

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

MONDAY, JUNE 2, 2003

SESSION OF 2003

187TH OF THE GENERAL ASSEMBLY

No. 37

### HOUSE OF REPRESENTATIVES

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

#### THE SPEAKER PRO TEMPORE (JERRY BIRMELIN) PRESIDING

#### PRAYER

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

Let us pray:

Almighty and most powerful God, may we, first of all, turn our minds to You if only in this brief moment. You deserve so much more, but we get caught up in our lives and our busyness and we lose interest in prayer. Let the promise of summer ushered in by the glimpses of sunshine today let loose new enthusiasm for the wonder of finding You once again. And in finding You, may our zeal for serving this Commonwealth be reignited as we complete the many tasks at hand that confront us this month.

Let the images of life and the joys we receive from helping others pass through our minds and hearts. Let us be reminded of Your constant presence as we focus our inner strengths to the duties of our individual offices and committees. With the burden of so many bills and resolutions to be addressed today and in the weeks to come, we may forget why we even cared about this or that in the first place. Keep us ever mindful of the oath we took when we first agreed to enter into service.

Thank You, gracious God, for those who came before us, not just in this arena but in all places in Your world – whose lives and experiences have taught us many valuable lessons, even the ones we do not see as lessons.

June always makes us think of baseball, even for those of us who do not particularly like it. We hear the crack of the bat and the smell of a hotdog and we know it is June. On this same day in 1883, baseball was first played under lights. How far we have come. Thank You, Lord, for making us people who play. May we never forget to take time to enjoy the gift of life, for it is so frail, as the families of the six soldiers missing in action realized on this day in 1965 and as do all the families of the 160 soldiers killed in the past couple of months in Iraq.

In 1989, 10,000 Chinese soldiers were blocked by 100,000 citizens protecting students demonstrating for democracy in Tiananmen Square. Teach us, O God, to value what democracy is and what our role is in protecting the honor and integrity of this democracy. May we truly realize what an honor it is to be here in this time and place.

Lord of the nations, grant us Your blessing here. We give hearty thanks for our nation, our Commonwealth of

Pennsylvania, and for all that in State and nation which has been good. May we never grow prideful in our freedoms, and for those who make it possible, we give thanks. Praise be to You, O God, now and forevermore. 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 Wednesday, May 14, 2003, will be postponed until printed. The Chair hears no objection.

#### HOUSE BILLS INTRODUCED AND REFERRED

**No. 1461** By Representatives GORDNER, ALLEN, BUNT, CAPPELLI, CASORIO, CAUSER, CIVERA, CRAHALLA, CREIGHTON, DALLY, J. EVANS, GEIST, GINGRICH, HARHAI, HARPER, HENNESSEY, HERSHEY, JAMES, JOSEPHS, LEDERER, LEWIS, MAJOR, R. MILLER, MUNDY, PAYNE, PISTELLA, READSHAW, REICHLEY, ROBERTS, SATHER, SAYLOR, SHANER, B. SMITH, SOLOBAY, STERN, J. TAYLOR, THOMAS, TIGUE, WOJNAROSKI and DENLINGER

An Act amending the act of July 1, 1978 (P.L.700, No.124), known as the Bureau of Professional and Occupational Affairs Fee Act, expanding the act to cover application requirements.

Referred to Committee on PROFESSIONAL LICENSURE, May 22, 2003.

**No. 1463** By Representatives BOYD, GODSHALL, RAYMOND, ROSS, DENLINGER, E. Z. TAYLOR, MAHER, BARRAR, BALDWIN, FICHTER, HERMAN, BASTIAN, CAPPELLI, CRAHALLA, MACKERETH, HERSHEY and R. MILLER

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further defining "purchase at retail," "resale," "sale at retail" and "use" for purposes of the sales and use tax; providing for a liquor tax, for resale exemption and for statement of receipts; and making a repeal.

Referred to Committee on TOURISM AND RECREATIONAL DEVELOPMENT, May 22, 2003.

**No. 1464** By Representatives GILLESPIE, BUNT, CREIGHTON, CURRY, GEORGE, GRUCELA, HARPER, HORSEY, LEVDANSKY, LEWIS, MACKERETH, R. MILLER, NICKOL, REICHLEY, ROSS, RUBLEY, SAYLOR, B. SMITH, STERN, E. Z. TAYLOR, THOMAS, TURZAI, WEBER and YOUNGBLOOD

An Act amending the act of July 11, 1990 (P.L.465, No.113), known as the Tax Increment Financing Act, further providing for reporting requirements; and making an editorial change.

Referred to Committee on FINANCE, May 22, 2003.

**No. 1465** By Representatives COLEMAN, ALLEN, BARRAR, BUNT, CREIGHTON, HUTCHINSON, REED, R. STEVENSON, E. Z. TAYLOR and WILT

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for exclusions from the sales and use tax.

Referred to Committee on FINANCE, May 22, 2003.

**No. 1466** By Representatives GEORGE, BEBKO-JONES, BELARDI, BELFANTI, CAWLEY, DALEY, DeLUCA, FABRIZIO, GODSHALL, HARHAI, HORSEY, JAMES, LAUGHLIN, LEVDANSKY, PALLONE, ROBERTS, SHANER, THOMAS, WALKO, WASHINGTON and YOUNGBLOOD

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, establishing the Municipal Authority Ombudsman in the Department of Community and Economic Development.

Referred to Committee on LOCAL GOVERNMENT, May 22, 2003.

**No. 1467** By Representatives T. STEVENSON, BAKER, BELFANTI, BUNT, CAPPELLI, CAUSER, CRUZ, DALEY, DENLINGER, DeWEESE, DONATUCCI, FICHTER, FORCIER, FREEMAN, GABIG, GEIST, GEORGE, GERGELY, GOODMAN, GRUCELA, HARHAI, HARRIS, LAUGHLIN, LEDERER, LESCOVITZ, LEWIS, MARSICO, McILHATTAN, R. MILLER, S. MILLER, NAILOR, O'NEILL, PHILLIPS, PICKETT, PRESTON, READSHAW, ROSS, SCAVELLO, SOLOBAY, STERN, E. Z. TAYLOR, TIGUE, WALKO, WASHINGTON, WATSON, WEBER, WILT, WOJNAROSKI, YOUNGBLOOD, HARPER, LEACH and WANSACZ

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, further regulating termination of annuities.

Referred to Committee on STATE GOVERNMENT, May 22, 2003.

**No. 1468** By Representatives GODSHALL, THOMAS, CIVERA, FICHTER, CRAHALLA, CURRY, GEORGE, GRUCELA, HARHAI, JOSEPHS, KIRKLAND, MAITLAND, MELIO, R. MILLER, O'NEILL, READSHAW, ROEBUCK, ROSS, T. STEVENSON, E. Z. TAYLOR, VANCE, WANSACZ, WASHINGTON and YOUNGBLOOD

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for the exclusion of pupils with limited English proficiency when calculating which school districts shall be placed on an education empowerment list.

Referred to Committee on EDUCATION, May 22, 2003.

**No. 1469** By Representatives GODSHALL, FEESE, BARRAR, BUNT, CAPPELLI, COLEMAN, CORRIGAN, COSTA, CRAHALLA, FABRIZIO, FREEMAN, HENNESSEY, HERSHEY, HORSEY, JAMES, KELLER, KOTIK, LAUGHLIN, LEH, PHILLIPS, SCAVELLO, SHANER, SOLOBAY, STABACK, E. Z. TAYLOR, THOMAS, WATERS, YOUNGBLOOD and HARPER

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, providing for use of game land property.

Referred to Committee on GAME AND FISHERIES, May 22, 2003.

**No. 1470** By Representatives ALLEN, BELFANTI, PHILLIPS, ADOLPH, ARMSTRONG, BAKER, CAPPELLI, CORNELL, COSTA, CRAHALLA, CREIGHTON, DALLY, DeLUCA, DeWEESE, FICHTER, FLEAGLE, FORCIER, GEIST, GERGELY, HARHART, HERSHEY, HESS, JAMES, KELLER, KENNEY, KIRKLAND, LEH, LEWIS, MARSICO, McCALL, McILHATTAN, MELIO, PERZEL, READSHAW, REICHLEY, SCHRODER, SHANER, B. SMITH, SOLOBAY, STERN, THOMAS, WILT, GANNON, BARRAR, MAJOR, McNAUGHTON and ARGALL

An Act amending the act of July 22, 1974 (P.L.589, No.205), known as the Unfair Insurance Practices Act, further providing for unfair acts.

Referred to Committee on INSURANCE, May 22, 2003.

**No. 1471** By Representatives SURRA, GEORGE, GRUCELA, CAPPELLI, FABRIZIO, FEESE, GOODMAN, HORSEY, WANSACZ and WHEATLEY

An Act providing local choice for fluoridation of public water.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, May 22, 2003.

**No. 1472** By Representatives J. TAYLOR, ADOLPH, BARRAR, BUNT, CAPPELLI, CORRIGAN, CRAHALLA, DALLY, FICHTER, HORSEY, LAUGHLIN, LEDERER, LEH, LEWIS, McILHATTAN, S. MILLER, PHILLIPS, REICHLEY, R. STEVENSON, E. Z. TAYLOR, WATSON and YOUNGBLOOD

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, adding definitions; and further providing for the capital stock franchise tax.

Referred to Committee on FINANCE, May 29, 2003.

**No. 1473** By Representatives GOODMAN, VEON, DeWEESE, GEORGE and GERGELY

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for sales and use tax licenses.

Referred to Committee on FINANCE, May 29, 2003.

**No. 1475** By Representatives COY, DeWEESE, FABRIZIO, FICHTER, FLEAGLE, GEORGE, GOODMAN, GRUCELA, HARHAI, HARPER, JAMES, KIRKLAND, LAUGHLIN, LEDERER, MAITLAND, MANN, NAILOR, PISTELLA, SAYLOR, SHANER, THOMAS, WALKO, WANSACZ, WASHINGTON, WOJNAROSKI and YOUNGBLOOD

An Act authorizing and directing the Governor to appoint a site selection committee to locate a site suitable for the placement of a State veterans home in central Pennsylvania.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, May 29, 2003.

**No. 1476** By Representatives COY, ARMSTRONG, BARRAR, BEBKO-JONES, BIANCUCCI, BUNT, CAWLEY, CIVERA, CRAHALLA, DALEY, DALLY, DeLUCA, DeWEESE, EGOLF, FABRIZIO, FAIRCHILD, FICHTER, FLEAGLE, FREEMAN, GEORGE, GERGELY, GOODMAN, GRUCELA, HARHAI, HENNESSEY, HERMAN, HESS, HUTCHINSON, JAMES, KIRKLAND, KOTIK, LAUGHLIN, LEACH, LESCOVITZ, LEVDANSKY, SCAVELLO, SCHRODER, SCRIMENTI, SHANER, B. SMITH, SOLOBAY, STABACK, R. STEVENSON, SURRA, TANGRETTI, E. Z. TAYLOR, THOMAS, WALKO, WANSACZ, WASHINGTON, WATSON, WOJNAROSKI, YOUNGBLOOD and YUDICHAK

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for volunteer firemen tax credits.

Referred to Committee on FINANCE, May 29, 2003.

**No. 1477** By Representatives COY, BAKER, BEBKO-JONES, BUNT, CRUZ, DALEY, J. EVANS, FABRIZIO, GEORGE, GRUCELA, HARHAI, JAMES, LAUGHLIN, LEACH, MANN, McCALL, McGEEHAN, McILHATTAN, PETRARCA, PISTELLA, REED, SCAVELLO, SHANER, SOLOBAY, SURRA, THOMAS, TRAVAGLIO, WASHINGTON, WOJNAROSKI and YOUNGBLOOD

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, providing service credits for campus police officers of universities of the State System of Higher Education.

Referred to Committee on FINANCE, May 29, 2003.

**No. 1478** By Representatives GODSHALL, CORNELL, DeWEESE, BARRAR, BELARDI, BUNT, CAPPELLI, COSTA, CRAHALLA, CRUZ, DAILEY, DeLUCA, DENLINGER, DERMODY, FABRIZIO, FAIRCHILD, GEIST, GEORGE, GOODMAN, GORDNER, HENNESSEY, HORSEY, HUTCHINSON, JAMES, KOTIK, LAUGHLIN, LEDERER, LEH, LEWIS, MARSICO, McCALL, McNAUGHTON, R. MILLER, O'NEILL, PETRARCA,

PICKETT, PISTELLA, RAYMOND, READSHAW, ROSS, RUBLEY, SAINATO, SATHER, SAYLOR, SCAVELLO, SCHRODER, SHANER, SOLOBAY, STABACK, STURLA, TANGRETTI, E. Z. TAYLOR, TURZAI, WALKO, WANSACZ, WATSON, WHEATLEY, WILT, WOJNAROSKI and YOUNGBLOOD

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for the sale of liquor to licensees.

Referred to Committee on TOURISM AND RECREATIONAL DEVELOPMENT, June 2, 2003.

**No. 1479** By Representatives GODSHALL, BARRAR, BUNT, CRAHALLA, DAILEY, FRANKEL, HARPER, JAMES, LEDERER, SCHRODER, T. STEVENSON, THOMAS, TURZAI and WILT

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, providing for direct shipment of wine to certain consumers.

Referred to Committee on LIQUOR CONTROL, June 2, 2003.

**No. 1480** By Representatives GODSHALL, ARMSTRONG, BALDWIN, BARRAR, BASTIAN, CAPPELLI, CRAHALLA, CREIGHTON, DAILEY, DENLINGER, EGOLF, FICHTER, GEIST, HENNESSEY, HERSHEY, HORSEY, KELLER, LAUGHLIN, LEACH, LEDERER, LEWIS, PETRARCA, REED, REICHLEY, SCAVELLO, SCHRODER, STERN, T. STEVENSON, R. STEVENSON, WANSACZ, WATSON, WILT, YOUNGBLOOD, BUNT and McNAUGHTON

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for the definition of "extracurricular activity"; and further providing for home education programs.

Referred to Committee on EDUCATION, May 29, 2003.

**No. 1481** By Representatives D. EVANS, DeWEESE, WASHINGTON, MELIO, LaGROTTA, FRANKEL, MANDERINO, WALKO, WHEATLEY, MYERS, MUNDY, LEACH, BELFANTI, McCALL, LAUGHLIN, JAMES, LEDERER, GEORGE, GRUCELA, MARKOSEK, ROONEY, CAPPELLI, DALLY, GERGELY, GOODMAN, HARHAI, HENNESSEY, HERMAN, YUDICHAK, WATERS, SAYLOR, SCRIMENTI, STABACK, TRAVAGLIO, HERSHEY and COHEN

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

Referred to Committee on FINANCE, May 29, 2003.

**No. 1482** By Representatives METCALFE, GEIST, FICHTER, CRAHALLA, YOUNGBLOOD, WILT, T. STEVENSON, BAKER, WATSON, S. MILLER, BARRAR, DENLINGER, FAIRCHILD, BOYD, BIRMELIN, LAUGHLIN, CAPPELLI, BENNINGHOFF, HARRIS,

CREIGHTON, LEWIS, ROSS, EGOLF, McILHATTAN, FORCIER, MARSICO, BALDWIN, HERSHEY, E. Z. TAYLOR, WEBER, HUTCHINSON, ADOLPH, GILLESPIE, REED, SCHRODER, R. STEVENSON and McNAUGHTON

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for capital stock and franchise tax rates and expiration.

Referred to Committee on FINANCE, June 2, 2003.

**No. 1483** By Representatives PETRONE, LESCOVITZ, RUBLEY, T. STEVENSON, PRESTON, KOTIK, LAUGHLIN, WATERS, DeWEESE, BELFANTI, GRUCELA, YOUNGBLOOD, YUDICHAK, PETRARCA, LEVDANSKY, PISTELLA, SCRIMENTI, SEMMEL, HORSEY, LEACH, TANGRETTI, HARHAI, DALEY, HENNESSEY and SURRA

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, providing for the establishment and incorporation of Keystone Council of Government (KCOG) entities and for the powers, duties and limitations on a KCOG; and making an appropriation.

Referred to Committee on LOCAL GOVERNMENT, June 2, 2003.

**No. 1484** By Representatives ROSS, BARD, BENNINGHOFF, BUNT, CAPPELLI, CORRIGAN, CREIGHTON, CURRY, DENLINGER, FAIRCHILD, FICHTER, GEIST, HERMAN, HERSHEY, McNAUGHTON, NAILOR, NICKOL, REICHLEY, SATHER, SCAVELLO, B. SMITH, SOLOBAY, STERN, E. Z. TAYLOR and TIGUE

An Act amending the act of March 30, 1811 (P.L.145, No.99), entitled "An act to amend and consolidate the several acts relating to the settlement of the public accounts and the payment of the public monies, and for other purposes," further providing for duties of county treasurers and for brigade inspector.

Referred to Committee on INTERGOVERNMENTAL AFFAIRS, June 2, 2003.

