	Preston	Washington
Cornell	Kaiser	Raymond	Waters
Corrigan	Keller	Readshaw	Watson
Costa	Kenney	Reinard	Williams, J.
Coy	Kirkland	Rieger	Wilt
Creighton	LaGrotta	Roberts	Wojnaroski
Cruz	Laughlin	Robinson	Wright, G.
Daley	Lawless	Roebuck	Wright, M.
Dally	Lederer	Rohrer	Yewcic
DeLuca	Leh	Rooney	Youngblood
Dermody	Lescovitz	Rubley	Yudichak
DeWeese	Levdansky	Sainato	Zug
DiGirolamo	Lewis	Samuelson	
Diven	Lucyk	Santoni	
Egolf	Lynch	Sather	Ryan,
Evans, D.	Maher	Saylor	Speaker

NAYS—19

Birmelin	Frankel	Major	Steil
Blaum	Grucela	Miller, R.	Tigue
Boyes	Gruitza	Nickol	Vance
Curry	Krebs	Ross	Vitali
Eachus	Mackereth	Solobay	

NOT VOTING—0

EXCUSED—5

Dailey	Myers	Ruffing	Zimmerman
Donatucci			

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

On the question recurring,

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

Mr. **GEORGE** offered the following amendment No. **A1288**:

Amend Title, page 1, line 14, by inserting after "services;" further defining "compensation" for purposes of personal income taxation;

Amend Bill, page 7, by inserting between lines 16 and 17

Section 3. Section 301(d) of the act, amended April 23, 1998 (P.L.239, No.45), is amended to read:

Section 301. Definitions.—The following words, terms and phrases when used in this article shall have the meaning ascribed to them in this section except where the context clearly indicates a different meaning. Unless specifically provided otherwise, any reference in this article to the Internal Revenue Code shall include the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 1 et seq.), as amended to January 1, 1997:

* * *

(d) "Compensation" means and shall include salaries, wages, commissions, bonuses and incentive payments whether based on profits or otherwise, fees, tips and similar remuneration received for services rendered, whether directly or through an agent, and whether in cash or in property.

The term "compensation" shall not mean or include: (i) periodic

payments for sickness and disability other than regular wages received during a period of sickness or disability; or (ii) disability, retirement or other payments arising under workmen's compensation acts, occupational disease acts and similar legislation by any government; or (iii) payments commonly recognized as old age or retirement benefits paid to persons retired from service after reaching a specific age or after a stated period of employment; or (iv) payments commonly known as public assistance, or unemployment compensation payments by any governmental agency; or (v) payments to reimburse actual expenses; or (vi) payments made by employers or labor unions, including payments made pursuant to a cafeteria plan qualifying under section 125 of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 125), for employee benefit programs covering hospitalization, sickness, disability or death, supplemental unemployment benefits or strike benefits: Provided, That the program does not discriminate in favor of highly compensated individuals as to eligibility to participate, payments or program benefits; or (vii) any compensation received by United States servicemen serving in a combat zone; or (viii) payments received by a foster parent for in-home care of foster children from an agency of the Commonwealth or a political subdivision thereof or an organization exempt from Federal tax under section 501(c)(3) of the Internal Revenue Code of 1954 which is licensed by the Commonwealth or a political subdivision thereof as a placement agency; or (ix) payments made by employers or labor unions for employee benefit programs covering social security or retirement; or (x) personal use of an employer's owned or leased property or of employer-provided services[.]; or (xi) receipt of food and/or medicine not exceeding five thousand two hundred dollars (\$5,200) per year from a lawful promotion from a person doing business in this Commonwealth that is not resold and which is utilized for personal and/or family use.

* * *

Section 4. For purposes of determining eligibility for the Pharmaceutical Assistance Contract for the Elderly and the Pharmaceutical Assistance Contract for the Elderly Needs Enhancement Tier, receipt of food and or medicine not exceeding \$5,200 per year from a lawful promotion from a person doing business in this Commonwealth that is not resold and which is utilized for personal and/or family use shall not be deemed income.

