

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, MARCH 31, 2004

SESSION OF 2004

188TH OF THE GENERAL ASSEMBLY

No. 19

HOUSE OF REPRESENTATIVES

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

**THE SPEAKER PRO TEMPORE
(MATTHEW E. BAKER) PRESIDING**

PRAYER

REV. JOSEPH A. HARMON, ESQ., Chaplain of the House of Representatives, offered the following prayer:

Let us pray:

Almighty and eternal God, You proclaim Your truth in every age by many voices. Direct in our time, we pray, those who speak where many listen and write what many read, that they may do their part in making the heart of this people wise, its mind sound, and its will righteous.

Look with mercy, we pray, on all whose increasing years bring them weakness, distress, or isolation. Provide for them homes of dignity and peace, give them understanding helpers and the willingness to accept help, and as their strength diminishes, increase their faith and their assurance of Your presence.

And now, O God, we ask Your blessing upon the Commonwealth of Pennsylvania and all its citizens. Bless the Governor and all who serve the executive office. Bless also the courts and the judges of this Commonwealth that justice may be dispensed with compassion and equanimity.

We also ask Your blessing upon the legislature and especially the Representatives of this House. May they be endowed with wisdom and insight to enact such laws and statutes for the proper governance of the people. All this we ask in Your most holy name. 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 Tuesday, March 30, 2004, will be postponed until printed.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2488 By Representatives STURLA, TANGRETTI, BARRAR, BOYD, CORRIGAN, CRUZ, DeWEESE, FABRIZIO, GEORGE, GOOD, GOODMAN, GRUCELA, HARHAI, HARPER, HARRIS, HENNESSEY, HERSHEY, HESS, HORSEY, JAMES, KIRKLAND, KOTIK, LAUGHLIN, LEACH, LEH, McILHATTAN, MUNDY, PALLONE, SAYLOR, SOLOBAY, STERN, SURRA, E. Z. TAYLOR, THOMAS, TIGUE, TRUE, WALKO, WASHINGTON, YOUNGBLOOD and BALDWIN

An Act amending the act of June 29, 1953 (P.L.304, No.66), known as the Vital Statistics Law of 1953, providing for certificate of birth resulting in stillbirth.

Referred to Committee on LOCAL GOVERNMENT, March 31, 2004.

No. 2489 By Representatives THOMAS, DAILEY, McILHINNEY, BELARDI, BELFANTI, BUNT, CORRIGAN, CRUZ, DALEY, HENNESSEY, JAMES, JOSEPHS, KIRKLAND, LEACH, MYERS, PALLONE, SAINATO, SCAVELLO, SCRIMENTI, SOLOBAY, STEIL, TIGUE, WATERS and YOUNGBLOOD

An Act establishing a first responder building mapping system for buildings of State agencies and political subdivisions; and providing for the powers and duties of the Pennsylvania Emergency Management Agency.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, March 31, 2004.

No. 2490 By Representatives BROWNE, ALLEN, ARMSTRONG, BAKER, BALDWIN, BELFANTI, BENNINGHOFF, BOYD, CAPPELLI, CAWLEY, CLYMER, CORRIGAN, CRAHALLA, DALLY, DENLINGER, DeWEESE, EGOLF, FAIRCHILD, FRANKEL, GEIST, GINGRICH, GOODMAN, GRUCELA, HARHART, HARRIS, HERMAN, HESS, HORSEY, JAMES, KILLION, LEH, LEWIS, MARKOSEK, METCALFE, R. MILLER, MUNDY, MUSTIO, NAILOR, NICKOL, PAYNE, PICKETT, REED, REICHLEY, ROSS, SAYLOR, SCAVELLO, SCHRODER, SEMMEL, B. SMITH, STERN, T. STEVENSON, E. Z. TAYLOR, THOMAS, TIGUE, TURZAI, WALKO, WILT, YOUNGBLOOD, YUDICHAK, WATSON and STETLER

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 classes of income for purposes of the personal income tax.

Referred to Committee on FINANCE, March 31, 2004.

No. 2491 By Representatives BROWNE, ADOLPH, ARMSTRONG, BALDWIN, BARRAR, BOYD, CAPPELLI, CORRIGAN, CRAHALLA, CREIGHTON, DALLY, DeWEESE, GINGRICH, GOOD, HALUSKA, HARHAI, HARRIS, HERSHEY, HESS, KIRKLAND, LAUGHLIN, LEACH, LEWIS, MARKOSEK, McCALL, McILHATTAN, METCALFE, NAILOR, PICKETT, ROHRER, ROSS, SAYLOR, STERN, T. STEVENSON, THOMAS, TIGUE, TURZAI, WATERS, WEBER, YOUNGBLOOD, ZUG, DALEY, GEIST, DENLINGER, FORCIER, HENNESSEY, PETRARCA, E. Z. TAYLOR and STETLER

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 manner of making election for purposes of the personal income tax imposed on Pennsylvania S corporations.

Referred to Committee on FINANCE, March 31, 2004.

No. 2492 By Representatives GEORGE, PHILLIPS, BEBKO-JONES, BELARDI, BELFANTI, BROWNE, CORRIGAN, DeWEESE, DONATUCCI, FAIRCHILD, GRUCELA, HALUSKA, HERMAN, KELLER, KOTIK, LAUGHLIN, LEACH, LEDERER, MANN, McILHATTAN, PETRARCA, RAYMOND, READSHAW, REICHLEY, SCAVELLO, SHANER, SOLOBAY, SURRA, THOMAS, TIGUE, WATERS, WATSON, YOUNGBLOOD, YUDICHAK and LEVDANSKY

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for contributions to military family relief through individual income tax returns.

Referred to Committee on FINANCE, March 31, 2004.

No. 2493 By Representatives ALLEN, HENNESSEY, MANDERINO, ARGALL, GOODMAN, ARMSTRONG, BAKER, BEBKO-JONES, BROWNE, CAPPELLI, CAWLEY, CORRIGAN, COY, CRUZ, CURRY, DALEY, DALLY, DENLINGER, FAIRCHILD, GEIST, GEORGE, GINGRICH, GODSHALL, GOOD, GRUCELA, HERSHEY, HESS, KILLION, KIRKLAND, KOTIK, LAUGHLIN, LEACH, LEH, MARSICO, MILLARD, MUNDY, PAYNE, PHILLIPS, PICKETT, PISTELLA, READSHAW, SAYLOR, SCAVELLO, SCHRODER, SEMMEL, SHANER, SOLOBAY, R. STEVENSON, T. STEVENSON, TANGRETTI, J. TAYLOR, THOMAS, TIGUE, WALKO, WATERS, WILT, YOUNGBLOOD, YUDICHAK, McNAUGHTON, FREEMAN and BARD

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, extending coverage of Pharmaceutical Assistance Contract for the Elderly to disabled individuals.

Referred to Committee on COMMERCE, March 31, 2004.

No. 2494 By Representatives READSHAW, BEBKO-JONES, BUXTON, CASORIO, COSTA, DALEY, DeWEESE, FRANKEL, FREEMAN, GEORGE, GERGELY, GOODMAN, GRUCELA, HALUSKA, HARHAI, JAMES, JOSEPHS, KOTIK, LaGROTTA, LAUGHLIN, LEDERER, PETRARCA, PRESTON, ROONEY, SAINATO, STABACK, STURLA, SURRA, THOMAS, TIGUE, WALKO, WHEATLEY, WOJNAROSKI, YOUNGBLOOD, McGEEHAN, SCRIMENTI, LESCOVITZ, LEVDANSKY, MAHER, MANN, MARKOSEK, McCALL, MYERS and PALLONE

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for the date of the general primary.

Referred to Committee on STATE GOVERNMENT, March 31, 2004.

No. 2495 By Representatives PETRI, BROWNE, CRAHALLA, GILLESPIE, GINGRICH, MILLARD, PALLONE, TANGRETTI, E. Z. TAYLOR and YOUNGBLOOD

An Act amending the act of July 22, 1974 (P.L.589, No.205), known as the Unfair Insurance Practices Act, providing for limitations on health care insurance contracts.

Referred to Committee on INSURANCE, March 31, 2004.

No. 2496 By Representatives HERMAN, BASTIAN, BROWNE, O'NEILL, BENNINGHOFF, MUNDY, FLEAGLE, GRUCELA, SHANER, McILHATTAN, SURRA, YUDICHAK, T. STEVENSON, ALLEN, BAKER, BALDWIN, BEBKO-JONES, BELARDI, BELFANTI, BUNT, CAPPELLI, CASORIO, CAUSER, CAWLEY, CORRIGAN, COSTA, COY, CRAHALLA, DeWEESE, DiGIROLAMO, DONATUCCI, FABRIZIO, FAIRCHILD, FICHTER, FRANKEL, GEIST, GEORGE, GERGELY, GOOD, GOODMAN, HALUSKA, HANNA, HARHAI, HARHART, HARRIS, HERSHEY, HESS, HUTCHINSON, KELLER, KENNEY, KOTIK, LaGROTTA, LEACH, LEDERER, LEH, LESCOVITZ, LEVDANSKY, LYNCH, MAJOR, MANDERINO, MANN, MARSICO, McCALL, McGEEHAN, McNAUGHTON, MICOZZIE, S. MILLER, NAILOR, PAYNE, PETRARCA, PHILLIPS, PICKETT, PISTELLA, REED, REICHLEY, RUBLEY, SAINATO, SANTONI, SATHER, SAYLOR, SCAVELLO, SCHRODER, SEMMEL, B. SMITH, SOLOBAY, STABACK, STERN, R. STEVENSON, TANGRETTI, E. Z. TAYLOR, J. TAYLOR, TIGUE, TRAVAGLIO, TRUE, WALKO, WEBER, WILT, WOJNAROSKI, WRIGHT, YOUNGBLOOD, SCRIMENTI and FREEMAN

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for cost-of-living increases to annuitants.

Referred to Committee on EDUCATION, March 31, 2004.

No. 2497 By Representatives METCALFE, ARMSTRONG, COLEMAN, CREIGHTON, CRUZ, DENLINGER, D. EVANS, FORCIER, GRUCELA, HENNESSEY, HORSEY,

JAMES, PETRARCA, ROHRER, R. STEVENSON,
THOMAS, WILT 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 confidentiality of test scores.

Referred to Committee on EDUCATION, March 31, 2004.

No. 2498 By Representatives MAJOR, HASAY, WANSACZ, ALLEN, ARGALL, ARMSTRONG, BAKER, BALDWIN, BARRAR, BEBKO-JONES, BOYD, BUNT, CAPPELLI, COLEMAN, CRAHALLA, CREIGHTON, DALLY, FABRIZIO, FAIRCHILD, FEESE, FICHTER, GEIST, GEORGE, GODSHALL, GOOD, GOODMAN, HARHART, HENNESSEY, HERMAN, HERSHEY, HESS, HORSEY, KELLER, LAUGHLIN, LEDERER, LEWIS, MANN, MARKOSEK, McILHATTAN, MUNDY, MUSTIO, NAILOR, PAYNE, PHILLIPS, PICKETT, REICHLEY, ROBERTS, ROSS, RUBLEY, SATHER, SCAVELLO, SHANER, B. SMITH, SOLOBAY, STABACK, R. STEVENSON, THOMAS, TIGUE, TRUE, WALKO, WATERS, WOJNAROSKI, YUDICHAK, GINGRICH, BENNINGHOFF, DENLINGER, FREEMAN, FRANKEL, DALEY, YOUNGBLOOD, SAYLOR, ROHRER and E. Z. TAYLOR

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, designating a portion of State Route 6 in Wyoming County as a scenic byway.

Referred to Committee on TRANSPORTATION, March 31, 2004.

No. 2499 By Representatives DeLUCA, BASTIAN, BROWNE, BUNT, CAPPELLI, CORRIGAN, COSTA, COY, CRAHALLA, DeWEESE, GEIST, GOODMAN, GRUCELA, HARPER, HASAY, HERMAN, JAMES, KENNEY, LAUGHLIN, LEDERER, LEH, LYNCH, McCALL, McILHATTAN, MELIO, PALLONE, PAYNE, PETRARCA, PHILLIPS, READSHAW, REICHLEY, SAINATO, SATHER, B. SMITH, SOLOBAY, STABACK, R. STEVENSON, TANGRETTI, THOMAS and TIGUE

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, further providing for limitations on rates of specific taxes.

Referred to Committee on FINANCE, March 31, 2004.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 645 By Representatives DeLUCA, BEBKO-JONES, CAWLEY, CORRIGAN, DALEY, DeWEESE, EACHUS, FABRIZIO, FRANKEL, FREEMAN, GEORGE, GERGELY, GOODMAN, GRUCELA, HANNA, HARHAI, HERSHEY, JAMES, KIRKLAND, LAUGHLIN, LEACH, LESCOVITZ, LEVDANSKY, McCALL, MILLARD, MYERS, PALLONE, PISTELLA, READSHAW, SHANER, SOLOBAY, SURRA, TANGRETTI, TIGUE, WALKO, WHEATLEY, YOUNGBLOOD and YUDICHAK

A Resolution memorializing the Congress of the United States to enact legislation to lift the current barriers that prevent the importation of drugs from Canada.

Referred to Committee on HEALTH AND HUMAN SERVICES, March 31, 2004.

No. 654 By Representatives METCALFE, ALLEN, ARMSTRONG, BARRAR, BENNINGHOFF, BOYD, CAPPELLI, COLEMAN, CRAHALLA, CREIGHTON, DENLINGER, EGOLF, J. EVANS, FICHTER, GEIST, HERSHEY, JAMES, KILLION, LEH, LEWIS, MAITLAND, S. MILLER, PICKETT, ROHRER, SAYLOR, SCAVELLO, SCHRODER, R. STEVENSON, TURZAI, WATERS, WILT, YOUNGBLOOD and THOMAS

A Resolution requesting that each member of Congress from Pennsylvania work to make the Federal tax cuts permanent.

Referred to Committee on INTERGOVERNMENTAL AFFAIRS, March 31, 2004.

No. 659 By Representatives BELFANTI, ALLEN, DeWEESE, PHILLIPS, BEBKO-JONES, BELARDI, BIANCUCCI, WANSACZ, FREEMAN, BLAUM, CAPPELLI, CORRIGAN, DALEY, DiGIROLAMO, FABRIZIO, GEORGE, GOODMAN, HANNA, HENNESSEY, JAMES, KOTIK, LEACH, LEH, LEVDANSKY, MICOZZIE, PALLONE, READSHAW, ROONEY, SANTONI, SCHRODER, SOLOBAY, THOMAS, BROWNE, CAWLEY, CURRY, DeLUCA, DONATUCCI, FICHTER, GOOD, GRUCELA, HARHAI, HORSEY, KELLER, LAUGHLIN, LEDERER, LESCOVITZ, MARKOSEK, MUNDY, PISTELLA, ROBERTS, RUBLEY, SATHER, SHANER, SURRA, TIGUE, WALKO, WATERS, YOUNGBLOOD, WASHINGTON, WHEATLEY and YUDICHAK

A Resolution memorializing the Congress of the United States to extend and make retroactive the Federal Temporary Extended Unemployment Compensation (TEUC) program.

Referred to Committee on LABOR RELATIONS, March 31, 2004.

No. 660 By Representatives GODSHALL, ALLEN, BAKER, BALDWIN, BOYD, BROWNE, CAPPELLI, CAUSER, CLYMER, CRAHALLA, DENLINGER, FAIRCHILD, FICHTER, FORCIER, HERSHEY, HICKERNELL, HUTCHINSON, KILLION, KIRKLAND, LEH, LEWIS, MARSICO, R. MILLER, S. MILLER, MUSTIO, NAILOR, PALLONE, PICKETT, REED, REICHLEY, ROSS, RUBLEY, SAYLOR, SCAVELLO, SCHRODER, SCRIMENTI, SEMMEL, R. STEVENSON, E. Z. TAYLOR, TIGUE, TURZAI, WATSON and YOUNGBLOOD

A Resolution directing the Legislative Budget and Finance Committee to conduct a comprehensive study of the Commonwealth's workers' compensation system in comparison to our neighboring states with regard to particular costs and procedures.

Referred to Committee on LABOR RELATIONS, March 31, 2004.

BILL REMOVED FROM TABLE

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

Mr. S. SMITH. Mr. Speaker, I move the following bill be taken from the table: SB 876.

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

BILL ON SECOND CONSIDERATION

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

SB 876, PN 1098.

BILL RECOMMENDED

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

Mr. S. SMITH. Mr. Speaker, I move that the following bill be recommitted to Appropriations: SB 876.

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

CALENDAR**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 792, PN 924**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for a prototypical school facility design clearinghouse.

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

BILL RECOMMENDED

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

Mr. S. SMITH. Mr. Speaker, I move that HB 792 be recommitted to the Committee on Rules.

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

* * *

The House proceeded to third consideration of **HB 1158, PN 1371**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for exemptions and special provisions for taxation.

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

BILL RECOMMENDED

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

Mr. S. SMITH. Mr. Speaker, I move that HB 1158 be recommitted to the Committee on Rules.

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

* * *

The House proceeded to third consideration of **HB 1159, PN 2734**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for exemption for qualified disability trusts; and imposing duties on the Secretary of the Commonwealth and the Legislative Reference Bureau.

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

BILL RECOMMENDED

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

Mr. S. SMITH. Mr. Speaker, I move that HB 1159 be recommitted to the Committee on Rules.

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

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The House proceeded to third consideration of **HB 661, PN 3283**, entitled:

An Act regulating the sale to minors of dangerous inhalants; prohibiting misuse of those inhalants; and conferring powers and duties on the Department of Health.

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

BILL RECOMMENDED

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

Mr. S. SMITH. Mr. Speaker, I move that HB 661 be recommitted to the Committee on Rules.

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

* * *

The House proceeded to third consideration of **HB 1116, PN 1318**, entitled:

An Act providing for the certification of persons conducting hazardous painting; and providing for a penalty.

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

BILL RECOMMENDED

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

Mr. S. SMITH. Mr. Speaker, I move that HB 1116 be recommitted to the Committee on Rules.

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

* * *

The House proceeded to third consideration of **HB 1432, PN 1778**, entitled:

An Act amending the act of December 18, 1984 (P.L.1005, No.205), known as the Municipal Pension Plan Funding Standard and Recovery Act, further providing for the certification of municipal pension costs, for the administration of the General Municipal Pension System State Aid Program and for the continuation of the financially distressed municipal pension system recovery program; adding provisions for the establishment and administration of in-service retirement option plans in local governments; and repealing the financially distressed municipal pension plan determination procedure.

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

BILL RECOMMENDED

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

Mr. S. SMITH. Mr. Speaker, I move that HB 1432 be recommitted to the Committee on Rules.

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

* * *

The House proceeded to third consideration of **HB 2109, PN 3111**, entitled:

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for actuarial cost method, for mandatory and optional membership, for retention and reinstatement of service credits, for classes of service, for election to become a Class C-1 member, for transfer of accumulated deductions, for single life annuities, for multiple service membership and for members' savings account; and further providing for termination of annuities, for contributions by the Commonwealth and other employers and for actuarial cost method.

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

BILL RECOMMENDED

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

Mr. S. SMITH. Mr. Speaker, I move that HB 2109 be recommitted to the Committee on Rules.

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

BILL ON FINAL PASSAGE

The House proceeded to consideration on final passage of **HB 1464, PN 2377**, entitled:

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

On the question recurring,
Shall the bill pass finally?

BILL RECOMMENDED

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

Mr. S. SMITH. Mr. Speaker, I move that HB 1464 be recommitted to the Committee on Rules.

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

BILL ON FINAL PASSAGE POSTPONED

The House proceeded to consideration on final passage postponed of **HB 606, PN 3551**, entitled:

An Act enabling certain counties and municipalities to develop comprehensive watershed storm water plans and to regulate storm water within designated watershed boundaries; imposing duties and conferring powers on the Department of Environmental Protection, on the Environmental Quality Board, on counties and on municipalities;

and providing for financing and for waiver of use of certain grant or loan funds.

On the question recurring,
Shall the bill pass finally?

BILL RECOMMITTED

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

Mr. S. SMITH. Mr. Speaker, I move that HB 606 be recommitted to the Committee on Rules.

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

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 779, PN 1306**, 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; making an appropriation; and abrogating a regulation.

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

BILL TABLED

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

Mr. S. SMITH. Mr. Speaker, I move that SB 779 be placed on the table.

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

BILL REMOVED FROM TABLE

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

Mr. S. SMITH. Mr. Speaker, I move that SB 779 be taken off the table.

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

CONESTOGA VALLEY HIGH SCHOOL GIRLS VOLLEYBALL TEAM PRESENTED

The SPEAKER pro tempore. Will the members please take their seats. Will the members please take their seats.

We have a citation presentation that will be offered by Representative Scott Boyd.

The gentleman may proceed.

Mr. BOYD. Thank you, Mr. Speaker.

It gives me great pleasure to introduce to the members today a part of what I call the pride of the 43d, and this is the 2003 PIAA AAA State champion girls volleyball team, the Buckskins of Conestoga Valley. Could you all give them a round of applause, please.

These young ladies and, I might add, very tall young ladies – I prefer not to stand too close to them; they sort of tower over me – capped an excellent season by defeating an undefeated team in the semifinals of the State championship. That team happened to be the Black Knights from Hempfield represented by Representative True. I just had to get a little barb in that the Conestoga Valley Buckskins were able to take down the undefeated team, and they completed their State championship run by defeating the Pennsbury Falcons, and they are represented by my esteemed colleagues, Representative Dave Steil and Representative Tom Corrigan. And being from Lancaster County in central Pennsylvania, I must say that having central Pennsylvania triumph over the southeast is a bit sweet.

With me on the floor today are the varsity coach, Alan Kofroth, and three of the team's captains. Lindsay Bunting, Leslie Heffner, and Rachelle Fetrow are with me this morning, and in the back of the hall are the assistant high school principal, Dr. Don Mann; assistant coach Jennifer Zwaska; and the Conestoga Valley athletic director, Kent Reigner, and the rest of the 2003 PIAA AAA girls volleyball State champions.

Please join me in congratulating these young ladies and an exceptional group of athletes. There are quite a few juniors on this squad that will be back. So we are talking about a repeat, so perhaps we will be here again next year.

So thank you very much, and congratulations to the 2003 champions.

DEMOCRATIC CAUCUS

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

Mr. CASORIO. Thank you, Mr. Speaker.

Mr. Speaker, the House Democrats will have a very important caucus immediately on the call of recess. We will be discussing today's votes on the economic stimulus package and request the presence of all Democratic members.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

For the information of the members, the Democrats are free to leave the floor. There will be no further votes at this time. They are free to go to caucus, but we are planning to return to the floor at 1 o'clock.

RESOLUTIONS REPORTED FROM COMMITTEE

HR 613, PN 3480

By Rep. O'BRIEN

A Resolution directing the Judiciary Committee to direct and oversee a study conducted by the Pennsylvania Commission on Sentencing on the use and impact of mandatory minimum sentences.

JUDICIARY.

HR 655, PN 3574

By Rep. O'BRIEN

A Resolution expressing opposition to amendments of March 12, 2004, to the Interstate Compact for Adult Offender Supervision.

JUDICIARY.

**COMMUNICATION FROM
DEPARTMENT OF AUDITOR GENERAL**

The SPEAKER pro tempore. The Speaker acknowledges the receipt of a report from the Department of Auditor General for fiscal year ending June 30, 2003.

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

SENATE MESSAGE

HOUSE BILL
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 506, PN 1647**, with information that the Senate has passed the same without amendment.

SENATE MESSAGE

HOUSE AMENDMENTS
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to the Senate amendments to **HB 1206, PN 3537**.

GUEST INTRODUCED

The SPEAKER pro tempore. The Chair welcomes Alyssa Broda, who is serving as a guest page. Alyssa is 13 years old and is a seventh grade student at Hershey Middle School. She is a guest of Representative John Payne from Dauphin County, and she is located on the House floor. Welcome.

RECESS

The SPEAKER pro tempore. This House is in recess till 1 p.m.

AFTER RECESS

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

**THE SPEAKER (JOHN M. PERZEL)
PRESIDING**

**REPORT OF
COMMITTEE ON COMMITTEES**

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

The following report was read:

March 29, 2004

SUPPLEMENTAL REPORT OF
COMMITTEE ON COMMITTEES

PROFESSIONAL LICENSURE

Representative Russ Fairchild resigns from the House Standing Committee on Professional Licensure. No replacement is being appointed to fill the vacancy on the House Standing Committee on Professional Licensure at this time.

STATE GOVERNMENT

Representative Russ Fairchild resigns from the House Standing Committee on State Government. No replacement is being appointed to fill the vacancy on the House Standing Committee on State Government at this time.

These changes take effect immediately.

Respectfully submitted,
George C. Hasay, Chairman
Committee on Committees

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

LEAVES OF ABSENCE

The SPEAKER. Are there requests for leaves of absence?

The Chair recognizes the majority whip, who moves for a leave of absence for the gentlelady from Montgomery, Mrs. DAILEY, and the gentleman from Warren, Mr. LYNCH. Without objection, those leaves will be granted.

The Chair recognizes the minority whip, who moves for a leave of absence for the following members: the gentleman from Philadelphia, Representative RIEGER; the gentleman from Philadelphia, Mr. MCGEEHAN. Without objection, those leaves will be granted.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—197

Adolph	Evans, D.	Levdansky	Samuelson
Allen	Evans, J.	Lewis	Santoni
Argall	Fabrizio	Mackereth	Sather
Armstrong	Fairchild	Maher	Saylor
Baker	Feese	Maitland	Scavello
Baldwin	Fichter	Major	Schroder
Bard	Fleagle	Manderino	Scrimenti
Barrar	Flick	Mann	Semmel

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—6

Dailey	Lynch	Rieger	Taylor, J.
Harper	McGeehan		

LEAVES ADDED—8

Coleman	Coy	Godshall	Washington
Corrigan	Creighton	Keller	Yudichak

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 2097, PN 3620 (Amended) By Rep. LEH

An Act providing for the establishment of the Pennsylvania Corporate Tax Reform Commission to evaluate the structure and system of taxation of business enterprises in this Commonwealth, for the appointment of the members of the commission, for the appointment of advisory panels, for the powers and duties of the commission and for the cooperation by other Commonwealth entities; and providing for legislative impact statements.