**No. 1485** By Representatives ROSS, BARD, BENNINGHOFF, BUNT, CAPPELLI, CORRIGAN, CREIGHTON, CURRY, DENLINGER, FAIRCHILD, FICHTER, GEIST, HERMAN, HERSHEY, McNAUGHTON, NAILOR, NICKOL, REICHLEY, SATHER, SCAVELLO, B. SMITH, SOLOBAY, STERN, E. Z. TAYLOR and TIGUE

An Act repealing the act of June 18, 1895 (P.L.209, No.126), entitled "An act regulating the printing and publication of notices and advertisements authorized by the county commissioners of the counties of this Commonwealth containing a population of five hundred thousand and not exceeding one million, as shown by the last United States census, providing how newspapers shall be designated in which such publications shall be made, and repealing an act, entitled 'An act authorizing the county commissioners of Allegheny county to select four morning newspapers for official county advertising,' approved the second day of April, Anno Domini one thousand eight hundred and seventy-three, and also repealing the tenth section of an act, entitled 'A supplement to an act approved the first day of May, Anno Domini one thousand eight hundred and sixty-one, entitled "An act relating to Allegheny county," approved the eighth day of April, Anno Domini one thousand eight hundred and sixty-two."

Referred to Committee on INTERGOVERNMENTAL AFFAIRS, June 2, 2003.

**No. 1486** By Representatives ROSS, BARD, BENNINGHOFF, BUNT, CAPPELLI, CORRIGAN, CREIGHTON, CURRY, DENLINGER, FAIRCHILD, FICHTER, GEIST, HERMAN, HERSHEY, McNAUGHTON, NAILOR, NICKOL, REICHLEY, SATHER, SCAVELLO, B. SMITH, SOLOBAY, STERN, E. Z. TAYLOR and TIGUE

An Act repealing the act of April 28, 1903 (P.L.332, No.260), entitled "An act for the annexation of any city, borough, township, or part of a township, to a contiguous city, and providing for the indebtedness of the same."

Referred to Committee on INTERGOVERNMENTAL AFFAIRS, June 2, 2003.

**No. 1487** By Representatives ROSS, BARD, BENNINGHOFF, BUNT, CAPPELLI, CORRIGAN, CREIGHTON, CURRY, DENLINGER, FAIRCHILD, FICHTER, GEIST, HERMAN, HERSHEY, McNAUGHTON, NAILOR, NICKOL, REICHLEY, SATHER, SCAVELLO, B. SMITH, SOLOBAY, STERN, E. Z. TAYLOR and TIGUE

An Act amending the act of June 25, 1919 (P.L.581, No.274), referred to as the First Class City Government Law, deleting provisions relating to the Department of Public Works and the Department of Supplies and Purchases.

Referred to Committee on INTERGOVERNMENTAL AFFAIRS, June 2, 2003.

**No. 1488** By Representatives ROSS, BARD, BENNINGHOFF, BUNT, CAPPELLI, CORRIGAN, CREIGHTON, CURRY, DENLINGER, FAIRCHILD, FICHTER, GEIST, HERMAN, HERSHEY, McNAUGHTON, NAILOR, NICKOL, REICHLEY, SATHER, SCAVELLO, B. SMITH, SOLOBAY, STERN, E. Z. TAYLOR and TIGUE

An Act repealing the act of July 15, 1919 (P.L.961, No.378), entitled "An act fixing the salaries and compensation of the officers, clerks, and employes in the office of the recorder of deeds of any county having a population of one million five hundred thousand inhabitants or over."

Referred to Committee on INTERGOVERNMENTAL AFFAIRS, June 2, 2003.

**No. 1489** By Representatives ROSS, BARD, BENNINGHOFF, BUNT, CAPPELLI, CORRIGAN, CREIGHTON, CURRY, DENLINGER, FAIRCHILD, FICHTER, GEIST, HERMAN, HERSHEY, McNAUGHTON, NAILOR, NICKOL, REICHLEY, SATHER, SCAVELLO, B. SMITH, SOLOBAY, STERN, E. Z. TAYLOR and TIGUE

An Act repealing the act of May 13, 1927 (P.L.994, No.483), entitled "An act fixing the salary to be paid by each county of the first class to its chief deputy sheriff."

Referred to Committee on STATE GOVERNMENT, June 2, 2003.

**No. 1490** By Representatives ROSS, BARD, BENNINGHOFF, BUNT, CAPPELLI, CORRIGAN, CREIGHTON, CURRY, DENLINGER, FAIRCHILD, FICHTER, GEIST, HERMAN, HERSHEY, McNAUGHTON, NAILOR, NICKOL, REICHLEY, SATHER, SCAVELLO, B. SMITH, SOLOBAY, STERN, E. Z. TAYLOR and TIGUE

An Act repealing the act of April 4, 1929 (P.L.163, No.158), entitled "An act providing for real estate deputy sheriffs in counties of the first, second, and third classes; and fixing their salaries payable by said counties; and repealing section two of an act, approved the twenty-fourth day of May, one thousand eight hundred and eighty-seven (Pamphlet Laws, one hundred eighty-five), entitled 'An act authorizing the sheriffs of the several counties of this Commonwealth to appoint by deed chief deputies with power to act as sheriff in case of and during the temporary disability of the sheriff to act in person and fixing the salaries of such chief deputies in counties containing more than five hundred thousand inhabitants,' and other acts general, special or local so far as inconsistent herewith."

Referred to Committee on STATE GOVERNMENT, June 2, 2003.

**No. 1491** By Representatives ROSS, BARD, BENNINGHOFF, BUNT, CAPPELLI, CORRIGAN, CREIGHTON, CURRY, DENLINGER, FAIRCHILD, FICHTER, GEIST, HERMAN, HERSHEY, McNAUGHTON, NAILOR, NICKOL, REICHLEY, SATHER, SCAVELLO, B. SMITH, SOLOBAY, STERN, E. Z. TAYLOR and TIGUE

An Act amending the act of May 1, 1929 (P.L.1052, No.407), entitled "An act adopting a program for the completion of the improvement of the State highways of the Commonwealth; authorizing counties, boroughs, towns and townships to expend moneys, and to incur indebtedness; and requiring certain moneys of the Motor License Fund to be expended as herein provided," deleting provisions relating to municipal agreements to contribute for additional mileage.

Referred to Committee on APPROPRIATIONS, June 2, 2003.

**No. 1492** By Representatives ROSS, BARD, BENNINGHOFF, BUNT, CAPPELLI, CORRIGAN, CREIGHTON, CURRY, DENLINGER, FAIRCHILD, FICHTER, GEIST, HERMAN, HERSHEY, McNAUGHTON, NAILOR, NICKOL, REICHLEY, SATHER, SCAVELLO, B. SMITH, SOLOBAY, STERN, E. Z. TAYLOR and TIGUE

An Act repealing the act of May 1, 1929 (P.L.1054, No.409), entitled "An act providing for assistance by the Commonwealth in the improvement, construction, reconstruction and/or maintenance of certain streets and highways in cities of the second class, second class A and third class; and for the assessment of benefits against owners of real estate abutting on the line of the improvement; and making an appropriation."

Referred to Committee on INTERGOVERNMENTAL AFFAIRS, June 2, 2003.

**No. 1493** By Representatives ROSS, BARD, BENNINGHOFF, BUNT, CAPPELLI, CORRIGAN, CREIGHTON, CURRY, DENLINGER, FAIRCHILD, FICHTER, GEIST, HERMAN, HERSHEY, McNAUGHTON, NAILOR, NICKOL, REICHLEY, SATHER, SCAVELLO, B. SMITH, SOLOBAY, STERN, E. Z. TAYLOR and TIGUE

An Act repealing the act of June 21, 1939 (P.L.617, No.288), entitled "An act to authorize cities of the first class of this Commonwealth to provide for the payment of certain deficits and indebtedness, as herein defined, in equal annual installments of two million five hundred thousand dollars (\$2,500,000); and to authorize the making of contracts, the drawing of warrants and the approval thereof, without appropriation, for the payment of such deficits and indebtedness, except as provided by this act; and to levy and fix the tax rate, and to make appropriations, and prepare and formulate the financial programs of such cities upon the basis of the discharge of deficits and indebtedness, in the manner provided by this act; requiring annual provision for payment of mandamus executions; and suspending and/or repealing inconsistent legislation."

Referred to Committee on URBAN AFFAIRS, June 2, 2003.

**No. 1494** By Representatives ROSS, BARD, BENNINGHOFF, BUNT, CAPPELLI, CORRIGAN, CREIGHTON, CURRY, DENLINGER, FAIRCHILD, FICHTER, GEIST, HERMAN, HERSHEY, McNAUGHTON, NAILOR, NICKOL, REICHLEY, SATHER, SCAVELLO, B. SMITH, SOLOBAY, STERN, E. Z. TAYLOR and TIGUE

An Act amending the act of May 29, 1945 (P.L.1108, No.402), referred to as the Limited Access Highway Law, deleting provisions relating to taking of property and payment of damages.

Referred to Committee on TRANSPORTATION, June 2, 2003.

**No. 1495** By Representatives ROSS, BARD, BENNINGHOFF, BUNT, CAPPELLI, CORRIGAN, CREIGHTON, CURRY, DENLINGER, FAIRCHILD, FICHTER, GEIST, HERMAN, HERSHEY, McNAUGHTON, NAILOR, NICKOL, REICHLEY, SATHER, SCAVELLO, B. SMITH, SOLOBAY, STERN, E. Z. TAYLOR and TIGUE

An Act amending the act of June 1, 1945 (P.L.1242, No.428), known as the State Highway Law, deleting provisions relating to abandoned rights-of-way of canals, railroads and turnpikes and to replacement and renewals of public utility structures.

Referred to Committee on TRANSPORTATION, June 2, 2003.

**No. 1502** By Representatives WOJNAROSKI, READSHAW, BEBKO-JONES, WALKO, LEDERER, BAKER, DeWEESE, FABRIZIO, LAUGHLIN, SHANER, CAPPELLI, GORDNER, HARRIS, PRESTON, CREIGHTON, GRUCELA, YOUNGBLOOD, STABACK, BROWNE, O'NEILL, GERGELY, JOSEPHS, SOLOBAY, HARHAI, LEVDANSKY, KELLER, GILLESPIE, DeLUCA, SCHRODER, GEIST, HESS, MELIO and TANGRETTI

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, requiring school districts to develop a bullying and student intimidation prevention plan.

Referred to Committee on EDUCATION, June 2, 2003.

**No. 1503** By Representatives CREIGHTON, COSTA, HARHAI, HORSEY, LEWIS, SCAVELLO, THOMAS, WASHINGTON and YOUNGBLOOD

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for additional automated red light enforcement systems.

Referred to Committee on TRANSPORTATION, June 2, 2003.

### HOUSE RESOLUTIONS INTRODUCED AND REFERRED

**No. 291** By Representatives YUDICHAK, D. EVANS, KELLER, ROEBUCK, OLIVER, CAPPELLI, COSTA, CURRY, FREEMAN, GEORGE, GRUCELA, HARHAI, HARRIS, JAMES, LEDERER, PETRARCA, PISTELLA, ROBERTS, SHANER, SOLOBAY, THOMAS, TIGUE, WASHINGTON, WOJNAROSKI and YOUNGBLOOD

A Resolution establishing a select committee to study the management and practices of the Pennsylvania Board of Probation and Parole.

Referred to Committee on RULES, May 22, 2003.

**No. 295** By Representatives COY, BELFANTI, BUNT, CORRIGAN, CURRY, DeLUCA, DeWEESE, FABRIZIO, FICHTER, FLEAGLE, GEORGE, GOODMAN, GRUCELA, HARHAI, HARPER, JAMES, KIRKLAND, LAUGHLIN, LEDERER, MAITLAND, MANN, NAILOR, PISTELLA, SAYLOR, SHANER, THOMAS, WALKO, WANSACZ, WASHINGTON, WOJNAROSKI and YOUNGBLOOD

A Resolution establishing a Site Selection Committee for the identification of a suitable site for a State veterans' home in central Pennsylvania.

Referred to Committee on RULES, May 29, 2003.

**No. 296** By Representatives GEIST, PHILLIPS, HESS, GODSHALL, FAIRCHILD, DeWEESE, ALLEN, BAKER, BALDWIN, BARRAR, BASTIAN, BEBKO-JONES, BUNT, CAPPELLI, CLYMER, COLEMAN, CRAHALLA, CREIGHTON, DENLINGER, EGOLF, FABRIZIO, FEESE, FICHTER, FLEAGLE, FORCIER, GEORGE, GILLESPIE, GOODMAN, HARHAI, HASAY, HERSHEY, HICKERNELL, HUTCHINSON, JAMES, LAUGHLIN, LEH, LEWIS, MAJOR, McNAUGHTON, S. MILLER, PICKETT, READSHAW, REED, REICHLEY, ROHRER, SATHER, SCAVELLO, SCHRODER, SEMMEL, SHANER, SOLOBAY, STABACK, STERN, TRUE, WILT and WOJNAROSKI

A Resolution honoring Charlton Heston upon his retirement from the presidency of the National Rifle Association (NRA).

Referred to Committee on RULES, June 2, 2003.

### SENATE BILL FOR CONCURRENCE

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

### SB 356, PN 854

Referred to Committee on JUDICIARY, May 22, 2003.

### BILLS REMOVED FROM TABLE

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

Mr. S. SMITH. Mr. Speaker, I move that the following bills be taken from the table:

HB 521;  
HB 248;  
HB 249;  
HB 250;  
HB 276;  
HB 294;  
HB 395;  
HB 478;  
HB 613;  
HB 859;  
HB 864;  
HB 885;  
HB 1064;  
HB 1082;  
HB 1083;  
HB 1085;  
HB 1090;  
HB 1117; and  
SB 80.

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 521, PN 1817; HB 248, PN 277; HB 249, PN 278; HB 250, PN 279; HB 276, PN 1812; HB 294, PN 1755; HB 395, PN 1756; HB 478, PN 556; HB 613, PN 714; HB 859, PN 1012; HB 864, PN 1813; HB 885, PN 1041; HB 1064, PN 1791; HB 1082, PN 1273; HB 1083, PN 1274; HB 1085, PN 1276; HB 1090, PN 1281; HB 1117, PN 1319; and SB 80, PN 75.**

### BILLS RECOMMITTED

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

Mr. S. SMITH. Mr. Speaker, I move that the following bills be recommitted to Appropriations:

HB 521;  
HB 248;

HB 249;  
 HB 250;  
 HB 276;  
 HB 294;  
 HB 395;  
 HB 478;  
 HB 613;  
 HB 859;  
 HB 864;  
 HB 885;  
 HB 1064;  
 HB 1082;  
 HB 1083;  
 HB 1085;  
 HB 1090;  
 HB 1117; and  
 SB 80.

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

### WRIT OF SPECIAL ELECTION

The SPEAKER pro tempore. The Speaker submits for the record the writ of special election for the Third Legislative District.

The following writ of special election was submitted:

COMMONWEALTH OF PENNSYLVANIA, SS:

TO THE HONORABLE PEDRO A. CORTES, SECRETARY OF THE COMMONWEALTH, AND TO DAVID E. MITCHELL, MARK A. DIVECCHIO AND JOSEPH F. GILES, CONSTITUTING THE BOARD OF ELECTIONS OF ERIE COUNTY.

GREETINGS: WHEREAS, A vacancy exists in the office of Representative of the Commonwealth of Pennsylvania for the Third Legislative District of the County of Erie, caused by reason of the death of Karl Boyes, the Representative from said District, on the 11th day of May, two thousand three.

NOW THEREFORE, I, John M. Perzel, Speaker of the House of Representatives, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania, and by the Act of Assembly in such case made and provided, do hereby command you:

That you cause an election to be held in the said County of Erie on the 22d day of July, A.D., two thousand three, to choose a person to represent said Legislative District in the House of Representatives of Pennsylvania, for the remainder of the term expiring November thirtieth, two thousand four, and that you give due and public notice of said election throughout said District, in the form and manner directed by law.

Given under my hand and the seal of the House of Representatives at Harrisburg, Pennsylvania, this 21st day of May, two thousand three.

ATTEST:  
 Ted Mazia  
 Chief Clerk of the House of Representatives

(SEAL) John M. Perzel  
 Speaker of the  
 House of Representatives

### ACTUARIAL NOTES

The SPEAKER pro tempore. The Chair recognizes the receipt of the following House bills, printer's numbers, and actuarial notes on those printer's numbers:

HB 1432, PN 1778;  
 HB 130, PN 122;  
 HB 990, PN 1649;  
 Amendment 0218 to HB 85, PN 104; and  
 SB 25, PN 20.

(Copies of actuarial notes are on file with Journal clerk.)

### COMMUNICATIONS FROM DEPARTMENT OF HEALTH

The SPEAKER pro tempore. The Speaker acknowledges receipt of the Pennsylvania Department of Health's Maternal Death Report for the years 1999 and 2000 as required by the Abortion Control Act.

\* \* \*

The Speaker acknowledges receipt of the Pennsylvania State Plan for the Control, Prevention, Intervention, Treatment, Rehabilitation, Research, Education and Training Aspects of Drug and Alcohol Abuse and Dependence Problems for State Fiscal Year 2002-2003 and the annual report covering the period July 2001 through June 2002 as required by the Pennsylvania Drug and Alcohol Abuse Control Act.