Amend Sec. 3, page 7, line 17, by striking out "3" and inserting
5

Amend Sec. 4, page 7, line 22, by striking out "4" and inserting
6

Amend Sec. 5, page 7, lines 28 and 29, by striking out all of said lines and inserting

Section 7. The following provisions shall apply to customer bills issued after August 1, 2002:

(1) The amendment or addition of sections 201 and 228 of the act.

(2) Sections 5 and 6 of this act.

Amend Sec. 6, page 7, line 30, by striking out "6" and inserting
8

On the question,

Will the House agree to the amendment?

The **SPEAKER pro tempore**. On that question, the Chair recognizes the gentleman, Mr. George. Does the gentleman wish to be recognized on his amendment?

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

Madam Speaker, from time to time we rise and we tell of an experience back home, good or bad, and we feel that we are all concerned enough to gather together as a group of responsible legislators to help these people that are having difficulty.

I received notification that a constituent of mine had won at a foodstore \$100 a week for 52 weeks, which amounted to \$5,200, and it took them above the PACENET (Pharmaceutical Assistance Contract for the Elderly Needs Enhancement Tier) by \$40. We

think with all compassion and with that logic and understanding, it was not a lottery; it was just one of these food contests. We think that these people should not be penalized, and we should allow up to \$5,200 if what they win is foodstuffs or medicine. We should not allow these types of regulations and policies to place people in difficult positions to be able to turn down a couple of hundred dollars' worth of food so they can maintain their responsible maximum income limit so they can continue to get their drugs.

I would ask those of us that believe that we should do something for the senior citizens to agree with that amendment, Madam Speaker.

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman from Erie, Mr. Scrimenti.

Mr. SCRIMENTI. Thank you, Madam Speaker.

If I could, please, I would like to interrogate the maker of the amendment, please.

The SPEAKER pro tempore. The gentleman agrees. You may proceed.

Mr. SCRIMENTI. Madam Speaker, my inquiry is about what is going to qualify as food under the exclusion for food. I mean, are we going to be authorizing people to go to the store and make any purchases and produce receipts, any purchases at a foodstore to produce receipts to qualify for the deduction or not? Do you have an answer for me, please, Madam Speaker?

Mr. GEORGE. Madam Speaker, this couple won from the Kellogg Company in a local BiLo store \$5,200 of food purchases that was determined by the store what would be food purchases. What this amendment does, it goes a little further. It says, food purchases or medicines that are needed by the family. It does not allow that figure to take you above the maximum.

Mr. SCRIMENTI. Thank you.

Mr. GEORGE. So you could still qualify.

Mr. SCRIMENTI. Certainly, Madam Speaker, my question is not directed at any specific couple and their own personal experience. My question is directed in general about someone going to any grocery store, not a BiLo, any grocery store, and part of their grocery purchases could include cigarettes, it could include potato chips, soft drinks; who knows, you know, what could qualify as a food purchase, and that is what my question is directly. So if the maker of the amendment could respond to those comments, I would appreciate it.

Mr. GEORGE. Madam Speaker, as I tried to explain, this was a select food contest by the Kellogg corporation with a certain store. It was not a raffle; it was not something you take a chance on. They went into the store and they signed that sheet; their name was pulled. They were given the entitlement of \$100 a week, not \$101, \$100 a week of foodstuffs, and that is exactly what we are trying to protect them from so they do not have to turn down things as important as food so they can be able to continue to buy their medicine.

Mr. SCRIMENTI. Sure. Now, are we talking then, Madam Speaker, are we talking about somebody winning a prize then? Is that what you are talking about? Is this amendment exclusive to people winning prizes, food prizes? Is that what this amendment is?

Mr. GEORGE. Yes, yes, Madam Speaker, that is what it is.

Mr. SCRIMENTI. So if I understand it correctly then, anyone that wins a food prize then would qualify for this exclusion. Is that correct?

Mr. GEORGE. I am happy to say that you are right on target.

Mr. SCRIMENTI. Thank you, Madam Speaker.