FINANCE.

HB 2240, PN 3621 (Amended) By Rep. LEH

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, providing for spaces on the individual income tax return for a voluntary contribution to the 2005 Summer National Senior Olympic Games and to military family relief.

FINANCE.

HB 2288, PN 3622 (Amended) By Rep. LEH

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, establishing a career development tax credit.

FINANCE.

HB 2350, PN 3278 By Rep. LEH

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing, in corporate net income tax, for the definition of "taxable income."

FINANCE.

HB 2443, PN 3454 By Rep. LEH

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

FINANCE.

BILLS REPORTED AND REREFERRED TO COMMITTEE ON LOCAL GOVERNMENT

HB 2464, PN 3516 By Rep. LEH

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, further providing for tax levies.

FINANCE.

HB 2465, PN 3517 By Rep. LEH

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, further providing for township and special tax levies.

FINANCE.

HB 2466, PN 3518 By Rep. LEH

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

FINANCE.

HB 2467, PN 3519 By Rep. LEH

An Act amending the act of December 18, 1984 (P.L.1005, No.205), known as the Municipal Pension Plan Funding Standard and

Recovery Act, further providing for contents of actuarial valuation report.

FINANCE.

GUESTS INTRODUCED

The SPEAKER. The Chair recognizes the gentleman, Mr. Reichley, for the purposes of introductions.

Mr. REICHLEY. Thank you, Mr. Speaker.

Mr. Speaker, today we have an opportunity to have in our presence some citizens who are like many other individuals from throughout Pennsylvania who, on their own initiative, have brought a matter of attention to the legislature and we have acted upon that. I have the pleasure of having today Megan Kees with her fiance, Dave Goldfeder, who are in the House.

Last year Miss Kees brought to my attention the issue of animal abuse awareness. As many of us know, the abuse of animals can be a precursor towards other violent acts towards human victims, and I think Megan deserves to be recognized for her action.

We passed 2 weeks ago a resolution declaring the week of April 25 through the 30th as national "Animal Abuse Awareness Week" in Pennsylvania. Megan is a student at Cedar Crest College, who, through her community activism, has demonstrated her involvement with the community caring on behalf of animals.

The passage of HR 603 by the House helps to raise awareness about the seriousness of animal abuse, and Megan knows, as we do, that a person who would abuse an animal is more likely to perpetrate domestic violence, elder abuse, or other cruelties.

So I would like all the members of the House to recognize Megan and her fiance, Dave, over here in the corner of the House.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

BILLS SIGNED BY SPEAKER

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

HB 506, PN 1647

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for deceptive or fraudulent business practices.

HB 1206, PN 3537

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, further providing for definitions; and providing for the applicability of 2002 amendments relating to definitions regarding earned income tax.

SB 907, PN 1174

An Act authorizing and directing the Department of General Services, with the approval of the Department of Transportation and

the Governor, to convey to Cumberland Township, certain permanent easements situated in Cumberland Township, Adams County.

SB 975, PN 1302

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to Butler County, certain lands situate in the City of Butler, Butler County, Pennsylvania.

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

FILMING PERMISSION

The SPEAKER. The Chair wishes to advise the members that it has given permission to John Stimets from the news organization WHTM to videotape with audio the proceedings on the floor of the House the 31st of March 2004 for 10 minutes.

STATEMENTS HONORING MAYOR JOSEPH S. DADDONA

The SPEAKER. The Chair at this time recognizes the gentleman from Montgomery, Mr. Leach, for the purposes of introductions.

Mr. LEACH. Thank you, Mr. Speaker.

Today I, as a former resident of Allentown, rise with the Representatives who currently represent Allentown – Jennifer Mann, Pat Browne, Steve Samuelson, Bob Freeman – to commemorate the life and achievements of Allentown's longest serving mayor, Mayor Joe Daddona, and send him this citation.

After bravely serving his country in the Navy during the Korean war, Mayor Joe, as we all know him, graduated from Lehigh University. Mayor Joe was first elected mayor of Allentown in 1973. During his four terms, he was elected president of the Pennsylvania League of Cities and was on the advisory board of the National League of Cities and the National Conference of Mayors.

Today Joe is battling cancer and cannot be with us here today, but he is battling the cancer with his usual bravery and tenacity.

Some of the Representatives standing here will say a few words about what Joe has meant for the city of Allentown and the Commonwealth of Pennsylvania. However, on a personal note, I just want to say how I know Joe Daddona. I met Mayor Joe when I was fresh out of law school and wanted to become involved in politics. Despite the fact that I had not been part of his inner circle, he welcomed my involvement and became a mentor to me. I got to know him well when we both ran for office in Allentown in 1989. Later he hired me to be cohost of a television debate show where I sat next to him debating the issues of the day for 10 years. It is fair to say that Joe Daddona gave me every big break I had early on in politics. His company and advice were invaluable, but more important to me was his example. Joe Daddona was a rock. He showed me how to run for public office and serve with passion and integrity.

He also showed me that a sense of humor can be helpful in politics. Joe was a never-ending font of jokes, although I must

say the jokes themselves were usually really, really bad, but I quickly learned that a roomful of people groaning was a roomful of people voting for Joe Daddona.

I believe it is a good thing to have heroes in politics. I certainly have mine, whether they be Robert Kennedy or Supreme Court Justice William Brennan, but it is also good to have heroes who are not the distant icons of history books. I think it is important to have political heroes you know, real flesh and blood you see every day so you know it can really be done. As for me, my local hero is Joe Daddona.

Be well, Mayor.

At this time I would introduce Joe Daddona's Representative, Representative Jennifer Mann.

Miss MANN. Thank you.

I am honored to stand here this afternoon with my colleagues to honor my good friend and constituent, Mayor Joe Daddona.

It seems only fitting and proper that we would designate this day to celebrate this great Allentownian. He has had the distinction of being the longest serving mayor in Allentown's 241-year history.

His accomplishments are many. He initiated the Crime Watch and Neighborhood Community Policing Program, city recycling, the Lehigh Landing Project—

The SPEAKER. Would the gentlelady just suspend for one moment.

Miss MANN. Yes, sir.

The SPEAKER. The gentlelady is entitled to be heard.

The lady may continue.

Miss MANN. Thank you, Mr. Speaker.

Mayor Daddona has many accomplishments, including initiating the Crime Watch and Community Policing Program, city recycling, the Lehigh Landing Project, and so many other organizations and programs. He will have forever left a positive mark on them and, of course, on our great city.

Mayor Daddona's leadership was not only recognized by Allentownians, who, I might add, elected him to the City Charter Commission, to Allentown's city council, and of course, to mayor for four terms, but he was recognized by national organizations such as the National League of Cities, the U.S. Conference of Mayors. He also did such a good job for us that the United States-Baltic Foundation asked him to help develop a strategy for developing free market democracy in the Baltic States.

The list of his well-deserved awards and accolades is seemingly endless, but anyone that meets Mayor Daddona quickly learns that his great satisfaction comes not only from the honors he has received but from the love he has for the people he has served in Allentown.

It has been about a decade or so since Joe left office, and it is hard to find a human service agency, an economic development project, or even a neighborhood that still does not live and breathe the positive impact and change he brought to our city.

To our great benefit, Mayor Daddona continues to be an active part of civic life in the Lehigh Valley. His television show and his column in the Allentown Times are widely viewed and considered, and of course, Joe is enjoying the company of his wonderful family and especially his three beautiful grandchildren.

On behalf of the many grateful constituents and residents in the city of Allentown, I am most delighted to honor one of

Allentown's greatest mayors, Joe Daddona, here today. His work has not only shaped our city for the better but will serve as an inspiration for many future generations of Allentownians who aspire to make a difference in our great city.

Joe, we know that you are, with every bit of courage and enthusiasm, fighting your battle with cancer the same way that you took that same courage and determination to your job and public service.

We love you, our prayers are with you, and we know that this is a battle you can win.

God bless you.

Mr. SAMUELSON. When I think of Mayor Joe Daddona, I think of the word "service." Forty years ago back in the 1960s, Joe Daddona was a leader in the Allentown Jaycees, an organization with the motto that service to humanity is the best work of life, and throughout his life, service to his fellow citizens has really been at the center of Joe Daddona's existence. He served on Allentown City Council; he served as mayor for 16 years; and now in retirement he continues his commitment to service. He is the driving force behind Senior Fest, an annual event that draws thousands of senior citizens and allows them to get information about services, benefits, and resources that are available in our community.

So, Joe, today we congratulate you, and we thank you for your lifetime of public service, and we also thank you for the way you continue to inspire us each and every day.

Now I would like to introduce my colleague, Representative Pat Browne.

Mr. BROWNE. Thank you, Steve.

There is no doubt that cities are defined by the mayor who serves during their term in office. In this regard, Joe Daddona was the city of Allentown through the 1970s and 1980s. Yet Mayor Daddona has really transcended that common trend, because Joe understands, better than probably anybody that I could ever recollect, that a mayor is not only the administrative leader of a municipality but the spiritual and emotional leader of that jurisdiction as well, and through his endless energy and enthusiasm and community involvement and leadership in economic development initiatives in the downtown area, which has been his charge for 30-some-odd years, and in so many charities and community groups, in many ways Joe Daddona continues to be Allentown's leader.

The current marketing slogan for the city of Allentown is "Allentown Proud," and in advertising that slogan, they really do not need any words. All they need is a picture of Joe Daddona.

Joe, the entire State of Pennsylvania through its General Assembly is proud of you, forever grateful for your continuous service and dedication to the city and to the Commonwealth, and wishes you and your family the best, and, Joe, get well soon.

Thank you.

Mr. FREEMAN. Although I do not represent the city of Allentown in my legislative district, I have known Joe Daddona most of my political life, and I am very proud to offer my support for this recognition of an outstanding public servant.

Joe Daddona truly gave so much to the city of Allentown and to the Lehigh Valley by his years of public service, and he did

so at all times with an optimistic spirit, a positive thought, and a way of reaching people in his community that I think few public servants have ever been able to attain. He is the kind of individual who always reached out to everyone in his community, wanted to make them feel proud of their community, and worked diligently to make their community a place worthy of respect and to call home.

It has been said that when Governor Rendell was mayor of Philadelphia, that he was America's mayor. I think we can safely say from our vantage point in the Lehigh Valley that although Joe Daddona served for many years as Allentown's mayor, he will always be in our hearts and in our minds the Lehigh Valley's mayor.

**THE SPEAKER PRO TEMPORE
(JOHN A. MAHER) PRESIDING**

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1274, PN 1566**, entitled:

An Act providing for Commonwealth support for an Urban Teacher Loan Forgiveness Program for Pennsylvania residents who graduate from institutions of higher education and who apply their degrees to teaching in urban public schools in this Commonwealth.

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

Mr. **ROEBUCK** offered the following amendment No. **A0873**:

Amend Sec. 5, page 4, line 1, by striking out "Recipients" and inserting

(a) General rule.—Except as otherwise provided in subsection (b), recipients

Amend Sec. 5, page 4, by inserting between lines 20 and 21

(b) Ineligibility.—A loan forgiveness recipient under the Teacher Recruitment Assistance program established under Article XXVI-I of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, shall not be eligible to receive loan forgiveness awards under this act concurrently.

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

The **SPEAKER** pro tempore. On that question, the Chair recognizes the gentleman from Philadelphia, Mr. Roebuck.

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

The bill we are about to consider deals with the broad topic of urban teacher loan forgiveness. The amendment that I am offering is designed to limit the ability or to eliminate the possibility that an individual would be able to double-dip on this loan program. There are in existence some provisions for loan forgiveness, and this would not allow an individual to access duplicate programs and thereby claim more funds than they are entitled to.

So I would ask for a favorable vote on this amendment.

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

The following roll call was recorded:

YEAS—197

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Dailey	Lynch	Rieger	Taylor, J.
Harper	McGeehan		

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

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

Mr. **DALEY** offered the following amendment No. **A0944**:

Amend Title, page 1, line 5, by removing the period after "Commonwealth" and inserting
; codifying the Agriculture Education Loan Forgiveness Act; further providing for definitions and for the Agriculture Education Loan Forgiveness Program; and making a repeal related to the codification.

Amend Bill, page 1, by inserting between lines 7 and 8

CHAPTER 1

PRELIMINARY PROVISIONS

Amend Sec. 1, page 1, line 8, by striking out "1" and inserting
101

Amend Sec. 1, page 1, line 9, by inserting after "Teacher"
and Agriculture Education

Amend Bill, page 1, by inserting between lines 10 and 11

CHAPTER 3

URBAN TEACHER

LOAN FORGIVENESS

Amend Sec. 2, page 1, line 11, by striking out "2" and inserting
301

Amend Sec. 3, page 2, line 9, by striking out "3" and inserting
302

Amend Sec. 3, page 2, line 10, by striking out "act" and inserting
chapter

Amend Sec. 3, page 3, line 18, by striking out "act" and inserting
chapter

Amend Sec. 4, page 3, line 22, by striking out "4" and inserting
303

Amend Sec. 4, page 3, line 24, by striking out "act" and inserting
chapter

Amend Sec. 5, page 3, line 30, by striking out "5" and inserting
304

Amend Sec. 6, page 4, line 21, by striking out "6" and inserting
305

Amend Sec. 7, page 4, line 29, by striking out "7" and inserting
306

Amend Sec. 7, page 5, line 1, by striking out "act" and inserting
chapter

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

Amend Sec. 8, page 5, line 4, by striking out "8" and inserting
307

Amend Sec. 8, page 5, line 8, by striking out "act" and inserting
chapter

Amend Bill, page 5, lines 11 through 13, by striking out all of
said lines and inserting

CHAPTER 5

AGRICULTURE EDUCATION

LOAN FORGIVENESS

Section 501. Scope.

This chapter relates to agriculture education loan forgiveness.

Section 502. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Agency." The Pennsylvania Higher Education Assistance Agency.

"Agricultural products." Crops, livestock and livestock products, and commodities, including, but not limited to:

(1) Field crops, including corn, wheat, oats, rye, barley, hay, potatoes and dry beans.

(2) Fruits, including apples, peaches, grapes, cherries and berries.

(3) Vegetables, including tomatoes, snap beans, cabbage, carrots, beets, onions and mushrooms.

(4) Horticultural specialties, including nursery stock, ornamental shrubs, ornamental trees and flowers.

(5) Cattle, sheep, hogs, goats, horses, poultry, furbearing animals, milk, eggs and furs.

(6) Timber, wood and other wood products derived from trees.

(7) Aquatic plants and animals and their by-products.

(8) Products derived from any of the above and other products derived from the business of farming, including such other products as may be manufactured, derived or prepared from the heretofore mentioned products, raw or processed, which are used as food for man or animals.

"Agriculture-related industry." An industry, including a farm, that produces agricultural products for commercial purposes. The Department of Agriculture shall annually determine and publish a list of agriculture-related industries in the Pennsylvania Bulletin. Additions may not be made to the list unless funding for the program exceeds the amount necessary to fully fund the benefit for students in existing categories.

"Mixed practice of veterinary medicine." As described by the American Veterinary Medical Association, that type of clinical veterinary practice or consultation which deals with more than one categorical species, including, but not limited to, agricultural animals.

"Practice of veterinary medicine." The practice in the field of veterinary medicine by any person qualified by educational training and experience in the science and techniques of veterinary medicine and who is currently licensed to practice veterinary medicine by the Pennsylvania State Board of Veterinary Medicine under the act of December 27, 1974 (P.L.995, No.326), known as the Veterinary Medicine Practice Act.

"Qualified applicant." A resident of this Commonwealth who meets all of the following criteria:

(1) Holds a degree in a field related to the production of agricultural products or in the field of veterinary medicine, from an institution of higher education located within this Commonwealth, approved by the agency for participation under this chapter. Graduates of such institutions within the United States but outside the Commonwealth may be added if funds exceed the amounts required to fully fund benefits for graduates of Commonwealth institutions.

(2) Is engaged in full-time employment or work in an agriculture-related industry or in the practice of veterinary medicine, a portion of which activity must be for the protection and enhancement of agricultural animal health and productivity, on or after July 1, 1991.

(3) Has borrowed through the agency-administered Guaranteed Student Loan Programs.

"U.S.D.A. certification." Certification by the United States Department of Agriculture that a graduate veterinarian has successfully passed an examination and is certified to sign health certificates allowing the interstate commerce of agricultural animals and animal products as well as the ability to certify regulatory testing such as bovine tuberculosis and brucellosis.

"Veterinary medicine." That branch of medicine which deals with the diagnosis, prognosis, treatment, administration, prescription, operation or manipulation or application of any apparatus or appliance for any disease, pain, deformity, defect, injury, wound or physical condition of any animal or for the prevention of or the testing for the presence of any disease.

Section 503. Agriculture Education Loan Forgiveness Program.

(a) Eligibility.—Qualified applicants who are selected for the Agriculture Education Loan Forgiveness Program, in accordance with this chapter, shall be eligible for payment by the agency of a portion of the debt incurred by the applicant through the agency-administered Guaranteed Student Loan Programs for the education necessary to receive a degree in an agriculturally related field. For each year that the

applicant is employed full time in an agriculture-related industry or works full time in an agriculture-related industry, a portion of which must be located within this Commonwealth, or is engaged in the mixed practice of veterinary medicine within this Commonwealth, a portion of which activity must be for the protection and enhancement of agricultural animal health and productivity, and who has obtained U.S.D.A. certification, the agency shall forgive a proportional part of the applicant's loan.

(b) Amounts.—The following provisions shall apply to the amount of loan forgiveness:

(1) For applicants who do not hold a graduate degree in a field related to the production of agricultural products, no more than \$2,500 shall be forgiven in any year and no more than \$12,500 shall be forgiven for any applicant.

(2) For applicants who hold a graduate degree in a field related to the production of agricultural products, no more than \$3,750 shall be forgiven in any year and no more than \$18,750 shall be forgiven for any applicant.

(3) For applicants who hold a degree in the field of veterinary medicine, no more than \$5,000 shall be forgiven in any year and no more than \$25,000 shall be forgiven for any applicant.

Section 504. Loan forgiveness awards.

Recipients of the loan forgiveness awards shall be those applicants who are approved by the agency. Each applicant shall be required to submit such documentation of continued eligibility as the agency may require. The required content of this documentation shall be developed by the agency in consultation with the Department of Agriculture.

Section 505. Funding.

Loan forgiveness awards shall be made to the extent that funds are appropriated by the General Assembly.

Section 506. Responsibility of agency.

It shall be the responsibility of the agency to administer the Agriculture Education Loan Forgiveness Program established by this chapter and to adopt such regulations, policies, procedures and forms as are necessary and not inconsistent with the provisions of this chapter.

CHAPTER 30 MISCELLANEOUS PROVISIONS

Section 3001. Transition.

Chapter 5 is a continuation of the act of June 26, 1992 (P.L.322, No.64), known as the Agriculture Education Loan Forgiveness Act. The following apply:

(1) All activities initiated under the Agriculture Education Loan Forgiveness Act shall continue and remain in full force and effect and may be completed under Chapter 5. Orders, regulations, rules and decisions which were made under the Agriculture Education Loan Forgiveness Act and which are in effect on the effective date of section 3002 shall remain in full force and effect until revoked, vacated or modified under Chapter 5. Contracts and obligations entered into under the Agriculture Education Loan Forgiveness Act are not affected nor impaired by the repeal of the Agriculture Education Loan Forgiveness Act.

(2) Except as set forth in paragraph (3), any difference in language between Chapter 5 and the Agriculture Education Loan Forgiveness Act is intended only to conform to the style of this act and is not intended to change or affect the legislative intent, judicial construction or administration and implementation of the Agriculture Education Loan Forgiveness Act.

(3) Paragraph (2) does not apply to any of the following:

(i) The definitions of "agriculture-related industry" and "qualified applicant" in section 502.

(ii) The omission of the definitions of "family farm," "family farm corporation" and "immediate family member" in section 502.

(iii) Section 503.

Section 3002. Repeal.

The act of June 26, 1992 (P.L.322, No.64), known as the Agriculture Education Loan Forgiveness Act, is repealed.

Section 3003. Effective date.

This act shall take effect as follows:

(1) The following provisions shall take effect in 60 days:

(i) Chapter 5.

(ii) Section 3002.

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

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On the question, the Chair recognizes the gentleman, Mr. Daley, from Washington County.

Mr. DALEY. Thank you, Mr. Speaker.

My amendment will, regarding— The ag loan forgiveness levels have remained at \$2,000 since 1991 when the program was created, and the cost of the vet school education has gone up now to at least \$40,000 per year at the University of Pennsylvania.

This amendment increases the forgiveness levels to \$2,500 per year for undergraduates and \$3,750 for graduate degrees, \$5,000 per year for vets who go into large-animal practice, and the top limit of 5 years for forgiveness for each of these categories. The forgiveness program is not an entitlement, as we all know. Those eligible receive a prorated share of whatever money is appropriated by the legislature for that particular year.

Mr. Speaker, this amendment expands those eligible to include Pennsylvania residents who attend ag programs in schools outside of Pennsylvania, but their benefit will be funded only if all eligible Pennsylvania graduates have been fully funded for their forgiveness.

This program also, Mr. Speaker, is necessary because we have no way of estimating how many Pennsylvania students graduate from ag programs outside of Pennsylvania.

If the higher amounts set by this amendment were fully funded for all students in Pennsylvania ag schools, the cost would be about \$450,000. Last year's budgeted amount for the \$2,000 figure was \$210,000.

The projected demand for the coming year is 130 applicants – 30 new and 100 renewal – and we are creating an average. About 25 percent are vets, which are 33. The cost would be \$165,000; about 16 graduate students at \$60,000; and undergrads are 81, the cost of \$202,000. That is how we came up with that limit.

Mr. Speaker, I ask for an affirmative vote.

The SPEAKER pro tempore. For what purpose does the gentleman, Mr. Roebuck, rise?

I am sorry. The gentleman waives off.

The gentleman, Mr. Horsey, from Philadelphia.

Mr. HORSEY. Thank you, Mr. Speaker.

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

The SPEAKER pro tempore. The gentleman may proceed.

Mr. HORSEY. Mr. Speaker, do you have a fiscal note with this amendment?

Mr. DALEY. We ordered the fiscal note, and I am sure that it has been delivered.

We are waiting for the fiscal note, Mr. Speaker.

Mr. HORSEY. So, Mr. Speaker, do you have any idea what this amendment will cost?

Mr. DALEY. Yes. There is no cost for my amendment other than what has been appropriated for the actual bill.

Mr. HORSEY. Mr. Speaker, thank you.

PARLIAMENTARY INQUIRY

Mr. HORSEY. May I ask the Speaker/Parliamentarian, is this amendment in order without a fiscal note?

The SPEAKER pro tempore. The gentleman, Mr. Horsey, is correct. The fiscal note should be available for the members at the time that it is introduced.

The House will be temporarily at ease.

(Conference held at Speaker's podium.)

The SPEAKER pro tempore. The Chair is advised the fiscal note is now available for members and should appear on your system.

Does the gentleman, Mr. Horsey, wish to continue his interrogation at this time or have you concluded?

Mr. HORSEY. Mr. Speaker, I have not received the fiscal note per se, but I just need to know again, what is the financial cost of this amendment? What does the fiscal note say, Mr. Speaker?

The SPEAKER pro tempore. The gentleman, Mr. Daley, has indicated he will respond to the interrogation.

Mr. DALEY. Thank you, Mr. Speaker.

According to the fiscal note that was just handed to me – it is my understanding it will be on your screens momentarily – it says, “The adoption of this measure will have no adverse fiscal impact on Commonwealth funds.”

Mr. HORSEY. Okay. You must have paid them to do that one.

Okay. That is it.

Thank you, Mr. Speaker.

GERMANENESS QUESTIONED

The SPEAKER pro tempore. For what purpose does the gentleman, Mr. Roebuck, rise?

Mr. ROEBUCK. Thank you, Mr. Speaker.

I would like to move that the Daley amendment is not germane to HB 1274.

The SPEAKER pro tempore. The gentleman from Philadelphia, Mr. Roebuck, has raised the question of whether this amendment is germane, amendment 0944.

Under House rule 27, questions involving whether an amendment is germane are subject to be decided by the House.

On the question,

Will the House sustain the germaneness of the amendment?

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

Mr. ROEBUCK. Thank you, Mr. Speaker.

This bill is focused upon the issue of urban loan forgiveness and the effort to address the critical problem of the shortage of teachers in urban areas. While the idea that Mr. Daley offers is

perhaps a valid one, it is not an idea that belongs properly in this legislation.

Certainly I would, as Democratic chair of the House Education Committee, like to perhaps consider what Mr. Daley is proposing, but it is not an idea, a bill, a proposal, that has gone through the process of discussion in the Education Committee, and I would argue very strongly that it is inappropriate to attempt to amend this idea into this present legislation.

I would ask that my colleagues would vote that indeed it is not germane.

The SPEAKER pro tempore. The gentlelady from Chester, Mrs. Taylor, is recognized on the question of germaneness.

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

The SPEAKER pro tempore. The gentlelady may proceed on the question of germaneness. Thank you.

Mrs. TAYLOR. I am a bit confused. We have an Agriculture Loan Forgiveness Program in PHEAA (Pennsylvania Higher Education Assistance Agency) and it is supported by PHEAA funds.

Now, the question is that whenever we have a loan forgiveness program that is supported by State funds out of the budget, there is never enough money. So I am asking, why would we go with this amendment rather than have it be a part of what PHEAA is already doing, Mr. Speaker?

Mr. DALEY. Thank you, Mr. Speaker.

I do not want to disagree with you because I know you serve on the PHEAA Board, but the Loan Forgiveness Act that funds this particular program is funded through general revenues and not through PHEAA per se. So I think what you are saying is maybe not completely accurate in its depiction.

Secondly, Mr. Speaker, quite honestly, we need to keep Pennsylvania's young vets in Pennsylvania just like we need to keep young teachers working in the urban schools in Pennsylvania. The need for people to work out on the farm, to protect the farms of Pennsylvania, is just as great and the need is just as needy as working in the inner city.