(Copies of communications are on file with the Journal clerk.)

### COMMUNICATION FROM DEPARTMENT OF EDUCATION

The SPEAKER pro tempore. The Speaker acknowledges receipt of the Pennsylvania Department of Education's Office of Safe Schools report entitled "Violence and Weapons Possession in Pennsylvania's Schools" for the 2001-2002 school year.

(Copy of communication is on file with the Journal clerk.)

### COMMUNICATION FROM DEPARTMENT OF PUBLIC WELFARE

The SPEAKER pro tempore. The Speaker acknowledges receipt of the Child Abuse Annual Report for 2002 submitted by the Pennsylvania Department of Public Welfare.

(Copy of communication is on file with the Journal clerk.)

**COMMUNICATION FROM  
INSURANCE FRAUD  
PREVENTION AUTHORITY**

The SPEAKER pro tempore. The Speaker acknowledges receipt of the annual report of the Insurance Fraud Prevention Authority for 2001-2002.

(Copy of communication is on file with the Journal clerk.)

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

**HB 1326, PN 1888** (Amended) By Rep. CLYMER

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for compensation laws allowed to General Assembly relating to medical professional liability actions.

STATE GOVERNMENT.

**LEAVES OF ABSENCE**

The SPEAKER pro tempore. Are there any requests for leaves of absence?

The Chair recognizes the majority whip. The majority whip asks for the following gentlemen to be placed on leave today: Representative PERZEL from Philadelphia County and Representative STEIL from Bucks County.

The Chair recognizes the gentleman, Mr. Coy, who requests leave for the gentleman, Mr. VEON, from Beaver County and Mr. CRUZ from Philadelphia County.

Without objection, the leaves are granted.

**MASTER ROLL CALL**

The SPEAKER pro tempore. The Chair is about to take the master roll call. Members, please proceed to vote.

The following roll call was recorded:

**PRESENT—196**

Adolph	Egolf	Leh	Ross
Allen	Evans, D.	Lescovitz	Rublely
Argall	Evans, J.	Levdansky	Ruffing
Armstrong	Fabrizio	Lewis	Sainato
Baker	Fairchild	Lynch	Samuelson
Baldwin	Feese	Mackereth	Santoni
Bard	Fichter	Maher	Sather
Barrar	Fleagle	Maitland	Saylor
Bastian	Flick	Major	Scavello
Bebko-Jones	Forcier	Manderino	Schroder
Belardi	Frankel	Mann	Scrimenti
Belfanti	Freeman	Markosek	Semmel
Benninghoff	Gabig	Marsico	Shaner
Biancucci	Gannon	McCall	Smith, B.
Birmelin	Geist	McGeehan	Smith, S. H.
Bishop	George	McGill	Solobay
Blaum	Gergely	McIlhattan	Staback
Boyd	Gillespie	McIlhinney	Stairs
Browne	Gingrich	McNaughton	Stern
Bunt	Godshall	Melio	Stetler
Butkovitz	Goodman	Metcalfe	Stevenson, R.
Buxton	Gordner	Micozzie	Stevenson, T.
Caltagirone	Grucela	Miller, R.	Sturla

Cappelli	Gruitza	Miller, S.	Surra
Casorio	Habay	Mundy	Tangretti
Causer	Haluska	Myers	Taylor, E. Z.
Cawley	Hanna	Nailor	Taylor, J.
Civera	Harhai	Nickol	Thomas
Clymer	Harhart	O'Brien	Tigue
Cohen	Harper	Oliver	Travaglio
Coleman	Harris	O'Neill	True
Cornell	Hasay	Pallone	Turzai
Corrigan	Hennessey	Payne	Vance
Costa	Herman	Petrarca	Vitali
Coy	Hershey	Petri	Walko
Crahalla	Hess	Petrone	Wansacz
Creighton	Hickernell	Phillips	Washington
Curry	Horsey	Pickett	Waters
Dailey	Hutchinson	Pistella	Watson
Daley	James	Preston	Weber
Dally	Josephs	Raymond	Wheatley
DeLuca	Keller	Readshaw	Williams
Denlinger	Kenney	Reed	Wilt
Dermody	Kirkland	Reichley	Wojnaroski
DeWeese	Kotik	Rieger	Wright
DiGirolamo	LaGrotta	Roberts	Yewcic
Diven	Laughlin	Roebuck	Youngblood
Donatucci	Leach	Rohrer	Yudichak
Eachus	Lederer	Rooney	Zug

ADDITIONS—0

NOT VOTING—0

EXCUSED—4

Cruz	Steil	Veon	Perzel, Speaker
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LEAVES ADDED—1

Washington

**COMMUNICATION FROM SPEAKER**

The SPEAKER pro tempore. A communication from the Speaker of the House, which the clerk will read.

The following communication was read:

House of Representatives  
Commonwealth of Pennsylvania  
Harrisburg

June 2, 2003

To the Honorable House of Representatives:

This is to inform you that I have made the following Committee Chairmen appointments:

Honorable Robert Flick – Finance  
Honorable Robert Allen – Labor Relations

Sincerely,  
John M. Perzel  
The Speaker



### GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair would like to recognize Marikate Harrison, a fifth grade student from Mount Lebanon Township in Pittsburgh. Marikate attends St. Bernard School and is here today with her parents, Robert and Joan; her sister, Elizabeth; and her teacher, Helen Grace. They are all seated in the back of the hall of the House. She is the winner of Representative Tom Stevenson's fifth annual "There Ought To Be a Law" program. Would these folks please rise and be recognized by the House.

The Chair would also like to welcome Amy Abramowicz. She is the guest of Representative Tom Caltagirone. She is seated to the left of the Speaker. Amy, would you please stand to be recognized.

The Chair also welcomes Mr. Jim Kress and his wife, Sara, of Erie County. They are the guests of Representative John Evans, and they are seated in the balcony. Would you folks please stand and be recognized.

### BRUCE BAUMGARTNER PRESENTED

The SPEAKER pro tempore. The Chair would like to recognize Representative John Evans for the purpose of presenting a citation.

Mr. J. EVANS. Thank you, Mr. Speaker.

It is a distinct pleasure for me today to introduce and honor Mr. Bruce Baumgartner, a United States Olympic champion and, by far, one of the greatest wrestlers from our great Commonwealth. Today we honor him not just for his talents on the wrestling mat but for his dedication to the sport.

Bruce has been hailed as the greatest freestyle heavyweight wrestler in American history. He is one of just eight athletes in U.S. history to medal in four different Olympiads. He won his first gold medal in Los Angeles in 1984, America's first in 60 years of super heavyweight wrestling.

He followed with a silver medal performance at the 1988 games in Seoul, South Korea, and 4 years later, he became the first American wrestler to ever medal in three consecutive Olympics when he won the gold for the second time in Barcelona, Spain, in 1992.

Before taking the mats in Atlanta in 1996, Bruce was honored by his fellow United States Olympic athletes when he was chosen to be captain of the U.S.A. Olympic team and to carry the American flag for the games' opening ceremonies.

He later won a bronze medal in Atlanta and has now captured 13 world and Olympic medals, more than any other freestyle wrestler in history. He shared the mark of 12 world-level medals with Alexander Medved of the former Soviet Union but now stands alone at the top.

To list his many accomplishments and honors, we would literally be here all afternoon. But among the most notable accomplishments, Bruce was honored as the winner of the James E. Sullivan Award in 1995 as the outstanding amateur athlete in the United States and was inducted into the National Wrestling Hall of Fame in 2002.

He had not lost to an American wrestler from 1981 through his retirement from competition in 1997, a span of more than 17 years.

Bruce is currently the director of athletics at Edinboro University after having coached for 13 years there, with 7 of

those years as a head coach. In 1997 he led the Fighting Scots to a 14-and-0 dual meet record, the best in school history, and a sixth-place team finish at the NCAA Division I championships.

Now, in addition to his accomplishments in athletics, Bruce performs a great deal of community service as a motivational speaker. He has been invited to various corporations, businesses, and conferences to deliver speeches that reflect his dedication and work in wrestling. He is a community leader in the town of Edinboro and in northwestern Pennsylvania.

I would like to also introduce Bruce's father, who is with us today, Mr. Robert Baumgartner. Mr. Baumgartner, would you stand please.

And it is indeed a true honor for me to present this special House citation today to Olympic champion Bruce Baumgartner. Bruce.

Mr. BAUMGARTNER. I would like to thank everyone here for this great honor. It has been a thrill representing the United States of America and our State of Pennsylvania. I am currently the athletic director at Edinboro University of Pennsylvania, one of our State institutions, and thank you very much for your support and this great honor.

Thank you, and have a great day.

### DICK WINTERS PRESENTED

The SPEAKER pro tempore. The Chair would like to call your attention to a special guest that we are having today. Many of the members who were here last session remember that we made a special presentation to some of the remaining soldiers who were the gentlemen written about in Stephen Ambrose's book, the "Band of Brothers." One of those gentlemen was not able to be here last year, but he is with us this year, and we would like you to give him your special attention, if you would, please.

Please take your seats, members.

We are going to call on Representative John Payne to come to the podium and to introduce our special guest today. Representative Payne.

Mr. PAYNE. Thank you, Mr. Speaker.

Colleagues in the House, it is my great honor today to introduce a man who is known throughout not just this Commonwealth but the country and around the world for his sacrifice and his bravery during World War II.

This is truly a once-in-a-lifetime moment for me today as I honor a man who is one of the inspirations behind the critically acclaimed novel and subsequent HBO miniseries "Band of Brothers," the true story of the soldiers of Easy Company, the 101st Airborne, 506th Parachute Infantry Regiment.

Today it is my privilege to honor Dick Winters of Hershey, Major Winters in the book and in the movie "Band of Brothers."

His story, which he kept alive through diaries, details the exact exploits of him and his colleagues during World War II. He wrote about parachuting behind the German lines in France on D-day, the fighting at the Battle of the Bulge, and the liberation of death camps and the eventual capture of Hitler's Eagle's Nest.

I came across this quote this morning in reviewing Dick's book, Ambrose's book about Dick: "In combat, your reward for a good job done is that you get the next tough

mission. E Company kept right on getting the job done through Holland – Bastogne – Germany. The result of sharing all that stress throughout training and combat has created a bond between the men of E Company that will last forever.”

When we honored the company back in 2001, Mr. Winters could not be here. I am pleased he was able to join us today. I thank you for your attention, and I cannot help but quote, as one of the men in his unit when asked by his grandson, “Grandpa, were you a hero in the war?” And the answer was, “No, but I served in a company of heroes.”

It is my privilege to tell you that Dick Winters is a hero to all Pennsylvanians and all Americans, and it is my privilege to give you this citation, Major, and thank you very much for being here today.

The SPEAKER pro tempore. On second consideration, Mr. Winters would like to have the opportunity to say a few words to us. Members, please give Mr. Winters your attention.

Mr. WINTERS. Second consideration, and I will offer to say a word, and my thoughts go something like this: I represent the Army here, and as such, Company E, and we were a band of brothers. By working together as a band of brothers, we did get the job done, and then we got the next tough job.

I am asking you, gentlemen— Well, to expand on that, just another thought: We were taking care of securing for the country, all of our society, the freedom of speech and the freedom of religion, and you, gentlemen, your responsibility is to secure for our community, our society, the freedom, the freedoms, the freedom of – I am stuck for words here – your responsibility is to work together as a band of brothers to secure for our society the freedom of justice and the freedom from want, and if you can work together, I think you can do a lot better job, if you do it as a band of brothers, to secure for our society that freedom from want and that freedom from fear.

Thank you. I am sorry I fouled it up, but that is my message.

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

**HB 888, PN 1889** (Amended) By Rep. KENNEY

An Act providing for pharmaceutical assistance for the elderly, for pharmaceutical purchasing, for limited prescription drug redistribution within certain health care facilities and for the Pharmaceutical Assistance Clearinghouse; imposing additional powers and duties on the Department of Aging, the Department of Health, the Department of Public Welfare and the Secretary of Administration; and making repeals.

HEALTH AND HUMAN SERVICES.

**CALENDAR**

**RESOLUTIONS PURSUANT TO RULE 35**

Mr. BAKER called up **HR 284, PN 1818**, entitled:

A Resolution urging the observance of May 31, 2003, as “World No Tobacco Day.”

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

**YEAS—196**

Adolph	Egolf	Leh	Ross
Allen	Evans, D.	Lescovitz	Rubley
Argall	Evans, J.	Levdansky	Ruffing
Armstrong	Fabrizio	Lewis	Sainato
Baker	Fairchild	Lynch	Samuelson
Baldwin	Feese	Mackereth	Santoni
Bard	Fichter	Maher	Sather
Barrar	Fleagle	Maitland	Saylor
Bastian	Flick	Major	Scavello
Bebko-Jones	Forcier	Manderino	Schroder
Belardi	Frankel	Mann	Scrimenti
Belfanti	Freeman	Markosek	Semmel
Benninghoff	Gabig	Marsico	Shaner
Biancucci	Gannon	McCall	Smith, B.
Birmelin	Geist	McGeehan	Smith, S. H.
Bishop	George	McGill	Solobay
Blaum	Gergely	McIlhattan	Staback
Boyd	Gillespie	McIlhinney	Stairs
Browne	Gingrich	McNaughton	Stern
Bunt	Godshall	Melio	Stetler
Butkovitz	Goodman	Metcalfe	Stevenson, R.
Buxton	Gordner	Micozzie	Stevenson, T.
Caltagirone	Grucela	Miller, R.	Sturla
Cappelli	Gruitza	Miller, S.	Surra
Casorio	Habay	Mundy	Tangretti
Causer	Haluska	Myers	Taylor, E. Z.
Cawley	Hanna	Nailor	Taylor, J.
Civera	Harhai	Nickol	Thomas
Clymer	Harhart	O’Brien	Tigue
Cohen	Harper	Oliver	Travaglio
Coleman	Harris	O’Neill	True
Cornell	Hasay	Pallone	Turzai
Corrigan	Hennessey	Payne	Vance
Costa	Herman	Petrarca	Vitali
Coy	Hershey	Petri	Walko
Crahalla	Hess	Petrone	Wansacz
Creighton	Hickernell	Phillips	Washington
Curry	Horsey	Pickett	Waters
Dailey	Hutchinson	Pistella	Watson
Daley	James	Preston	Weber
Dally	Josephs	Raymond	Wheatley
DeLuca	Keller	Readshaw	Williams
Denlinger	Kenney	Reed	Wilt
Dermody	Kirkland	Reichley	Wojnaroski
DeWeese	Kotik	Rieger	Wright
DiGirolamo	LaGrotta	Roberts	Yewcic
Diven	Laughlin	Roebuck	Youngblood
Donatucci	Leach	Rohrer	Yudichak
Eachus	Lederer	Rooney	Zug

**NAYS—0**

**NOT VOTING—0**

**EXCUSED—4**

Cruz	Steil	Veon	Perzel, Speaker
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The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

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Mr. CIVERA called up **HR 285, PN 1819**, entitled:

A Resolution recognizing the contribution of Greek Macedonia to the world and the contributions of Americans of Greek Macedonian descent to the nation and this Commonwealth.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

Adolph	Egolf	Leh	Ross
Allen	Evans, D.	Lescovitz	Rubley
Argall	Evans, J.	Levdansky	Ruffing
Armstrong	Fabrizio	Lewis	Sainato
Baker	Fairchild	Lynch	Samuelson
Baldwin	Feese	Mackereth	Santoni
Bard	Fichter	Maher	Sather
Barrar	Fleagle	Maitland	Saylor
Bastian	Flick	Major	Scavello
Bebko-Jones	Forcier	Manderino	Schroder
Belardi	Frankel	Mann	Scrimenti
Belfanti	Freeman	Markosek	Semmel
Benninghoff	Gabig	Marsico	Shaner
Biancucci	Gannon	McCall	Smith, B.
Birmelin	Geist	McGeehan	Smith, S. H.
Bishop	George	McGill	Solobay
Blaum	Gergely	McIlhattan	Staback
Boyd	Gillespie	McIlhinney	Stairs
Browne	Gingrich	McNaughton	Stern
Bunt	Godshall	Melio	Stetler
Butkovitz	Goodman	Metcalfe	Stevenson, R.
Buxton	Gordner	Micozzie	Stevenson, T.
Caltagirone	Grucela	Miller, R.	Sturla
Cappelli	Gruitza	Miller, S.	Surra
Casorio	Habay	Mundy	Tangretti
Causer	Haluska	Myers	Taylor, E. Z.
Cawley	Hanna	Nailor	Taylor, J.
Civera	Harhai	Nickol	Thomas
Clymer	Harhart	O'Brien	Tigue
Cohen	Harper	Oliver	Travaglio
Coleman	Harris	O'Neill	True
Cornell	Hasay	Pallone	Turzai
Corrigan	Hennessey	Payne	Vance
Costa	Herman	Petrarca	Vitali
Coy	Hershey	Petri	Walko
Crahalla	Hess	Petrone	Wansacz
Creighton	Hickernell	Phillips	Washington
Curry	Horsey	Pickett	Waters
Dailey	Hutchinson	Pistella	Watson
Daley	James	Preston	Weber
Dally	Josephs	Raymond	Wheatley
DeLuca	Keller	Readshaw	Williams
Denlinger	Kenney	Reed	Wilt
Dermody	Kirkland	Reichley	Wojnaroski
DeWeese	Kotik	Rieger	Wright
DiGirolamo	LaGrotta	Roberts	Yewcic
Diven	Laughlin	Roebuck	Youngblood
Donatucci	Leach	Rohrer	Yudichak
Eachus	Lederer	Rooney	Zug

NAYS—0

NOT VOTING—0

EXCUSED—4

Cruz	Steil	Veon	Perzel, Speaker
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The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

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Mr. CLYMER called up **HR 286, PN 1820**, entitled:

A Resolution congratulating former Governor Tom Ridge on becoming the first Secretary of the Department of Homeland Security.