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

The following roll call was recorded:

YEAS—193

Adolph	Evans, D.	Mackereth	Saylor
Allen	Evans, J.	Maher	Schroder
Argall	Fairchild	Maitland	Schuler
Armstrong	Feese	Major	Scrimenti
Baker, J.	Fichter	Manderino	Semmel
Baker, M.	Fleagle	Mann	Shaner
Bard	Flick	Markosek	Smith, B.
Barrar	Forcier	Marsico	Smith, S. H.
Bastian	Frankel	Mayernik	Solobay
Bebko-Jones	Freeman	McCall	Staback
Belardi	Gabig	McGeehan	Stairs
Belfanti	Gannon	McGill	Steelman
Benninghoff	Geist	McIlhattan	Stetler
Birmelin	George	McIlhinney	Stevenson, R.
Bishop	Godshall	McNaughton	Stevenson, T.
Blaum	Gordner	Melio	Strittmatter
Boyes	Grucela	Metcalfe	Sturla
Brooks	Gruitza	Michlovic	Surra
Browne	Habay	Micozzie	Tangretti
Bunt	Haluska	Miller, R.	Taylor, E. Z.
Butkovitz	Hanna	Miller, S.	Taylor, J.
Buxton	Harhai	Mundy	Thomas
Caltagirone	Harhart	Nailor	Tigue
Cappelli	Harper	Nickol	Travaglio
Casorio	Hasay	O'Brien	Trello
Cawley	Hennessey	Oliver	Trich
Civera	Herman	Pallone	Tulli
Clark	Hershey	Perzel	Turzai
Clymer	Hess	Petrarca	Vance
Cohen, L. I.	Horsey	Petrone	Veon
Cohen, M.	Hutchinson	Phillips	Vitali
Colafella	Jadlowiec	Pickett	Walko
Coleman	James	Pippy	Wansacz
Cornell	Josephs	Pistella	Washington
Corrigan	Kaiser	Preston	Waters
Costa	Keller	Raymond	Watson
Coy	Kenney	Readshaw	Williams, J.
Creighton	Kirkland	Reinard	Wilt
Cruz	Krebs	Rieger	Wojnaroski
Curry	LaGrotta	Roberts	Wright, G.
Daley	Laughlin	Robinson	Wright, M.
Dally	Lawless	Roebuck	Yewcic
DeLuca	Lederer	Rohrer	Youngblood
Dermody	Leh	Rooney	Yudichak
DeWeese	Lescovitz	Rublely	Zug
DiGirolamo	Levdansky	Sainato	
Diven	Lewis	Samuelson	
Eachus	Lucyk	Santoni	Ryan,
Egolf	Lynch	Sather	Speaker

NAYS—3

Ross Steil Stern

NOT VOTING—0

EXCUSED—5

Dailey Myers Ruffing Zimmerman
Donatucci

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

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

The SPEAKER pro tempore. This bill has been considered on three different days and agreed to and is now on final passage.
The question is, shall the bill pass finally?

(The bill analysis was read.)

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

The following roll call was recorded:

YEAS—196

Adolph	Evans, J.	Maitland	Schroder
Allen	Fairchild	Major	Schuler
Argall	Feese	Manderino	Scrimenti
Armstrong	Fichter	Mann	Semmel
Baker, J.	Fleagle	Markosek	Shaner
Baker, M.	Flick	Marsico	Smith, B.
Bard	Forcier	Mayernik	Smith, S. H.
Barrar	Frankel	McCall	Solobay
Bastian	Freeman	McGeehan	Staback
Bebko-Jones	Gabig	McGill	Stairs
Belardi	Gannon	McIlhattan	Steelman
Belfanti	Geist	McIlhinney	Steil
Benninghoff	George	McNaughton	Stern
Birmelin	Godshall	Melio	Stetler
Bishop	Gordner	Metcalfe	Stevenson, R.
Blaum	Grucela	Michlovic	Stevenson, T.
Boyes	Gruitza	Micozzie	Strittmatter
Brooks	Habay	Miller, R.	Sturla
Browne	Haluska	Miller, S.	Surra
Bunt	Hanna	Mundy	Tangretti
Butkovitz	Harhai	Nailor	Taylor, E. Z.
Buxton	Harhart	Nickol	Taylor, J.
Caltagirone	Harper	O'Brien	Thomas
Cappelli	Hasay	Oliver	Tigue
Casorio	Hennessey	Pallone	Travaglio
Cawley	Herman	Perzel	Trello
Civera	Hershey	Petrarca	Trich
Clark	Hess	Petrone	Tulli
Clymer	Horsey	Phillips	Turzai
Cohen, L. I.	Hutchinson	Pickett	Vance
Cohen, M.	Jadlowiec	Pippy	Veon
Colafella	James	Pistella	Vitali
Coleman	Josephs	Preston	Walko
Cornell	Kaiser	Raymond	Wansacz
Corrigan	Keller	Readshaw	Washington
Costa	Kenney	Reinard	Waters
Coy	Kirkland	Rieger	Watson
Creighton	Krebs	Roberts	Williams, J.
Cruz	LaGrotta	Robinson	Wilt
Curry	Laughlin	Roebuck	Wojnaroski
Daley	Lawless	Rohrer	Wright, G.
Dally	Lederer	Rooney	Wright, M.
DeLuca	Leh	Ross	Yeweic
Dermody	Lescovitz	Rubley	Youngblood
DeWeese	Levdansky	Sainato	Yudichak
DiGiroloam	Lewis	Samuelson	Zug
Diven	Lucyk	Santoni	
Eachus	Lynch	Sather	

Egolf
Evans, D.

Mackereth
Maher

Saylor

Ryan,
Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

Dailey
Donatucci

Myers

Ruffing

Zimmerman

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

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

* * *

The House proceeded to third consideration of **HB 2303, PN 3169**, entitled:

An Act amending the act of December 7, 1990 (P.L.639, No.165), known as the Hazardous Material Emergency Planning and Response Act, further providing for certified hazardous material response teams.

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

The SPEAKER pro tempore. This bill has been considered on three different days and agreed to and is now on final passage.
The question is, shall the bill pass finally?

(The bill analysis was read.)

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

The following roll call was recorded:

YEAS—196

Adolph	Evans, J.	Maitland	Schroder
Allen	Fairchild	Major	Schuler
Argall	Feese	Manderino	Scrimenti
Armstrong	Fichter	Mann	Semmel
Baker, J.	Fleagle	Markosek	Shaner
Baker, M.	Flick	Marsico	Smith, B.
Bard	Forcier	Mayernik	Smith, S. H.
Barrar	Frankel	McCall	Solobay
Bastian	Freeman	McGeehan	Staback
Bebko-Jones	Gabig	McGill	Stairs
Belardi	Gannon	McIlhattan	Steelman
Belfanti	Geist	McIlhinney	Steil
Benninghoff	George	McNaughton	Stern
Birmelin	Godshall	Melio	Stetler
Bishop	Gordner	Metcalfe	Stevenson, R.
Blaum	Grucela	Michlovic	Stevenson, T.
Boyes	Gruitza	Micozzie	Strittmatter
Brooks	Habay	Miller, R.	Sturla
Browne	Haluska	Miller, S.	Surra
Bunt	Hanna	Mundy	Tangretti
Butkovitz	Harhai	Nailor	Taylor, E. Z.
Buxton	Harhart	Nickol	Taylor, J.

Caltagirone	Harper	O'Brien	Thomas
Cappelli	Hasay	Oliver	Tigue
Casorio	Hennessey	Pallone	Travaglio
Cawley	Herman	Perzel	Trello
Civera	Hershey	Petrarca	Trich
Clark	Hess	Petrone	Tulli
Clymer	Horsey	Phillips	Turzai
Cohen, L. I.	Hutchinson	Pickett	Vance
Cohen, M.	Jadlowiec	Pippy	Veon
Colafella	James	Pistella	Vitali
Coleman	Josephs	Preston	Walko
Cornell	Kaiser	Raymond	Wansacz
Corrigan	Keller	Readshaw	Washington
Costa	Kenney	Reinard	Waters
Coy	Kirkland	Rieger	Watson
Creighton	Krebs	Roberts	Williams, J.
Cruz	LaGrotta	Robinson	Wilt
Curry	Laughlin	Roebuck	Wojnaroski
Daley	Lawless	Rohrer	Wright, G.
Dally	Lederer	Rooney	Wright, M.
DeLuca	Leh	Ross	Yewcic
Dermody	Lescovitz	Rubley	Youngblood
DeWeese	Levdansky	Sainato	Yudichak
DiGirolamo	Lewis	Samuelson	Zug
Diven	Lucyk	Santoni	
Eachus	Lynch	Sather	
Egolf	Mackereth	Saylor	Ryan,
Evans, D.	Maher		Speaker