I think the amendment is germane, and if the argument is about germaneness, Mr. Speaker, it is germane, and we fund it out of the loan forgiveness program and not PHEAA.

Mrs. TAYLOR. May I make a few remarks?

The SPEAKER pro tempore. The gentlelady is recognized to speak on the question of germaneness.

Mrs. TAYLOR. Thank you.

I just want the members to know that all the loan forgiveness programs in the past that have been funded with taxpayers' money out of our General Fund budget have never been enough. We have always had to go to loan forgiveness.

I will have more to say when we discuss the bill itself. So I would request a “no” on this amendment.

The SPEAKER pro tempore. The gentleman, Mr. Horsey, from Philadelphia. For what purpose do you rise?

Mr. HORSEY. Mr. Speaker, I heard the last speaker, and I agree, you know, in terms of where the funding has come from, and I understand we are on the issue of germaneness, but the uniqueness of all of our loan forgiveness programs should be, if they are not, based on need, and the gentleman is proposing a loan forgiveness program and he has not shown a need. The gentleman is talking about a—

Well, I am not talking about germaneness, but I am in favor of—

The SPEAKER pro tempore. Will the gentleman suspend.

Mr. HORSEY. Yes, I know.

The SPEAKER pro tempore. Your remarks perhaps would be best—

Mr. HORSEY. —saved to the end—

The SPEAKER pro tempore. —to ask the question of germaneness.

Mr. HORSEY. —and it was not covering germaneness.

The SPEAKER pro tempore. Thank you.

Mr. HORSEY. I agree it is not germane, and I would like to ask the members to vote that it is not germane.

Thank you.

The SPEAKER pro tempore. The Speaker recognizes the gentlelady from Berks, Mrs. Miller.

Mrs. MILLER. Thank you, Mr. Speaker.

May I please interrogate the maker of the motion on the germaneness issue?

The SPEAKER pro tempore. The maker of the motion indicates he will receive your interrogation.

Mrs. MILLER. Mr. Speaker, HB 1274, to my understanding, does deal with the Pennsylvania Higher Education Assistance program through which the Agriculture Education Loan Forgiveness Program is also funded.

My question – and I am not clear from the discussion that has occurred in response to the chairman of PHEAA’s interrogation as to whether or not this is in fact a PHEAA program that is being proposed under the urban educator loan forgiveness program – if it is in fact a proposal to be funded through PHEAA, then my question is, why does the maker of the motion feel that another ag education loan forgiveness program also under the PHEAA auspices is not germane?

The SPEAKER pro tempore. Mr. Roebuck.

Mrs. MILLER. Can I repeat it?

Mr. ROEBUCK. Yes, please. I am sorry.

Mrs. MILLER. Okay.

Mr. Speaker, I have been asked to repeat the question. I will do my best.

HB 1274, to my understanding, creates the urban educator loan forgiveness program under the PHEAA program. Your motion is to say that the amendment that is being proposed that would expand the Ag Education Loan Forgiveness Program, which is also part of PHEAA, is somehow not germane to HB 1274. My question is, why would you assume that these two programs, which are funded through PHEAA, somehow that an expansion or a change in the one program would not be germane to your legislation?

Mr. ROEBUCK. The intent of my bill is to focus on the critical need of urban areas, and it is in fact true that both fall under the broad category of loan forgiveness. But the specific intent of the legislation is to focus upon urban problems, urban education, in a number of urban districts across the Commonwealth that have particular well-established needs that this bill tries to address. The language that is proposed by the Daley amendment is so broad that I believe it creates an open-ended kind of definition even of “agriculture” and who might apply under that law under his definition, and I think it opens, it creates far more problems than it resolves and it dilutes the intent of the legislation, and I think it seriously undercuts

even the concept of agricultural loan forgiveness as a general fact.

Mrs. MILLER. Thank you, Mr. Speaker.

One more question for clarification.

HB 1274, is that a freestanding act or is that an amendment to the PHEAA act?

Mr. ROEBUCK. It is a freestanding bill, I believe, in that it seeks to re-create a program that was once in existence addressing the needs of urban school districts.

Mrs. MILLER. Thank you, Mr. Speaker.

On the motion to say that the Daley amendment is nongermane and in response to some of the concerns expressed by the previous speaker, when the language that is being put forward to us was being created, being developed, it was to allow for a very necessary expansion so that those students who are attending other States’ veterinary schools who may not either have the financial ability or perhaps the academic standard to get into our one and only veterinary school, it gives them the opportunity to come back to Pennsylvania.

Since this amendment does in fact come under the PHEAA loan forgiveness program and since the sponsor of the motion to call this nongermane has said that his legislation also is dealing with the Pennsylvania Higher Education Assistance Agency’s program, I feel that this amendment is in fact germane and would ask for my colleagues’ consideration in allowing this amendment to go forward, because it is essential for our number one industry in Pennsylvania that we have large-animal practitioners that will be available to assist the farm community. It is also imperative that we have young farmers willing to come back to Pennsylvania who may not be able to go to school at our two agricultural colleges in the Commonwealth.

So, Mr. Speaker, I would ask that my colleagues do reinforce this amendment and vote that it is germane.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentlelady and recognizes, for the second time on the question of germaneness, the gentleman from Philadelphia, Mr. Roebuck.

Mr. ROEBUCK. Thank you, Mr. Speaker.

I certainly understand the argument that was just offered, and I might point out that in fact the State’s only veterinary school is in my legislative district. And I might also point out that 70 percent of the students who graduate from the University of Pennsylvania Veterinary School stay in the State and they become productive veterinarians in this State; they service the veterinary industry. So I do not think there is a particular problem in that area, and I think we also subsidize those students by our appropriations process to encourage them to come and stay in this State.

So if we are addressing that particular problem, I do not believe it is a real problem that exists, and I would urge that we find that the Daley amendment is in fact not germane.

THE SPEAKER (JOHN M. PERZEL) PRESIDING

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Daley.

Mr. DALEY. Thank you, Mr. Speaker.

Maybe Mr. Roebuck does not think this is germane, but the University of Pennsylvania school for veterinary sciences thinks

it is germane, and they asked us to do this amendment because they think it is a problem.

I believe it is germane. You heard the eloquence of the former speaker regarding the germaneness. We are dealing with PHEAA; we are dealing with a freestanding act; we are dealing with funding; we are dealing with loan forgiveness. It is a perfect fit. It is a perfect match. It may not be urban schools, but it is rural schools. It is agricultural needs, not just urban needs.

We ask for a “no” vote on the germaneness.

The SPEAKER. The Chair thanks the gentleman.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the gentleman from Jefferson, Mr. Smith.

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

First a point of parliamentary inquiry.

Would you clarify for the members which vote is which? When you have that kind of negative motion – it is not germane – if someone votes “yes,” they are voting that the amendment is germane, and if someone votes “no,” they are voting that it is not germane. Is that correct?

The SPEAKER. The gentleman is correct.

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

On the matter before the House.

The SPEAKER. The gentleman is in order.

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

I just want to – I appreciate the clarification for the members – I would rise in support of the motion that this amendment is not germane. With all due respect to the substance of the issue, I would urge the members to vote “no,” that the amendment is not germane to the bill.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On that question, those in favor— Mr. Daley.

Mr. DALEY. Mr. Speaker, I was a little bit more confused after Mr. Smith was done with his oration.

For the members, a “yes” vote is that the Daley amendment is germane; a “no” is a no, that it is not germane. Is that correct?

The SPEAKER. That is correct.

Mr. DALEY. Thank you, Mr. Speaker.

I ask for a “yes” vote.

The SPEAKER. Those who believe the amendment is germane will vote “aye”; those who believe the amendment is not germane will vote “no.”

On the question recurring,

Will the House sustain the germaneness of the amendment?

The following roll call was recorded:

YEAS-76

Bebko-Jones	Diven	Leach	Sainato
Belardi	Eachus	Lescovitz	Samuelson
Belfanti	Fabrizio	Levdansky	Santoni
Biancucci	Freeman	Maitland	Scrimenti
Bishop	Gabig	Manderino	Semmel
Blaum	George	Mann	Shaner
Caltagirone	Gergely	McCall	Solobay
Casorio	Godshall	Miller, S.	Staback
Cawley	Goodman	Mundy	Steil
Cohen	Grucela	O'Brien	Surra
Corrigan	Gruitza	Pallone	Tigue

Costa	Haluska	Petrarca	Travaglio
Coy	Hanna	Petrone	Vitali
Creighton	Harhai	Pistella	Wansacz
Daley	Hasay	Preston	Wilt
DeLuca	Kenney	Readshaw	Wojnarowski
Denlinger	Kotik	Roberts	Yewcic
Dermody	LaGrotta	Rohrer	Yudichak
DeWeese	Laughlin	Ruffing	Zug

NAYS-121

Adolph	Fairchild	Maher	Saylor
Allen	Feese	Major	Scavello
Argall	Fichter	Markosek	Schroder
Armstrong	Fleagle	Marsico	Smith, B.
Baker	Flick	McGill	Smith, S. H.
Baldwin	Forcier	McIlhattan	Stairs
Bard	Frankel	McIlhinney	Stern
Barrar	Gannon	McNaughton	Stetler
Bastian	Geist	Melio	Stevenson, R.
Benninghoff	Gillespie	Metcalfe	Stevenson, T.
Birmelin	Gingrich	Micozzie	Sturla
Boyd	Good	Millard	Tangretti
Browne	Habay	Miller, R.	Taylor, E. Z.
Bunt	Harhart	Mustio	Thomas
Butkovitz	Harris	Myers	True
Buxton	Hennessey	Nailor	Turzai
Cappelli	Herman	Nickol	Vance
Causar	Hershey	Oliver	Veon
Civera	Hess	O'Neill	Walko
Clymer	Hickernell	Payne	Washington
Coleman	Horsey	Petri	Waters
Cornell, S. E.	Hutchinson	Phillips	Watson
Crahalla	James	Pickett	Weber
Cruz	Josephs	Raymond	Wheatley
Curry	Keller	Reed	Williams
Dally	Killion	Reichley	Wright
DiGirolamo	Kirkland	Roebuck	Youngblood
Donatucci	Lederer	Rooney	
Egolf	Leh	Ross	
Evans, D.	Lewis	Rubley	Perzel,
Evans, J.	Mackereth	Sather	Speaker

NOT VOTING-0

EXCUSED-6

Dailey	Lynch	Rieger	Taylor, J.
Harper	McGeehan		

Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was declared not germane.

The SPEAKER. The amendment is ruled by the body to be not germane.

GUESTS INTRODUCED

The SPEAKER. The Chair would like to note in the balcony today we have the fourth grade class of St. Albert the Great. They are guests of the Speaker and Representative George Kenney.

I would like to ask the class to remain there for a few moments. There is a box of things coming up for them from the chief of staff, Mr. Preski.

CONSIDERATION OF HB 1274 CONTINUED

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

The Chair recognizes the gentlelady from Chester, Mrs. Taylor.

Mrs. TAYLOR. Thank you, Mr. Speaker.

May I interrogate the sponsor of the bill?

The SPEAKER. The gentleman, Mr. Roebuck, indicates that he will stand for interrogation. The gentlelady is in order and may proceed.

Mrs. TAYLOR. Mr. Speaker, would you like to inform the colleagues that we did have the Rural and Urban Loan Forgiveness Program in PHEAA, that was funded by PHEAA, and at a recent meeting we did not support this because there were not enough applicants. If we have a loan forgiveness program and we do not have applicants, then the board decided that we would not support, the fact that there was no need because there were no applicants. So I would ask, Mr. Speaker, if my good friend, Jim, would tell me why he thinks this bill is even necessary.

The SPEAKER. Mr. Roebuck.

Mr. ROEBUCK. Thank you, Mr. Speaker.

I think that we deal in things that change from year to year, Mr. Speaker, and the reality is that at one point there seemed to be less interest in the idea of accessing funds for urban teacher loan forgiveness. But there is the reality that many urban districts, particularly my district, Philadelphia, faces every year a very serious shortage of teachers. We know we have reduced teachers in the Commonwealth of Pennsylvania, but many of those, we also export a large number of those teachers to other States. This is designed to encourage more of our young people, more of those who go to our State colleges, more of those that we as legislators create opportunity for, to stay in this State and even consider teaching in urban districts, which oftentimes are some of the toughest districts to teach in and have the most difficulty in attracting strong, qualified teachers. Hopefully by re-creating this program, we will encourage more of our young people to stay in the State and indeed become good teachers that our students need.

Mrs. TAYLOR. Mr. Speaker, I could not agree more with the speaker's response. However, it is the funding; it is the funding. We have had programs— I have had a program myself, Scholars in Education Assistance. We had that program. There was no more need for it, so we eliminated it. We eliminated the loan forgiveness for rural and urban teachers because there were no applicants. And when I look at the funding coming from PHEAA on one hand and I took a look at the fiscal note on this bill, I was astonished. So I would like to ask the speaker to inform the body as to the cost of his bill.

Mr. ROEBUCK. Thank you, Mr. Speaker.

I have received a fiscal note on the bill, and I am trying to locate it so I might respond to the inquiry.

The fiscal note suggests that the initial year, the amount that would be required would be approximately \$2 million, and that would increase, if indeed the demand for the loan increased, to a potential of approximately \$15 million by the fourth year of the program's existence. That assumes, of course, that indeed there would be a full number of students seeking to access these funds, and I would suggest that by having this program in place, it will allow students who might think about coming to teach in urban areas to access help in their educational needs, even if we never reach the full allotment that is projected as the broadest possible number of students who might want urban teacher loan forgiveness.

Mrs. TAYLOR. Mr. Speaker, interrogation again to Representative Roebuck.

Would you agree that this legislation would not be necessary if the Rural and Urban Teacher Loan Forgiveness Program that had been sponsored by PHEAA would be reinstated? Therefore, the funding for that would come from PHEAA and not out of the State budget and also might not be realized, because many of our loan forgiveness programs that were funded by the State budget were never realized, and many of our loan forgiveness programs, for example, the Child Care Loan Forgiveness Program, the State was never able to fund that properly. PHEAA now has taken that over, so there will be no lottery, so that we will address it.

So, Mr. Speaker, my problem is, I do not see a need for this bill when it could be taken under consideration again by PHEAA to see if anybody is interested so that we can keep our people who want to go out of State, keep them in State, and I think that the Representative, Mr. Speaker, that the wide reach and PR that PHEAA has through the schools, from the elementary school right straight up to high school, could better market this program than we are able to do in the General Assembly.

Thank you very much, Mr. Speaker. I am going to vote "no" on this, not because of the substance but because of the funding.

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

Mr. ROEBUCK. Was that a question to me? I was not quite clear.

Let me just say this in response to the lady's question, that in fact I, too, like she, serve on the PHEAA Board, and certainly I have asked that PHEAA consider doing exactly what she has suggested, and that has not happened. And I would hope that this might serve then as an incentive for PHEAA to take up this issue again, or if not, then I think we do have an obligation as the legislative body of the State to address the critical need for good teachers in urban areas and encourage them to stay in this State and become productive citizens in our urban communities.

That would be my response to the question.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Horsey.

Mr. HORSEY. Mr. Speaker, I rise in favor of this bill for two reasons. I will keep it real short.

Every year, not from other States but from the Commonwealth of Pennsylvania, we graduate between 3,000 and 5,000 schoolteachers, people who have degrees in education, and every single year the Philadelphia school system is short on teachers who will come to Philadelphia and want to work and want to be hired and serve as teachers in the Philadelphia school system. We need to encourage people from

all over the State of Pennsylvania, not just Delaware and Virginia and other places, but all over the Commonwealth to come to Philadelphia to work as schoolteachers, and this bill will serve as encouragement for that to happen.

We graduate – one more time – between 3,000 and 5,000 schoolteachers in the State of Pennsylvania, and every year the Philadelphia school system is short 300, 400, 500 schoolteachers. There should be a match there, but we cannot seem to get it. And this has been going on not just the last 5 years; this has been going on for 15 or 20 years. We are constantly short on schoolteachers. So I would urge a “yes” on this particular bill, Mr. Speaker.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS-147

Allen	Fichter	Markosek	Saylor
Bard	Frankel	Marsico	Scrimenti
Bebko-Jones	Freeman	McCall	Semmel
Belardi	Gabig	McGill	Shaner
Belfanti	George	McIlhatten	Smith, B.
Benninghoff	Gergely	McIlhinney	Smith, S. H.
Biancucci	Gillespie	McNaughton	Solobay
Bishop	Gingrich	Melio	Staback
Blaum	Godshall	Micozzie	Stairs
Browne	Goodman	Millard	Stetler
Bunt	Grucela	Miller, R.	Stevenson, T.
Butkovitz	Gruitza	Mundy	Sturla
Buxton	Habay	Mustio	Surra
Caltagirone	Haluska	Myers	Tangretti
Casono	Hanna	Nailor	Thomas
Causer	Harhai	Nickol	Tigue
Cawley	Herman	O'Brien	Travaglio
Civera	Horsey	Oliver	Turzai
Cohen	Hutchinson	O'Neill	Veon
Cornell, S. E.	James	Pallone	Vitali
Corrigan	Josephs	Payne	Walko
Costa	Keller	Petrarca	Wansacz
Coy	Kenney	Petrone	Washington
Crahalla	Killion	Pistella	Waters
Cruz	Kirkland	Preston	Watson
Curry	Kotik	Raymond	Weber
Daley	LaGrotta	Readshaw	Wheatley
DeLuca	Laughlin	Reed	Williams
Dermody	Leach	Reichley	Wojnaroski
DeWeese	Lederer	Roberts	Wright
DiGirolamo	Lescovitz	Roebuck	Yewcic
Diven	Levdansky	Rooney	Youngblood
Eachus	Mackereth	Rubley	Yudichak
Egolf	Maher	Ruffing	Zug
Evans, D.	Maitland	Sainato	
Evans, J.	Manderino	Samuelson	Perzel,
Fabrizio	Mann	Santoni	Speaker
Feese			

NAYS-49

Adolph	Dally	Hennessey	Rohrer
Argall	Denlinger	Hershey	Sather
Armstrong	Fairchild	Hess	Scavello
Baker	Fleagle	Hickernell	Schroder
Baldwin	Flick	Leh	Steil
Barrar	Forcier	Lewis	

Bastian	Gannon	Major	Stern
Birmelin	Geist	Metcalfe	Stevenson, R.
Boyd	Good	Miller, S.	Taylor, E. Z.
Cappelli	Harhart	Petri	True
Clymer	Harris	Phillips	Vance
Coleman	Hasay	Pickett	Wilt
Creighton			

NOT VOTING-1

Donatucci

EXCUSED-6

Dailey	Lynch	Rieger	Taylor, J.
Harper	McGeehan		

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 1913, PN 3554**, 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 disqualifications relating to teacher's certificate.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

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-197

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

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

NAYS-0

NOT VOTING-0

EXCUSED-6

Dailey	Lynch	Rieger	Taylor, J.
Harper	McGeehan		

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 2170, PN 2941**, entitled:

An Act amending the act of March 11, 1971 (P.L.104, No.3), known as the Senior Citizens Rebate and Assistance Act, further providing for the definition of "income."

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

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

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-197

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

NAYS-0

NOT VOTING-0

EXCUSED-6

Dailey	Lynch	Rieger	Taylor, J.
Harper	McGeehan		

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 2171, PN 2942**, entitled:

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, further providing for the definition of "income" as it pertains to the PACE and PACENET programs.

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

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

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-197

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

Eachus	Leh	Ruffing	Perzel,
Egolf	Lescovitz	Sainato	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-6

Dailey	Lynch	Rieger	Taylor, J.
Harper	McGeehan		

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 1911, PN 2498**, entitled:

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, authorizing certified registered nurse practitioners and physician assistants to verify a person's claim to have a disability which temporarily or permanently precludes the person from any form of employment or work-related activity; and providing for establishment of RESET and eligibility.

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

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

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-197

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

Casorio	Haluska	Nailor	Tigue
Causer	Hanna	Nickol	Travaglio
Cawley	Harhai	O'Brien	True
Civera	Harhart	Oliver	Turzai
Clymer	Harris	O'Neill	Vance
Cohen	Hasay	Pallone	Veon
Coleman	Hennessey	Payne	Vitali
Cornell, S. E.	Herman	Petrarca	Walko
Corrigan	Hershey	Petri	Wansacz
Costa	Hess	Petrone	Washington
Coy	Hickernell	Phillips	Waters
Crahalla	Horshey	Pickett	Watson
Creighton	Hutchinson	Pistella	Weber
Cruz	James	Preston	Wheatley
Curry	Josephs	Raymond	Williams
Daley	Keller	Readshaw	Wilt
Dally	Kenney	Reed	Wojnaroski
DeLuca	Killion	Reichley	Wright
Denlinger	Kirkland	Roberts	Yewcic
Dermody	Kotik	Roebuck	Youngblood
DeWeese	LaGrotta	Rohrer	Yudichak
DiGirolamo	Laughlin	Rooney	Zug
Diven	Leach	Ross	
Donatucci	Lederer	Rubley	
Eachus	Leh	Ruffing	Perzel,
Egolf	Lescovitz	Sainato	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—6

Dailey	Lynch	Rieger	Taylor, J.
Harper	McGeehan		

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 **SB 319, PN 1030**, entitled:

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; and making a repeal.

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

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

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—197

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Dailey	Lynch	Rieger	Taylor, J.
Harper	McGeehan		

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 return the same to the Senate with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

* * *

The House proceeded to third consideration of **HB 1238, PN 1522**, entitled:

An Act amending the act of February 11, 1998 (P.L.58, No.15), known as the Combustible and Flammable Liquids Act, further providing for self-service dispensing stations, for prohibition and for penalties.

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

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

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-197

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

Eachus	Leh	Ruffing	Perzel,
Egolf	Lescovitz	Sainato	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-6

Dailey	Lynch	Rieger	Taylor, J.
Harper	McGeehan		

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 2472, PN 3562**, entitled:

An Act amending the act of February 9, 1999 (P.L.1, No.1), known as the Capital Facilities Debt Enabling Act, adding and amending definitions; and further providing for borrowing limitations, for bond terms and conditions, for the Capital Debt Fund, for registration of bonds, for appropriation for and limitation on redevelopment assistance capital projects and for funding and administration of redevelopment assistance capital projects.

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

BILL PASSED OVER TEMPORARILY

The SPEAKER. The Chair will go over the bill temporarily.

RESOLUTION

Mr. S. SMITH called up **HR 618, PN 3485**, entitled:

A Resolution directing the Legislative Budget and Finance Committee to conduct a thorough review of Pennsylvania's long-term care continuum, to examine current demographic information in order to identify anticipated future demand for long-term care programs and services and the ability of the current long-term care provider network to meet that demand and to assess the role of private and public payors in meeting the current and anticipated future costs for long-term care programs and services.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-197

Adolph	Evans, D.	Levdansky	Samuelson
Allen	Evans, J.	Lewis	Santoni
Argall	Fabrizio	Mackereth	Sather
Armstrong	Fairchild	Maher	Saylor
Baker	Feese	Maitland	Scavello
Baldwin	Fichter	Major	Schroder
Bard	Fleagle	Manderino	Scrimenti
Barrar	Flick	Mann	Semmel

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Dailey	Lynch	Rieger	Taylor, J.
Harper	McGeehan		

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

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 1026, PN 1495**, entitled:

An Act amending Title 64 (Public Authorities and Quasi-Public Corporations) of the Pennsylvania Consolidated Statutes, providing for economic development financing; further providing for money appropriated to the Department of Community and Economic Development for the Base Retention and Conversion Pennsylvania Action Committee; making a related repeal; and making an editorial change.

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

RULES SUSPENDED

The SPEAKER. The Chair recognizes the majority leader, the gentleman, Mr. Smith.

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

Mr. Speaker, SB 1026 is one of the pieces of legislation that plays a part in the overall stimulus package that we have been discussing and working on in the recent days and weeks, and in order for us to properly consider the interests and the motions and the various elements of negotiation over the last couple of weeks, I would like to make a motion to suspend the rules for the consideration of amendment A0972.

The SPEAKER. The gentleman, Mr. Smith, moves that the rules be suspended for the purpose of voting amendment A0972.

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

The SPEAKER. On that motion, the Chair recognizes the Democrat leader, the gentleman, Mr. DeWeese.

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

I guess notwithstanding the fact that I was pregnant with hope that the majority leader would ask for a suspension of the rules to consider the DeWeese amendment, the fact that he did enumerate which one it was is obviously satisfactory. We have worked a long time together on this bill and on this series of proposals and specifically this amendment. This amendment is not all that complicated. What we are trying to do now, together as leadership teams and hopefully the bulk of our rank and file, is to put together the stimulus oversight board. What this does is creates the board. Its duties and responsibilities are put forth in this amendment. The DCED (Department of Community and Economic Development) staffing setup is also in this amendment and the appointment procedures for members of the board.

It is a very cut-and-dry proposal. It does have bipartisan support of substantial magnitude, and I would naturally ask for an affirmative vote for the suspension of the rules for its immediate consideration.

Thank you very much, Mr. Speaker.

The SPEAKER. For the information of the members, on a suspension of the rules, the only ones allowed to speak on the suspension of the rules are the leaders.

PARLIAMENTARY INQUIRY

The SPEAKER. Does the gentleman have a parliamentary inquiry? The gentleman will state his parliamentary inquiry.

Mr. LEVDANSKY. Thank you, Mr. Speaker.

Mr. Speaker, before the vote on this motion to suspend the rules, I would just like to ask the Speaker, I have two and possibly three amendments that I have filed in a timely fashion. I know Representative Dally also has an amendment filed in a timely fashion. My point of parliamentary inquiry is, if we suspend the rules for the consideration of this one amendment, will amendments A0961, 0939, 0940, and Representative Dally's amendment 0924, will those amendments be considered

and deemed to be appropriately and timely filed and considered?

The SPEAKER. Mr. Levdansky, you will be recognized, and as long as they do not conflict, your amendments with the DeWeese amendment, they should be in order. We are told that there was special care made to try to prevent you from not – to make sure that you could offer your amendments.