On the question,  
Will the House adopt the resolution?

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

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, if I could just mention the fact that I think we can all be proud that a former Governor from Pennsylvania, be it Republican or Democrat, has gone on to an important position at the Federal level and has done such a wonderful job, involved in the security of the citizens of the United States. I think that is something we can all be proud of, and I appreciate all the members who supported this resolution to convey to the former Governor, Tom Ridge, our thanks and appreciation for the good job he is doing.

Thank you.

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

The following roll call was recorded:

YEAS—196

Adolph	Egolf	Leh	Ross
Allen	Evans, D.	Lescovitz	Rubley
Argall	Evans, J.	Levdansky	Ruffing
Armstrong	Fabrizio	Lewis	Sainato
Baker	Fairchild	Lynch	Samuelson
Baldwin	Feese	Mackereth	Santoni
Bard	Fichter	Maher	Sather
Barrar	Fleagle	Maitland	Saylor
Bastian	Flick	Major	Scavello
Bebko-Jones	Forcier	Manderino	Schroder
Belardi	Frankel	Mann	Scrimenti
Belfanti	Freeman	Markosek	Semmel
Benninghoff	Gabig	Marsico	Shaner
Biancucci	Gannon	McCall	Smith, B.
Birmelin	Geist	McGeehan	Smith, S. H.
Bishop	George	McGill	Solobay
Blaum	Gergely	McIlhattan	Staback
Boyd	Gillespie	McIlhinney	Stairs
Browne	Gingrich	McNaughton	Stern
Bunt	Godshall	Melio	Stetler
Butkovitz	Goodman	Metcalfe	Stevenson, R.
Buxton	Gordner	Micozzie	Stevenson, T.
Caltagirone	Grucela	Miller, R.	Sturla
Cappelli	Gruitza	Miller, S.	Surra
Casorio	Habay	Mundy	Tangretti
Causer	Haluska	Myers	Taylor, E. Z.
Cawley	Hanna	Nailor	Taylor, J.
Civera	Harhai	Nickol	Thomas
Clymer	Harhart	O'Brien	Tigue
Cohen	Harper	Oliver	Travaglio
Coleman	Harris	O'Neill	True
Cornell	Hasay	Pallone	Turzai
Corrigan	Hennessey	Payne	Vance
Costa	Herman	Petrarca	Vitali

Coy	Hershey	Petri	Walko
Crahalla	Hess	Petrone	Wansacz
Creighton	Hickernell	Phillips	Washington
Curry	Horsley	Pickett	Waters
Dailey	Hutchinson	Pistella	Watson
Daley	James	Preston	Weber
Dally	Josephs	Raymond	Wheatley
DeLuca	Keller	Readshaw	Williams
Denlinger	Kenney	Reed	Wilt
Dermody	Kirkland	Reichley	Wojnaroski
DeWeese	Kotik	Rieger	Wright
DiGirolamo	LaGrotta	Roberts	Yewcic
Diven	Laughlin	Roebuck	Youngblood
Donatucci	Leach	Rohrer	Yudichak
Eachus	Lederer	Rooney	Zug

NAYS-0

NOT VOTING-0

EXCUSED-4

Cruz	Steil	Veon	Perzel, Speaker
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The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

\* \* \*

Mr. ARMSTRONG called up **HR 287, PN 1821**, entitled:

A Resolution honoring fathers on Father's Day.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-196

Adolph	Egolf	Leh	Ross
Allen	Evans, D.	Lescovitz	Rubley
Argall	Evans, J.	Levdansky	Ruffing
Armstrong	Fabrizio	Lewis	Sainato
Baker	Fairchild	Lynch	Samuelson
Baldwin	Feese	Mackereth	Santoni
Bard	Fichter	Maher	Sather
Barrar	Fleagle	Maitland	Saylor
Bastian	Flick	Major	Scavello
Bebko-Jones	Forcier	Manderino	Schroder
Belardi	Frankel	Mann	Scrimenti
Belfanti	Freeman	Markosek	Semmel
Benninghoff	Gabig	Marsico	Shaner
Bianucci	Gannon	McCall	Smith, B.
Birmelin	Geist	McGeehan	Smith, S. H.
Bishop	George	McGill	Solobay
Blaum	Gergely	McIlhattan	Staback
Boyd	Gillespie	McIlhinney	Stairs
Browne	Gingrich	McNaughton	Stern
Bunt	Godshall	Melio	Stetler
Butkovitz	Goodman	Metcalfe	Stevenson, R.
Buxton	Gordner	Micozzie	Stevenson, T.
Caltagirone	Grucela	Miller, R.	Sturla
Cappelli	Gruitza	Miller, S.	Surra
Casorio	Habay	Mundy	Tangretti
Causler	Haluska	Myers	Taylor, E. Z.
Cawley	Hanna	Nailor	Taylor, J.
Civera	Harhai	Nickol	Thomas

Clymer	Harhart	O'Brien	Tigue
Cohen	Harper	Oliver	Travaglio
Coleman	Harris	O'Neill	True
Cornell	Hasay	Pallone	Turzai
Corrigan	Hennessey	Payne	Vance
Costa	Herman	Petrarca	Vitali
Coy	Hershey	Petri	Walko
Crahalla	Hess	Petrone	Wansacz
Creighton	Hickernell	Phillips	Washington
Curry	Horsley	Pickett	Waters
Dailey	Hutchinson	Pistella	Watson
Daley	James	Preston	Weber
Dally	Josephs	Raymond	Wheatley
DeLuca	Keller	Readshaw	Williams
Denlinger	Kenney	Reed	Wilt
Dermody	Kirkland	Reichley	Wojnaroski
DeWeese	Kotik	Rieger	Wright
DiGirolamo	LaGrotta	Roberts	Yewcic
Diven	Laughlin	Roebuck	Youngblood
Donatucci	Leach	Rohrer	Yudichak
Eachus	Lederer	Rooney	Zug

NAYS-0

NOT VOTING-0

EXCUSED-4

Cruz	Steil	Veon	Perzel, Speaker
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The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

SUPPLEMENTAL CALENDAR A

RESOLUTIONS PURSUANT TO RULE 35

Mr. SURRA called up **HR 294, PN 1847**, entitled:

A Resolution honoring Ronald J. Luchini of Kersey, Pennsylvania, for his bravery and invaluable assistance in the apprehension of two bank robbery suspects.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-196

Adolph	Egolf	Leh	Ross
Allen	Evans, D.	Lescovitz	Rubley
Argall	Evans, J.	Levdansky	Ruffing
Armstrong	Fabrizio	Lewis	Sainato
Baker	Fairchild	Lynch	Samuelson
Baldwin	Feese	Mackereth	Santoni
Bard	Fichter	Maher	Sather
Barrar	Fleagle	Maitland	Saylor
Bastian	Flick	Major	Scavello
Bebko-Jones	Forcier	Manderino	Schroder
Belardi	Frankel	Mann	Scrimenti
Belfanti	Freeman	Markosek	Semmel
Benninghoff	Gabig	Marsico	Shaner
Bianucci	Gannon	McCall	Smith, B.
Birmelin	Geist	McGeehan	Smith, S. H.
Bishop	George	McGill	Solobay
Blaum	Gergely	McIlhattan	Staback

Boyd	Gillespie	McIlhinney	Stairs
Browne	Gingrich	McNaughton	Stern
Bunt	Godshall	Melio	Stetler
Butkovitz	Goodman	Metcalfe	Stevenson, R.
Buxton	Gordner	Micozzie	Stevenson, T.
Caltagirone	Grucela	Miller, R.	Sturla
Cappelli	Gruitza	Miller, S.	Surra
Casorio	Habay	Mundy	Tangretti
Causer	Haluska	Myers	Taylor, E. Z.
Cawley	Hanna	Nailor	Taylor, J.
Civera	Harhai	Nickol	Thomas
Clymer	Harhart	O'Brien	Tigue
Cohen	Harper	Oliver	Travaglio
Coleman	Harris	O'Neill	True
Cornell	Hasay	Pallone	Turzai
Corrigan	Hennessey	Payne	Vance
Costa	Herman	Petrarca	Vitali
Coy	Hershey	Petri	Walko
Crahalla	Hess	Petrone	Wansacz
Creighton	Hickernell	Phillips	Washington
Curry	Horsey	Pickett	Waters
Dailey	Hutchinson	Pistella	Watson
Daley	James	Preston	Weber
Dally	Josephs	Raymond	Wheatley
DeLuca	Keller	Readshaw	Williams
Denlinger	Kenney	Reed	Wilt
Dermody	Kirkland	Reichley	Wojnaroski
DeWeese	Kotik	Rieger	Wright
DiGirolo	LaGrotta	Roberts	Yewcic
Diven	Laughlin	Roebuck	Youngblood
Donatucci	Leach	Rohrer	Yudichak
Eachus	Lederer	Rooney	Zug

NAYS-0

NOT VOTING-0

EXCUSED-4

Cruz	Steil	Veon	Perzel, Speaker
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The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

\* \* \*

Mr. CAUSER called up **HR 297, PN 1868**, entitled:

A Resolution honoring the Borough of Smethport, county seat of McKean County, on its 150th anniversary.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-196

Adolph	Egolf	Leh	Ross
Allen	Evans, D.	Lescovitz	Rubley
Argall	Evans, J.	Levdansky	Ruffing
Armstrong	Fabrizio	Lewis	Sainato
Baker	Fairchild	Lynch	Samuelson
Baldwin	Feese	Mackereth	Santoni
Bard	Fichter	Maher	Sather
Barrar	Fleagle	Maitland	Saylor
Bastian	Flick	Major	Scavello
Bebko-Jones	Forcier	Manderino	Schroder

Belardi	Frankel	Mann	Scrimenti
Belfanti	Freeman	Markosek	Semmel
Benninghoff	Gabig	Marsico	Shaner
Biancucci	Gannon	McCall	Smith, B.
Birmelin	Geist	McGeehan	Smith, S. H.
Bishop	George	McGill	Solobay
Blaum	Gergely	McIlhattan	Staback
Boyd	Gillespie	McIlhinney	Stairs
Browne	Gingrich	McNaughton	Stern
Bunt	Godshall	Melio	Stetler
Butkovitz	Goodman	Metcalfe	Stevenson, R.
Buxton	Gordner	Micozzie	Stevenson, T.
Caltagirone	Grucela	Miller, R.	Sturla
Cappelli	Gruitza	Miller, S.	Surra
Casorio	Habay	Mundy	Tangretti
Causer	Haluska	Myers	Taylor, E. Z.
Cawley	Hanna	Nailor	Taylor, J.
Civera	Harhai	Nickol	Thomas
Clymer	Harhart	O'Brien	Tigue
Cohen	Harper	Oliver	Travaglio
Coleman	Harris	O'Neill	True
Cornell	Hasay	Pallone	Turzai
Corrigan	Hennessey	Payne	Vance
Costa	Herman	Petrarca	Vitali
Coy	Hershey	Petri	Walko
Crahalla	Hess	Petrone	Wansacz
Creighton	Hickernell	Phillips	Washington
Curry	Horsey	Pickett	Waters
Dailey	Hutchinson	Pistella	Watson
Daley	James	Preston	Weber
Dally	Josephs	Raymond	Wheatley
DeLuca	Keller	Readshaw	Williams
Denlinger	Kenney	Reed	Wilt
Dermody	Kirkland	Reichley	Wojnaroski
DeWeese	Kotik	Rieger	Wright
DiGirolo	LaGrotta	Roberts	Yewcic
Diven	Laughlin	Roebuck	Youngblood
Donatucci	Leach	Rohrer	Yudichak
Eachus	Lederer	Rooney	Zug

NAYS-0

NOT VOTING-0

EXCUSED-4

Cruz	Steil	Veon	Perzel, Speaker
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The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

**COMMERCE COMMITTEE MEETING**

The SPEAKER pro tempore. The Chair would like to announce that, for your information by Representative Hasay, the Commerce Committee will be meeting at 1:45 in room 205 in the Ryan Office Building; that is Commerce Committee, room 205, meeting at 1:45.

**EDUCATION COMMITTEE MEETING**

The SPEAKER pro tempore. The Chair would also like to announce that Chairman Stairs of the Education Committee has called for a meeting of his committee at 2 o'clock in room 205, Ryan Office Building; that is the Education Committee, 2 o'clock, in room 205, Ryan Office Building.

**FINANCE COMMITTEE MEETING**

The SPEAKER pro tempore. Chairman Flick of the Finance Committee has called for a meeting of the Finance Committee at 2:15 today at room 205 in the Ryan Office Building; that is the Finance Committee is meeting at 2:15 in room 205 in the Ryan Office Building.

**JUDICIARY COMMITTEE MEETING**

The SPEAKER pro tempore. Chairman O'Brien of the Judiciary Committee calls for a meeting at 2:30 in room 205 of the Ryan Office Building; that is Judiciary Committee meeting at 2:30 in room 205 of the Ryan Office Building.

**APPROPRIATIONS COMMITTEE MEETING**

The SPEAKER pro tempore. The Chair recognizes the Appropriations chairman, Representative Argall, for the purpose of an announcement.

Mr. ARGALL. Thank you, Mr. Speaker.

At the declaration of the recess, the House Appropriations Committee will meet in room 245.

The SPEAKER pro tempore. The Appropriations Committee will be meeting in room 245 at the recess of the House.

**REPUBLICAN CAUCUS**

The SPEAKER pro tempore. The Chair recognizes the lady, Representative Elinor Taylor, for the purpose of an announcement for caucus.

Mrs. TAYLOR. Mr. Speaker, at the declaration of recess, the Republican majority caucus will meet at 2:30. We will probably want to have an hour to an hour-and-a-half caucus.

Thank you, Mr. Speaker.

**DEMOCRATIC CAUCUS**

The SPEAKER pro tempore. The Chair recognizes Representative Cohen for the purpose of announcing a Democratic caucus.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, the Democrats will also caucus at 2:30. I think coming back on the floor at 4 o'clock would be reasonable.

The SPEAKER pro tempore. 3:30 is what we are planning.

Mr. COHEN. 3:30. Okay. We will see if we can get it done by then.

**COMMERCE COMMITTEE MEETING**

The SPEAKER pro tempore. The Chair recognizes Representative Hasay.

Mr. HASAY. Thank you, Mr. Speaker.

Mr. Speaker, I would just like to remind the members of the House Commerce Committee, there is a meeting immediately in room 205 of the Ryan Building. Members of the House Commerce Committee, there is a meeting immediately in room 205 of the Ryan Building.

Thank you, Mr. Speaker.

**FINANCE COMMITTEE MEETING**

The SPEAKER pro tempore. The Chair recognizes Representative Flick.

Mr. FLICK. Thank you, Mr. Speaker.

I do not think many of the members were paying attention when you announced the Finance Committee would meet in room 205, Ryan Office Building. That meeting will be at 2:15, and I would like all members of the Finance Committee to be there. We will have some very important discussions, and I thank you for your attention.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Let me make that announcement one more time.

Members, please pay attention. These are committee meetings that are going to be held in rapid-fire succession, and you may be on one or more of those committees, and you will need to know when they meet, even though most of them are meeting in the same place.

So let me read those to you one more time: Commerce Committee, 1:45; Education Committee, 2 o'clock; Finance Committee, 2:15; and Judiciary, at 2:30. These are all in the Ryan Office Building, room 205.

**RECESS**

The SPEAKER pro tempore. Any further announcements by any of the chairmen or the leaders?

If not, the House stands in recess until 3:30 p.m., unless sooner recalled by the Chair.

**RECESS EXTENDED**

The time of recess was extended until 4 p.m.

**AFTER RECESS**

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

**REPORT OF  
COMMITTEE ON COMMITTEES**

The SPEAKER pro tempore. The clerk will read the following supplemental report of the Committee on Committees.

The following report was read:

**SUPPLEMENTAL REPORT  
COMMITTEE ON COMMITTEES**

In The Pennsylvania House of  
Representatives  
June 2, 2003

Resolved that:

Rep. Peter J. Daley II is elected a member of the Intergovernmental Affairs Committee vice Rep. T.J. Rooney resigned.

Rep. Michael McGeehan, Philadelphia County, is elected a member of the Finance Committee vice Rep. Tom Corrigan resigned.