NAYS-0

NOT VOTING-0

EXCUSED-5

Dailey	Myers	Ruffing	Zimmerman
Donatucci			

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.

BILLS REMOVED FROM TABLE

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. PERZEL. Madam Speaker, I move that the following bills be removed from the table:

- HB 2489;
- HB 2490;
- HB 2491;
- HB 2492;
- HB 2493;
- HB 2494;
- HB 2495;
- HB 2496;
- HB 2497;
- HB 2498;
- HB 2499;
- HB 2501;
- HB 2502;

- HB 2503;
- HB 2504;
- HB 2505;
- HB 2506;
- HB 2507;
- HB 2508;
- HB 2509;
- HB 2510;
- HB 2511;
- HB 2512;
- HB 2513;
- HB 2514;
- HB 2515;
- HB 2516;
- HB 2517;
- HB 2518;
- HB 2519;
- HB 2520;
- HB 2521;
- HB 2522;
- HB 2523;
- HB 2524;
- HB 2525;
- HB 2526;
- HB 2527;
- HB 2528;
- HB 2529;
- HB 2531; and
- HB 2532.

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

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 591, PN 3197**, entitled:

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, further providing for ineligibility of incarcerated employees.

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

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

The question is, shall the bill pass finally?

(The bill analysis was read.)

The SPEAKER pro tempore. The Chair recognizes the gentleman from Chester County, Mr. Flick.

Mr. FLICK. Thank you, Madam Speaker.

I would just like to thank Representative George for removing his amendment to this bill. I indicated to him in an earlier conversation that I have two bills in the Labor Relations Committee which deal with the same subject area, and it is my intention to report those bills out of committee within the next

30 days. So we appreciate Representative George’s consideration. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—196

Adolph	Evans, J.	Maitland	Schroder
Allen	Fairchild	Major	Schuler
Argall	Feese	Manderino	Scrimenti
Armstrong	Fichter	Mann	Semmel
Baker, J.	Fleagle	Markosek	Shaner
Baker, M.	Flick	Marsico	Smith, B.
Bard	Forcier	Mayermik	Smith, S. H.
Barrar	Frankel	McCall	Solobay
Bastian	Freeman	McGeehan	Staback
Bebko-Jones	Gabig	McGill	Stairs
Belardi	Gannon	McIlhattan	Steelman
Belfanti	Geist	McIlhinney	Steil
Benninghoff	George	McNaughton	Stern
Birmelin	Godshall	Melio	Stetler
Bishop	Gordner	Metcalfe	Stevenson, R.
Blaum	Grucela	Michlovic	Stevenson, T.
Boyes	Gruitza	Micozzie	Strittmatter
Brooks	Habay	Miller, R.	Sturla
Browne	Haluska	Miller, S.	Surra
Bunt	Hanna	Mundy	Tangretti
Butkovitz	Harhai	Nailor	Taylor, E. Z.
Buxton	Harhart	Nickol	Taylor, J.
Caltagirone	Harper	O’Brien	Thomas
Cappelli	Hasay	Oliver	Tigue
Casorio	Hennessey	Pallone	Travaglio
Cawley	Herman	Perzel	Trello
Civera	Hershey	Petrarca	Trich
Clark	Hess	Petrone	Tulli
Clymer	Horsey	Phillips	Turzai
Cohen, L. I.	Hutchinson	Pickett	Vance
Cohen, M.	Jadlowiec	Pippy	Veon
Colafella	James	Pistella	Vitali
Coleman	Josephs	Preston	Walko
Cornell	Kaiser	Raymond	Wansacz
Corrigan	Keller	Readshaw	Washington
Costa	Kenney	Reinard	Waters
Coy	Kirkland	Rieger	Watson
Creighton	Krebs	Roberts	Williams, J.
Cruz	LaGrotta	Robinson	Wilt
Curry	Laughlin	Roebuck	Wojnaroski
Daley	Lawless	Rohrer	Wright, G.
Dally	Lederer	Rooney	Wright, M.
DeLuca	Leh	Ross	Yewcic
Dermody	Lescovitz	Rubley	Youngblood
DeWeese	Levdansky	Sainato	Yudichak
DiGirolamo	Lewis	Samuelson	Zug
Diven	Lucyk	Santoni	
Eachus	Lynch	Sather	
Egolf	Mackereth	Saylor	Ryan,
Evans, D.	Maher		Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