Mr. LEVDANSKY. So I and Representative Dally will be able to offer our amendments without—

The SPEAKER. I did not say that.

Mr. LEVDANSKY. —without any difficulty in terms of suspending rules.

The SPEAKER. Mr. Levdansky, I did not say that. I said provided that they do not conflict with the DeWeese amendment. The Parliamentarian is looking that up right now. We do not believe that to be the case, but that may not be true.

Mr. LEVDANSKY. Okay.

The SPEAKER. The Parliamentarian does not think that they do.

On that question, Mr. DeWeese? Mr. Smith?

Those in favor of the suspension of the rules for amendment A0972, those in favor of the motion to suspend will vote “aye”; those opposed, “no.”

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

The following roll call was recorded:

YEAS-197

Adolph	Evans, D.	Levdansky	Samuelson
Allen	Evans, J.	Lewis	Santoni
Argall	Fabrizio	Mackereth	Sather
Armstrong	Fairchild	Maher	Saylor
Baker	Feese	Maitland	Scavello
Baldwin	Fichter	Major	Schroder
Bard	Fleagle	Manderino	Scrimenti
Barrar	Flick	Mann	Semmel
Bastian	Forcier	Markosek	Shaner
Bebko-Jones	Frankel	Marsico	Smith, B.
Belardi	Freeman	McCall	Smith, S. H.
Belfanti	Gabig	McGill	Solobay
Benninghoff	Gannon	McIlhattan	Staback
Biancucci	Geist	McIlhinney	Stairs
Birmelin	George	McNaughton	Steil
Bishop	Gergely	Melio	Stern
Blaum	Gillespie	Metcalfe	Stetler
Boyd	Gingrich	Micozzie	Stevenson, R.
Browne	Godshall	Millard	Stevenson, T.
Bunt	Good	Miller, R.	Sturla
Butkovitz	Goodman	Miller, S.	Surra
Buxton	Grucela	Mundy	Tangretti
Caltagirone	Gruitza	Mustio	Taylor, E. Z.
Cappelli	Habay	Myers	Thomas
Casorio	Haluska	Nailor	Tigue
Causer	Hanna	Nickol	Travaglio
Cawley	Harhai	O'Brien	True
Civera	Harhart	Oliver	Turzai
Clymer	Harris	O'Neill	Vance
Cohen	Hasay	Pallone	Veon
Coleman	Hennessey	Payne	Vitali
Cornell, S. E.	Herman	Petrarca	Walko
Corrigan	Hershey	Petri	Wansacz
Costa	Hess	Petrone	Washington
Coy	Hickernell	Phillips	Waters
Crahalla	Horsey	Pickett	Watson
Creighton	Hutchinson	Pistella	Weber

Cruz	James	Preston	Wheatley
Curry	Josephs	Raymond	Williams
Daley	Keller	Readshaw	Wilt
Dally	Kenney	Reed	Wojnaroski
DeLuca	Killion	Reichley	Wright
Denlinger	Kirkland	Roberts	Yewcic
Dermody	Kotik	Roebuck	Youngblood
DeWeese	LaGrotta	Rohrer	Yudichak
DiGirolamo	Laughlin	Rooney	Zug
Diven	Leach	Ross	
Donatucci	Lederer	Rubley	
Eachus	Leh	Ruffing	Perzel,
Egolf	Lescovitz	Sainato	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-6

Dailey	Lynch	Rieger	Taylor, J.
Harper	McGeehan		

A majority of the members required by the rules having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

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

Mr. DeWEESE offered the following amendment No. A0972:

Amend Sec. 1 (Sec. 1504), page 7, line 4, by striking out “Notes,” and inserting

Bonds, notes,

Amend Sec. 1 (Sec. 1504), page 7, line 28, by inserting after “land,”

infrastructure,

Amend Sec. 1 (Sec. 1504), page 8, line 16, by striking out “constructing”

Amend Sec. 1 (Sec. 1511), page 15, by inserting between lines 3 and 4

(k) Limitation on action.—If any provision of this section or section 1512 (relating to board) is held invalid by a court of competent jurisdiction, the authority shall not borrow further moneys nor issue further bonds, and the authority shall not further disburse to any person proceeds of any issue of bonds previously authorized. All provisions of outstanding bonds of the authority and all rights and remedies of obligees of the authority under this chapter shall be and shall remain valid and enforceable.

(l) Relationship with department.—

(1) The department shall provide administrative services and staff, including staff legal counsel, to the authority and the board. The authority shall reimburse the department for the cost of providing the administrative services and staff.

(2) The authority may enter into agreements with the department setting forth the rights and obligations they have to each other in carrying out their respective responsibilities under, and to further the intent of, this chapter.

Amend Sec. 1 (Sec. 1511), page 15, line 4, by striking out “(K)” and inserting

(m)

Amend Sec. 1 (Sec. 1512), page 16, line 2, by striking out “If the” and inserting

An

Amend Sec. 1 (Sec. 1512), page 16, line 3, by striking out “is a” and inserting

may not be a

Amend Sec. 1 (Sec. 1512), page 16, line 4, by striking out all of said line and inserting

Assembly or staff of a member of the General Assembly.

Amend Sec. 1 (Sec. 1512), page 16, line 11, by striking out all of said line and inserting quorum, and the following shall apply:

(1) The consent of at least five members of the board, with

Amend Sec. 1 (Sec. 1512), page 16, line 13, by striking out “any”

Amend Sec. 1 (Sec. 1512), page 16, line 14, by removing the period after “authority” and inserting for any of the following:

(i) Adopting bylaws.

(ii) Hiring professionals under section 1513(a)(5) and (6) (relating to powers).

(iii) Authorizing bonds.

(iv) Approving projects and contracts under Subchapter E (relating to programs).

(v) Adopting guidelines relating to the implementation of Subchapter E.

(2) A majority of the board shall be necessary to take any other action on behalf of the authority.

Amend Sec. 1 (Sec. 1512), page 17, by inserting between lines 1 and 2

(i) Initial appointment and vacancy.—Appointing authorities shall appoint initial members to the board within 30 days of the effective date of this chapter. Whenever a vacancy occurs on the board, the appointing authority shall appoint a successor member within 30 days of the vacancy.

Amend Sec. 1 (Sec. 1513), page 17, line 4, by inserting after “guidelines”

proposed by the department

Amend Sec. 1 (Sec. 1513), page 17, lines 10 through 12, by striking out all of said lines and inserting

(5) Employ an executive director.

Amend Sec. 1 (Sec. 1513), page 17, line 23, by striking out “LIQUIDATION” and inserting liquidity

Amend Sec. 1 (Sec. 1525), page 29, line 4, by striking out “Obtain” and inserting

Provide for obtaining

Amend Sec. 1 (Sec. 1525), page 30, line 22, by inserting after “the”

covenant,

Amend Sec. 1 (Sec. 1525), page 30, line 23, by inserting after “the” where it appears the first time

covenant,

Amend Sec. 1 (Sec. 1542), page 34, line 17, by inserting after “GRANTS”

, project grants

Amend Sec. 1 (Sec. 1543), page 35, by inserting between lines 29 and 30

(c) Fiscal year limitations.—

(1) Except as provided in subsection (d) and paragraphs (2), (3) and (4), the aggregate amount of indebtedness incurred by the authority, including through the issuance of bonds, may not exceed \$250,000,000 reduced by the aggregate amount of Commonwealth indebtedness incurred as a result of the act of February 12, 2004 (P.L.72, No.10), known as the Water and Wastewater Treatment Project Bond Act.

(2) Except as provided in subsection (d) and paragraphs (3) and (4) and upon adoption of a resolution under subsection (f)(1), the aggregate amount of indebtedness incurred by the authority, including through the issuance of bonds, may

not exceed \$500,000,000 reduced by the aggregate amount of Commonwealth indebtedness incurred as a result of the Water and Wastewater Treatment Project Bond Act.

(3) Except as provided in subsection (d) and paragraph (4) and upon adoption of a resolution under subsection (f)(2), the aggregate amount of indebtedness incurred by the authority, including through the issuance of bonds, may not exceed \$750,000,000 reduced by the aggregate amount of Commonwealth indebtedness incurred as a result of the Water and Wastewater Treatment Project Bond Act.

(4) Except as provided in subsection (d) and upon adoption of a resolution under subsection (f)(3), the aggregate amount of indebtedness incurred by the authority, including through the issuance of bonds, may not exceed \$1,000,000,000 reduced by the aggregate amount of Commonwealth indebtedness incurred as a result of the Water and Wastewater Treatment Project Bond Act.

(d) Exception.—Subsection (c) shall not apply to the aggregate amount of indebtedness incurred by the authority, including through the issuance of bonds, for the following programs:

(1) The program established in section 1553 (relating to Second Stage Loan Program).

(2) The program established in section 1554 (relating to New Pennsylvania Venture Guarantee Program).

(3) The program established in section 1556 (relating to Tax Increment Financing Guarantee Program).

(e) Certifications.—

(1) Beginning with fiscal year 2005-2006 and each fiscal year thereafter, after the final estimate required by section 618 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, is signed for the fiscal year, the Secretary of the Budget shall certify to the board all of the following:

(i) Whether sufficient surplus revenues will exist in the General Fund for the two succeeding fiscal years immediately following the fiscal year for which the estimate was signed to pay any liabilities which would be incurred by the Commonwealth during those years if the authority incurs an additional \$250,000,000 of indebtedness.

(ii) The aggregate amount of liabilities which would be incurred by the Commonwealth for the two succeeding fiscal years immediately following the fiscal year for which the estimate was signed which are a result of the activities by the authority.

(2) The Secretary of the Budget shall publish the certification in the Pennsylvania Bulletin as soon as possible.

(f) Increases.—

(1) After publication of the certification required by subsection (e) for the fiscal year 2005-2006, unless the Secretary of the Budget certifies under subsection (e) that the sufficient surplus revenues will not exist, the board may adopt a resolution authorizing the incurring of additional indebtedness subject to the limitation of subsection (c)(2). If the Secretary of the Budget certifies under subsection (e) that the sufficient surplus revenues will not exist, indebtedness of the authority shall remain subject to subsection (c)(1); and upon publication of a certification under subsection (e) that sufficient surplus revenues will exist, the board may adopt a resolution authorizing the incurring of additional indebtedness subject to subsection (c)(2).

(2) For the fiscal year following the adoption of a resolution under paragraph (1), unless the Secretary of the Budget certifies under subsection (e) that the sufficient surplus revenues will not exist, the board may adopt a resolution authorizing the incurring of additional indebtedness subject to the limitation of subsection (c)(3). If the Secretary of the Budget certifies under subsection (e) that the sufficient surplus revenues

will not exist, indebtedness of the authority shall remain subject to subsection (c)(2); and upon publication of a certification under subsection (e) that sufficient surplus revenues will exist, the board may adopt a resolution authorizing the incurring of additional indebtedness subject to subsection (c)(3).

(3) For the fiscal year following the adoption of a resolution under paragraph (2), unless the Secretary of the Budget certifies under subsection (e) that the sufficient surplus revenues will not exist, the board may adopt a resolution authorizing the incurring of additional indebtedness subject to the limitation of subsection (c)(4). If the Secretary of the Budget certifies under subsection (e) that the sufficient surplus revenues will not exist, indebtedness of the authority shall remain subject to subsection (c)(3); and upon publication of a certification under subsection (e) that sufficient surplus revenues will exist, the board may adopt a resolution authorizing the incurring of additional indebtedness subject to subsection (c)(4).

Amend Sec. 1 (Sec. 1556), page 57, line 21, by striking out "COMPREHENSIVE COUNTY PLAN OR"

Amend Sec. 1 (Sec. 1557), page 58, line 26, by inserting a period after "COMPANIES"

Amend Sec. 1 (Sec. 1557), page 58, line 27, by striking out "WHICH IS" and inserting

The nature of the investments shall be

Amend Sec. 1 (Sec. 1557), page 60, lines 26 through 28, by striking out "TO" where it appears the second time in line 26; all of line 27 and "ONE SENIOR-LEVEL PARTNER" in line 28 and inserting

for investments in Pennsylvania-related companies

Amend Sec. 1 (Sec. 1557), page 60, line 30, by striking out "DO NOT"

Amend Sec. 1 (Sec. 1557), page 60, line 30, by striking out "MORE" and inserting

less

Amend Sec. 1 (Sec. 1557), page 61, by inserting between lines 2 and 3

(3) At least 50% of the funds made available for the program under this section shall be used to make loans to venture capital partnerships which have primary offices staffed with at least one senior-level partner located in Pennsylvania counties which are outside the Philadelphia Metropolitan Statistical Area and which have a population of 1,000,000 or less, based on the 2000 Decennial Census of the Bureau of the Census.

Amend Bill, page 62, by inserting between lines 6 and 7

Section 6. Severability shall be as follows:

(1) Except as set forth in paragraph (2):

(i) The provisions of this act are severable.

(ii) If any provision of this act or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application.

(2) If 64 Pa.C.S. § 1511 or 1512 or the application of either provision to any person or circumstance is held invalid, the remaining provisions or applications of this act are void.

Amend Sec. 6, page 62, line 7, by striking out "6" and inserting

7

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

The following roll call was recorded:

YEAS-196

Adolph Evans, D. Levdansky Samuelson
Allen Evans, J. Lewis Santoni

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

NAYS-1

Metcalf

NOT VOTING-0

EXCUSED-6

Dailey Lynch Rieger Taylor, J.
Harper McGeehan

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

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

Mr. **DALLY** offered the following amendment No. **A0924**:

Amend Sec. 1 (Sec. 1555), page 56, line 7, by removing the period after “RECREATIONAL” and inserting
 , except for multitenant, income-producing residential projects in cities of the third class.

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

The **SPEAKER**. On that question, the Chair recognizes the gentleman, Mr. Dally.

Mr. **DALLY**. Thank you, Mr. Speaker.

What this amendment does is it amends a portion of the bill to allow for multitenant, income-producing residential projects in cities of the third class. As the members may be aware, there are 53 third-class cities in Pennsylvania, and in the Lehigh Valley we have three of them – Allentown, Bethlehem, and Easton – and what we should be doing with economic development, in addition to attracting new industry and maintaining our existing businesses, is also to provide an incentive for people to move to our cities. What this bill would do is it would allow the funds that are to be allocated in this legislation to be used for this type of real estate development. Once again, it is subject to the approval by the board that will be appointed to approve projects.

So simply by agreeing to this language does not mean that these projects will be approved, but it gives third-class cities another option, and I will give you an example. Lafayette College is trying to attract more of its student body into the city of Easton. There are developers that want to develop buildings that may have been used for manufacturing or storage or what have you in the past and are not suitable for that use anymore and are going to be converted to residential housing for students, and the same thing is occurring at Lehigh University, and that, in turn, is bringing these students down into the center-city portion of our cities, and with it, their dollars are spent in restaurants and shops and what have you.

So while it has been argued, I guess, that this is not real economic development, it does indeed spur economic development, and I think if anyone in this chamber represents a third-class city, I would encourage you to vote “yes” on this to provide these third-class cities with an opportunity to share in the largesse from this bill and encourage economic development as another way to save these cities from the financial plight that many of them are in.

So I would urge a “yes” vote on this, and I know, I think, there is going to be opposition, that this is not an agreed-to amendment, but I do not know who, agreed to by whom. There are 203 members in this House and everyone here has a vote, and rather than have a bill that is decided by a handful of people in a back room, let us have an open vote here, and I once again urge a “yes” vote on this amendment so all the members have a say in what this bill looks like.

The **SPEAKER**. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Greene, Mr. DeWeese.

Mr. DeWEESE. Responding to the rather melodramatic pronouncement of the previous speaker, the honorable gentleman from the 138th District, this was not decided in the back room. His declaration reeks with suspicion and confusion

about our noble process and the negotiations that were engendered over a year ago by all four caucuses and the Governor.

There is no doubt in my mind that what the gentleman has proffered is worthy, but our system is one of compromise, and essentially five groups, the administration and the four caucuses – Senate Republicans, House Republicans, Senate Democrats, House Democrats – have been negotiating for a year. The Governor has signed off. Rather than to allow this momentum, this cohesion, this bipartisan effort to dissolve, I would ask that the gentleman’s motion be defeated and we address it at a subsequent juncture.

The fact is, as I conclude my remarks, Mr. Speaker, we have the chance to put \$1.135 billion of economic development bonds, that all four caucuses and the Governor have shaken hands on, into play today, and the honorable gentleman’s amendment, worthy though it be, should be considered in a separate legislative package in a subsequent setting.

I would ask for a negative vote on Mr. Dally’s proposal.

The **SPEAKER**. The Chair recognizes the gentleman, Mr. Reichley.

Mr. **REICHLEY**. Thank you, Mr. Speaker.

With all due respect to the gentleman from Greene County, the only thing that reeks about the opposition to this amendment is the fact that it denies representation to people in cities of the third class. This amendment goes toward helping people who are outside of the city of the first class, city of the second class.

Months ago we had a report from the Brookings Institution, which was touted by everybody throughout this State saying this is the roadmap to how we recover, how we force people from stopping from moving from our urban areas out into rural areas, developing farmland which should not be taken, and making these what they call hollow areas or doughnuts of our cities and our boroughs. There are more areas other than the cities of the first class and the second class in this Commonwealth that need economic development, and if we ignore the plight of those areas throughout this State which make up more than a majority of our constituents, we are turning our back on people who are in very great need.

If the people of this Assembly are true to their word about the desire to bring economic development everywhere throughout this Commonwealth, this amendment complies with that request and that desire, and I urge members respectfully, although there is opposition from leadership, to vote in favor of the Dally amendment.

Thank you.

The **SPEAKER**. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Freeman.

Mr. **FREEMAN**. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the Dally amendment. I think the gentleman has hit upon a very good idea which could help to spur economic development in our older third-class cities. There have been studies done by the Brookings Institute and others that show that we have to do a better effort of revitalizing our older urban cores, our older urban areas, and this is one way to do that. There is increased interest on the part of what has been called by Richard Florida, a professor from an esteemed institution of higher learning in Pittsburgh, to create environments for the creative class to be able to locate. This is an opportunity to take our third-class cities and make them places for new economic development to ensure that we have

the opportunity to draw people into the inner city to live and to support the businesses that are there. This could be a very effective economic development tool for our third-class cities here in the Commonwealth of Pennsylvania, and I urge a “yes” vote.

The SPEAKER. The gentleman, Mr. Samuelson.

Mr. SAMUELSON. Thank you, Mr. Speaker.

I also rise in support of the Dally amendment. With all due respect to the minority leader, who said that we live in a system of compromise and this bill has been a compromise between the leaders of the four caucuses and the Governor’s staff, we also live in a representative democracy where each of the 203 Representatives has a right to offer amendments. Mr. Dally has come up with a very good idea, and we should have an up-or-down vote on this amendment. We will in a matter of moments. I hold in my hand a copy of the rules of the House. Nowhere in the rules of the House does it say we can only vote on amendments that are agreed to by the leaders of the House of Representatives.

So I think that Mr. Dally has come up with a very good idea, and I urge support for the Dally amendment. This will help give third-class cities in Pennsylvania, 53 third-class cities in Pennsylvania, an opportunity for additional redevelopment tools.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Lawrence, Mr. Sainato.

Mr. SAINATO. Thank you, Mr. Speaker.

I, too, rise in support of the Dally amendment. We need to do something to help our third-class cities in Pennsylvania. As a previous speaker said, we have 53 third-class cities, and I think that we need this. We need to give all tools of economic development to all cities in Pennsylvania, just not cities of the first and second class, Mr. Speaker. The backbone of Pennsylvania was built on small cities such as New Castle and Allentown and Uniontown. That is where the backs were built in Pennsylvania.

For too long we forgot about third-class cities and small towns and communities across this Commonwealth. What this amendment is doing is trying to put a little fairness back in the system, Mr. Speaker. We need to help third-class cities. They have been struggling for many years through no fault of their own. Many of them lost steel mills, many of them lost manufacturing plants 20 and 30 years ago, and many of them have never fully recovered. With these tools which we are talking about today, they will give opportunities, opportunities for third-class cities to get back into the game and to be able to develop and to become viable for many, many communities across Pennsylvania.

So we need to pass this amendment, Mr. Speaker. We cannot worry about compromises made by a few. There are 203 of us in this House, Mr. Speaker. We are all equal, Mr. Speaker. We all represent 60,000 people. And for those who have third-class cities, support this amendment. Do something to help third-class cities. And for those who do not have third-class cities, Mr. Speaker, you are living near them; when they die, all communities die. So let us help our third-class cities, Mr. Speaker. Let us pass this amendment.

Thank you.

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

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

I would like to echo the comments of the previous speaker. Third-class cities are in very bad shape across this State. I represent a third-class city that has many, many problems. The city of Johnstown, our neighboring city, has been a distressed city for going on 5 years. We know the problems of third-class cities. The General Assembly has addressed this with Representative Argall’s bills and other bills where we have mandated that the State locate facilities in those downtown areas. This would be another very good tool, an economic development tool, to help third-class cities, and I would urge a “yes” vote.

Thank you.

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

Mr. CAWLEY. Thank you, Mr. Speaker.

I, too, rise to support the Dally amendment. Fifty-three third-class cities; I would like the city of Scranton, which is a second-class-A city, also added to this list.

So I am going to ask for support of this. If we lose, we get the Representatives from the 53 third-class cities and the Representatives from the second-class-A city of Scranton, and we will get it done as long as we stick together. So I support the Dally amendment.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the majority leader, the gentleman, Mr. Smith.

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

While the merits of this amendment as it may impact the third-class cities are possibly there, I think it is important for the members to understand that what this amendment does is carves out a specific section of this economic stimulus package, if you will, and allows only third-class cities to use that money for housing developments, and that is contrary to the overall purpose of the legislation and the package and it is contrary to even their own argument, I think. The legislation is designed to stimulate job-creating industries and businesses in Pennsylvania. To the degree that that economic stimulus, that job creation, that business, that manufacturing entity, or whatever it may be, to the degree that that project may have some housing as a part of it, that is allowable across the Commonwealth at any level, whether it is in the major cities or to the rural areas. This amendment goes beyond that carve-out and says that only third-class cities would be allowed to use a specific piece of the money set aside only for that and use it only for housing development, which, while granted, a housing development may create some jobs in the construction process and there is some benefit to that to a community certainly, the real goal of this legislation is to enhance and help existing and growing businesses, new businesses, come in that will create jobs that last for years and years.

So while we certainly understand the needs of the third-class cities, I believe this amendment goes too far in that it carves out a very special exception for them, allowing them alone to use this money toward housing developments as opposed to where the overall picture is. The overall motivation behind this legislation is to use the money to develop businesses and industries that will create jobs for the future.

So I regrettably, for my friend and colleague, I regrettably ask the members to vote “no” on the Dally amendment.

Thank you, Mr. Speaker.

The SPEAKER. Does the gentleman, Mr. Sturla, wish to be recognized? The gentleman from Lancaster, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Will the maker of the amendment rise for brief interrogation?

The SPEAKER. The gentleman, Mr. Dally, indicates he will stand for interrogation. The gentleman may proceed.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, on first blush this amendment looks like something I would want to support, but I have some questions to clarify some things. As I read the amendment, it says, “...except for multitenant, income-producing residential projects in cities of the third class,” meaning that multitenant, income-producing residential projects would qualify for these funds. Is that correct?

Mr. DALLY. That is correct, Mr. Speaker.

Mr. STURLA. Well, Mr. Speaker, I guess in that sense then I have some concerns, and here is my concern: In the city of Lancaster, we have for years been trying to go the other direction, moving from multitenant rental units to home ownership, and it would seem that under this proposal, we could not use the money to go from a multitenant home ownership program but instead could only use it if we were going from what might be currently home ownership, single-family units, and turning them into multitenant units, and that is one of the things that has been crushing our city. Can you clarify where I may be going wrong here with my interpretation of what your amendment would do?

Mr. DALLY. Mr. Speaker, I think, you know, that that is a very legitimate concern, but what you have to remember with this legislation, not just what the amendment says, but the determination on how worthy a project is and whether it gets funded is determined by a five-member board. So if there is a project that would provide or cause those types of negative problems in a city of the third class, I would hope that the board would not approve it.

So there are checks and balances. I understand the gentleman’s concern, because I have seen that myself in third-class cities, and it is just a matter of picking the right projects for the right cities.

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

If I could make a comment.

THE SPEAKER PRO TEMPORE (JOHN A. MAHER) PRESIDING

The SPEAKER pro tempore. The gentleman may proceed.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, as I pointed out, I think on first blush this sounds like a good idea, and it may in some cases be, but because it does not go the opposite direction and look to create home ownership in districts and instead looks to create rental properties in cities of the third class, I am going to err on the side of caution here and vote against this amendment, simply because I do not want to leave that up to a board to decide whether or not more rental properties in my district is a good thing. If it said more home ownership, I would be there, you know, being the biggest backer of this amendment there could be, but I have some concerns that we will be setting the

precedent to say, here is this money to do more rental properties in my district that already has an overabundance of rental properties and not enough home ownership and single-family residences.

So, thank you, Mr. Speaker.

The SPEAKER pro tempore. On the amendment, those in favor of the amendment will vote “aye”; those opposed, “no.” The members will— Sorry. On the amendment, Mr. Dally is recognized for the second time.

Mr. DALLY. Thank you, Mr. Speaker.

Just as a followup to the previous speaker’s comments, this amendment does not forbid a condo project where there is an element of ownership. It just simply states income-producing property. So it is broader than has been interpreted.

I would also like to address the comments made by the majority leader. The focus of this legislation is indeed economic development, and I think this is an important piece of economic development to revitalize and vitalize our third-class cities. What I would envision, if something like this is not included, is all this money in the affluent townships surrounding third-class cities and the third-class cities continue to deteriorate. I think it is important that we do what we can to encourage residential use of third-class cities as well as commercial and industrial uses, and this amendment would allow those types of projects to be considered. It does not approve any project; it just allows those projects to be considered.

So once again, I would urge the members to vote “yes” on this amendment.

Thank you.

The SPEAKER pro tempore. On the amendment, members—

Mr. VEON. Mr. Speaker?