Rep. Tom Corrigan, Bucks County, is elected a member of the Intergovernmental Affairs Committee vice Rep. Michael McGeehan resigned.

Respectfully submitted,  
Rep. Robert Freeman  
Democratic Chairman  
Committee on Committees

On the question,  
Will the House adopt the resolution?  
Resolution was adopted.

### CALENDAR CONTINUED

#### BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1091, PN 1282**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the issuance and renewal of nonresident commercial drivers' licenses.

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

#### BILL RECOMMITTED

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

Mr. S. SMITH. Mr. Speaker, I move that HB 1091 be rereferred to the Rules Committee.

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

#### BILLS REREPORTED FROM COMMITTEE

**HB 88, PN 107** By Rep. ARGALL

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, further providing for the schedule of compensation.

APPROPRIATIONS.

**HB 277, PN 1685** By Rep. ARGALL

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for information on child-care personnel; and providing for notice of arrest for school or child-care service employees.

APPROPRIATIONS.

**HB 309, PN 1568** By Rep. ARGALL

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for investigating performance of county agency, for annual reports to Governor and General Assembly and for reports to department and coroner.

APPROPRIATIONS.

**HB 317, PN 363** By Rep. ARGALL

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, reenacting provisions relating to child victims and witnesses; and updating a policy declaration.

APPROPRIATIONS.

**HB 348, PN 1546** By Rep. ARGALL

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, further providing for the payment of compensation to widows, widowers and children.

APPROPRIATIONS.

**HB 434, PN 1569** By Rep. ARGALL

An Act providing for certain rights of foster parents; and further providing for duties of county agencies and foster family care agencies.

APPROPRIATIONS.

**HB 521, PN 1817** By Rep. ARGALL

An Act amending the act of October 6, 1998 (P.L.705, No.92), known as the Keystone Opportunity Zone and Keystone Opportunity Expansion Zone Act, further providing for definitions, for keystone opportunity improvement zones and for expiration of act.

APPROPRIATIONS.

**HB 671, PN 786** By Rep. ARGALL

An Act amending the act of June 30, 1981 (P.L.128, No.43), known as the Agricultural Area Security Law, further providing for purchase of agricultural conservation easements; and abrogating a regulation.

APPROPRIATIONS.

**HB 744, PN 1758** By Rep. ARGALL

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 powers and duties of the State Board of Education; establishing the Board of Community Colleges; providing for the members, structure, powers and duties and chief executive officer of the Board of Community Colleges, for a Council of Presidents, for appropriations and allocation of funds and for audits; further providing for powers and duties of boards of trustees, for tuition and for financial program and reimbursement of payments; and providing for the transfer of contract obligations, records, property, supplies, equipment and funds to the Board of Community Colleges.

APPROPRIATIONS.

**HB 794, PN 926**

By Rep. ARGALL

An Act amending the act of June 29, 1953 (P.L.304, No.66), known as the Vital Statistics Law of 1953, further providing for the issuance of birth certificates to foreign born children who have become United States citizens.

APPROPRIATIONS.

**HB 1026, PN 1570**

By Rep. ARGALL

An Act requiring all child day-care facilities in this Commonwealth to have one or more persons competent in first aid techniques and under certain circumstances cardiopulmonary resuscitation (CPR) at the facility when one or more children are in care.

APPROPRIATIONS.

**HB 1133, PN 1335**

By Rep. ARGALL

An Act amending act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, further providing for definitions, for property held by courts, public officers and agencies and for depositing funds relating to abandoned and unclaimed property.

APPROPRIATIONS.

**HB 1227, PN 1548**

By Rep. ARGALL

An Act authorizing the Commonwealth of Pennsylvania to join the Interstate Compact for Juveniles; providing for the form of the compact; imposing additional powers and duties on the Governor, the Secretary of the Commonwealth and the Compact; establishing the State Council for Interstate Juvenile Supervision; providing for appointment of an administrator and for compensation and expenses of administrator; and making a repeal.

APPROPRIATIONS.

**HB 1406, PN 1740**

By Rep. ARGALL

An Act designating political subdivisions as rural areas for purposes of Medicare hospital service payments.

APPROPRIATIONS.

**HB 1446, PN 1793**

By Rep. ARGALL

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for compensation laws allowed to General Assembly relating to medical professional liability actions.

APPROPRIATIONS.

**HB 1455, PN 1805**

By Rep. ARGALL

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for compensation laws allowed to the General Assembly.

APPROPRIATIONS.

**SUPPLEMENTAL CALENDAR B**

**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 671, PN 786**, entitled:

An Act amending the act of June 30, 1981 (P.L.128, No.43), known as the Agricultural Area Security Law, further providing for purchase of agricultural conservation easements; and abrogating a regulation.

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?

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

The following roll call was recorded:

YEAS—196

Adolph	Egolf	Leh	Ross
Allen	Evans, D.	Lescovitz	Rublely
Argall	Evans, J.	Levdansky	Ruffing
Armstrong	Fabrizio	Lewis	Sainato
Baker	Fairchild	Lynch	Samuelson
Baldwin	Feese	Mackereth	Santoni
Bard	Fichter	Maher	Sather
Barrar	Fleagle	Maitland	Saylor
Bastian	Flick	Major	Scavello
Bebko-Jones	Forcier	Manderino	Schroder
Belardi	Frankel	Mann	Scrimenti
Belfanti	Freeman	Markosek	Semmel
Benninghoff	Gabig	Marsico	Shaner
Bianucci	Gannon	McCall	Smith, B.
Birmelin	Geist	McGeehan	Smith, S. H.
Bishop	George	McGill	Solobay
Blaum	Gergely	McIlhattan	Staback
Boyd	Gillespie	McIlhinney	Stairs
Browne	Gingrich	McNaughton	Stern
Bunt	Godshall	Melio	Stetler
Butkovitz	Goodman	Metcalfe	Stevenson, R.
Buxton	Gordner	Micozzie	Stevenson, T.
Caltagirone	Grucela	Miller, R.	Sturla
Cappelli	Gruitza	Miller, S.	Surra
Casorio	Habay	Mundy	Tangretti
Causar	Haluska	Myers	Taylor, E. Z.
Cawley	Hanna	Nailor	Taylor, J.
Civera	Harhai	Nickol	Thomas
Clymer	Harhart	O'Brien	Tigue
Cohen	Harper	Oliver	Travaglio
Coleman	Harris	O'Neill	True
Cornell	Hasay	Pallone	Turzai
Corrigan	Hennessey	Payne	Vance
Costa	Herman	Petrarca	Vitali
Coy	Hershey	Petri	Walko
Crahalla	Hess	Petrone	Wansacz
Creighton	Hickernell	Phillips	Washington
Curry	Horsely	Pickett	Waters
Dailey	Hutchinson	Pistella	Watson
Daley	James	Preston	Weber
Dally	Josephs	Raymond	Wheatley
DeLuca	Keller	Readshaw	Williams
Denlinger	Kenny	Reed	Wilt
Dermody	Kirkland	Reichley	Wojnaroski



DeWeese	Kotik	Rieger	Wright
DiGirolamo	LaGrotta	Roberts	Yewcic
Diven	Laughlin	Roebuck	Youngblood
Donatucci	Leach	Rohrer	Yudichak
Eachus	Lederer	Rooney	Zug

NAYS—0

NOT VOTING—0

EXCUSED—4

Cruz	Steil	Veon	Perzel, Speaker
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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 744, PN 1758**, 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 powers and duties of the State Board of Education; establishing the Board of Community Colleges; providing for the members, structure, powers and duties and chief executive officer of the Board of Community Colleges, for a Council of Presidents, for appropriations and allocation of funds and for audits; further providing for powers and duties of boards of trustees, for tuition and for financial program and reimbursement of payments; and providing for the transfer of contract obligations, records, property, supplies, equipment and funds to the Board of Community Colleges.

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

Mr. **BLAUM** offered the following amendment No. **A0678**:

Amend Title, page 1, line 5, by inserting after "providing"  
for background checks for prospective school  
employees and

Amend Bill, page 1, lines 18 through 20, by striking out all of  
said lines and inserting

Section 1. Section 111(e) of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, amended June 25, 1997 (P.L.297, No.30), is amended to read:

Section 111. Background Checks of Prospective Employees;  
Conviction of Employees of Certain Offenses.—\* \* \*

(e) No person subject to this act shall be employed in a public or private school, intermediate unit or area vocational-technical school where the report of criminal history record information indicates the applicant has been convicted[, within five (5) years immediately preceding the date of the report,] of any of the following offenses:

(1) An offense under one or more of the following provisions of Title 18 of the Pennsylvania Consolidated Statutes:

Chapter 25 (relating to criminal homicide).  
Section 2702 (relating to aggravated assault).  
Section 2709 (relating to harassment and stalking).  
Section 2901 (relating to kidnapping).  
Section 2902 (relating to unlawful restraint).  
Section 3121 (relating to rape).

Section 3122.1 (relating to statutory sexual assault).  
Section 3123 (relating to involuntary deviate sexual intercourse).

Section 3124.1 (relating to sexual assault).  
Section 3125 (relating to aggravated indecent assault).

Section 3126 (relating to indecent assault).

Section 3127 (relating to indecent exposure).

Section 4302 (relating to incest).

Section 4303 (relating to concealing death of child ).

Section 4304 (relating to endangering welfare of children).

Section 4305 (relating to dealing in infant children).

A felony offense under section 5902(b) (relating to prostitution and related offenses).

Section 5903(c) or (d) (relating to obscene and other sexual materials and performances).

Section 6301 (relating to corruption of minors).

Section 6312 (relating to sexual abuse of children).

(2) An offense designated as a felony under the act of April 14, 1972 (P.L.233, No.64), known as "The Controlled Substance, Drug, Device and Cosmetic Act."

(3) An out-of-State or Federal offense similar in nature to those crimes listed in clauses (1) and (2).

\* \* \*

Section 1.1. Section 1901-A of the act is amended by adding a clause to read:

Amend Sec. 7, page 21, lines 7 and 8, by striking out "July 1, 2003, or" in line 7 and all of line 8 and inserting as follows:

(1) This section shall take effect immediately.

(2) The amendment of section 111(e) of the act shall take effect in 60 days.

(3) The remainder of this act shall take effect July 1, 2003, or immediately, whichever is later.

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

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman, Mr. Blaum.

Mr. BLAUM. Thank you, Mr. Speaker.

Previously the General Assembly and previous Governors, we have closed the loophole regarding the hiring of those convicted felons if they work in foster care, day-care centers, any public or private children and youth organizations, our mental health-mental retardation organizations, and this includes education and teachers in that category. Those who would have been convicted of serious felonies in the past would not be permitted to educate our children, be bus drivers, work in and around children in the Commonwealth, be it custodians, et cetera. Those who would be convicted of these serious felonies would be prohibited from employment, and I ask the members for an affirmative vote.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Stairs, from Westmoreland County.

Mr. STAIRS. Thank you, Mr. Speaker.

I urge my colleagues to support this amendment and will agree that it is an amendment that helps make the bill stronger. Thank you.

The SPEAKER pro tempore. The Chair recognizes the lady, Ms. Manderino.

Ms. MANDERINO. Thank you, Mr. Speaker.

I am opposed to the amendment and just want to briefly call to members' attention my concerns about it, and they are twofold. One deals with the list of enumerated offenses, which

is a very broad list, and just to give you an example, a couple of years ago – and this has now been struck down by the Supreme Court – but a couple of years ago whenever we removed the look-back period for people working in nursing homes, I had met a number of constituents who came to me at the request of their nursing home who was having to let them go because we erased the look-back period for felonies such as aggravated assault. I had two constituents, one of which had been in a fight with another girl in school when they were both 18 years old over a boy, but it was an ag assault as a felony and therefore she was denied. Even though she had been an exemplary employee at her nursing home for the past 15 years, she was going to have to lose her job. I think that the ag assault can be a very, very broad area that could catch a lot of circumstances that you are not really thinking about when you initially think about this bill.

Also, for example, with the corruption of the morals of a minor, on the one hand at first glance that might seem very appropriate or innocuous, but if you can imagine your son or daughter – and youth make mistakes – being the 21-year-old at their frat house or at their apartment off campus and they are the ones that buy the beer and the party is busted and there were underage drinkers there, those often, when you have a young person, can lead to that kind of conviction for corruption of the morals of a minor. There are a lot of instances like that that I think that people will be caught in, and then you have to ask yourself, is that a reason to bar people from employment for their lifetime? And that is my second concern.

We are always saying that people deserve a chance to rehabilitate themselves and to make themselves productive members of society, and yet every year we pass another law making a whole nother profession out of reach of somebody for, in this case, a lifetime, and I just think a lifetime prohibition against working as a teacher, as a bus driver, as a cafeteria worker in a school or vo-tech setting is too broad of a time period. The list of enumerated crimes can catch some circumstances that we are not thinking of at first glance, and I just ask you to think about those, and those are the reasons that I am not voting for the amendment.

Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny County, Mr. Wheatley.

Mr. WHEATLEY. Mr. Speaker, I rise today opposed to this amendment. I am opposed to this amendment, one, for the simple reason, as I look back as an individual, I made a mistake in my life, and under this current proposed amendment, I would not be allowed to be employed as a teacher in the school system.

I ask the question to my colleagues that I really want you to ponder very seriously. Which one of us, which one of us in our lifetime can say that we have not made a mistake? Which one of us can say that one of our mistakes, had they been discovered, should be the mistake that prevents us from being employed in this profession?

Now, I ask the Speaker and I ask my colleagues to really consider what we are doing today. We are asking people who have made errors in their lives, we are asking them and we are telling them that we no longer want you to be productive citizens in our society. We would much rather for you to turn to another way to survive and to provide for your families.

There was some conversation as to if 5 years was enough time to look back on a person's past. Maybe 5 years is not the correct time, but is a lifetime the correct timeframe? I think we need to seriously, seriously consider this amendment. We need to consider the impact of what this amendment will have on the employability of people. We need to seriously consider this impact.

I would urge all of my colleagues, all of my colleagues, to vote "no" on this amendment. This amendment will lock people out. You will force people— You are eliminating people's choices. You will force them back to a life of crime. A person who has not committed another act, criminal act, for the past 10 years, past 7 years, 15 years, should not be held accountable forever. If someone can show you that they have changed their life around, they should be given the opportunity to work, not to limit their work.

So I would encourage you all to oppose this amendment. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Leach, from Montgomery County.

Mr. LEACH. Thank you. Thank you, Mr. Speaker.

I would just like to amplify the words of Mr. Wheatley, which I found to be very moving, and voice another concern, which is this: I can foresee circumstances where someone has been a teacher, for example, for 20, 25 years, has been a good teacher, has demonstrated that they have a real talent for working with kids, never had a single blemish on their record, and when they were hired, they were told – they checked, they did the 5-year background check, and they were fine.

This amendment contains no grandfather provision, which means that we can reopen the records of anybody who is already employed in these positions. And I can see a circumstance where someone is, for example, a tenured teacher and they are a good teacher, but because they have some political difference with the administration or some personality conflict, they can go back to issues that were long gone, long disposed of, and fire that person.

Now, Mr. Wheatley said, and I think he may be correct, there are some crimes for which 5 years may not be enough; there are some crimes for which a lifetime ban may be appropriate, but we have a list here that includes things like corruption of the morals of a minor. If you are 21 and you buy your 19-year-old girlfriend a beer, for the rest of your life, if you live to be 80 years old, you can never teach. Is that a rational thing to do?

I would suggest that if we defeat this amendment, we can revisit that, and I, for one, would support the idea of coming up with a very, a more narrow specific category of offenses that would have a, perhaps, longer but not lifetime tail that we could look at. Do we really want to say to people like Mr. Wheatley, who has turned his life around and is one of the exemplary members of this House, if he should ever leave the House, that he could never teach, that he could never work with kids? Does he deserve that?

I think, I am sure there is an incident or something that has engendered this legislation, but I just feel it is an unthought-out overreaction, and, you know, I urge you to vote "no" so we can revisit this issue.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes Representative Casorio from Westmoreland County.

Mr. CASORIO. Thank you, Mr. Speaker.

Mr. Speaker, I cannot even believe, quite frankly, we are having this discussion today. You know, those of us on this side of the aisle are always being labeled as soft on crime, soft on crime. Well, we have a chance today to counter that stereotype.

The gentleman, Mr. Blaum, has offered a substantive amendment that goes to the heart of what every working family with children throughout the Commonwealth of Pennsylvania thinks about on a day-to-day basis, Mr. Speaker.

Mr. Speaker, just let me read you a couple, just a couple of the crimes that the prime sponsor of this amendment is talking about that would bar, that would prohibit, individuals from being in public or private schools: aggravated assault, kidnapping, rape, statutory sexual assault, involuntary deviate sexual intercourse, indecent assault, concealing the death of a child, endangering the welfare of children. Mr. Speaker, these are infamous and heinous crimes; these are felonies, Mr. Speaker. These crimes should bar individuals from being in public and private schools.

We are not soft on crime in this body, and those of us on this side of the aisle today, Mr. Speaker, have a chance to tell the folks throughout the Commonwealth that we are going to stand up with you. We are going to say, if you are convicted of rape, you should not be in a public or private school, or if you have been convicted of concealing the death of a child, you should not be in a public or private school. It is just that simple, Mr. Speaker.