Dailey	Myers	Ruffing	Zimmerman
Donatucci			

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.

STATEMENT BY MR. ARGALL

The SPEAKER pro tempore. The Chair recognizes the gentleman from Schuylkill County, Mr. Argall, for the purpose of an announcement.

Could we have some order in the House. This is an important announcement that I think the members would like to hear.

Mr. ARGALL. Thank you, Madam Speaker.

I am honored today to offer a brief update on the budget process here in Pennsylvania.

I think we all understand that we have a lot of work to do to continue on Pennsylvania’s budget during these challenging economic times, and I am very committed to working with all of you in making these tough decisions in the next few months.

The members of the House Appropriations Committee recently held several weeks of budget hearings taking a detailed look at the financial needs of State agencies and commissions. I would like to thank each and every one of the members for actively participating in the budget hearings with a bipartisan and a cooperative spirit.

Madam Speaker, I am happy today to keep this budget process moving forward in the General Assembly as we introduce the 2002-2003 budget bills.

Since the Governor’s budget address in February, the Appropriations chairman has heard from many of you, Republicans and Democrats, talking about various items in the proposed budget and our fundamental priorities.

As we all know, our State and nation are experiencing an era of new challenges. Fortunately for all of us, Pennsylvania State government is ready for the challenge.

During the past few years, many State governments over-committed, but because of 8 straight years of cautious, prudent, and responsible management here in Pennsylvania, we are much better prepared than many other States to overcome those challenges.

The upcoming amendment process will allow us to focus on our core needs and priorities here in Pennsylvania – especially the needs of our children, our public schools, and our fundamental commitment to public safety – as well as many other issues important to the people of Pennsylvania.

As a matter of information for the members, according to House rule 19(b), the budget bills, which we moved today from the Appropriations Committee, must remain revenue neutral.

The general appropriations bill is HB 2489; the nonpreferreds are HBs 2490 through 2522 with the exception of HB 2500.

The Appropriations Committee has certified that the amendments to the budget must include an appropriate decrease when an increase in spending is proposed.

Madam Speaker, pursuant to the House rules, it is my intent to

call for consideration of HB 2489 and the balance of the budget package when we return to session on Monday, April 29. As a reminder to House members, your amendments must be filed by 2 p.m. Monday, April 22.

I look forward to conducting a process that is open to legislators of both parties and a process that I am confident will lead to another timely budget and a budget that will create an even better Pennsylvania for us all.

Thank you, Madam Speaker.

THE SPEAKER (MATTHEW J. RYAN) PRESIDING

The SPEAKER. The Chair thanks the gentleman.

STATEMENT BY MR. D. EVANS

The SPEAKER. The Chair recognizes the distinguished Democratic Appropriations Committee chairman, Mr. Evans.

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

First, Mr. Speaker, I would like to congratulate the new chairman of the House Appropriations Committee. He, in the years that he has been here, is an extremely fine legislator and he is a fair legislator. So I want to congratulate the new chairman of the House Appropriations Committee in the time I have had the chance to work with him.

Secondly, I would like to say this to you, Mr. Speaker: I also would like to say, Mr. Speaker, that this side of the aisle has expressed from the very beginning that we intend to participate in this process, that we want to be involved in every aspect of it; we want to be involved in the amendment process; we want to be involved in the debate process, and we feel that everything should be on the table. We believe that our ideas should be on the table, the Republicans' ideas should be on the table, as well as the Governor, and that we are prepared to make sure that we meet the deadline.