The SPEAKER pro tempore. I am sorry. The gentleman from Beaver County, Mr. Veon, is recognized.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose this amendment. I think all of us here understand the good intentions of the gentleman in offering this amendment. But as I look around this chamber, I know that as I look at members on the Democratic side of the aisle, that there are many members here who asked their leadership throughout this lengthy, negotiated process of coming to the floor today with SB 1026 with a good economic stimulus product, I look around here and see many members who asked their Democratic leadership to put specific things in this bill, targeting the resources to third-class cities, targeting the resources to first-class townships, targeting the resources to other-class townships, targeting the resources to only boroughs of this size. We all understand the desire to target as many of these resources to our district as possible. But we could be here on the floor all day with members offering amendments to take bits and parts and pieces of this stimulus bill and have it targeted to only areas that I represent or only areas that are important to me, and we really then at the end of the day would not have a very good economic stimulus program.

We think we have set up a rational decisionmaking process in this bill. This is a bill that reflects very serious, aggressive, worthwhile, determined negotiations over many, many months, and that is why we want to join today with the Republican majority leader here in the House to defeat the gentleman’s amendment. Well intentioned, but this is not the place and not the time.

Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS-84

Allen	Forcier	Levdansky	Ruffing
Argall	Freeman	Maitland	Sainato
Armstrong	Geist	Mann	Samuelson
Bard	Gergely	Markosek	Sather
Bebko-Jones	Good	Marsico	Semmel
Belfanti	Goodman	McGill	Shaner
Birmelin	Grucela	McNaughton	Smith, B.
Blaum	Gruitza	Millard	Steil
Browne	Hanna	Miller, S.	Stern
Cappelli	Harhai	Mundy	Stevenson, R.
Causer	Harhart	Mustio	Stevenson, T.
Cawley	Harris	Pallone	Tangretti
Clymer	Hennessey	Payne	Tigue
Coleman	Hershey	Petri	Travaglio
Cornell, S. E.	Hess	Petrone	Turzai
Crahalla	Hutchinson	Preston	Vitali
Dally	James	Reichley	Watson
Eachus	Josephs	Roberts	Weber
Fabrizio	Kirkland	Rohrer	Wilt
Fairchild	LaGrotta	Ross	Yewcic
Fichter	Leh	Rubley	Yudichak

NAYS-112

Adolph	Diven	Lewis	Scavello
Baker	Donatucci	Mackereth	Schroder
Baldwin	Egolf	Maher	Scrimenti
Barrar	Evans, D.	Major	Smith, S. H.
Bastian	Evans, J.	Manderino	Solobay
Belardi	Feese	McCall	Staback
Benninghoff	Fleagle	McIlhattan	Stairs
Biancucci	Flick	McIlhinney	Stetler
Bishop	Frankel	Melio	Sturla
Boyd	Gabig	Metcalfe	Surra
Bunt	Gannon	Micozzie	Taylor, E. Z.
Butkovitz	George	Miller, R.	Thomas
Buxton	Gillespie	Nailor	True
Caltagirone	Gingrich	Nickol	Vance
Casorio	Godshall	O'Brien	Veon
Civera	Habay	Oliver	Walko
Cohen	Haluska	O'Neill	Wansacz
Corrigan	Hasay	Petrarca	Washington
Costa	Herman	Phillips	Waters
Coy	Hickernell	Pickett	Wheatley
Creighton	Horsey	Pistella	Williams
Cruz	Keller	Raymond	Wojnaroski
Curry	Kenney	Readshaw	Wright
Daley	Killion	Reed	Youngblood
DeLuca	Kotik	Roebuck	Zug
Denlinger	Laughlin	Rooney	
Dermody	Leach	Santoni	
DeWeese	Lederer	Saylor	Perzel,
DiGirolamo	Lescovitz		Speaker

NOT VOTING-1

Myers

EXCUSED-6

Dailey	Lynch	Rieger	Taylor, J.
Harper	McGeehan		

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

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

Mr. LEVDANSKY offered the following amendment No. **A0939**:

Amend Sec. 1 (Sec. 1551), page 37, line 18, by inserting after "plan."

If the project is for the development of undeveloped land, the description of the project shall contain a detailed analysis of why the project is not being undertaken for the redevelopment, reuse or revitalization of previously developed land, including previously mined areas. The description of the project shall also include a list of sites of previously developed land that were considered for the project and an explanation of why those sites were not deemed as suitable for the project.

Amend Sec. 1 (Sec. 1551), page 38, line 25, by inserting after "application."

If the project is for the development of undeveloped land, the description of the project shall contain a detailed analysis of why the project is not being undertaken for the redevelopment, reuse or revitalization of previously developed land, including previously mined areas. The description of the project shall also include a list of sites of previously developed land that were considered for the project and an explanation of why those sites were not deemed as suitable for the project.

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

The SPEAKER pro tempore. The gentleman, Mr. Levdansky.

Mr. LEVDANSKY. Thank you, Mr. Speaker.

Mr. Speaker, while there is, you know, there is an exceptional lot of good that is going to come out of the passing of this legislation, I think one area that falls a little bit short is in looking at the results of the Brookings Institution report, and that report essentially documented how population in our State is relatively stable, you know, yet we continue to gobble up more and more acres of green space for development, and yet we continue to rank amongst the lowest of States in economic development.

What I would like to try to do, Mr. Speaker, is to try to get all the tools available in this package to essentially look mostly at our communities that have blighted properties, that have abandoned industrial sites, that have mine sites that need to be reclaimed, and try to focus some attention to that. So this amendment, Mr. Speaker, would require that the applications to the Commonwealth Financing Authority for planning grants and project financing in the Business in Our Sites Program, that they would, that the developer or the person preparing the plan, would analyze why the project to be undertaken as proposed could not be done on a site that needs redevelopment and reuse and that is a previously developed site.

This amendment would not prohibit a developer from in fact going on to what we would consider to be, you know, green space to develop, but what it would do would be to force

them as part of the planning process to look at the older sites in that community, be it a township or a borough or a city, look at the existing blighted properties to see if they could in fact utilize that site for the development. It would not restrict them; it would just require them to take a serious look at existing blighted properties when they want to do developments.

Again, this is consistent with what a lot of people in this General Assembly have been trying to do to promote the redevelopment of old, blighted properties and to try to make sure that that is given some consideration in the redevelopment process.

So, Mr. Speaker, I would ask for the members' affirmative support for this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The gentlelady from Berks, Mrs. Miller, is recognized.

Mrs. MILLER. Thank you, Mr. Speaker.

I rise in support of the Levdansky amendment, because we have seen over the years too many greenfields that have been converted into nonagricultural use where there are adjacent or in close proximity brownfields that are certainly in need of remediation.

Mr. Speaker, this amendment does not ask too much in requiring that they need to at least explore the options of taking an environmentally hazardous site that could be remediated, taking care of that environmental problem, putting it back into use, putting it back onto the tax rolls, and hopefully assisting the community in which this site is located to have economic stimulus and development rather than a blighted, eyesore scourge on their community.

So, Mr. Speaker, this amendment is, as our prior speaker said, not absolutely prohibiting the use of nonblighted, nonhazardous sites for economic development, but it is asking those who are looking at this kind of economic development project to look at those brownfield sites to see whether or not they might lend themselves to economic development, and, Mr. Speaker, I ask an affirmative vote on this amendment.

The SPEAKER pro tempore. The gentleman from Northampton, Mr. Freeman.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, I also rise to support the Levdansky amendment.

As the lady, Mrs. Miller, pointed out, this does not prevent development from occurring in other parts of the Commonwealth, but it does force the potential developer who wants to utilize these resources that we are putting in place for economic stimulation to first assess the possibility of looking at previously developed land, and that means putting our developmental energies, our economic opportunities, back into our older communities. It means trying to put together a good strategy for providing a system of economic stimulation that will stabilize our older communities.

The gentleman, Mr. Levdansky, cited the Brookings report, which many of us have read. It had been distributed to all of the members of the legislature. In that report they pointed out that one of the things that is holding Pennsylvania back economically is the fact that we do not have a good, targeted approach to economic development; that we have allowed economic development to sprawl into our landscape, robbing us of open space and prime farmland while sapping out the

developmental energies and opportunities of our older communities – our cities, our boroughs, our small towns.

By forcing a prospective developer to look at previously developed land, we would better target our resources to stabilize our older communities. It is a win-win situation for everyone in this Commonwealth, and I urge the members of this House to support Levdansky amendment A0939.

Thank you.

The SPEAKER pro tempore. The gentleman from Westmoreland County, Mr. Tangretti, is recognized for the purpose of speaking on the amendment.

Mr. TANGRETTI. Thank you, Mr. Speaker.

Mr. Speaker, I also rise to support the Levdansky amendment.

We are not reinventing the wheel here. This economic development strategy that would at least be addressed somewhat by the Levdansky amendment – and I understand the limitations that we all have with respect to what has been negotiated – but this has worked all over the country in terms of revitalizing these communities, these cities, these boroughs, and it has proven to be a true economic development growth engine. When we can create the kinds of synergy in those communities, the entire region benefits from it.

I do not know why we do not have this as a part of what we are doing as a mandate, but the fact of the matter is, that is not going to happen, but the best we can do at this point is to support the Levdansky amendment, which makes sense. It just says, developer, if you are going to go to the greenfield, at least first take a look at what you could do in other areas to revitalize our small towns and our cities and our boroughs. That makes sense. It makes sense economically; it makes sense in terms of the environment and the aesthetics of all these communities and the surrounding regions, and I would ask for an affirmative vote.

Thank you very much.

The SPEAKER pro tempore. The gentleman from Greene County, the minority leader, Mr. DeWeese, is recognized. He yields to the gentleman from Jefferson County, Mr. Smith.

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

Mr. Speaker, I rise in opposition to this amendment. Fundamentally, when you look at the overall purpose of this legislation, I believe there are two points that warrant a “no” vote relative to this amendment.

Number one, this amendment would require local municipalities to go way beyond the way it was characterized, just a look at other sites. It would actually require a local municipality to do a complete inventory, a total evaluation, of all other possible sites. If any of you have ever been involved in a project where you had to go through one of these fatal-flaw analyses, sometimes you will see where you spend more money on, you know, engineering and environmental studies than what you actually were going to spend on the whole project. So I think that that is one of the problems, that this goes just way beyond requiring a local municipality to do that kind of evaluation, and I would suggest that there is nothing that would prohibit a community from doing an extensive inventory if they chose to, but this amendment would in fact require them to do that.

Secondly, on the flip side of it, I believe, Mr. Speaker, that the current requirements, the requirements that are part of the

amendment that would require any applicant to be in compliance with all the local zoning and comprehensive plan that may exist in that municipality, in turn give the local government folks the level of control so that they do not have to be concerned that the Commonwealth or the Department of Community and Economic Development is going to come down and prevail upon them to develop a site that they otherwise were not inclined to develop or something that they wanted to zone out of economic development for some local reason.

So the fact that it requires too much of an inventoried evaluation, and it also, on the other hand, requires the applicant to meet and comply with local zoning requirements, the existing comprehensive plan, I think provides the protection on both ends of the spectrum relative to the potential development, and I would urge a “no” vote on the Levdansky amendment.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The gentleman, Mr. Levdansky, is recognized for the second time. The gentleman, Mr. Levdansky.

Mr. LEVDANSKY. Mr. Speaker, just let me respond to the two criticisms made by Representative Smith.

We already have and it is true that this legislation does require that anything with TIF (tax increment financing) or the Business in Our Sites Program has to comply with existing zoning and existing municipal comprehensive planning. My retort to that would be, so what? We already have municipal comprehensive plans and municipal zoning that is in place, that has been in place, and none of that has stopped Pennsylvania from becoming the State with the second most amount of sprawl, next to California. So the existing zoning and comprehensive plans, the truth of the matter is, will not do anything to stem the gobbling up of Pennsylvania’s green space to the detriment of the sites that really need to be redeveloped. So that is, you know, so that is a fictitious belief, that if you are looking for the language in the bill to solve the problem, it is not. It never has and it will not in the future.

Secondly, if you read the language of the amendment – and let me read it precisely – “If the project is for the development of undeveloped land, the description of the project shall contain a detailed analysis of why the project is not being undertaken for the redevelopment, reuse or revitalization of previously developed land, including previously mined areas.” We are requiring the plan, the project plan, shall contain an analysis of why the project being undertaken would not be utilizing existing abandoned property. That is a detailed analysis, Mr. Speaker. It does not require them to go out and hire a consultant and pay him a couple hundred thousand dollars to do this. A detailed analysis means, you just have to sit down and in your community look at sites that had been abandoned and ask the developer why the development that he or she wants to do cannot be done on existing abandoned property.

I do not think that that is too much to ask of our municipalities and our counties and developers to take a first look at existing abandoned sites for consideration for development, asking them to do an analysis and give it consideration in the process. Again, it does not restrict them; it does not stop them from putting their development in undeveloped property. It just requires them to do an analysis on the existing abandoned sites for possible reuse.

I think it makes eminent sense, you know, and again, if you are looking for existing municipal planning and existing

ordinances to control suburban sprawl, it has not happened; it will not happen. We need at least some modest language that this amendment reflects, and I would appreciate the affirmative vote of the body.

Thank you.

The SPEAKER pro tempore. The gentleman from Chester, Mr. Ross, is recognized.

Mr. ROSS. Thank you, Mr. Speaker.

I was wondering if the maker of the amendment would submit for a brief interrogation.

The SPEAKER pro tempore. The maker indicates that he will.

Mr. ROSS. Mr. Speaker, I am very sympathetic to the idea of directing development into brownfields and previously developed sites over greenfields, but I was wondering if the maker of the amendment could explain how widely the search needs to be conducted. There do not seem to be any standards in the language as it is currently constructed, for instance, whether or not a redeveloper who is looking at a site in Greene County would potentially be asked to consider why he should not do that in Philadelphia County.

The SPEAKER pro tempore. Will the gentleman yield.

The member is entitled to be heard. Could we have a bit of order.

Mr. LEVDANSKY. Mr. Speaker, relative to a lot of the requirements that are going to be put into this statute and this law, the department is going to have some leeway to, you know, come up with regulations and guidelines to promulgate the intent of the legislature. You know, I think that is an issue; you know, it is not a major thing. I think how far, what kind of detailed analysis, I think that is something that can be handled by guidelines that can be promulgated by the department.

All I am saying is, you know, some analysis needs to be given. You know, the language, I think, that I have drafted is flexible enough to be interpreted not to require some extensive, costly process. That is not the intent at all here. Again, it is just to require them to take a look at existing developed properties before— You know, in the process of submitting their application, they are going to have to look at all the other things to comply with under the law. Why not at least require them to look at why they cannot do it on an existing abandoned site rather than on a new greenfield site.

Mr. ROSS. Mr. Speaker, may I make a brief comment?

I certainly sympathize with what the maker of the amendment is attempting to do. I think it is a very good cause, but I am troubled by the lack of standards associated with this, and as a result of that, I am afraid I am going to reluctantly have to oppose the amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Greene County, Mr. DeWeese.

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

Two quick points.

Obviously, the gentleman, Mr. Levdansky, is on the side of the angels, as he usually is. Substantively, it is almost impossible for any idealistic perspective to contravene his debate, but again, as it was difficult in opposing the folks that were advocating the third-class-city amendment, it is also difficult to oppose this, but I have confidence, Mr. Speaker, that much of what the gentleman is trying to do – laudable – will be accomplished by the board. I have high confidence that the

seven members of the board can move in the direction that the gentleman has adumbrated here in his debate. I have high confidence in Secretary Yablonsky and his motivated bureaucrats in the Department of Community and Economic Development. So I think we can reach our goal.

But the Republican leadership in the House and the Democratic leadership in the House, working with our Senate colleagues and the Governor, have a bill that will be signed by the Governor. Any nuances, any changes, any modifications or permutations in the language could potentially stultify the momentum of the bill.

Mr. Levdansky is idealistically on target with his goal. I think the goal can be accomplished by the board. I do not think that additional amendments inure to the benefit of the proposal, and I would reluctantly and respectfully ask for the defeat of the Levdansky amendment.

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

The following roll call was recorded:

YEAS-58

Allen	Freeman	Mann	Schroder
Argall	Gergely	Markosek	Staback
Bard	Gillespie	McIlhinney	Stairs
Bebko-Jones	Goodman	Melio	Steil
Belardi	Grucela	Miller, S.	Stetler
Belfanti	Haluska	Mundy	Sturla
Blaum	Hennessey	O'Neill	Tangretti
Browne	Herman	Petri	Tigue
Cawley	Josephs	Petrone	Vance
Cohen	Kirkland	Pistella	Vitali
Costa	LaGrotta	Preston	Wansacz
Curry	Leach	Reichley	Watson
Dally	Levdansky	Sainato	Wheatley
Dermody	Maher	Samuelson	Yudichak
Eachus	Maitland		

NAYS-138

Adolph	Evans, D.	Leh	Ruffing
Armstrong	Evans, J.	Lescovitz	Santoni
Baker	Fabrizio	Lewis	Sather
Baldwin	Fairchild	Mackereth	Saylor
Barrar	Feese	Major	Scavello
Bastian	Fichter	Manderino	Scrimenti
Benninghoff	Fleagle	Marsico	Semmel
Biancucci	Flick	McCall	Shaner
Birmelin	Forcier	McGill	Smith, B.
Bishop	Gabig	McIlhattan	Smith, S. H.
Boyd	Gannon	McNaughton	Solobay
Bunt	Geist	Metcalfe	Stern
Butkovitz	George	Micozzie	Stevenson, R.
Buxton	Gingrich	Millard	Stevenson, T.
Caltagirone	Godshall	Miller, R.	Surra
Cappelli	Good	Mustio	Taylor, E. Z.
Casorio	Gruitza	Myers	Thomas
Causar	Habay	Nailor	Travaglio
Civera	Hanna	Nickol	True
Clymer	Harhai	O'Brien	Turzai
Coleman	Harhart	Oliver	Veon
Cornell, S. E.	Harris	Pallone	Walko
Corrigan	Hasay	Payne	Washington
Coy	Hershey	Petrarca	Waters
Crahalla	Hess	Phillips	Weber
Creighton	Hickernell	Pickett	Williams
Cruz	Horsey	Raymond	Wilt
Daley	Hutchinson	Readshaw	Wojnaroski
DeLuca	James	Reed	Wright

Denlinger	Keller	Roberts	Yewcic
DeWeese	Kenney	Roebuck	Youngblood
DiGirolamo	Killion	Rohrer	Zug
Diven	Kotik	Rooney	
Donatucci	Laughlin	Ross	Perzel,
Egolf	Lederer	Rubley	Speaker

NOT VOTING-1

Frankel

EXCUSED-6

Dailey	Lynch	Rieger	Taylor, J.
Harper	McGeehan		

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

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

The SPEAKER pro tempore. The gentleman, Mr. Levdansky, is recognized. Do you wish to offer your further amendments?

Mr. LEVDANSKY. Mr. Speaker, I would like to withdraw amendment 940 and just offer amendment 961.

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

Mr. LEVDANSKY offered the following amendment No. **A0961**:

Amend Sec. 1 (Subchapter Analysis), page 13, between lines 22 and 23, by inserting

1515. Advisory council.

Amend Sec. 1, page 21, by inserting between lines 14 and 15 § 1515. Advisory council.

(a) Establishment.—The board shall establish a Local Government, Revitalization, Conservation and Heritage Advisory Council within 60 days of the first meeting of the board that constitutes a quorum.

(b) Membership.—The advisory council shall be comprised of the following members:

- (1) A representative from the Governor's Center for Local Government Services.
- (2) A representative from the Pennsylvania League of Cities and Municipalities.
- (3) A representative from the Pennsylvania State Association of Boroughs.
- (4) A representative from the Pennsylvania State Association of Township Supervisors.
- (5) A representative from the County Commissioners Association of Pennsylvania.
- (6) A representative from the Pennsylvania Downtown Center.
- (7) The Secretary of Agriculture, or a designee.
- (8) The Secretary of Conservation and Natural Resources, or a designee.
- (9) The Secretary of Environmental Resources, or a designee.

(10) A representative from 10,000 Friends of Pennsylvania.

(11) A representative from the Western Pennsylvania Conservancy.

(12) A representative from the Pennsylvania office of The Nature Conservancy.

(13) A representative from the Pennsylvania Historical and Museum Commission.

(14) A representative from Preservation Pennsylvania.

(15) A representative from the Pennsylvania Economy League.

(c) Meeting with board.—The board shall meet with the advisory council at least four times per year.

(d) Substance of advice and consultation.—The advisory council shall advise and consult the board on matters, including, but not limited to, concerns that Pennsylvania's economic development strategies and plans:

(1) Promote the vitality of this Commonwealth's agricultural sector and do not exacerbate the loss of prime agricultural land.

(2) Complement the protection of this Commonwealth's air, water, forests, wetlands and other ecosystems and the diversity of species that inhabit them.

(3) Promote the revitalization of this Commonwealth's older cities, towns and neighborhoods and guide economic development financing into those areas.

(4) Promote the revitalization of abandoned industrial sites and mining areas.

(5) Complement the preservation of this Commonwealth's history, architecture, neighborhoods and distinct sense of place.

(6) Protect and enhance the quality of life for present and future residents of this Commonwealth.

(7) Promote greater intergovernmental cooperation and improved planning.

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

The SPEAKER pro tempore. On the amendment, the gentleman, Mr. Levdansky, from Allegheny County is recognized.

Mr. LEVDANSKY. Thank you, Mr. Speaker.

Mr. Speaker, this amendment would create a Local Government, Revitalization, Conservation and Heritage Advisory Council to the Commonwealth Financing Agency that is going to be created pursuant to this legislation.

The board will encompass 15 appointees, ranging from an individual from the Governor's Center for Local Government Services; the League of Cities and Municipalities; the Boroughs Association; the Township Supervisors Association; an appointee from the Secretary of DCNR (Department of Conservation and Natural Resources); a designee of the Secretary of Ag, Environmental Protection; a representative from Preservation Pennsylvania; a representative from the Pennsylvania Economy League, amongst others.

In addition, Mr. Speaker, the board will be required to meet with, the financing authority board will be required to meet with this advisory board at least four times a year, and this advisory board will be structured to give advice to the financing agency in areas to promote the vitality of our agriculture industry in Pennsylvania; to protect our environment; to revitalize our older municipalities; to promote the revitalization of our abandoned industrial and mining sites; to complement our Commonwealth's history, architecture, and neighborhood

preservation programs; to promote intergovernmental cooperation; and finally, Mr. Speaker, designed to support the programs designed to improve the quality of life in Pennsylvania.

This is an advisory program, Mr. Speaker, to the financing agency, to advise them in the process of them making their decisions on where to invest the hundreds and billions of dollars that are going to be created pursuant to this legislation, give them some advice and some direction as to how to preserve and strengthen our older communities and look out for the quality of life of all municipalities in Pennsylvania.

The work of this advisory council, again, is advisory in nature, but if we are not going to put any real teeth in the law relative to stemming the tide of sprawl and greenfield development, the least we could do is put an advisory council in place to advise the decisionmakers, to ensure that the public dollars are invested in the most prudent fashion.

I urge members' support.

The SPEAKER pro tempore. On the question of the amendment, the gentleman from Beaver County, Mr. Veon, is recognized.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, there is no one in the legislature that has done more to try to promote smart growth, to try to develop brownfields instead of greenfields, to try to bring some rational public policy to that entire debate than Dave Levdansky, and he has been passionate on it, he has been serious on it, he has worked it very hard, and so I have an appreciation that he is attempting here in this economic stimulus bill, which we would have liked to, we would have liked to have incorporated some of his concepts and ideas in bills that he has worked on for a long time into this bill, and we attempted to and we had some discussion about this at the negotiating table, a thorough discussion and I think good debate amongst Democrats and Republicans as to whether it should be in this bill or not.

But, Mr. Speaker, I would say again, it is not in the bill, and the gentleman certainly has the right to offer his amendments here to this bill, but I would like to make a case to all the members again that there are some of the issues that were important to you, Democrat and Republican, that are not in this bill, but in whole and in total, this is a good economic development stimulus bill, a good job-creation bill, and there is no doubt we could be here for days and days and weeks and weeks with good-intentioned amendments from a lot of members.

But I do want to tell the gentleman, we appreciate his efforts. We hope to come back to the floor of the House on another day, work with him to finally get some rational public policy on smart growth, developing brownfields instead of greenfields, quit wasting thousands of acres a day, a week, a month, a year, in the State of Pennsylvania.

Today is not that day, Mr. Speaker. We need to defeat this amendment and come back another day to deal with it. I ask for a "no" vote.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Northampton, Mr. Freeman.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support the Levdansky amendment.

The gentleman, Mr. Veon, said this is a good economic development bill, and he is right. The Levdansky amendment,

however, makes it better, and that is our job, to make better legislation.

All the Levdansky amendment does is put together an advisory council, made up of good individuals who bring a good perspective to how these economic development dollars should be spent, to ensure that the Commonwealth gets the best bang for its buck; to ensure that when we invest, we invest where it can turn our communities around, bring back our older communities, ensure their stability and success, and ensure that we do not in any way fund sprawl, which has proven to be very detrimental to the economic health of our Commonwealth and to the long-term sustainability of the kind of communities we have across our Commonwealth.

The Levdansky amendment is reasonable. It offers the opportunity to bring a number of people to the table, to add their perspective, to ensure that we have smart growth strategies in place as we pursue a good economic development agenda.

I urge a “yes” vote.

The SPEAKER pro tempore. The gentleman from Jefferson County, the majority leader, Mr. Smith.

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

I think that the issue has been discussed. I think it is fairly evident what it really involves. The fact is, the oversight board that we are talking about here is a board that is made up of people that will have their ear to the legislature as a whole and to the administration as a whole, and I would urge the members to vote “no” on the Levdansky amendment.

Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-51

Argall	Freeman	Miller, S.	Smith, B.
Bard	Geist	Mundy	Solobay
Bebko-Jones	Gergely	Pallone	Stairs
Belfanti	Goodman	Petrone	Stetler
Boyd	Haluska	Phillips	Sturla
Browne	Herman	Pistella	Tangretti
Cawley	Josephs	Preston	Tigue
Cohen	Kirkland	Roberts	Vitali
Costa	LaGrotta	Rubley	Wansacz
Daley	Leach	Sainato	Weber
Dermody	Levdansky	Samuelson	Wheatley
Eachus	McIlhinney	Schroder	Yudichak
Fairchild	Melio	Scrimenti	

NAYS-146

Adolph	Egolf	Lederer	Rooney
Allen	Evans, D.	Leh	Ross
Armstrong	Evans, J.	Lescovitz	Ruffing
Baker	Fabrizio	Lewis	Santoni
Baldwin	Feese	Mackereth	Sather
Barrar	Fichter	Maher	Saylor
Bastian	Fleagle	Maitland	Scavello
Belardi	Flick	Major	Semmel
Benninghoff	Forcier	Manderino	Shaner
Biancucci	Frankel	Mann	Smith, S. H.
Birmelin	Gabig	Markosek	Staback
Bishop	Gannon	Marsico	Steil
Blaum	George	McCall	Stern
Bunt	Gillespie	McGill	Stevenson, R.
Butkovitz	Gingrich	McIlhattan	Stevenson, T.
Buxton	Godshall	McNaughton	Surra

Caltagirone	Good	Metcalfe	Taylor, E. Z.
Cappelli	Grucela	Micozzie	Thomas
Casorio	Gruitza	Millard	Travaglio
Causser	Habay	Miller, R.	True
Civera	Hanna	Mustio	Turzai
Clymer	Harhai	Myers	Vance
Coleman	Harhart	Nailor	Veon
Cornell, S. E.	Harris	Nickol	Walko
Corrigan	Hasay	O'Brien	Washington
Coy	Hennessey	Oliver	Waters
Crahalla	Hershey	O'Neill	Watson
Creighton	Hess	Payne	Williams
Cruz	Hickernell	Petrarca	Wilt
Curry	Horsey	Petri	Wojnarowski
Dally	Hutchinson	Pickett	Wright
DeLuca	James	Raymond	Yewcic
Denlinger	Keller	Readshaw	Youngblood
DeWeese	Kenney	Reed	Zug
DiGirolamo	Killion	Reichley	
Diven	Kotik	Roebuck	Perzel,
Donatucci	Laughlin	Rohrer	Speaker

NOT VOTING-0

EXCUSED-6

Dailey	Lynch	Rieger	Taylor, J.
Harper	McGeehan		

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

On that question, the Chair recognizes the gentleman, Mr. Scrimenti. The gentleman may proceed.

Mr. SCRIMENTI. Thank you, Mr. Speaker, for this opportunity to speak about the First Industries Program as part of the economic stimulus package.

Mr. Speaker, this is a very important measure we are about to vote on as it will help to garner much-needed dollars back to our regions.

My legislation, HB 1317, would create the Pennsylvania First Industries Program, designed to boost the State’s top two industries by providing low-interest loans for tourism and agriculture.

The First Industries initiative would provide \$150 million in State financial assistance for Pennsylvania’s two most important industries – tourism and agriculture. This program provides millions of dollars in targeted State investments for growing Pennsylvania’s economy and creating new jobs.

I am proud to sponsor HB 1317 as part of this package of bills designed to provide planning grants, low-interest loan financing, and loan guarantees to businesses and projects involved in agriculture or tourism here in the State.

And we know agriculture and tourism are important economic engines across Pennsylvania. Each year historical sites and tourist destinations like Presque Isle and the wineries in my legislative district draw hundreds of thousands of people and millions of dollars in economic activity to our area.

This economic development package we are voting on today, and especially the First Industries Program, will make a huge difference in our ability to create jobs and strengthen our most important industries in the future, both in Erie and the rest of Pennsylvania.

This program would commit \$100 million in State financial assistance to agriculture and \$50 million to tourism, and I am asking members of this House today to vote affirmatively for this measure.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Butler, Mr. Metcalfe.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, would there be somebody that could answer a question on the legislation?

The SPEAKER pro tempore. Is there someone who wishes to respond to interrogatories?

Mr. Metcalfe—

Mr. METCALFE. Is there nobody that can answer a question, a simple question?

The SPEAKER pro tempore. At the moment, Mr. Metcalfe, there is not. Would the gentleman yield for just a moment. Thank you.

Mr. METCALFE. Could we go over the bill until somebody is here that can answer a question?

The SPEAKER pro tempore. The majority leader is going to receive your interrogatories. Proceed, Mr. Metcalfe.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, the bill, as I understand it from the notes that I have had from caucus today, contains a provision that would provide revenue, provide moneys, to venture capital partnerships. Is that correct?

Mr. S. SMITH. Correct, Mr. Speaker.

Mr. METCALFE. And how much money is going to be available for the venture capitalists to use?

Mr. S. SMITH. Mr. Speaker, over the entire term of this economic stimulus package, a maximum of \$60 million would conceivably be available towards the venture capital investments.

Mr. METCALFE. And that \$60 million would come from bonds?

Mr. S. SMITH. Correct.

Mr. METCALFE. And those bonds would be backed up by the taxpayer?

Mr. S. SMITH. Technically, Mr. Speaker, the money that would be used for the investment in the venture capital program, for lack of a better word, is money that is set aside from the actual bond issue.

Mr. METCALFE. So the bonds would be issued to this authority that we are creating.

Mr. S. SMITH. Correct.

Mr. METCALFE. And then the money that is issued to this authority that we are creating as a State government would then use the moneys issued to them to provide money to venture capitalists.

Mr. S. SMITH. In part; only part of it, Mr. Speaker.

Mr. METCALFE. All right. That is all the questions I have. If I could make a brief statement.

The SPEAKER pro tempore. On that question, the gentleman may proceed.

Mr. METCALFE. Mr. Speaker, I think it is a sad state of affairs that we have come to when State government, when State government is creating a government entity that is going to leverage taxpayers' labor through taxpayer dollars and the leverage that the State has representing those taxpayers. It is a sad state of affairs when we have that government entity that is going to be gambling with the taxpayers' money, risking it with venture capitalists. If we do not have projects in this State that can attract venture capitalists because it is a good investment, then why should we as taxpayers back up that sort of thing with this new authority that we are creating?

I would ask for opposition to this bill. I think we are headed down another expressway of taxing and spending and incurring more expense and incurring more debt on behalf of the taxpayers that will ultimately end up having to be paid back.

Mr. S. SMITH. Mr. Speaker?

Mr. METCALFE. Mr. Speaker, the majority leader is trying to get your attention.

Is there something I said that—

The SPEAKER pro tempore. Will the gentleman yield.

Mr. Majority Leader.

Mr. S. SMITH. Excuse me. I thought you were finished. I wanted to try to clarify something from your previous question. Were you finished?

Mr. METCALFE. If you could clarify, then I could finish, since you were not able to— I mean, I knew we broke it off because you— That would be fine.

Mr. S. SMITH. If I could, and I apologize to the member.

In response to your earlier questions, I just want to clarify one thing that I do not think I stated accurately or clearly, and that is, of the venture capital moneys, the portion of this program that is going into venture capital, it is not an investment as in purely putting money in that, you know, like a typical investor. It is an actual loan that is being made available to the venture capital institution, organization, business, or whatever. So it is not like a grant that is going to them in hopes that they do well. It is in fact a loan that that business would have to repay.

I just wanted to clarify that element. I realize that does not change your point of view per se, but just for the sake of the other members and for clarity on the record, I hope that that is helpful.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Has the gentleman from Butler concluded?

Mr. METCALFE. If I could continue just for a moment.

Thank you, Mr. Speaker, on that extended clarification to my questions.

As I stated, I think that when we are using and leveraging the taxpayers' resources in Pennsylvania to provide money to venture capitalists, venture capitalists are free to invest in those endeavors that they think will pay off to them in the future, and that is great, and I am all for that, but we should not be leveraging taxpayers' resources for those efforts. It is just another form of extended, expanded gambling.

I think today we have heard over and over and over economic stimulus, economic stimulus, economic stimulus. Well, there are things that we can do to legitimately stimulate the economy, and just to give something the name of “economic stimulus” does not make it an economic stimulus.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The gentleman from Philadelphia, Mr. Thomas, is recognized on the question. The gentleman may proceed.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, may I interrogate the Democratic chairman of Appropriations?

The SPEAKER pro tempore. Will Mr. Evans rise for interrogation?

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

The SPEAKER pro tempore. The gentleman may proceed.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, as you know, I was prepared to introduce an amendment to strengthen a provision of SB 1026, and that amendment in effect was going to put teeth in that section of the bill which provided for equal opportunity of minority participation, and as you know, Mr. Speaker, I was going to do that primarily because we have a dismal record at best in the Commonwealth of Pennsylvania in opening the doors of opportunity for all, and that can be gleaned from last year over \$500 million was spent on opportunities, and of that \$500 million, women, African-Americans, and Latinos received less than 1 percent in participation. That is participation on the individual side; that is participation on the small business side.

So throughout, you know, the last 8 years, we have had dismal performance when it comes to minorities in the Commonwealth of Pennsylvania, so I was prepared to go forward, and I thank you for, thank you and thank leadership, for at least including in this bill language that speaks to equalization of opportunity, but let me ask you, so that the record can be clear, the language which has been inserted in SB 1026, will it in fact provide, open the doors of opportunities, for African-Americans, Latinos, and women, who make up over 65 percent of the Pennsylvania population?

Mr. D. EVANS. First, Mr. Speaker, I would like to say that the gentleman who is raising these questions has, in my view, been very consistent in constantly raising the consciousness of all of us about the importance of inclusiveness, so I want to give him credit where credit is due, because he has been very consistent in terms of raising the importance of African-American and Latino and women participation, so I want to first say that.

Secondly, Mr. Speaker, the gentleman is definitely correct that there is no question that the State could do a better job in terms of inclusiveness, and the gentleman knows that I, along with others, along with the chairperson of the Pennsylvania Legislative Black Caucus, have had conversations with the Secretary of General Services and others about more inclusiveness, so I want to first say that.

The third thing is, Mr. Speaker, it is listed in this particular bill, where language states very clearly around the question of inclusiveness, that basically it sets up where the board will have to set up some type of guidelines in participation. It does not mandate it or guarantee it. What it says, very specifically, is that it says it will “Make rules regarding the operation of properties

and facilities of the authority....” It will “Develop, adopt and implement...policies or guidelines assuring all of the following:...All persons are accorded equal opportunity in employment and contracting associated with the programs established under Subchapter E (relating to programs). This paragraph includes the authority’s contractors, subcontractors, assignees, lessees, agents, vendors and suppliers. ...Contracting parties demonstrate diversity in ownership of equity interests.”

That is what it states, Mr. Speaker, in the bill. What that means, Mr. Speaker, is that the board will have the responsibility that is set up to ensure that those guidelines are implemented and that we in the General Assembly are giving them the authority to set it up.

The other aspect, Mr. Speaker, that is very significant about this bill is that it will require a supermajority in order to implement anything, meaning, Mr. Speaker, that the leadership on this side, along with the leadership on that side and the Governor, it takes five out of seven votes for anything to take place with this particular authority, Mr. Speaker, and in my view, that means you can hold this leadership accountable for that participation to take place.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, let me applaud the Democratic chairman and leadership from both sides to that commitment, and I should add, because there are many faces to this economic stimulus package, the face that I am most satisfied with is the face of accountability. Hopefully we can reverse our past practice of spending taxpayer dollars without having measurable outcome. It is my understanding that in the past we have spent over \$5 billion in tax cuts, tax benefits, for businesses in Pennsylvania, and yet we are unable to point to one specific job, one meaningful job, that came out of that \$5 billion investment. So the face of accountability is extremely important to me.

Secondly, the face of opportunity – opportunities as it relates to our vacant, abandoned industrial facilities throughout the Commonwealth of Pennsylvania; the face of opportunities as it relates to training and investment; the face of opportunity as it relates to, specifically, job creation.

I am excited about those faces of SB 1026, and I ask leadership and I ask both sides of the aisle to be excited about the challenges that I face in the 181st Legislative District, the new 181st Legislative District, which has the highest concentration of vacant industrial sites than anyplace in the Commonwealth of Pennsylvania. We have industrial sites along the eastern, north-central part of Philadelphia that a match could destroy a whole section of the city. That is how high of a concentration of vacant industrial sites that we have in Philadelphia County.

We also have 8 1/2 percent unemployment – 8 1/2 percent unemployment – greater than the State’s unemployment average, greater than the national unemployment average, and that 8 1/2 percent unemployment is aggravated by the fact that it is minorities, women, African-Americans, Latinos, and women who are locked out more often than not when it comes to equal participation in the availability of opportunities.

And so, Mr. Speaker, I hope, I hope, and I will refrain from introducing this amendment, because I am going to vest my trust in leadership on both sides of the aisle. I am thankful that the Democratic chair comes from the great city of Philadelphia; I am thankful that the Speaker, the honorable Speaker, comes from the great city of Philadelphia; and I am thankful that in

over 100 years we now have a Governor from the great city of Philadelphia. So they know what is going on in Philadelphia County and in surrounding communities in southeastern Pennsylvania and throughout Pennsylvania.

So, Mr. Speaker, I will refrain from introducing this amendment. I stand to urge support from both sides of the aisle for SB 1026, and let us finally, let us finally bring some reality to the concept economic stimulus, economic stimulus, economic stimulus – stimulating an economy that has been lagging and stands 35th in the nation in job creation and in our investments.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Philadelphia, Mr. Evans, on the question.

Mr. D. EVANS. Mr. Speaker, I would like to first thank a number of people who have worked on this particular bill.

First, I would like to thank the majority leader, Majority Leader Smith, and his staff for everything that they have done through their cooperation. I would like to thank David Argall, the chairman of the Appropriations Committee, who also played a very important role in terms of this. I would like to thank the members on my side, the leaders particularly and their staff, for working together, because, Mr. Speaker, this is a great opportunity.

I heartily applaud the long-overdue passage of this economic stimulus package. It will provide assistance to local communities and create jobs as we rebuild our communities and improve the quality of life for working families throughout Pennsylvania.

I want to draw particularly to a piece of this package that I believe is critical to everyone in both large and small communities. I am talking about the First Industries Program. This is a program that will provide financial assistance for urban and rural supermarkets in underserved areas. Many of these communities suffer from a lack of easy accessibility and affordability and nutritional foods. This is not a Pennsylvania problem; this is a national problem.

Everyone who lives in an urban or a small community knows the efforts involved in getting to the grocery store. Further, those of you located in neighborhoods where not many residents own cars, particularly in neighborhoods with many elderly and low-income residents, are keenly aware of the need for accessible and affordable food markets. Those of us with cars probably do not think too much about how difficult it can be to rely on others for transportation – questions such as, how can I get to the nearest grocery store? How do I get my groceries home, especially when there are no stores within walking distance?

According to a report out of Cambridge, Massachusetts, “Supermarket Access in Cambridge,” two general industry standards of accessibility to a supermarket are driving distance – generally 2 miles – and walking distance – generally a mile and a half.

The First Industries Program provides \$150 million in financial assistance for agriculture and tourism projects in the forms of planning grants, loans, and loan guarantees. Under the agriculture portion, supermarkets are eligible for all three. They may request a planning grant to help with the costs of predevelopment activities and to conduct a feasibility study. The project must demonstrate a positive impact on the

local community or well-being of the neighborhood. Supermarkets may also seek a low-interest loan for land and building acquisition and construction, machinery and equipment purchases, and working capital.

In addition, Mr. Speaker, they could seek a loan guarantee for a commercial loan to help them finance the project. A loan guarantee is limited to 50 percent of the loan.

Several States have tried to address this issue, including Massachusetts, California, Maryland, Connecticut, and Texas, but not in this way. By our vote today, we create the first supermarket-focused economic development program of its kind. I believe that this will contribute as much to promote communities as places where people would like to live – communities that are clean, safe, graffiti free, and well-cared-for homes.

For those of you who carry the banner to fight obesity and related health problems, let me make this clear: Your fight is made much more difficult when fast food is more convenient than a full-service grocery store miles away. This is no choice.

Mr. Speaker, as I said earlier, I want to thank some people. I want to thank the two chairmen of the Health and Welfare Committee, Chairman George Kenney and Chairman Frank Oliver, who took the initial lead in this effort by doing their study. I want to thank an up-and-coming new Rep from the city of Pittsburgh, Jake Wheatley. I want to thank John Myers, Louise Bishop, Kathy Manderino, and all of those who have been involved in this effort for pushing so hard on this issue.

Whether we live in Pittsburgh, Philadelphia, Meadville, Boiling Springs, Aaronsburg, we deserve accessibility to fresh, quality groceries and produce. Although this is only one component of the stimulus package, it is an important first step for the health of our families, friends, neighborhoods, and communities.

Mr. Speaker, this was a bipartisan effort. It is a part of an effort that the Governor is attempting to do to spread opportunity all across the Commonwealth of Pennsylvania. I know, Mr. Speaker, there is sometimes a lot of debate when we take a risk, but we need not to be averse to risk, Mr. Speaker. We have to generate employment and opportunity in this State, and I believe, Mr. Speaker, that the Governor’s economic package is moving us in the right direction. I would hope we would get overwhelming bipartisan support.

Thank you very much.

The SPEAKER pro tempore. The gentleman from Cambria County, Mr. Wojnarowski, is recognized on the question.

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

People always say government cannot create jobs. That may be true, but what government can do is to make sure that businesses have the tools they need to create jobs. My proposal, the Business in Our Sites Program, would provide \$300 million to help prepare industrial sites in the Greater Johnstown area. With this proposal, a company that wants to take advantage of our great location and work for us in Cambria County will get help with acquiring and preparing sites for future development. The funding can be used to acquire land, conduct environmental assessments, prepare sites, and a host of other costs, including engineering, legal, and other professional services.

The bottom line, Mr. Speaker: This money will help put people back to work in the Greater Johnstown area.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Luzerne, Mr. Hasay.

Mr. HASAY. Mr. Speaker, I rise to support SB 1026.

This is a unique approach for job creation in Pennsylvania. It is something that has not been done in decades. It is a new approach. It is something I think that Pennsylvania needs to do. I think the Governor has a vision on this, and Pennsylvania needs to be more competitive compared to the other States, and we have other advantages as well, and I think this is unique, and I think it is a step, a bold step we have to take, to bring jobs and opportunity to the families of Pennsylvanians.

And, Mr. Speaker, the bonds that we issue under this legislation, they will be triple-A bonds. Some will be taxable; some will be tax free. Our indebtedness in the general appropriations budget is less than 1 percent. These bills put it up to less than 4 percent. So we are still lower than many of the other States in this nation.

So I ask for a “yes” vote on this bill.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Berks County, Mr. Rohrer, on the question.

Mr. ROHRER. Thank you, Mr. Speaker.

Mr. Speaker, I have just a couple of comments and questions.

I wondered if somebody could be willing to stand for just a couple questions I have. That would help.

The SPEAKER pro tempore. The majority leader indicates he will receive your questions.

Mr. ROHRER. Thank you, Mr. Speaker.

Mr. Speaker, in looking at the issue that is before us, I mean, obviously the topic is economic stimulus, and that is something I think probably every member of the House would like to do and like to be a part of in a constructive fashion. My question is that in the evaluation and discussions of what is now before us, what other options were considered as methods of providing economic stimulus, job creation, before this one was settled on?

Mr. S. SMITH. Mr. Speaker, for one, I think when we look back at the proposal as it was originally presented to the legislature by the administration, it was far more expansive both in terms of the proposed borrowing and in terms of the scope of the various programs, so if you just simply look back at what the Governor’s original proposal was, I think that is part of the answer to your question relative to what else was under consideration. I think any time we deal with these issues of, quote, “economic development,” obviously there is a legitimate debate about what is the role of government and what is our purpose here. To that degree, I mean, I think over the years we have certainly considered a wide variety of issues, but fundamentally, the debate, the negotiations on this package as it is before you at this moment, was on what the Governor originally proposed as his economic stimulus package that, as I said, was in excess of roughly \$2 billion for the pure economic stimulus package plus the RCAP (Redevelopment Assistance Capital Program), the capital budget issues that come before us from time to time.

Mr. ROHRER. Okay. I appreciate that.

I would agree that I think this is far better than what the Governor had originally laid out with borrowings of \$2 billion. This would be basically borrowings of \$1 billion.

But in addition to that, what, really, other options? Was the only option of borrowing the consideration as the—

The SPEAKER pro tempore. Will the gentleman suspend.

Mr. ROHRER. —four caucuses have come up with this.

The SPEAKER pro tempore. Will the gentleman suspend.

A proper topic for interrogation would be the content of the bill before us, not subject matters beyond the bill before us.

Mr. ROHRER. Mr. Speaker, I would mean to ask a clarifying question, and I think what we are establishing here by the creation of this authority has descended on the choice of one particular option of providing economic stimulus, and that is through borrowings through bonded. My question is, what other options were there?

The SPEAKER pro tempore. Certainly it is a proper matter for debate, but as to interrogation, it is to elicit information pertinent to the bill that is before us, not to bills that are not before us.

Mr. ROHRER. Okay. I am not sure I understand exactly why it does not fit, Mr. Speaker.

But another question that I would have then – I am not to go down that route – is in the consideration, once this option for borrowing was determined to be the way to go, were there any kind of studies or evaluations made on it to determine what the real impact of this would be? Do we know a firm number of jobs created? Do we know a firm number of what the real impact revenue-wise is going to be? Is it just a hope or do we know something?

Mr. S. SMITH. Mr. Speaker, we cannot put a set number of jobs on what this particular piece of legislation would hope to create at this moment. However, one of the major changes that we made from the administration’s original proposal to what is before you today is the board that will oversee this, you know, this pool of money that will be created through the borrowing, and the key element there is that that board, which is made up of four legislative appointees from the four caucuses plus three Secretaries within the administration, the key is that that board in and of itself will be the entity that will maintain the credibility and the accountability of where that borrowed money is going. And I would emphasize that one of those elements of accountability that we have before us that was significant in this piece of legislation is that we are not going out and borrowing a whole pot of money in one fell swoop. In fact, we are going out and borrowing a smaller portion. The board will then, based on recommendations of DCED significantly, as the lead economic development agency in the Commonwealth, the board will then proceed to approve not only the additional borrowing that may be required but the ultimate approval of the various programs.

Additionally, Mr. Speaker, I would like to point out that another major change that this legislation has taken in order to provide more accountability and reliability in terms of the taxpayers’ exposure or investment in this project is that we converted most of these programs back over to loan programs versus grant programs, and I think that that is significant in that you are now keeping the Commonwealth and the taxpayers’ exposure down because you are requiring, obviously, a payback of those loans as opposed to just pure grants as was originally conceived.

So I hope that that in and of itself, the fact that the board will be there to step by step approve additional borrowing and additional awards of the various projects, that that in and of itself will provide the accountability so that we can then see

what each of those projects that comes before the board is going to produce.

I might also add – and I apologize – I might also add, Mr. Speaker, the projects as they would be proposed to the board, at that point in time they will be identifying the number of jobs that would be created by the individual projects. So while the bill in and of itself we cannot say it is going to create X number of jobs, each of the projects as they come before the board will in fact have an identifiable number of jobs that would be created for, you know, a return, an investment, on the part of the board and the Commonwealth in that regard.

Mr. ROHRER. Thank you, Mr. Speaker, and I think that helps a lot to detail a lot of the improvements that have been made.

Another along that line of kind of, well, the accountability and measurability, is there a specific— Well, back up. In trying to identify what our impediments are to economic growth in the Commonwealth and trying to come up with solutions to try and provide the impetus and stimulus we need, is there a particular impediment that this approach to this legislation is attempting to address and what would that be?

Mr. S. SMITH. I believe probably the two that come to my mind immediately are, number one, that it provides additional capital to spur development, and number two, one of the particular programs, the Business in Our Sites specific program, is one that tries to target a need right now in the economic development community to have adequate facilities and sites available for these businesses that are, you know, looking to expand or grow or move into the Commonwealth.

One of the things that has been experienced is that in some areas of the State, especially areas that have significant brownfields, while they have all this industrial, old industrial site or brownfield lands that may be developable, the fact is they may not be in the condition that a business could come in and move in within, you know, a 6-month period. Many times these businesses need to move rapidly in order for them to take advantage of the market that they are looking to engage in.

So those would be the kinds of things that this particular piece of legislation seeks to address and accommodate relative to deficiencies in our current economic development arsenal, if you will.

Mr. ROHRER. Thank you, Mr. Speaker.

Can I give comment now?

The SPEAKER pro tempore. The gentleman may proceed.

Mr. ROHRER. I appreciate the responses to my questions.

Mr. Speaker, my sense is this: I think all of us, all of us are here wanting to provide any assistance that we can to aid in the development and spurring of economic development and jobs in this Commonwealth. However, as always, there are numerous different approaches to trying to get at the same goal, and the reason for me asking the question at the beginning of what other options were considered, and I know the speaker answered the question relative to what is before us is far better than what was originally before us as put forward by the Governor; there is more accountability on this board, there is less borrowings, \$1 billion instead of \$2 billion. But, Mr. Speaker, I am still brought back to the fact of saying, is this the need in this Commonwealth? Do we have people leaving this State, not coming to this State, because they do not have access to bond money or they do not have access to financing?

And fundamentally, Mr. Speaker, I do not think that is the reason. Those are not any of the things that we have heard.

Money is low. The cost of financing right now is low. Capital is available. Providing new moneys is not the solution to our problem. I really think, Mr. Speaker, that really what we have is just another new approach to handing out money that, whereas it has more accountability, has an awful lot of unanswered questions about it, and we have failed to deal with the real issues that are before this Commonwealth, and that is, businesses are not staying because they cannot afford to keep their doors open in this Commonwealth. We ought to be talking about tax reductions, and I know other folks say, well, we have reduced taxes over these past years and look what it has done for us. Well, we cannot forget the fact that we raised taxes far more in 1991, so the reductions that we have given over the last few years have still not taken them back to what they were in 1991. That is not a good argument. We are still higher than our competitors around us Statewise.