This is a no-brainer. We need to support this amendment, and we need to send a very clear, strong message to the people of Pennsylvania that we are not, in this body, going to knowingly send people into public schools or private schools to be around their children who have been convicted of these heinous criminal accounts, Mr. Speaker.

I urge that we stand in support of the gentleman, stand up for Pennsylvania's working families, and support the Blaum amendment.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Gabig, from Cumberland County.

Mr. GABIG. Thank you, Mr. Speaker.

Would the maker of the amendment please rise for interrogation?

The SPEAKER pro tempore. The gentleman, Mr. Blaum, indicates he is willing to stand for interrogation. You may proceed.

Mr. GABIG. Thank you, Mr. Speaker.

Representative Casorio, I think, hit on a lot of the questions that I had and answered a lot of the questions that he just went through, but could the gentleman tell us, Mr. Speaker, does this include all felonies under the Crimes Code? Does your amendment include all felonies under the Crimes Code?

Mr. BLAUM. Thank you, Mr. Speaker.

It includes the felonies which are listed in the amendment—

Mr. GABIG. So that, for example—

Mr. BLAUM. —which is—

Mr. GABIG. I am sorry.

Mr. BLAUM. —which is already in current statute involving day-care workers, foster parents, MH/MR, any facilities that involve working in or around children except in these educational settings, and that is what this amendment would do.

Mr. GABIG. Mr. Speaker, from the list that I looked at before I came to the floor, it did not seem to include, for example, retail theft. Did it?

Mr. BLAUM. No.

Mr. GABIG. It only included the major heinous crimes that I think Mr. Casorio went over and other crimes specifically where children were the targets of the crime. Is that correct, Mr. Speaker?

Mr. BLAUM. That is correct.

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

That answers my question. Thank you.

## LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair will return to leaves of absence at this time and recognizes the gentleman, Mr. Coy, who requests that Representative WASHINGTON, Philadelphia County, be put on leave. Without objection, the leave is approved.

## CONSIDERATION OF HB 744 CONTINUED

The SPEAKER pro tempore. At this point the Chair recognizes the gentleman, Mr. Thomas, from Philadelphia County.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to the Blaum amendment.

Mr. Speaker, I think my colleagues from Montgomery County and from Allegheny County outlined some very credible arguments as to why we should not entertain a lifetime ban on access to many for employment, but let me offer a couple other reasons why this amendment should be rejected out of hand.

Number one, Mr. Speaker, the courts have been very clear under Title VII complaints of the 1964 Civil Rights Act that these kinds of prohibitions when they do not have a direct correlation to the job in which an individual is applying or a job in which an individual will be working, then, Mr. Speaker, the prohibition is excessive and unnecessary. So, Mr. Speaker, if this amendment becomes law, then it is going to run into some major employment-related problems.

Secondly, Mr. Speaker, under our criminal laws, our evidentiary rules, laws of evidence, it is very clear that after a certain period of time, a crime is deemed stale. After 10 years a crime is deemed stale and a prosecutor is prohibited from using that stale crime to try and establish what a future pattern would be or what an existing pattern would be with respect to a defendant.

Mr. Speaker, there is some point, there is some point where we need to take a hard look at closing the door on access to meaningful employment opportunities. To provide for a lifetime ban, Mr. Speaker, is cruel, is harsh, and it is unusual and unnecessary.

Now, some of these crimes that are outlined in the bill should be nonnegotiable. I think sexual assaults on children should prohibit an individual from ever working in a child-care program, ever working in an elementary school, or ever working around kids. However, Mr. Speaker, a crime like prostitution, while it might be deemed— And I am reminded of a situation in southeastern Pennsylvania where a mother was arrested and is being prosecuted for forcing her children to engage in prostitution as a way of raising revenue for the

family. Mr. Speaker, this is recent; this is a recent case. Now, Mr. Speaker, the son and daughter who were forced to engage in prostitution should not be barred from being able to work in a school system later on after they have gotten themselves together, gone through therapy, gone through rehabilitation, and do not forget that they are in this situation not of their own doing but of the doing of parents who had very little regard for the growth and development of their children.

Mr. Speaker, we do have situations where people should have access to meaningful employment opportunities and should not be barred from participation, and so, Mr. Speaker, the Blaum amendment, while it is praiseworthy, while it is clear where the architect wants to go, Mr. Speaker, it is untimely, it is unnecessary, and it is cruel and unusual, and I ask that we reject the Blaum amendment and move on with HB 744.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Vitali, from Delaware County.

Mr. VITALI. Thank you, Mr. Speaker.

Would the maker of the amendment stand for brief interrogation?

The SPEAKER pro tempore. Will the gentleman, Mr. Blaum, stand for interrogation?

The gentleman, Mr. Blaum, indicates that he will stand for interrogation. You may proceed.

Mr. VITALI. I just want to clarify one small point, Mr. Speaker. As I read the bill, it seems to imply, this lifetime ban seems to apply to any employment, not just employment in a teaching capacity, any employment by the listed schools. Is that true?

Mr. BLAUM. Yes, Mr. Speaker.

Mr. VITALI. So if the employee in question was, let us say, assigned a job of washing buses at the vo-tech, it would apply to him, too. Right?

Mr. BLAUM. If the person while he is washing buses has direct contact with children – that is what it says – and has been convicted of any of these serious felonies, he would be prohibited; yes.

Mr. VITALI. Okay. Could you show me where that direct-contact-with-children language is, because as I read the amendment, I did not see it in those words. Is it somewhere else in the bill in chief that is not showing up on the screen?

Mr. BLAUM. They are looking, Mr. Speaker.

Mr. VITALI. I am sorry?

Mr. BLAUM. I am advised that it is in section 111, which is not in the bill, Mr. Speaker.

Mr. VITALI. Okay. Thank you.

That concludes my interrogation. I would like to speak on the bill.

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

Mr. VITALI. This is my concern, and I am going to oppose the amendment, and I think the concept is a good one, but I think it is simply just overbroad. I mean, the problem is, if you have any sort of job albeit involving some contact with children – maintenance capacity, sweeping the floors, whatever – if 20 years ago you were in a barroom fight and were convicted of aggravated assault – you were 20 then, you are 40 now – or 30 years ago – 20 then, 50 now – you were convicted of aggravated assault or if 30 years ago you had a problem, a hangup with your girlfriend and you were eventually convicted of harassment, this overbroad amendment, in my view, would

bar you from even doing something as basic as sweeping the floors in a school, and I think that is just overbroad. So I think it needs to be tightened up and reintroduced.

But the second reason is this: It is an issue of overcontrol or, rather, it is an issue of local control, and I say that because an employee, be it the superintendent of your public school or the principal of the Catholic school or the head of the vo-tech, they will have all this employment information in front of them, be it a conviction 20 years ago or whatever; they will have the person, the applicant, in front of them; they will have all the circumstances in front of them. They will have a chance to thresh it all out. The question is, who makes that decision as to whether this person who wants to sweep the floors or work on the buses, who should make that decision? Should it be that person, that local principal in your district? Should it be that person who makes the decision with all the facts in front of him or should it be us who say, no matter what the circumstances, no matter when it happened, you cannot hire this person? I would say that it should be the local person who makes that decision and not us.

So for those reasons I would ask for a “no” vote. Thank you.

The SPEAKER pro tempore. The Chair recognizes, for the second and final time, Representative Wheatley from Allegheny County.

Mr. WHEATLEY. Thank you, Mr. Speaker.

I wanted to first clarify something. My opposition to this amendment has nothing to do with if I want to be soft on crime or if I want to be tough on crime. I, like most of you, many of you, or all of you in this House, come here to protect people. I am saying, I am making the statement in the defense to say this bill is too broad. It puts no stipulations on what felony is so heinous that we need to prevent people from being around kids. For example, aggravated assault. You can have two 18-year-olds, 19-year-olds, 17-year-olds fighting in a parking lot, fighting in a parking lot. It has nothing to do with their bad character; it has nothing to do with a criminal nature. It has to do with an incident in time, a moment in time, and they, under this bill, could be convicted of a felony, because we all know all felonies are not equal, all felonies are not equal, and what I am saying is this bill does not, does not separate that; this does not acknowledge that fact.

I am asking that we should consider this amendment further. We should give more consideration to it. I am not saying that there are not some good components to this amendment. What I am saying is, we need to be very careful when we make these types of decisions, and we should deliberate on it more.

I am actually asking for us to just postpone voting on this amendment; let us postpone voting on this amendment. Let us put it off for a week. I have just been corrected.

### MOTION TO POSTPONE

Mr. WHEATLEY. Mr. Speaker, can I make a motion that we postpone the amendment for 1 week, June 9, postpone the bill?

The SPEAKER pro tempore. Mr. Wheatley, I was about to suggest that your motion should be to postpone the bill and give us a date certain.

Mr. WHEATLEY. June 9.

The SPEAKER pro tempore. The gentleman, Mr. Wheatley, makes a motion to postpone the vote on HB 744 until—The date again, Mr. Wheatley? June 9?

Mr. WHEATLEY. June 9. Yes, sir.  
The SPEAKER pro tempore. June 9, 2003.

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

(Members proceeded to vote.)

#### VOTE STRICKEN

The SPEAKER pro tempore. The clerk will strike the vote, please.

The Chair recognizes the majority leader, Mr. Smith.

Mr. S. SMITH. Mr. Speaker, thank you.

I would urge the members to not vote to postpone this bill at this time, deal with the amendment that is before us, and I would like to see the bill move on today.

So I would appreciate a “no” vote on the motion to postpone.

The SPEAKER pro tempore. Does anybody wish to speak on the motion?

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

The following roll call was recorded:

#### YEAS—73

Bebko-Jones	Fabrizio	Levdansky	Ruffing
Belardi	Frankel	Manderino	Sainato
Belfanti	Freeman	Mann	Santoni
Biancucci	George	Markosek	Scrimenti
Bishop	Gergely	McGeehan	Shaner
Butkovitz	Goodman	Melio	Stetler
Buxton	Gruitza	Mundy	Sturla
Caltagirone	Haluska	Myers	Surra
Cohen	Harhai	Oliver	Tangretti
Costa	Horsey	Pallone	Thomas
Coy	James	Petrone	Travaglio
Curry	Josephs	Pistella	Vitali
Daley	Keller	Preston	Walko
Dermody	Kirkland	Readshaw	Wansacz
DeWeese	LaGrotta	Rieger	Waters
Diven	Leach	Roberts	Wheatley
Donatucci	Lederer	Roebuck	Williams
Eachus	Lescovitz	Rooney	Youngblood
Evans, D.			

#### NAYS—122

Adolph	Egolf	Leh	Ross
Allen	Evans, J.	Lewis	Rubley
Argall	Fairchild	Lynch	Samuelson
Armstrong	Feese	Mackereith	Sather
Baker	Fichter	Maher	Saylor
Baldwin	Fleagle	Maitland	Scavello
Bard	Flick	Major	Schroder
Barrar	Forcier	Marsico	Semmel
Bastian	Gabig	McCall	Smith, B.
Benninghoff	Gannon	McGill	Smith, S. H.
Birmelin	Geist	McIlhattan	Solobay
Blaum	Gillespie	McIlhinney	Staback
Boyd	Gingrich	McNaughton	Stairs
Browne	Godshall	Metcalfe	Stern
Bunt	Gordner	Micozzie	Stevenson, R.
Cappelli	Grucela	Miller, R.	Stevenson, T.
Casorio	Habay	Miller, S.	Taylor, E. Z.
Causar	Hanna	Nailor	Taylor, J.
Cawley	Harhart	Nickol	Tigue

Civera	Harper	O'Brien	True
Clymer	Harris	O'Neill	Turzai
Coleman	Hasay	Payne	Vance
Cornell	Hennessey	Petrarca	Watson
Corrigan	Herman	Petri	Weber
Crahalla	Hershey	Phillips	Wilt
Creighton	Hess	Pickett	Wojnarowski
Dailey	Hickernell	Raymond	Wright
Dally	Hutchinson	Reed	Yewcic
DeLuca	Kenney	Reichley	Yudichak
Denlinger	Kotik	Rohrer	Zug
DiGirolamo	Laughlin		

#### NOT VOTING—0

#### EXCUSED—5

Cruz	Veon	Perzel,
Steil	Washington	Speaker

Less than the majority having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

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

The SPEAKER pro tempore. Mr. Wheatley, you still have the floor. Do you wish to continue to debate?

Mr. WHEATLEY. Yes, Mr. Speaker.

The SPEAKER pro tempore. You are in order and may do so.

Mr. WHEATLEY. Thank you, Mr. Speaker.

I guess my last plea to my colleagues would be that I would hope that on this amendment that we would at least vote it down and at another time come back and discuss this amendment with some better clarifications and qualifications to this amendment. I think this amendment is too broad. That is my only, only real concern with this amendment. I think we should consider this and what it is going to do in the categories, that it is just blanketing everything.

So I am asking my colleagues to vote “no,” oppose this amendment, and at a later date we can discuss this again.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia County, Representative Horsey.

Mr. HORSEY. Thank you, Mr. Speaker.

May I interrogate the maker of the amendment, Mr. Speaker?

The SPEAKER pro tempore. The gentleman, Mr. Blaum, do you wish to stand for interrogation?

The gentleman indicates that he is willing to stand for interrogation. You may proceed.

Mr. HORSEY. Mr. Speaker, I heard a previous speaker talk about this amendment not being related to a specific type of crime, but I also understand, Mr. Speaker, that the Crimes Code is in three different divisions or sections: one involving personal crimes, one involving personal property, and one involving attempts. Mr. Speaker, this amendment covers crimes in which of those three categories?

Mr. BLAUM. I am sorry, Mr. Speaker; I could not hear the question.

The SPEAKER pro tempore. The House will please come to order. The gentlemen are having difficulty understanding the

interrogation. If you would, please, lower your conversations or take them to another part of the building.

Mr. HORSEY. Okay. Mr. Speaker, there are three primary types of crimes: crimes involving the person, crimes involving property, and crimes involving attempts. Can you tell me, Mr. Speaker, your amendment covers which category of crimes? Crimes against—

Mr. BLAUM. Mr. Speaker, my amendment covers only one category, and that is those offenses which are already in law, but, for instance, if you have been convicted of – and they are listed, the offenses are listed in the amendment – if you were convicted of these felonies, Mr. Speaker, if you were convicted of rape 5 years ago, you cannot work in one of our school districts where you have direct contact with children. If you committed that same rape 5 years and 1 day ago, under the loophole which exists in current law, you can be hired to work amongst our children. That to me is wrong. We have closed that – this body and Governor Ridge and Governor Schweiker – we have closed that loophole, as I said previously, as it pertains to day-care centers, MH/MR centers which involve children; foster parents cannot be convicted.

We do not alter the offenses, my amendment does not alter the offenses in any way, shape, or form as they pertain to the law. What we do is eliminate the 5-year loophole which has existed. The offenses, as Mr. Gabig pointed out in his interrogation, are listed here; they are current law, but if you raped somebody 4 years 364 days ago, you cannot work – that is already on the books – you cannot work in and around our children, but if you committed that same felony 2 days earlier, under current law, because of this loophole, you would be allowed to work in and around our children.

Mr. HORSEY. Thank you, Mr. Speaker.

Mr. BLAUM. So these are the offenses. We are not changing the offenses; we are not adding to them; we are not subtracting. We are closing the loophole.

Thank you, Mr. Speaker.

Mr. HORSEY. Mr. Speaker, on the amendment?

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

Mr. HORSEY. Thank you, Mr. Speaker.

Mr. Speaker, this amendment addresses the question of personal crimes against the person. They are particularly heinous against adults and they are even of a larger magnitude against children.

I am standing here considering what we are debating or discussing, and the one point that comes across my mind is the whole question of recidivism. I know we do not have a crystal ball so we do not know if people are going to recidivate or not, meaning go back to the original crime, but recognize what we are discussing and debating. We are exposing our children to the possibility of recidivism involving personal crimes of a personal nature – indecent exposure, rape – and we should not do that, Mr. Speaker.

I am going to vote “yes” for this because I believe that the first responsibility of government, everything that we do in this chamber, our first responsibility is to keep our citizens safe; that is the very first thing that we are supposed to be doing, and by exposing children to the whole question of recidivism, we are remiss in our responsibility. So I am going to vote “yes” on this particular amendment, because I agree with it. We should not

expose kids to people who have a history, no matter how long ago, of indecent exposure. If it is a crime that involves property, I understand, and yes, his bill is not correct.

And just for the record, his amendment mentions nothing about felonies relative to property. His amendment covers crimes that are related to a personal nature. Indecent exposure, rape, those are crimes that are very personal, and with that, Mr. Speaker, I am going to vote “yes” on the amendment.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Montgomery County, Representative Leach.

Mr. LEACH. Thank you, Mr. Speaker.

I just have a couple of very brief points, “brief” being a relative term, of course.