So I express to you, Mr. Speaker, as the chairman has expressed, that we are open for cooperation and we are open to make sure that this is an open process.

Again I would like to thank you, Mr. Speaker, and particularly thank the chairman.

The SPEAKER. The Chair thanks the gentleman.

STATEMENT BY DEMOCRATIC LEADER

The SPEAKER. The gentleman, Mr. DeWeese.

Mr. DeWEESE. Thank you, Mr. Speaker.

I also want to extend my congratulations to the gentleman, Mr. Argall, as the new chairperson of the Appropriations Committee. The proof, however, will be in the proverbial pudding.

During those lush years when Bill Clinton's national economy—

The SPEAKER. Will the gentleman yield, please.

The gentleman, Mr. DeWeese, has been recognized. Conferences, particularly in the area of the gentleman, please break up.

Mr. DeWeese.

Mr. DeWEESE. I would only respectfully ask that we all

remember that one of the reasons Pennsylvania was able to do well over the last several years was because of a very lush and flourishing national economy. I would also like to stress that, as in most other political endeavors, luck plays a part.

Thirdly, I would like to say that anyone in this building knows that the former appropriations process, at least for the half dozen or 8 years in the past, was comparatively rigid in its exclusion of bipartisan involvement, and now when our economic challenges in Pennsylvania are more keen and crucial and challenging and we have a new chairman, a young man that we all like and enjoy, hopefully this will be a launching point for the bipartisan spirit that Representative Evans and Representative Argall referred to.

I just want to pound it home one more time. We have almost as many Democrats in this room as there are Republicans. We go home to our districts and prepare ourselves, and we are involved in this amendment process as much as anybody as the intervening weeks unravel. We want to be involved; we want to be challenged; we want to work in a bipartisan fashion, and I think that for the first time in almost a decade, because of some confusion, vexation, perturbation within your own ranks, my GOP brethren and sisters, we have a chance to start a new page. This is a tabula rasa in the appropriations process, and with Dwight Evans as our leader in the appropriations, we want to help write some very substantial legislation in April and May and June and on into the future working with our new chairman, our new colleague, Chairman Argall.

Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

JUDICIARY COMMITTEE MEETING

The SPEAKER. The gentleman, Mr. Gannon. Mr. Gannon, did you desire recognition?

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, there will be a meeting of the House Judiciary Committee immediately upon the declaration of the recess in the back of the House.

The SPEAKER. The Chair thanks the gentleman.

Are there any other announcements?

There will be no further votes.

Any further announcements?

The Chair is about to declare a recess for a short period of time.

It will not be necessary for the members to stay or return to the floor.

RECESS

The SPEAKER. Does the majority leader or minority leader have any further business?

Hearing none, this House stands in recess to the call of the Chair.

Tomorrow is a voting session day.

AFTER RECESS

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

**HOUSE BILL
INTRODUCED AND REFERRED**

No. 2545 By Representatives PERZEL and RYAN

An Act apportioning this Commonwealth into congressional districts in conformity with constitutional requirements; providing for the nomination and election of Congressmen; and requiring publication of notice of the establishment of congressional districts following the Federal decennial census; imposing duties on the Secretary of the Commonwealth and the Legislative Reference Bureau; and making a repeal.

Referred to Committee on STATE GOVERNMENT, April 9, 2002.

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

SB 369, PN 1870 (Amended) By Rep. GANNON

An Act amending Titles 18 (Crimes and Offenses) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, authorizing police officers to record certain oral communications; and further providing for windshield obstructions and wipers.

JUDICIARY.

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

The SPEAKER. Does the majority leader or minority leader have any further business?

Hearing none, the Chair recognizes the lady from Lehigh County, Ms. Baker.

Ms. BAKER. Mr. Speaker, I move that this House do now adjourn until Wednesday, April 10, 2002, at 11 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 4:07 p.m., e.d.t., the House adjourned.