We are not a friendly State. Our property tax is still high, and that is why Cabela's in Berks County negotiated for a reduction or elimination of their property tax. There are things that we can do to provide real, genuine economic stimulus, Mr. Speaker, without borrowing new money and getting out the credit card.

And so, on this first bill of a series, setting up this authority which is necessary to perform the duties of the second two things that follow it, I am saying that right out of the blocks I do not believe that this will produce for us what we need in this Commonwealth, and that if we hold out our hopes that jobs will be created by what this will be doing, we are sadly mistaken and it is not there to be done, and I think we have not heard the answers on that, Mr. Speaker.

So from my perspective, I cannot bring myself to vote in the affirmative for this bill because I think it is the wrong direction when we have left undone and untouched known problems that we have not touched as of today.

So, Mr. Speaker, I will be voting “no,” and I will ask others to do so as well.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

For the information of the members, the speaking order that remains will be Mr. George, Mr. Turzai, Mr. Boyd, Mr. Samuelson, then the leaders.

The Chair now recognizes the gentleman from Clearfield County, Mr. George, on the question.

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, I do not intend to be very long, but if I may, I would just like to go over some of that that has been edified by those that have spoken here today.

You know, Mr. Speaker, there is a saying that if you do not know anything about history, you are doomed to see it repeat itself. Now, surely we know about the history and what has happened in this Commonwealth, and better than that, Mr. Speaker, what has not happened in this Commonwealth.

I hear people that know maybe more than I talk about how money can be brought about in bonds and things of this nature. I was here in '91 when the State was broke and the Casey administration went for the bonds, and the end result was for 8 years after the Casey administration, the Ridge administration had beaucoup money, lots of money, but did you get any of it in your district? Oh, there were 350 so-called jobs or creation of

industries with 183 of them defaulted and only 83 of them recouped. So when we talk about history, we talk about what the picture is. The picture is jobs. The picture is when your people are working, they are happy to pay taxes. When the people are working, they can afford the necessities that their family should be accustomed to.

The matter of it all is jobs, and this Governor is proposing, and rightfully so, the big picture, in that industry and the environment need not be divided thousands of miles away but ought to be able to work together, and spending money on remediation ought to be profitable and it ought to be reasonable, and we ought to be able to provide an area suitable and viable to bring these businesses in.

The Governor wants to take, in my district, waste coal, and Indiana and Butler and Centre and Jefferson and Cameron, and he wants to take that waste coal and he wants to utilize it in powerplants, and while he does that, in the one that we are trying to get in Clearfield, there will be 2 million tons of waste coal that will be burned. It will be 100 jobs that will be permanent in that manufacturing facility that will manufacture electricity. So what this Governor is doing, he wants to save the money that is wasted on land that had been abused or deteriorated by those who did not care. He wants the environment to work with the industries. He recognizes without good, clean water people will not move into an area. They need water, these big industries.

And let us look at it today. The day of the big industry is over. The day of the small industry is with us. No one knows who is going to get what, but the truth of the matter is, under the Rendell proposal, chances are very good that even though you get a little, it will be a great deal, because in the last 8 years you got nothing, and getting nothing has hurt all of us. It would not hurt me to see a big project start up in my fellow county, because today with good jobs, paying more than \$5 or \$6 an hour, an employee can drive 30 or 40 miles or 50 miles, even though gas might be \$1.90, but if they do not have a job, they cannot pay for that \$1.90-a-gallon gas.

I am not crazy about all I see in this bill. I had amendments also, and I think they were just as good as some of those that had been defeated, but we will get another go at this. But do not hinder the potential prosperity that Republicans and Democrats in the four caucuses are going to give us an opportunity to grab on. Do not hinder what could be the best days of your illustrious careers.

I urge you to support this bill.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Allegheny County, Mr. Turzai.

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

There are certainly, arguably, some good things in this bill, particularly the amount set aside to prepare infrastructure for industrial sites, but we do need to be truly wary, because whatever bump we may get, it is coming at a significant cost, and not just a cost today but a significant cost to future generations of Pennsylvanians, my kids and yours, annual payments on debt service for much that is no doubt pork for certain special interests and makes government officials more powerful.

We are, I fear, creating, fostering a society that is, in every aspect, more and more dependent upon government. In the end, make no mistake, this bill will not create a long-term economic environment that will make sure that employers stay, expand, or locate in the State of Pennsylvania. Keep in mind that you cannot have jobs without employers. We ultimately need to make the most tough decisions, because if we do not lower taxes, if we do not lower unemployment compensation rates, if we do not lower workmen compensation rates, if we do not lower health-care costs, if we do not lower civil litigation costs, we will never, ever create a competitive economic environment that produces family-sustaining jobs.

Thank you very much.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Lancaster, Mr. Boyd.

Mr. BOYD. Thank you, Mr. Speaker, and I will be very brief.

I just want to reiterate what the gentleman from Allegheny County shared and add to that that I have heard a lot of things bantered back and forth here talking about jobs. I think somebody earlier said that governments do not create jobs. Well, as a member of the private sector, the owner of a small business, I can tell you that governments do not create jobs, that business people create jobs, and when I look at this bill, there are some things in it that I do not like, a number of things I do not like. There are some things in it that I do like, but I will say this, that in trying to generate a positive business climate, in trying to generate jobs, capital is important, but it is only one component, and we need the other components that the gentleman from Allegheny County brought up. We have got to have a regulatory environment that is conducive to the expansions of business. We have got to have a tort environment. Tort reform is imperative to the success of our businesses. We have got to have an environment where we can reduce the cost of health insurance that businesses provide for their employees. Additionally, we have got to have workmen's compensation reform, unemployment compensation reform, and I have got to say that there is a group of bills that were put together by a number of us called the KMI Initiative (Keystone Manufacturing Initiative) that incorporate all of those things.

So what I am saying is that this is phase one, but if this is all we do, if this is all we do, we are wasting tremendous amounts of revenue and we will not yield the success that we want to creating jobs.

So for all of the folks that are so solidly behind this, I look forward to you being solidly behind the initiatives of the KMI when they come to pass, hopefully before this General Assembly yet this year, that do the things like reduce regulation, reduce the cost of health care, reduce unemployment rates, reduce workmen's compensation rates, those kinds of things that will help keep us Pennsylvania business people located here in Pennsylvania and give outside companies the incentive to come here.

So with that said, Mr. Speaker, I just would encourage everybody, as they consider this, to recognize this is only one leg of a three-legged stool and we need to do the other two yet this session.

Thank you, Mr. Speaker.

**THE SPEAKER (JOHN M. PERZEL)
PRESIDING**

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Northampton, Mr. Samuelson.

Mr. SAMUELSON. Thank you, Mr. Speaker.

Earlier in the debate this afternoon, the gentleman from the 117th District, Mr. Hasay, said that the Governor has a vision for Pennsylvania. I would second that motion, and I would say the Governor has 20/20 vision for the future of Pennsylvania. I use this phrase knowing that it can be seen to have two meanings. The first meaning pertains to the diagnosis you might get at an eye doctor about the clarity of your vision. I believe that this stimulus package shows that the Governor's vision for Pennsylvania is crystal clear about what is needed to revitalize Pennsylvania's economy. There are important economic development tools contained in this package, in this legislative package.

I also use the phrase 20/20 vision with an eye to the impact that this legislation will have in the year 2020 and beyond. The investments that will be made in our communities as a result of this stimulus package will benefit our Commonwealth and our citizens this year, next year, 5 years from now, and in the year 2020 and beyond. This legislation is important for the long-term future of our Commonwealth, and I urge an affirmative vote.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Northumberland, Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

I also rise in support of this much-needed legislation, SB 1026.

I have heard some of my colleagues from the other side of the aisle bemoan the fact that government does not create jobs, that businesses do this on their own; that they either decide to come into an area or they decide against it for all kinds of other reasons, but not government incentive packages.

I would like to take issue with some of those speakers by stating that a Wisconsin-based firm is going to be building a \$28 million warehouse and distribution center in my district, and the only way that that was made possible was assistance from the Department of Economic Development, DCED, and from a grant from DEP (Department of Environmental Protection), because the only places to build in a district like mine are abandoned mine areas and scarred mine lands. And in order to construct this 400,000-square-foot facility that requires a 600,000-square-foot pad, a mountain needs to be knocked over, blown up, and a stripping pit needs to be filled, and then deep compaction has to take place. So this facility is going to be built on land that would never be utilized for any other purpose other than having rabbits roaming around if we did not have some assistance from the Commonwealth.

The total assistance package coming into this project, \$28 million, is a little over \$3 million, 2.2 in grants and 1 million in loans. That made the difference of making this project happen, and both DCED and DEP actually apologized to me that they did not have more money to seal this deal, but that is all they could spare because we are short of money for those kinds of remediation projects. In total, Mr. Speaker, this industrial development park will have \$85 million invested by

other tenants that are waiting in line for the infrastructure, the road, the deep compaction, and the surface enhancement that is required. I am going to be looking to the Commonwealth for more funds to make sure that entire \$85 million of private dollars ends up in this industrial park. I cannot do it without this legislation. I wish this legislation was triple the dollar amount than what the price tag is on it now.

And please bear in mind, Mr. Speaker, Pennsylvania has the lowest bond indebtedness of any major State in the United States. Now, the States that have some bond indebtedness also are able to attract industries like the type I just talked to at a much faster pace than this Commonwealth. It is time that we invest in our future. That is what this bill is about, investing in our future, and I know these bonds will sell. People will be waiting in line to sell them, to buy them, and companies will start migrating to Pennsylvania, and the other companies that I am talking about are also out-of-State firms – a North Carolina firm, a South Carolina firm, and this Wisconsin firm are just a start.

Thank you very much, Mr. Speaker, and I hope that everyone does the right thing and votes "yes" on the Governor's economic stimulus package.

The SPEAKER. The Chair thanks the gentleman.

LEAVES OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence and recognizes the minority whip, who asks for a leave of absence for the gentleman from Philadelphia, Mr. KELLER, and the gentleman from Bucks, Mr. CORRIGAN. Without objection, those leaves will be granted.

GUEST INTRODUCED

The SPEAKER. The Chair also has a special guest to the left of the Speaker, a young man from Delaware County. His name is Ron Raymond. He is the son of Representative Ron Raymond. Would our guest please rise. The Chair thanks the gentleman.

CONSIDERATION OF SB 1026 CONTINUED

The SPEAKER. The Chair recognizes the Democrat leader, the gentleman from Greene, Mr. DeWeese.

The gentleman has every right to be heard. Please keep the noise level down.

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

I will be very brief.

During the last 8 years – and this is not a partisan comment; it is a national phenomenon, and Governor Rendell has been at the helm for 14 months – but during the last 8 years, 155,000 manufacturing jobs have left Pennsylvania. Again, that is a national if not an international phenomenon, and it is no one's fault per se.

But we all realize that economic development and economic stimulus is at the epicenter of our national dialogue and certainly a crucial and fundamental element of Pennsylvania's ongoing discussion about how we can help our State grow and flourish.

This package, this package is the result of a couple of phenomena. One, Gov. Edward G. Rendell traveled to

67 counties. He met with banks. He met with businesses. He met with developers. He met with local government officials, good old boys, township supervisors, and men and women on school boards, and men and women on borough councils, and he asked them, what do you want? What do you think will work that will make Pennsylvania more prosperous economically? What will you help me develop to put into the stew as I cook my economic stimulus package? And what is in this, Mr. Speaker, is the result of countless hours of the Governor personally soliciting answers to questions about economic development in our 67 counties.

And then number two, number two, the four caucuses got together with their best brains, their motivated staff – Mr. Brightbill, his team over in the Senate; Mr. Mellow and his team on the Democratic side of the Senate; the Speaker; and my honorable cohort, Mr. Smith; our team on this side of the aisle – we got together as four caucuses, worked with the raw data that had come back from the 67 counties, and we came up with a compromise. It is not the best, but it certainly is a big, big step in the right direction – economic stimulus package, with 67 counties, the Governor, and four caucuses coming to this agreement, Mr. Speaker.

I would respectfully request an affirmative vote on what I think is a historic piece of legislation. It is a 20/20 vision. It is 20/20 on the acute perspicacity of the Governor's economic development efforts in brownfields and in agricultural areas and in tourism, and it is a 20/20 vision for the year 2020, because 16 years from now, Mr. Speaker, we will look back and think that this economic development stimulus package was what jump-started Pennsylvania's economy early in the 21st century.

Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the majority leader, the gentleman from Jefferson, Mr. Smith.

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

I also will be brief relative to the concluding remarks on SB 1026.

I simply want to point out that in the course of that work that the minority leader was just referring to, I think the key things that we have put forth in this legislation are, number one, that although we are borrowing money, we have done it in the most fiscally responsible way. Through putting the board in charge of that bond moneys, we will maintain that fiscal responsibility, and we have injected a huge dose of accountability and responsibility for how those dollars will be utilized in their attempt and goal to sustain and help to grow the economy of Pennsylvania.

I would also note that this legislation as it is before us and one that we have fully expected will be concurred on by the Senate, we left with that kind of an agreement that this is the fundamental core of this economic stimulus package; that this bill will apply to the whole State; that it provides an even opportunity across the State for communities, large and small, to access the tools that are presented in this legislation.

So as we conclude our work on this particular legislation in the House, Mr. Speaker, I just want to suggest that this bill, albeit not in and of itself the savior of the Commonwealth per se, it is my belief that it will allow the Commonwealth to compete, as we compete with other States and countries around the world, for the jobs and the employers. This bill will certainly enhance our ability to attract and sustain the jobs that

are necessary in Pennsylvania and urge the members to vote in an affirmative manner.

The SPEAKER. The Chair thanks the gentleman.

REMARKS SUBMITTED FOR THE RECORD

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

Mr. Speaker, I rise to ask my colleagues to support the broad economic stimulus package that is before the General Assembly today. State government needs to be a full partner with businesses and communities in the development and execution of sound economic policies. It is time to free Governor Rendell's stimulus package from partisan bickering. It is time to work together to create jobs and jump-start economic development in Pennsylvania.

Pennsylvanians have been waiting too long for tax relief and job growth. Pennsylvanians have been waiting too long to see investments in environmental cleanup for the abandoned mine sites that mar the landscape and pollute our natural resources.

This proposed economic package will utilize over \$2 billion in public resources to leverage an additional \$3 billion in private dollars in order to foster new business growth and the expansion of existing Pennsylvania businesses.

AdvancePCS, a world-leading health improvement services company in the 119th Legislative District, is a prime example of how reclaiming grayfields through \$2 million in State investment can attract private investment and high-quality jobs to Pennsylvania.

Lexington Village, a senior citizen integrated living community in Nanticoke, is another example of how Pennsylvania must utilize private and public partnerships to revitalize and grow small and midsize communities. With just a small investment of \$260,000 in State funds, we were able to secure a \$12 million private investment in the project – the largest private investment in Nanticoke City in the past two decades. State government must be a full and committed partner in these efforts to afford our small communities an opportunity to expand their economic base.

Fairchild Semiconductor, a global leader in technology located in Wright Township, must be competitive in a world market. If Pennsylvania turns its back on technology companies, our economic future will be dark. Recently, Fairchild Semiconductor announced a major expansion at its Wright Township plant that will bring about 320 new jobs. This expansion was made possible because State government has invested in the company's potential by providing assistance with funding for equipment, employee training, and tax relief. Now, imagine if this measure of success could be increased tenfold by supporting businesses all over the Commonwealth in a similar manner. It can happen, and we have the means right here in the Governor's economic plan to get Pennsylvania working again.

Over the last decade, Pennsylvania has been lagging behind the rest of the nation in community revitalization, job attraction and retention, and overall economic growth. Two billion dollars in the next 3 years to implement an economic stimulus is a worthwhile investment; it is a shot in the arm for a patient that needs to be revived.

We must also reinvest in areas that once saw major mining and industrial operations but have now been deserted. Forty-four of the Commonwealth's 67 counties are affected by abandoned mines. Acid mine drainage, dangerous sinkholes and other unstable conditions, and the disfigurement to the landscape are the results of a failure to invest in our best interests.

Cleaning up these sites offers potential locations for economic development. We will be developing and marketing abandoned lands that would otherwise be struggling to attract new investment. We can transform these grayfields from blight into economic opportunities for businesses and our communities.

We need to invest in technologically oriented, 21st century businesses like AdvancePCS and Fairchild Semiconductor. We need to

provide them with the opportunities they need to expand and improve their businesses so that Pennsylvanians can see true, steady job growth. We must invest in our institutions of higher learning so that these companies have a skilled pool of employees and can become strong.

I have worked tirelessly to advocate my priorities for property tax reform, job creation, and environmental reclamation. Today we take a big step in setting these priorities as the new policy direction for Pennsylvania.

I urge my colleagues to support the economic stimulus package and let us get to work making Pennsylvania an economic giant of the 21st century.

Thank you.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS-188

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

NAYS-7

Birmelin	Creighton	Egolf	Rohrer
Coleman	Denlinger	Metcalfe	

NOT VOTING-0

EXCUSED-8

Corrigan	Harper	Lynch	Rieger
Dailey	Keller	McGeehan	Taylor, J.

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 return the same to the Senate with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

RULES SUSPENDED

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

Mr. S. SMITH. Mr. Speaker, I move that the rules of the House be suspended for immediate consideration of SB 10.

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

The following roll call was recorded:

YEAS-195

Adolph	Evans, J.	Lewis	Samuelson
Allen	Fabrizio	Mackereth	Santoni
Argall	Fairchild	Maher	Sather
Armstrong	Feese	Maitland	Saylor
Baker	Fichter	Major	Scavello
Baldwin	Fleagle	Manderino	Schroder
Bard	Flick	Mann	Scrimenti
Barrar	Forcier	Markosek	Semmel
Bastian	Frankel	Marsico	Shaner
Bebko-Jones	Freeman	McCall	Smith, B.
Belardi	Gabig	McGill	Smith, S. H.
Belfanti	Gannon	McIlhattan	Solobay
Benninghoff	Geist	McIlhinney	Staback
Biancucci	George	McNaughton	Stairs
Birmelin	Gergely	Melio	Steil
Bishop	Gillespie	Metcalfe	Stern
Blaum	Gingrich	Micozzie	Stetler
Boyd	Godshall	Millard	Stevenson, R.
Browne	Good	Miller, R.	Stevenson, T.
Bunt	Goodman	Miller, S.	Sturla
Butkovitz	Grucela	Mundy	Surra
Buxton	Gruitza	Mustio	Tangretti
Caltagirone	Habay	Myers	Taylor, E. Z.
Cappelli	Haluska	Nailor	Thomas
Casorio	Hanna	Nickol	Tigue
Causar	Harhai	O'Brien	Travaglio
Cawley	Harhart	Oliver	True
Civera	Harris	O'Neill	Turzai
Clymer	Hasay	Pallone	Vance
Cohen	Hennessey	Payne	Veon
Coleman	Herman	Petrarca	Vitali
Cornell, S. E.	Hershey	Petri	Walko
Costa	Hess	Petrone	Wansacz
Coy	Hickernell	Phillips	Washington
Crahalla	Horsey	Pickett	Waters
Creighton	Hutchinson	Pistella	Watson

Cruz	James	Preston	Weber
Curry	Josephs	Raymond	Wheatley
Daley	Kenney	Readshaw	Williams
Dally	Killion	Reed	Wilt
DeLuca	Kirkland	Reichley	Wojnaroski
Denlinger	Kotik	Roberts	Wright
Dermody	LaGrotta	Roebuck	Yewcic
DeWeese	Laughlin	Rohrer	Youngblood
DiGirolamo	Leach	Rooney	Yudichak
Diven	Lederer	Ross	Zug
Donatucci	Leh	Rubley	
Eachus	Lescovitz	Ruffing	Perzel,
Egolf	Levdansky	Sainato	Speaker
Evans, D.			

NAYS—0

NOT VOTING—0

EXCUSED—8

Corrigan	Harper	Lynch	Rieger
Dailey	Keller	McGeehan	Taylor, J.

A majority of the members required by the rules having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 10, PN 1501**, entitled:

An Act amending Title 12 (Commerce and Trade) of the Pennsylvania Consolidated Statutes, providing for the Infrastructure and Facilities Improvement Program; and making a related repeal.

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

Mr. **S. SMITH** offered the following amendment No. **A0957**:

Amend Sec. 1 (Sec. 3306), page 197, by inserting between lines 6 and 7

(3) Grants may not be used to pay debt service for projects directly related to gaming.

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

The following roll call was recorded:

YEAS—195

Adolph	Evans, J.	Lewis	Samuelson
Allen	Fabrizio	Mackereth	Santoni
Argall	Fairchild	Maher	Sather
Armstrong	Feese	Maitland	Saylor
Baker	Fichter	Major	Scavello
Baldwin	Fleagle	Manderino	Schroder
Bard	Flick	Mann	Scrimenti
Barrar	Forcier	Markosek	Semmel
Bastian	Frankel	Marsico	Shaner
Bebko-Jones	Freeman	McCall	Smith, B.
Belardi	Gabig	McGill	Smith, S. H.
Belfanti	Gannon	McIlhattan	Solobay

Benninghoff	Geist	McIlhinney	Staback
Biancucci	George	McNaughton	Stairs
Birmelin	Gergely	Melio	Steil
Bishop	Gillespie	Metcalfe	Stern
Blaum	Gingrich	Micozzie	Stetler
Boyd	Godshall	Millard	Stevenson, R.
Browne	Good	Miller, R.	Stevenson, T.
Bunt	Goodman	Miller, S.	Sturla
Butkovitz	Grucela	Mundy	Surra
Buxton	Gruitza	Mustio	Tangretti
Caltagirone	Habay	Myers	Taylor, E. Z.
Cappelli	Haluska	Nailor	Thomas
Casorio	Hanna	Nickol	Tigue
Causar	Harhai	O'Brien	Travaglio
Cawley	Harhart	Oliver	True
Civera	Harris	O'Neill	Turzai
Clymer	Hasay	Pallone	Vance
Cohen	Hennessey	Payne	Veon
Coleman	Herman	Petrarca	Vitali
Cornell, S. E.	Hershey	Petri	Walko
Costa	Hess	Petrone	Wansacz
Coy	Hickernell	Phillips	Washington
Crahalla	Horsey	Pickett	Waters
Creighton	Hutchinson	Pistella	Watson
Cruz	James	Preston	Weber
Curry	Josephs	Raymond	Wheatley
Daley	Kenney	Readshaw	Williams
Dally	Killion	Reed	Wilt
DeLuca	Kirkland	Reichley	Wojnaroski
Denlinger	Kotik	Roberts	Wright
Dermody	LaGrotta	Roebuck	Yewcic
DeWeese	Laughlin	Rohrer	Youngblood
DiGirolamo	Leach	Rooney	Yudichak
Diven	Lederer	Ross	Zug
Donatucci	Leh	Rubley	
Eachus	Lescovitz	Ruffing	Perzel,
Egolf	Levdansky	Sainato	Speaker
Evans, D.			

NAYS—0

NOT VOTING—0

EXCUSED—8

Corrigan	Harper	Lynch	Rieger
Dailey	Keller	McGeehan	Taylor, J.

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

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

Bill as amended was agreed to.

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

The gentleman from Butler, Mr. Metcalfe.
Mr. **METCALFE**. Thank you, Mr. Speaker.

Mr. Speaker, if I could pose a fairly simple question to somebody that might answer it?

The **SPEAKER**. The gentleman, Mr. Smith, indicates that he will be glad to try to answer your question.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, just a question to clarify some information that we were given on this bill, SB 10, that it is being said that the moneys that would be given out from this would be expected back in the form of additional revenues in the future, the grants and such that were allocated.

Mr. S. SMITH. Mr. Speaker, I will try to answer this succinctly. The actual process that takes place here, the tax incremental financing or TIF, is really not new, although I believe this is maybe putting it more in place at the Commonwealth level versus at the local level, and that is where there is some difference here.

However, the money that is initially invested, granted to the development – let us say it is a hospital, by example, which is one of the focal points of this particular bill – that money is expected to be repaid, and in fact, the application has to demonstrate to, you know, a respectable level of certainty that the investment, that the additional building that would be a part of this, will in fact create the jobs. Those jobs will create additional personal income tax revenues to the Commonwealth, and those revenues are in turn what pay back the whole program in terms of the tax anticipation process.

Mr. METCALFE. Thank you, Mr. Speaker.

If I could make brief comments.

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

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, coming from Butler County and our region, we have had recent activity in the news and even in this legislative body dealing with what is being proposed in Pittsburgh to try and tax commuters from my area. The stadiums that were promoted out there using taxpayer dollars to build new stadiums was supposed to be the salvation of Pittsburgh, the salvation of the region, and it certainly has not panned out to be that. They are in no better shape than they were before, and they continue on that same road of increased spending and increasing taxes and trying to take more from taxpayers.

This program sounds a lot like what happened with the stadiums, that we are expecting the State to be paid back moneys based on projected revenues that anybody who would receive one of these grants or loans would receive, that as they would receive money from the State, eventually through their expansion and through their generating additional revenues, that that money would come back into the State Treasury, and that would happen regardless of whether the State gave them money or not.

In a free market economy, letting the marketplace bear out who actually has a viable product or service or who has a business that can be prosperous, we still benefit from the additional revenues. So it is really nonsensical logic to say that we are going to be given money back that we gave out when all we are doing is receiving additional revenues from a business venture or from the expansion of a hotel or a convention center or whatever.

So I oppose this legislation. I think it is a facade for actual economic stimulus. The way to stimulate the economy is, as some of my colleagues have said in the past, we should decrease government spending; we should decrease tax rates; we should make this State a State that agrees that people have the freedom to be employed without compulsory unionism. We should make some of those measures part of our economic stimulus. We should bring about the caps that are needed for product liability

situation and for medical liability where we see a lot of frivolous lawsuits. Those are the answers for economic stimulus, not more government intervention in the marketplace, more government manipulation of the marketplace through trying to pick and choose who should receive these government subsidies.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—188

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

NAYS—7

Birmelin	Creighton	Egolf	Rohrer
Coleman	Denlinger	Metcalfe	

NOT VOTING—0

EXCUSED—8

Corrigan Harper Lynch Rieger
Dailey Keller McGeehan Taylor, J.