First, there was some comment made earlier that seemed to be implying, probably inadvertently, that opposing this is soft on crime. I have two children, two young children. I have a 2-year-old and I have a 7-week-old who will be going to public school, and the last thing I want to do is expose them to anyone who would be a danger to them, but not being soft on crime does not mean we have to be irrational. The fact is that this bill does not— I mean, there were several speakers, Representative Gabig and Representative Casorio, some others, who said this only deals with the most heinous felonies targeted to children. That is just not true. If you look at the language of this bill, there are a couple of sections that deal with things targeted to children. The overwhelming majority do not.

Also, they are not all felonies. The law does not say anywhere that it has to be a felony. All right? So if we are trying to keep felons away from our kids, this law is not the vehicle to do it. There are felonies that are not included and there are misdemeanors, even summary offenses, including here.

If you look at the bill, it says you can never ever work in a school again if you are convicted of anything under section 2709. If you look, you can look up on your computers what 2709 is. It does not say felonies and it does not contain a section that tells you what statute, what section of 2709. 2709 includes, 2709 includes summary offenses; it includes misdemeanors if you look at the grading section. Under the wording of this amendment, I can never work again with children if I am convicted of a summary offense or a misdemeanor, and that is true of other sections of this, and all we are asking for is the opportunity.

I do not want my kids going to school with rapists. I do not want my kids going to school with people who have murdered children. I have not gone completely off the deep end. But, you know, this law can be tailored in such a way that we are not banning people for life for having a summary conviction or having a minor misdemeanor conviction when they are 18 years old. There is such a thing as being rational while being tough on crime, and I would urge people, look up – you know, maybe I am wrong; maybe I am off base – look up the statute; look up 2709, for example. See if that is a felony statute or not, and then look at this bill and see if that bans you for life or not.

I just urge us to think. Because we want to be tough on crime does not mean we give up our obligation to be thoughtful.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lehigh County, Mr. Reichley.

Mr. REICHLEY. Mr. Speaker, would the maker of the amendment please stand?

The SPEAKER pro tempore. The gentleman, Mr. Blaum, indicates he is willing to stand for interrogation. You may proceed.

Mr. REICHLEY. Mr. Speaker, does this bill preclude school districts from being able to ask prospective employees for lifetime criminal background checks?

Mr. BLAUM. No, Mr. Speaker.

Mr. REICHLEY. So a school district would still be empowered to not hire a person who has a conviction for any of the enumerated offenses. Would that be correct?

Mr. BLAUM. Would you repeat that, Mr. Speaker?

Mr. REICHLEY. Sure. A school district, a private school, whatever it might be, would still be empowered to preclude a prospective employee from employment because of any of the nature of these offenses?

Mr. BLAUM. I do not know, Mr. Speaker. I think a school district might have a tough time.

Mr. REICHLEY. Does the maker of the amendment imply that a school district would not be able to decline to hire somebody who was convicted of homicide 15 years ago?

Mr. BLAUM. Mr. Speaker, I would not have any trouble precluding them, but I do not know what action that might leave a school district open to.

Mr. REICHLEY. I guess my concern is the State is trying to pass a mandate on to school districts to do something which they would of their own right not do, which is hire people of various serious felony offenses or for homicides, but as the gentleman from Montgomery County pointed out and I guess I would ask the speaker this as well, would an 18-year-old who is convicted of a summary offense of harassment because a date did not go well or because they get into a minor scuffle now be precluded from lifetime employment in the teaching profession? Would a summary offense preclude employment in the teaching capacity for a summary harassment offense?

Mr. BLAUM. Mr. Speaker, I am not aware of what the rules are as far as what a school board can and cannot do when it is hiring someone with offenses in their background, nor is this bill directed at that. You may know better than I. I do not know the answer to that question, what their current liability is if they approve or disapprove of an application.

Mr. REICHLEY. And I am sorry if I was unclear. I was sort of moving under a different topic.

The effect of your bill, and this is sort of echoing what the gentleman from Montgomery County just said, would appear to preclude a person who is convicted of a summary offense of harassment, a sentence which is no greater than 90 days or a fine of \$300, from ever having a job as a teacher. Would that be correct?

Mr. BLAUM. That is not correct, Mr. Speaker.

Mr. REICHLEY. Does not section 2709 for harassment include the offense of summary harassment?

Mr. BLAUM. Hold on one second, Mr. Speaker. I will get you the information.

Mr. Speaker, let me see if I can explain this to your satisfaction. The way the current law is written, it refers back to section 2709.1 when it says harassment/stalking; it refers to section 2709.1, stalking, which is a felony. It is the way the current law is written, and I can see where that might be confusing to some, but it refers back to the felony, and when you refer back to 2709, which is what the harassment/stalking is talking about, it is talking a felony.

Mr. REICHLEY. Okay. Thank you, Mr. Speaker.

My concern—

Mr. BLAUM. I am told that also it is Act 218 of 2002, and that is important to the information which I just gave you.

Mr. REICHLEY. I would ask – and maybe your counsel standing next to you – if stalking rises to the level of a felony offense absent a violation of a protection-from-abuse order or for a third offense of harassment. I think that is the only situation in which it may arise to a felony.

The statement has been made a few times that these are all felony offenses. Endangering the welfare of a child is not a felony offense; it is a misdemeanor of the first degree, however terrible it is. Indecent exposure and indecent assault are misdemeanor offenses, despite they are sexual in nature. Unlawful restraint is a misdemeanor offense as well. So these are not all offenses which are listed as felonies, and the implication of the amendment is that a person would be forever precluded from employment not only as a teacher but as a janitor, as a crossing guard, because of convictions of that nature from years and years ago. Is that the effect of the amendment?

Mr. BLAUM. Yes, it is, Mr. Speaker.

Mr. REICHLEY. Mr. Speaker, just on the amendment itself. I do not object to the preclusion of employment of individuals with these kinds of offenses within a relevant time period, and I think the 5-year look-back is relevant and we should extend that for the major felony offenses, but to include the provision that it may apply to certain other misdemeanors including stalking, which may not elevate to the level of a felony, I think should raise some concern for the members, and also that this is really invading the ability of school boards to make their own decisions about hiring practices rather than us mandating what their employment decisions may be.

Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lancaster County, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, will the maker of the amendment rise for a brief interrogation?

The SPEAKER pro tempore. The gentleman, Mr. Blaum, indicates he is willing to stand for interrogation. You may proceed.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, as we have heard, I mean, I think everyone is pretty much in agreement that the 5-year period made sense even for some of the lesser crimes that are stipulated in your amendment and that perhaps there are many of those crimes that are stipulated in your amendment that should apply for a lifetime ban for employment in the schools.

I have a couple of questions, though, to clarify. Because we are taking some previous language which only applied for 5 years and making it lifetime, I want to clarify some of the definitions of where this might apply. In lines 11 and 12 it talks about this public or private school. Is that correct? This is public, private, parochial school, any school where there are children that attend.

Mr. BLAUM. Yes, Mr. Speaker.

Mr. STURLA. And then the next question I have is, it talks about cannot be an employee of the school. How is “employee” defined? Is it someone that is on the school’s payroll or is it someone that the school pays for goods and services? In other

words, if the school has a cafeteria staff that they pay directly, they would obviously be an employee of the school. However, if they subcontract school food services, are those people considered employees of the school?

Mr. BLAUM. Mr. Speaker, it pertains to all employees who have direct contact with children. If you are a vendor who does not have direct contact with children, if you are an employee who does not have direct contact with children, you would not be covered by this.

Mr. STURLA. Okay. But then, for instance, if you are doing a renovation at your school building and it is going on during the school year, all employees of that contractor, the same would apply to them.

Mr. BLAUM. Only those who come into direct contact in working with the children.

Mr. STURLA. Okay. Well, on a school ground it is really hard to—

Mr. BLAUM. The pertinent language, Mr. Speaker, is not contained in the amendment that we are talking about—

Mr. STURLA. Right. And that is what I am trying to find out.

Mr. BLAUM. The language is in existing law.

Mr. STURLA. And that is what I am trying to find out, because when it was 5 years, it is one thing. When it is lifetime, what I am trying to find out is, for instance, would the building contractor who has a school contract be required to— Because those employees come in contact with students.

Mr. BLAUM. It does not pertain to the vendors or employees, you know, who are not hired in working with the children. For instance, the example that was used earlier, the fellow washing the buses, not covered, not direct contact with the children.

Mr. STURLA. Okay. So it is only if in their contract it is stipulated that they have contact with the children. So someone else, the UPS (United Parcel Service) driver that delivers things to that school, as long as they were not required to deliver them directly to children, they could still enter that school and deliver goods, walk around, pick up packages.

Mr. BLAUM. I think that is a fair statement, Mr. Speaker.

Mr. STURLA. Okay. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia County, Mr. Roebuck.

Mr. ROEBUCK. Thank you, Mr. Speaker.

Would the maker of the amendment stand for brief interrogation?

The SPEAKER pro tempore. The gentleman agrees to interrogation. You may begin.

Mr. ROEBUCK. Thank you.

Mr. Speaker, I am having trouble understanding exactly what the intent of the language of this amendment is. I think I understand what the gentleman intends to do, but I am trying to understand in reality the impact of what he is stating here would do.

The language talks about not employing any person in a public or private school, intermediate unit, or area vocational-technical school with a reported criminal history, and then it lists a series of offenses that would preclude that employment. Now, what I am having trouble understanding is, for example, a person who gets a job working on schoolbuses as a mechanic, does this prohibition apply to them as well?

Mr. BLAUM. Mr. Speaker, I would say no, because they do not come in direct contact in working with the children.

Mr. ROEBUCK. Would it apply in the case of someone who worked on school district property, property the school district might own, where there are no children?

Mr. BLAUM. I would say no, Mr. Speaker. I think—

Mr. ROEBUCK. Would it apply in the case of working in the—

Mr. BLAUM. I think—

Mr. ROEBUCK. I am sorry.

Mr. BLAUM. I would say no, Mr. Speaker, and I think the intent of the legislation, the intent of the amendment, is very clear.

Mr. ROEBUCK. The intent is clear but the language is not clear, Mr. Speaker, and that is what I am having a problem with.

I want to be absolutely certain in that what you are saying here is that there is language that says “direct contact with children” somewhere. That is not in your amendment. I do not see that language anyplace in the amendment. Could you quote the language for me directly from wherever you are getting that from?

Mr. BLAUM. Yes. “Section 111. Background Checks of Prospective Employees; Conviction of Employees of Certain Offenses,” as are listed and you see them in the amendment. “This section shall apply to all prospective employees of public and private schools, intermediate units and area vocational-technical schools, including independent contractors and their employees, except those employees and independent contractors and their employees who have no direct contact with children.” That is elsewhere in the law. That is already existing law; we do not touch that. We do not touch that.

Mr. ROEBUCK. Thank you. Thank you, Mr. Speaker.

I appreciate the clarification of the gentleman, and I certainly think the language here is in many ways very broad. I do have concerns about what the real impact of this legislation will be, and it is for that reason, Mr. Speaker, that I intend to vote against this particular amendment.

I think there are ways to address the gentleman’s concern that would be indeed more precise and more exact and would go to the real intent of what he is trying to do. I think we open here a door, and the consequences of that action, I think, will have impact upon many people who ultimately will have tried very hard, as we try to do with anyone who perhaps at one time in their life makes a mistake, to turn their lives around, and we now are prepared to impose upon them conditions that make that more and more difficult.

The end result, I think, of this proposed amendment will be far more devastating to those individuals and will not necessarily enhance the protection of our young people. I do not think there is anything in this language that really does anything to substantially improve the conditions and protections of our young people. But we do, Mr. Speaker, create here a situation in which individuals make an honest effort to remedy past mistakes, make an honest effort to turn their lives around, and we by legislative action make that virtually impossible.

I think if we want to do this, Mr. Speaker, we should be more precise in what we are doing. We should certainly subject this to careful scrutiny, and we should do it in a way that does not involve merely an amendment to a bill with very limited public discussion and very little public interaction.



I would urge us to reject this amendment, Mr. Speaker. Thank you.

The SPEAKER pro tempore. The Chair recognizes, for the second time, the gentleman from Philadelphia County, Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, may I interrogate the maker of the amendment?

The SPEAKER pro tempore. The gentleman, Mr. Blaum, indicates he is willing to stand for interrogation. Mr. Blaum, you should just stay standing, I think. The gentleman, Mr. Thomas, you may proceed.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I would like to really address two issues. One, going to this issue of section 2709, which talks about harassment, your amendment highlights both harassment and stalking, which is not a part of 2709. Do you acknowledge that?

Mr. BLAUM. No, Mr. Speaker. My amendment does not touch anything in existing law. All these offenses are already law. Already in the law it says “harassment and stalking,” which you cite, and then as you look back, it refers back to the 2709 and it says “stalking,” which is the serious offense. Why it was written that way before, I do not know. We do not touch it; we do not change it, but because the language refers back to 2709, what you are really looking at is what is in 2709, which is the stalking.

Mr. THOMAS. But, Mr. Speaker, I have a copy of 2709. Stalking was specifically eliminated by way of an earlier amendment. Your amendment puts stalking back, so it represents an addition to the current 2709.

Mr. BLAUM. No, it does not, Mr. Speaker.

Mr. THOMAS. Well, Mr. Speaker, I would like to see that.

My second concern. Are you aware of a growing number of cases where the court has struck down lifetime bans when there is no connection between the lifetime ban and the job for which an individual has applied? For example, it is a matter of interpretation when you highlight that this amendment only applies in situations where an individual will come in direct contact with children. As we look at the real world, children come in and out of our schools, public and private, all times of the day and many times in the evening. So at what point do you decide that a contractor who is coming into the school on the school’s payroll to address electrical-related problems, that that individual does not come in contact with our children?

Mr. BLAUM. Mr. Speaker, the way contact with children has been operated under existing law – this is existing law—

Mr. THOMAS. But, Mr. Speaker—

Mr. BLAUM. —but we are not— Let me finish. I am answering the question.

This is existing law. How that operates is that they have something to do in the operations of that kid’s performance on a daily basis. Someone coming in and repairing the floor is not in contact with the children. However, if you hire a vendor which has teachers, if you hire a vendor which comes in and works with the kids, that is direct contact with children.

Mr. THOMAS. Mr. Speaker, I think that what you have said is that under existing law, it is a matter of subjective interpretation, because I get a number of cases, situations in my office, where current law, while it says one thing in language, the way it is applied in the real world, and that is that many nursing homes, hospitals, argue that if you come in contact, if you come in contact with that building, then you are coming in

contact with patients. And, Mr. Speaker, I think that the reason we need to give attention to this issue is because what your amendment purposefully does is remove the 5-year limit, remove the statute of limitations, and put in a lifetime ban, and, Mr. Speaker, I think that when you put in the lifetime ban, again I ask you, are you aware of the growing number of case law where the courts have said that lifetime bans are unconstitutional when they are applied in situations where they have no connection between the job that the individual is applying for and how this rule is applied? This law, the existing law, has been struck down in many cases by the courts.

Mr. BLAUM. Mr. Speaker, that is just absolutely not true. There is one case; there is no growing sense of law. In fact, the court, in the three people in Philadelphia I believe you are referring to, had the opportunity to strike down everything else. They upheld everything else, but they said that these three people, because of due process and the way it was handled, and the matter is still pending in the courts, but they ruled in three individuals in their favor. The court had the perfect opportunity and opening to strike down these existing laws. They chose not to, because, understand that we are not banning bad-check writers from working in and around kids. Some people in this chamber might argue that maybe we should. We do not.

Mr. THOMAS. Well, Mr. Speaker—

Mr. BLAUM. And I am not going to and perhaps before the day is over I will read these offenses into the record, but these are only for, and I think as you look at the amendment I hope you will agree, that anyone convicted of these offenses should not be working in and around our children. I believe the people of Pennsylvania do not want any convicts convicted of these offenses working in and around our children. The gentleman, Mr. Casorio, said it best a half hour ago; I do not even know what we are debating here.

Mr. THOMAS. But, Mr. Speaker, there is a difference between “contact with children” and “in and around children.” That interpretation is extremely broad.

But, Mr. Speaker, I will close my other concern with, Marc Weinstein, who worked with our former majority leader, Ivan Itkin, and worked for our caucus, right now has litigated a number of cases under Title VII of the 1964 Civil Rights Act where lifetime bans by this legislature and other legislatures are being struck down by the courts.

Mr. Speaker, I conclude my interrogation with this comment.

Mr. Speaker, eliminating the statute of limitations in existing law and extending it for a lifetime as it relates to some of these enumerated crimes is wrong and is unnecessary, Mr. Speaker, and it is going to have a chilling effect on employment opportunities, an array of employment opportunities, with respect to our public and private schools, and, Mr. Speaker, for that reason this amendment should be rejected since we were unwilling to go back and clean this amendment up so that it is constitutionally correct. Right now it is problematic by removing the 5-year limitation and extending it to lifetime without spelling out the circumstances under which it will be applied. The speaker himself acknowledged, on one hand he says that this only relates to situations where people come in direct contact with children; 5 minutes later he says that this amendment applies to situations where you are near and around children. There is a direct distinction between directly connected to children/near and around children. Mr. Speaker, through his own acknowledgment he has acknowledged that this

amendment is overbroad; this amendment is repressive; this amendment does nothing to provide a future for people in the Commonwealth of Pennsylvania.

And I close out by saying, like many other speakers, Mr. Speaker, there are some crimes that are nonnegotiable, where people should have no contact with children. Mr. Speaker, I accept that; I stand strongly behind that, but, Mr. Speaker, when we start talking about harassment and you have to refer back to another section of the Crimes Code to include his harassment and stalking, that is problematic. When we talk about summary offenses, Mr. Speaker, it is problematic to apply a lifetime ban in situations that are tantamount to no more than summary offenses.

Vote “no” on the Kevin Blaum amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes, for the second time, the gentleman from Philadelphia, Mr. Horsey.

Mr. HORSEY. Thank you, Mr. Speaker.

Mr. Speaker, may I interrogate the maker of the amendment? I only have one question to ask him.

The SPEAKER pro tempore. Mr. Blaum is willing to be interrogated for whatever number of questions you have, I am sure.

Mr. HORSEY. No, just one, Mr. Speaker.

I just need to know, is 2709, under “harassment and stalking,” is it a summary/misdemeanor? I know it is a felony and it is a felony category, but are there any summary categories under stalking and harassment? Yes or no.

Mr. BLAUM. I believe the answer to that is yes.

Mr. HORSEY. Thank you, Mr. Speaker.

On the amendment?

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

Mr. HORSEY. Mr. Speaker, I rise to oppose the Blaum amendment, because we cannot, we cannot make summary offenses lifetime bans. We cannot do that. That is insane, Mr. Speaker. Point in fact: A man is driving, a member is leaving the chambers here, and he is driving on his way home. He gets stopped by the State Police – summary offense; same category. You can be banned from teaching forever depending on what the D.A. decides to charge you with. And trust me, there are categories where the D.A. can switch up on stalking and harassment and make a ticket stalking and harassment, and you can be banned from teaching for a lifetime? Stop it. That is bad law, Mr. Speaker.

And I do not care if we did it in the last legislation and it was a 5-year ban. We are a chamber of men. We made a mistake then. Let us not compound that mistake by making a summary offense a lifetime ban on teaching.

Thank you, Mr. Speaker. I oppose the Blaum amendment.

Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Luzerne County, Mr. Tigue.

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, I have listened to the discussion, and both the proponents and the opponents have made some valid arguments. But I think we have gone way beyond what this actual amendment does when we are talking about the weaknesses of the law, if you will.

I think everybody agrees if someone was smoking marijuana or some small thing, that there should be a 5-year statute of

limitations. Maybe there should not be any limitation. Maybe it should not be banned. However, that is not what this amendment does. What this amendment does is it takes away that 5-year statute of limitations for things like incest, indecent exposure, sexual assault, rape. Why should someone who committed a rape 6 years ago be allowed to be hired to be a teacher in any school? The obvious answer is, they should not be. Why should somebody convicted, because it is more than 5 years ago, of sexual assault be allowed to be a teacher? None of us want that. The law currently enumerates all of these sections, whether it is 2702 and it is harassment and all these other things, and that is fine, but the point is, the current law has a weakness, and that is the statute of limitations. There should not be a statute of limitations on someone who committed sexual assault, rape, some of the more serious things listed here.

Therefore, I would ask everyone to support Representative Blaum’s amendment. There is a weakness in the law, but we are not going to correct that weakness by voting against this amendment. By voting against this amendment, we are going to allow the statute of limitations to be 5 years for someone who committed sexual assault, indecent exposure, rape, et cetera. That should be stopped.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Northampton County, Mr. Samuelson. The gentleman waives off.

For the second time, the Chair recognizes the gentleman, Mr. Reichley, from Lehigh County.

Mr. REICHLEY. Thank you, Mr. Speaker.

I would just point out, if maybe the maker of the amendment could rise. Would he mind rising for interrogation?

The SPEAKER pro tempore. The gentleman, Mr. Blaum, agrees to interrogation. You may begin.

Mr. REICHLEY. Mr. Speaker, would the maker agree that the language of his amendment specifies that a preclusion of employment would exist for crimes under section 2709, harassment and stalking? Is that the language of the amendment?

Mr. BLAUM. Yes, Mr. Speaker.

Mr. REICHLEY. The speaker previously or the maker of the amendment previously referred to me that stalking is a felony offense. This may seem like a technical request, but I have printed out the statute. It is section 2709.1, stalking, which is a felony offense, not 2709, harassment. So by the language of the amendment as it currently stands, you would include summary and misdemeanor offenses as preclusions of employment for individuals for a lifetime in the education field. Would the maker agree to that as the effect of the amendment?

Mr. BLAUM. I do not, Mr. Speaker.

Mr. REICHLEY. How do you explain that 2709, which includes harassment as a summary offense, is the same thing as stalking under 2709.1, which is a felony offense?

Mr. BLAUM. We are checking on that now, Mr. Speaker.

Mr. Speaker, we have the gentleman’s answer, directly from the Reference Bureau, that for whatever reason, the way these gentlemen do their work, they have just told us it is absolutely in there, in Pamphlet Law 2002, page 1770. Now, perhaps the gentleman understands what that means a lot better than I do, but it is contained in current law that that is what it refers to. Again— And only stalking, and that comes directly from the Reference Bureau, Mr. Speaker.

Mr. REICHLEY. Is this the Act 218 of 2002 the gentleman referred to previously? Is this 218 of 2002?

Mr. BLAUM. Yes, Mr. Speaker. And again, we are not changing any of that. You know, these have been the most serious offenses for as long as this law has been on the books. We are not changing any of them. They remain the most serious offenses.

### PARLIAMENTARY INQUIRY

The SPEAKER pro tempore. Has the gentleman, Mr. Reichley, concluded his interrogation and/or his comments at this point?

Mr. REICHLEY. I am sorry, Mr. Speaker. Was a fiscal note filed with this amendment?

The SPEAKER pro tempore. Is the gentleman asking this as a parliamentary inquiry?

Mr. REICHLEY. I am sorry, Mr. Speaker. I could not hear you.

The SPEAKER pro tempore. Is your request a parliamentary inquiry?

Mr. REICHLEY. Yes, it is.

The SPEAKER pro tempore. The Chair does not have a fiscal note at this time.

Mr. REICHLEY. As a parliamentary inquiry, does that mean the amendment is out of order?

The SPEAKER pro tempore. No; that is a question that you have asked the Chair and the Chair has answered. If you wish to make a motion dependent on that information that you just received, that is your prerogative.

Mr. Reichley, would you please come to the desk. Mr. Blaum, would you come up here as well, please.

(Conference held at Speaker's podium.)

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

Mr. REICHLEY. Thank you, Mr. Speaker.

I just have one final question for the maker of the amendment, and he could perhaps refer to the Legislative Reference Bureau personnel who are here.

The SPEAKER pro tempore. We will attempt to get Mr. Blaum's attention. Would any of those of you standing around Mr. Blaum indicate that he is still being interrogated?

Mr. Blaum, Mr. Blaum, Mr. Reichley had asked a question of you. Mr. Reichley, would you like to repeat that question?

Mr. REICHLEY. Yes.

Would the maker of the amendment agree that the language that he refers me to in section 9 of Act 218 of 2002 reads as follows: "Except as otherwise provided for in paragraph (2), any reference in any act or part of an act to 18 Pa.C.S. § 2709 without specification as to subsection (a) or (b) of that section shall be deemed to include a reference to 18 Pa.C.S. § 2709.1...."? Is that the language he is referring to in which he believes that it precludes reference to summary offenses?

You are not going to ask me to repeat it, are you?

The SPEAKER pro tempore. Representative Blaum, were you aware of the question that was being asked of you? That is what I thought. I tried to get your attention earlier.

Mr. Reichley, I know that was a long question, but Mr. Blaum did not hear it—

Mr. REICHLEY. If we are in a court of law.

The SPEAKER pro tempore. —and I would indulge your patience here and ask if you would restate the question for Mr. Blaum. Mr. Blaum is listening intently at this point in time.

Mr. REICHLEY. Okay, and I will try it, and hopefully the folks from LRB can hear me as well.

In referring to section 9 of Act 218 of 2002, the language that I believe the maker of the amendment is referring to, that he believes refers solely to stalking as a felony offense for the purposes of his amendment, reads, "Except as otherwise provided for in paragraph (2), any reference in any act or part of an act to 18 Pa.C.S. § 2709 without specification..." to other subsections "shall be deemed to include...2709.1...." Does the speaker agree that by saying it includes 2709.1, it does not preclude reference to 2709, and my consideration, getting back again to a very technical matter, is that, by the way the language of the amendment has been written, you are including summary offenses under 2709. It is not exclusive to 2709.1.

Mr. BLAUM. I believe at the majority leader's desk they are talking about that right now, Mr. Speaker.

(Conference held.)

The SPEAKER pro tempore. The Chair is going to suspend Mr. Reichley's privilege on the floor to speak and will return to him after some discussions apparently being held in the majority leader's area.

And we had one more speaker on the amendment who wished to be recognized, and that is the gentleman from Lancaster, for the second time, Mr. Sturla. Mr. Sturla waives off. Thank you very much, Mr. Sturla. We appreciate that.

The House will be at ease for a few minutes.

### AMENDMENT WITHDRAWN

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

The Chair recognizes the gentleman, Mr. Blaum.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, at the request of the majority leader and the promise of a vehicle to offer this amendment to, we will withdraw the amendment to this bill.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The question recurs, will the House agree to the bill?

Mr. S. SMITH. Mr. Speaker?

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

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

The gentleman just wanted me to affirm that that in fact was agreed to, and as he stated, it is.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

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

The following roll call was recorded:

YEAS—195

Table listing names of members who voted 'YEAS' (195 total). Includes names like Adolph, Allen, Argall, Armstrong, Baker, Baldwin, Bard, Barrar, Bastian, Bebko-Jones, Belardi, Belfanti, Benninghoff, Biancucci, Birmelin, Bishop, Blaum, Boyd, Browne, Bunt, Butkovitz, Buxton, Caltagirone, Cappelli, Casorio, Causer, Cawley, Civera, Clymer, Cohen, Coleman, Cornell, Corrigan, Costa, Coy, Crahalla, Creighton, Curry, Dailey, Daley, Dally, DeLuca, Denlinger, Dermody, DeWeese, DiGirolamo, Diven, Donatucci, Eachus, Egolf, Evans, D., Evans, J., Fabrizio, Fairchild, Feese, Fichter, Fleagle, Flick, Forcier, Frankel, Freeman, Gabig, Gannon, Geist, George, Gergely, Gillespie, Gingrich, Godshall, Goodman, Gordner, Grucela, Gruitza, Habay, Haluska, Hanna, Harhai, Harhart, Harper, Harris, Hasay, Hennessey, Herman, Hershey, Hess, Hickernell, Horsey, Hutchinson, James, Josephs, Keller, Kenney, Kirkland, Kotik, LaGrotta, Laughlin, Leach, Lederer, Leh, Lescovitz, Levdansky, Lewis, Lynch, Mackereth, Maher, Maitland, Major, Manderino, Mann, Markosek, Marsico, McCall, McGeehan, McGill, McIlhattan, McIlhinney, McNaughton, Melio, Metcalfe, Micozzie, Miller, R., Miller, S., Mundy, Myers, Nailor, Nickol, O'Brien, Oliver, O'Neill, Pallone, Payne, Petrarca, Petri, Petrone, Phillips, Pickett, Pistella, Preston, Raymond, Readshaw, Reed, Reichley, Rieger, Roberts, Roebuck, Rohrer, Rooney, Ross, Rubley, Ruffing, Sainato, Samuelson, Santoni, Sather, Saylor, Scavello, Schroder, Scrimenti, Semmel, Shaner, Smith, B., Smith, S. H., Solobay, Staback, Stairs, Stern, Stetler, Stevenson, R., Stevenson, T., Sturla, Surra, Tangretti, Taylor, E. Z., Taylor, J., Thomas, Tigue, Travaglio, True, Turzai, Vance, Vitali, Walko, Wansacz, Waters, Watson, Weber, Wheatley, Williams, Wilt, Wojnaroski, Wright, Yewcic, Youngblood, Yudichak, Zug.

NAYS—0

NOT VOTING—0

EXCUSED—5

Table listing names of members who were 'EXCUSED' (5 total): Cruz, Steil, Veon, Washington, Perzel, Speaker.

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 794, PN 926**, entitled:

An Act amending the act of June 29, 1953 (P.L.304, No.66), known as the Vital Statistics Law of 1953, further providing for the issuance of birth certificates to foreign born children who have become United States citizens.

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

The following roll call was recorded:

YEAS—195

Table listing names of members who voted 'YEAS' (195 total). Includes names like Adolph, Allen, Argall, Armstrong, Baker, Baldwin, Bard, Barrar, Bastian, Bebko-Jones, Belardi, Belfanti, Benninghoff, Biancucci, Birmelin, Bishop, Blaum, Boyd, Browne, Bunt, Butkovitz, Buxton, Caltagirone, Cappelli, Casorio, Causer, Cawley, Civera, Clymer, Cohen, Coleman, Cornell, Corrigan, Costa, Coy, Crahalla, Creighton, Curry, Dailey, Daley, Dally, DeLuca, Denlinger, Dermody, DeWeese, DiGirolamo, Diven, Donatucci, Eachus, Egolf, Evans, D., Evans, J., Fabrizio, Fairchild, Feese, Fichter, Fleagle, Flick, Forcier, Frankel, Freeman, Gabig, Gannon, Geist, George, Gergely, Gillespie, Gingrich, Godshall, Goodman, Gordner, Grucela, Gruitza, Habay, Haluska, Hanna, Harhai, Harhart, Harper, Harris, Hasay, Hennessey, Herman, Hershey, Hess, Hickernell, Horsey, Hutchinson, James, Josephs, Keller, Kenney, Kirkland, Kotik, LaGrotta, Laughlin, Leach, Lederer, Leh, Lescovitz, Levdansky, Lewis, Lynch, Mackereth, Maher, Maitland, Major, Manderino, Mann, Markosek, Marsico, McCall, McGeehan, McGill, McIlhattan, McIlhinney, McNaughton, Melio, Metcalfe, Micozzie, Miller, R., Miller, S., Mundy, Myers, Nailor, Nickol, O'Brien, Oliver, O'Neill, Pallone, Payne, Petrarca, Petri, Petrone, Phillips, Pickett, Pistella, Preston, Raymond, Readshaw, Reed, Reichley, Rieger, Roberts, Roebuck, Rohrer, Rooney, Ross, Rubley, Ruffing, Sainato, Samuelson, Santoni, Sather, Saylor, Scavello, Schroder, Scrimenti, Semmel, Shaner, Smith, B., Smith, S. H., Solobay, Staback, Stairs, Stern, Stetler, Stevenson, R., Stevenson, T., Sturla, Surra, Tangretti, Taylor, E. Z., Taylor, J., Thomas, Tigue, Travaglio, True, Turzai, Vance, Vitali, Walko, Wansacz, Waters, Watson, Weber, Wheatley, Williams, Wilt, Wojnaroski.

Dermody	Kirkland	Reichley	Wright
DeWeese	Kotik	Rieger	Yewcic
DiGirolamo	LaGrotta	Roberts	Youngblood
Diven	Laughlin	Roebuck	Yudichak
Donatucci	Leach	Rohrer	Zug
Eachus	Lederer	Rooney	

NAYS—0

NOT VOTING—0

EXCUSED—5

Cruz	Veon	Perzel,
Steil	Washington	Speaker

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

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

The SPEAKER pro tempore. Are there any announcements by any of the Democrat or Republican leaders?

Mr. COY. Mr. Speaker?

The SPEAKER pro tempore. The Chair recognizes Representative Coy.

Mr. COY. I just wonder if the Chair would clarify the starting times for the next day or two for the House. I know there have been some changes.

The SPEAKER pro tempore. At this point in time we know that tomorrow will start at 11 a.m., but we are not sure yet about Wednesday.

### DEMOCRATIC CAUCUS

The SPEAKER pro tempore. Representative Cohen is recognized.

Mr. COHEN. Thank you.

Mr. Speaker, I would like to announce there will be a Democratic caucus tomorrow at 10:30 a.m.; 10:30 a.m. tomorrow morning, Democratic caucus.

### ANNOUNCEMENT BY MRS. TAYLOR

The SPEAKER pro tempore. The Chair recognizes the lady, Mrs. Taylor.

Mrs. TAYLOR. Just a reminder that there will be an informational caucus for the majority caucus, and it will be held in the majority caucus room at 10 a.m.

The SPEAKER pro tempore. Mrs. Taylor, that is tomorrow morning you are referring to? Tomorrow morning? Thank you.

Any other announcements?

### BILLS AND RESOLUTIONS PASSED OVER

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

### ADJOURNMENT

The SPEAKER pro tempore. The Chair recognizes the lady, Mrs. True, from Lancaster County.

Mrs. TRUE. Mr. Speaker, I move that this House do now adjourn until Tuesday, June 3, 2003, 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 5:40 p.m., e.d.t., the House adjourned.