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 return the same to the Senate with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

CONSIDERATION OF HB 2472 CONTINUED

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

Mr. **GEORGE** offered the following amendment No. **A0785**:

Amend Sec. 1 (Sec. 302), page 5, by inserting between lines 29 and 30

“Firefighting equipment.” The equipment necessary to carry out its ordinary functions of supporting fire, life and rescue activities, including elevated equipment, pumpers, tankers, ladder trucks, utility or special service vehicles or other large equipment used for firefighting.

Amend Sec. 1 (Sec. 302), page 8, by inserting between lines 14 and 15

(iii) Firefighting equipment in an amount not to exceed \$50,000 when part of a capital project meeting the requirements under paragraph (6).

Amend Sec. 1 (Sec. 302), page 10, line 20, by inserting a bracket before “The”

Amend Sec. 1 (Sec. 302), page 10, line 23, by striking out the bracket before “Redevelopment”

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

AMENDMENT WITHDRAWN

The **SPEAKER**. On that question, the Chair recognizes the gentleman, Mr. George.

Mr. **GEORGE**. Mr. Speaker, I would like to withdraw that amendment, if I may, sir.

The **SPEAKER**. The Chair thanks the gentleman.

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

RULES SUSPENDED

The **SPEAKER**. The Chair recognizes the gentleman, Mr. Smith.

Mr. **S. SMITH**. Mr. Speaker, I move that the rules of the House be suspended for immediate consideration of amendment 0933.

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

The following roll call was recorded:

YEAS—195

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

NAYS—0

NOT VOTING—0

EXCUSED—8

Corrigan Harper Lynch Rieger
Dailey Keller McGeehan Taylor, J.

A majority of the members required by the rules having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

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

Mr. S. SMITH offered the following amendment No. A0933:

Amend Sec. 1 (Sec. 302), page 9, line 6, by striking out the bracket before "as"
Amend Sec. 1 (Sec. 302), page 9, lines 23 and 24, by striking out "j of" in line 23 and all of line 24

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

The SPEAKER. The gentleman, Mr. Smith.

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

Mr. Speaker, this amendment basically puts the Redevelopment Capital Assistance Program back to where it was originally as it has been for the last several years relative to two caps or, actually, minimum dollar amounts for projects of \$5 million in the first- and second-class cities and \$1 million in second-class-A through eighth-class municipalities. So it fundamentally keeps the Redevelopment Capital Assistance Program as it has been operating over the last at least 8 or so years.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Allegheny, Mr. Pistella.

Mr. PISTELLA. Thank you, Mr. Speaker.

I was wondering if the majority leader would be kind enough to answer a couple of questions I have.

The SPEAKER. The gentleman indicates that he will stand for interrogation. The gentleman is in order.

Mr. PISTELLA. Thank you, Mr. Speaker.

Mr. Speaker, in the past there has been an effort to assist the Soldiers and Sailors Memorial Hall and Museum in Allegheny County with funding for capital projects. In the past there was an amount of money of \$6 million that was requested, half of which was raised locally and half of which was supplied by a capital budget bill in order to complete the restoration and renovation of their roof and some other portions of the facility.

Lately I have been contacted by the same group that is interested in renovating what would be considered the major auditorium probably at a total cost of \$2.4, \$2.5 million. Under that request, would their request now then be prohibited from being considered because it was not at the threshold, or is the amount of money we are putting back in a cap under which we will fund it provided we do not go over that limit?

Mr. S. SMITH. Mr. Speaker, it depends on exactly what facility you are referring to. If it is a State facility, then those limitations that are in this amendment would not apply.

Mr. PISTELLA. No, it is not. Currently it is in an arrangement with Allegheny County, the purpose of which is to seek the status of at some point becoming an independent facility in and of itself. Given the fact that there still is a relationship, the request has come in under Allegheny County.

Mr. S. SMITH. Mr. Speaker, what this amendment would do, and I do not mean to be evasive, but I am not sure of exactly the project or the exact location. So let me state that if that project has been eligible in the past, it would continue to be eligible today. In addition, if that has been a question if it is in

an enterprise zone or in a distressed municipality, that would also make it or allow it to be eligible under the current law versus what is in this bill at the moment.

Mr. PISTELLA. Mr. Speaker, I appreciate your explanation, and given the fact that it is in the city of Pittsburgh and the city's current condition, it sounds as if the explanation you have given is that there still may be an opportunity to fund a request made by the group through Allegheny County.

I appreciate your taking the time to answer my question, sir.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Philadelphia, Mr. Evans.

Mr. D. EVANS. Mr. Speaker, I rise to support the gentleman's amendment.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS-195

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

Donatucci	Leh	Rubley	
Eachus	Lescovitz	Ruffing	Perzel,
Egolf	Levdansky	Sainato	Speaker
Evans, D.			

NAYS—0

NOT VOTING—0

EXCUSED—8

Corrigan	Harper	Lynch	Rieger
Dailey	Keller	McGeehan	Taylor, J.

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

On that question, the Chair recognizes the gentleman from Butler, Mr. Metcalfe.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, this bill that raises the debt ceiling and increases debt on Pennsylvania taxpayers is the wrong answer for stimulating our economy.

Economic stimulus is the title that has been given to this package of three bills here today. It is the wrong label. Economic stimulus is not incurring more debt on behalf of the next generation.

I have been reading a book recently, and it has an illustration of Popeye the Sailor and Wimpy.

Mr. Speaker, if I could get everyone's attention, I will be short. I know that the day is coming to a close here.

The SPEAKER. The gentleman is entitled to be heard. Please keep the noise levels down.

Mr. METCALFE. As I said, Mr. Speaker, in Popeye the Sailor, he had a friend named Wimpy, and Wimpy, if you all remember, had an obsession with hamburgers, and a quote from Wimpy was, "I'll gladly pay you Tuesday for a hamburger today"; "I'll gladly pay you Tuesday for a hamburger today." And that is what we are doing as a State when we incur more debt, is we are saying, we will gladly pay you Tuesday for more tax dollars today.

Well, last year we increased spending and this body increased taxes against many of us who disagreed with that measure. This year the political answer for not increasing taxes is to increase debt. I think it makes it very easy for politicians coming up in an election year that do not want to vote for a tax increase vote so they can spend more money to say, well, we will just do it with more debt. That will fool the taxpayers. We will just vote to increase debt this year, because you know it is going to have to be paid back at some future point, and the people who have to pay that back, unfortunately, are going to be many that are left on the face of this earth when some of you are

gone, because it is going to be riding out there for a long time to come.

Edwin J. Feulner, Jr., from the Heritage Foundation, in a book that he put together said that economic freedom is an essential part of human freedom. Economic markets when left to themselves often have unexpected and positive social benefits, and this should not surprise us, because they are based on cooperation rather than coercion, rather than the forceful taking of our tax dollars from us. The free market works so we have choice and whatever is best flourishes.

Mr. Speaker, when I stood up here last year and opposed the tax increase votes, I talked about the Governor and his friends taking us down the tax-and-spend expressway, taking us on a ride down the tax-and-spend expressway that would end in economic destruction. Well, this is another ride down that same expressway, Mr. Speaker.

Mr. Speaker, the Governor has recently been talked about in the papers on his fast rides down the Pennsylvania Turnpike at 100-plus miles an hour while he is taking us on a fast ride down the economic expressway.

The SPEAKER. You seem to have hit a nerve, Mr. Metcalfe.

The gentleman is entitled to be heard.

Mr. METCALFE. Mr. Speaker, we are on that fast track that the Governor likes to travel, only we are heading to economic destruction with increasing our debt by another billion dollars this year with these bills that are before us today.

Mr. Speaker, I oppose this bill, as I have the last two, that will increase the burden that is placed on our children.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Luzerne, Mr. Blaum.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of HB 2472.

I am amazed at some of the bizarre comments we have heard this afternoon, comments about these extraordinary economic development programs the Commonwealth of Pennsylvania has instituted. Anyone who does not think they work, and I really do not believe there is anybody in this room who thinks they do not work, please come to the Wyoming Valley where, in the last 2 years, two major employers came to town, and this administration and the former administration were very helpful in luring them to northeastern Pennsylvania with creative economic development programs. Anybody who thinks that this redevelopment assistance program does not work, improve the economy, create jobs, please come to Wilkes-Barre, and I will show you a magnificent project and I will show you what redevelopment assistance funding can do in turning the brownest of brownfields into extraordinary job generators.

I congratulate the majority leader, I congratulate the Speaker and our leadership for fashioning these bills, along with the administration, to move Pennsylvania forward. These are creative; they are necessary; and if we are to be not only a leader among States but a competitor among nations, these are the kinds of economic development programs that need to be in place not only in the Rendell administration but they have been in place, and every previous Governor that I can remember also knew how worthwhile they were.

So I would ask the members for an affirmative vote.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—181

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

NAYS—14

Birmelin	Harhart	Metcalfe	Stevenson, R.
Coleman	Hutchinson	Nickol	Turzai
Creighton	Leh	Rohrer	Wilt
Egolf	Mackereth		

NOT VOTING—0

EXCUSED—8

Corrigan	Harper	Lynch	Rieger
Dailey	Keller	McGeehan	Taylor, J.

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

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

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2319, PN 3535**, entitled:

An Act amending the act of November 6, 1987 (P.L.381, No.79), known as the Older Adults Protective Services Act, further providing for legislative policy; further defining "employee"; further providing for involuntary intervention by emergency court order and for grounds for denying employment; and providing for certificate of employability, for requirements concerning current facility employees, for comparison study by Department of Aging and for applicability relating to criminal history for employees.

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

Mrs. VANCE offered the following amendment No. **A0874**:

Amend Sec. 6 (Sec. 508), page 19, line 10, by inserting after "(3.1)"

(i)

Amend Sec. 6 (Sec. 508), page 19, by inserting between lines 13 and 14

(ii) Information submitted pursuant to section 502 which was obtained within the one-year period proceeding the effective date of this paragraph shall be deemed current for the purposes of subparagraph (i) upon review for compliance with section 503 by the appropriate entity.

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

The SPEAKER. On that question, the Chair recognizes the gentlelady, Mrs. Vance.

Mrs. VANCE. This is regarding the background checks, and it merely says that any information that was submitted within a 1-year period preceding the effective date we will deem current for the purpose of the review, but we will review that to make sure that nothing has occurred in that 1-year period.

And current law allows facilities to utilize criminal background checks that have already been conducted for individuals as long as they are less than a year old, and so that is exactly what this does. We just want to make sure that we are reinforcing that.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Philadelphia, Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

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

The SPEAKER. The gentlelady indicates she will stand for interrogation. The gentleman is in order and may proceed.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, maybe I did not hear you clearly, but would you explain the amendment again?

Mrs. VANCE. If you recall, the Older Adult Protective Services Act that we passed earlier was struck down by the Commonwealth and Supreme Courts because they disallowed

grandfathering of background checks. They did not like the fact that we had grandfathered present employees of a nursing home. So this amendment just merely requires that background checks that have already been done in this past year must be reviewed again to make sure that no new crimes have occurred during that year.

Mr. THOMAS. Okay. And that is the overall focus of this amendment?

Mrs. VANCE. Absolutely.

Mr. THOMAS. Thank you, Mr. Speaker. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS-194

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

NAYS-1

James

NOT VOTING-0

EXCUSED-8

Corrigan	Harper	Lynch	Rieger
Dailey	Keller	McGeehan	Taylor, J.

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

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

Mr. VEON offered the following amendment No. A0891:

Amend Title, page 1, lines 8 through 13, by striking out all of said lines and inserting further providing for definitions, for investigations of reports of need for protective services, for involuntary intervention by emergency court order, for information relating to prospective facility personnel and for grounds for denying employment; providing for certificate of employment; further providing for violations and for provisional employees; providing for requirements concerning

Amend Title, page 1, line 14, by striking out "FACILITY"

Amend Title, page 1, line 16, by removing the period after "employees" and inserting

; and further providing for reporting by employees, for investigation, for restrictions on employees, for penalties and for immunity.

Amend Sec. 1, page 1, line 21, by inserting after "Act," amended December 18, 1996 (P.L.1125, No.169),

Amend Sec. 1 (Sec. 102), page 2, line 21, by inserting after "legitimately"

and rationally

Amend Sec. 1 (Sec. 102), page 2, line 26, by inserting after "legitimately"

and rationally

Amend Sec. 2, page 2, line 30, by inserting after "OF" "administrator,"

Amend Sec. 2, page 3, line 2, by inserting after "amended"

and the section is amended by adding definitions

Amend Sec. 2 (Sec. 103), page 3, by inserting between lines 7 and 8

["Administrator." The person responsible for the administration of a facility. The term includes a person responsible for employment decisions or an independent contractor.]

"Care provider." A person that for compensation provides or offers to provide care to an older adult who is a care-dependent individual.

Amend Sec. 2 (Sec. 103), page 3, lines 16 and 17, by striking out "either employed by a facility or a contract employee." and inserting employed by an employer.

Amend Sec. 2 (Sec. 103), page 3, by inserting between lines 20 and 21

"Employer." The person, facility, operator, care provider or an independent contractor responsible for employment decisions.

Amend Sec. 2 (Sec. 103), page 4, by inserting between lines 5 and 6

(6) A hospital located in this Commonwealth that is licensed under the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act.

Amend Sec. 2 (Sec. 103), page 4, by inserting between lines 9 and 10

“Operator.” An individual, other than an employee, responsible for the administration or management of a care provider who has direct and unsupervised contact with any older adult or older adult who is a care-dependent individual.

* * *

Amend Sec. 3, page 4, lines 10 through 12, by striking out all of said lines and inserting

Section 3. Sections 303(b), 307(a), 501 and 502 of the act, amended or added December 18, 1996 (P.L.1125, No.169), are amended to read:

Section 303. Investigations of reports of need for protective services.

* * *

(b) Investigation involving [licensed facilities] employers.—Any report concerning older adults [residing in a State-licensed facility] who are provided care by an employer shall be investigated under procedures developed by the department in consultation with the State agency licensing such [facility] employer. If the report concerns a resident of a State-licensed [facility] employer for whom the area agency on aging provides ombudsman services, the ombudsman of the area agency on aging must be notified.

* * *

Amend Sec. 3 (Sec. 501), page 6, lines 29 and 30, by inserting brackets before and after “, WHICH IS BEING CONSIDERED FOR EMPLOYMENT, TO A FACILITY.” and inserting

to provide care in any capacity that involves direct and unsupervised contact with an older adult or an older adult who is a care-dependent individual or submits an application to become a care provider

Amend Sec. 3, page 7, by inserting between lines 3 and 4 Section 502. Information relating to [prospective facility] personnel of employers.

(a) [General rule.—A facility shall require all applicants to submit with] Applicants.—Applicants shall submit with their applications[, and shall require all administrators and any operators who have or may have direct contact with a recipient to submit,] the following information obtained within the preceding one-year period:

(1) Pursuant to 18 Pa.C.S. Ch. 91 (relating to criminal history record information), a report of criminal history record information from the State Police or a statement from the State Police that their central repository contains no such information relating to that person. The criminal history record information shall be limited to that which is disseminated pursuant to 18 Pa.C.S. § 9121(b)(2) (relating to general regulations).

(2) Where the applicant is not and for the two years immediately preceding the date of application has not been a resident of this Commonwealth, administration shall require the applicant to submit with the application for employment a report of Federal criminal history record information pursuant to the Federal Bureau of Investigation’s appropriation under the Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1973 (Public Law 92-544, 86 Stat. 1109). The department shall be the intermediary for the purposes of this paragraph. For the purposes of this paragraph, the applicant shall submit a full set of fingerprints to the State Police, which shall forward them to the Federal Bureau of Investigation for a national criminal history record check. The information obtained from the criminal record check shall be used by the department to determine the applicant’s eligibility. The determination shall be submitted to the [administrator] employer by the applicant prior to commencing employment. The [administrator] employer shall insure confidentiality of the information.

(a.1) Employer.—Prior to granting any license, certification, registration or approval to an employer, any agency of this Commonwealth responsible for the licensing, certification, registration or approval of the care provider, shall require the information required by subsection (a) with respect to its employees or operators. A care

provider other than an applicant not subject to licensing, certification, registration or approval shall, prior to commencing any activities within this Commonwealth, submit the information required by subsection (a) to the department with respect to its employees or operators.

(b) Fees.—The State Police may charge the applicant a fee of not more than \$10 to conduct the criminal record check required under subsection (a)(1). The State Police may charge a fee of not more than the established charge by the Federal Bureau of Investigation for the criminal history record check required under subsection (a)(2). The State Police shall develop a billing system to [allow facilities and administrators] permit employers to assume responsibility for the fee under this subsection. The State Police shall allow [facilities or administrators] employers to establish an account for quarterly payment.

Amend Sec. 4 (Sec. 503), page 8, line 30, by striking out “a facility” and inserting

an employer

Amend Sec. 4 (Sec. 503), page 10, line 7, by striking out “a facility” and inserting

an employer

Amend Sec. 5, page 13, line 26, by striking out “SECTIONS” and inserting

a section

Amend Sec. 5 (Sec. 503.1), page 13, line 27, by striking out “EMPLOYABILITY” and inserting

employment

Amend Sec. 5 (Sec. 503.1), page 13, line 29, by striking out “A FACILITY” and inserting

an employer

Amend Sec. 5 (Sec. 503.1), page 14, line 4, by striking out “FACILITY” and inserting

employer

Amend Sec. 5 (Sec. 503.1), page 14, lines 6 and 7, by striking out “WITHIN A FACILITY” and inserting

with an employer

Amend Sec. 5 (Sec. 503.1), page 14, lines 7 and 8, by striking out “A FACILITY” and inserting

an employer

Amend Sec. 5 (Sec. 503.1), page 14, line 21, by striking out “IN A FACILITY” and inserting

for an employer

Amend Sec. 5 (Sec. 503.1), page 16, lines 11 and 12, by striking out “AN ADMINISTRATOR OR OPERATOR OF A FACILITY” and inserting

An employer

Amend Sec. 5 (Sec. 503.1), page 17, line 14, by striking out “ADMINISTRATOR” and inserting

employer

Amend Bill, page 17, by inserting between lines 15 and 16 Section 6. Sections 505 and 506 of the act, added December 19, 1996 (P.L.1125, No.169), are amended to read:

Section 505. Violations.

(a) Administrative.—

(1) An [administrator] employer who intentionally or willfully fails to comply or obstructs compliance with the provisions of this chapter commits a violation of this chapter and shall be subject to an administrative penalty under paragraph (3).

(2) [A facility owner] An employer-owner that intentionally or willfully fails to comply with or obstructs compliance with this chapter commits a violation of this chapter and shall be subject to an administrative penalty under paragraph (3).

(3) The Commonwealth agency or Commonwealth agencies which license the [facility] employer have jurisdiction to determine violations of this chapter and may issue an order assessing a civil penalty of not more than \$2,500. An order under this paragraph is subject to 2 Pa.C.S. Ch. 5 Subch. A (relating to

practice and procedure of Commonwealth agencies) and Ch. 7 Subch. A (relating to judicial review of Commonwealth agency action).

(b) Criminal.—

(1) An [administrator] employer who intentionally or willfully fails to comply or obstructs compliance with this chapter commits a misdemeanor of the third degree and shall, upon conviction, be sentenced to pay a fine of \$2,500 or to imprisonment for not more than one year, or both.

(2) [A facility owner] An employer-owner that intentionally or willfully fails to comply with or obstructs compliance with this chapter commits a misdemeanor of the third degree and shall, upon conviction, be sentenced to pay a fine of \$2,500 or to imprisonment for not more than one year, or both.

Section 506. Provisional employees for limited periods.

Notwithstanding section 502, [administrators] employers may employ applicants on a provisional basis for a single period not to exceed 30 days or, for applicants under section 502(a)(2), a period of 90 days, if all of the following conditions are met:

(1) The applicant has applied for the information required under section 502 and the applicant provides a copy of the appropriate completed request forms to the [administrator] employer.

(2) The [administrator] employer has no knowledge of information pertaining to the applicant which would disqualify him from employment pursuant to section 503, subject to 18 Pa.C.S. § 4911 (relating to tampering with public records or information).

(3) The applicant swears or affirms in writing that he is not disqualified from employment under section 503.

(4) If the information obtained under section 502 reveals that the applicant is disqualified from employment under section 503, the applicant shall be immediately dismissed by the [administrator] employer.

(5) The department shall develop guidelines regarding the supervision of applicants. For a home health care agency, supervision shall include random direct supervision by an employee who has been employed by the [facility] employer for a period of one year.

Section 7. The act is amended by adding a section to read:

Amend Sec. 5 (Sec. 506.1), page 17, line 16, by striking out “FACILITY”

Amend Sec. 5 (Sec. 506.1), page 17, line 20, by striking out “AT A FACILITY” and inserting
for an employer

Amend Sec. 5 (Sec. 506.1), page 17, line 24, by striking out “ADMINISTRATOR” and inserting
employer

Amend Sec. 5 (Sec. 506.1), page 18, line 1, by striking out “AT A FACILITY” and inserting
by an employer

Amend Sec. 5 (Sec. 506.1), page 18, line 3, by striking out “A FACILITY” and inserting
an employer

Amend Sec. 5 (Sec. 506.1), page 18, line 6, by striking out all of said line and inserting
employer.

Amend Sec. 5 (Sec. 506.1), page 18, line 10, by striking out “ADMINISTRATOR OF THE FACILITY.” and inserting
employer.

Amend Sec. 5 (Sec. 506.1), page 18, line 14, by striking out “ADMINISTRATOR OF THE FACILITY” and inserting
employer

Amend Sec. 5 (Sec. 506.1), page 18, line 23, by striking out “ADMINISTRATOR OF A FACILITY” and inserting
employer

Amend Sec. 5 (Sec. 506.1), page 18, line 24, by striking out “FACILITY”

Amend Sec. 6, page 18, line 26, by striking out “6” and inserting
8

Amend Sec. 6 (Sec. 508), page 19, line 11, by striking out “a facility” and inserting
an employer

Amend Sec. 6 (Sec. 508), page 19, line 12, by striking out “12” and inserting
18

Amend Sec. 6 (Sec. 508), page 19, line 15, by inserting after “another”
employer’s

Amend Bill, page 19, by inserting between lines 18 and 19
Section 8. Sections 701, 703(c), 704, 706 and 707 of the act, added June 9, 1997 (P.L.160, No.13), are amended to read:
Section 701. Reporting by employees.

(a) Mandatory reporting to agency.—

(1) An employee or an [administrator] employer who has reasonable cause to suspect that a recipient is a victim of abuse shall immediately make an oral report to the agency. If applicable, the agency shall advise the employee or [administrator] employer of additional reporting requirements that may pertain under subsection (b). An employee shall notify the [administrator] employer immediately following the report to the agency.

(2) Within 48 hours of making the oral report, the employee or [administrator] employer shall make a written report to the agency. The agency shall notify the [administrator] employer that a report of abuse has been made with the agency.

(3) The employee may request the [administrator] employer to make or to assist the employee to make the oral and written reports required by this subsection.

(b) Mandatory reports to law enforcement officials.—

(1) An employee or an [administrator] employer who has reasonable cause to suspect that a recipient is the victim of sexual abuse, serious physical injury or serious bodily injury or that a death is suspicious shall, in addition to contacting the agency and the department, immediately contact law enforcement officials to make an oral report. An employee shall notify the [administrator] employer immediately following the report to law enforcement officials.

(2) Within 48 hours of making the oral report, the employee and an [administrator] employer shall make a written report to appropriate law enforcement officials.

(3) The law enforcement officials shall notify the [administrator] employer that a report has been made with the law enforcement officials.

(4) The employee may request the [administrator] employer to make or to assist the employee to make the oral and written reports to law enforcement required by this subsection.

(c) Contents of report.—A written report under this section shall be in a manner and on forms prescribed by the department. The report shall include, at a minimum, the following information:

(1) Name, age and address of the recipient.

(2) Name and address of the recipient’s guardian or next of kin.

(3) Name and address of the facility.

(4) Nature of the alleged offense.

(5) Any specific comments or observations that are directly related to the alleged incident and the individual involved.

Section 703. Investigation.

(c) Cooperation.—To the fullest extent possible, law enforcement officials, the [facility] employer and the agency shall coordinate their respective investigations. Law enforcement officials, the [facility]

employer and the agency shall advise each other and provide any applicable additional information on an ongoing basis.

* * *

Section 704. Restrictions on employees.

(a) Plan of supervision.—Upon notification that an employee is alleged to have committed abuse, the [facility] employer shall immediately implement a plan of supervision or, where appropriate, suspension of the employee, subject to approval by the agency and by the Commonwealth agency with regulatory authority over the [facility] employer. A plan of supervision for a home health care agency must include periodic random direct inspections of care-dependent individuals by [a facility] an employer's employee who has been continuously employed by that facility for a period of at least one year.

(b) Prohibition.—Upon the filing of criminal charges against an employee, the Commonwealth agency which licenses the facility shall order the [facility] employer to immediately prohibit that employee from having access to recipients [at the facility] of the employer. If that employee is a director, operator[, administrator] or supervisor, that employee shall be subject to restrictions deemed appropriate by the Commonwealth agency which licenses the [facility] employer to assure the safety of recipients of the [facility] employer.

Section 706. Penalties.

(a) Administrative.—

(1) An [administrator] employer who intentionally or willfully fails to comply or obstructs compliance with the provisions of this chapter or who intimidates or commits a retaliatory act against an employee who complies in good faith with the provisions of this chapter commits a violation of this chapter and shall be subject to an administrative penalty under paragraph (3).

(2) [A facility owner] An employer-owner that intentionally or willfully fails to comply with or obstructs compliance with this chapter or that intimidates or commits a retaliatory act against an employee who complies in good faith with this chapter commits a violation of this chapter and shall be subject to an administrative penalty under paragraph (3).

(3) The Commonwealth agency or Commonwealth agencies which regulate the facility have jurisdiction to determine violations of this chapter and may issue an order assessing a civil penalty of not more than \$2,500. An order under this paragraph is subject to 2 Pa.C.S. Ch. 5 Subch. A (relating to practice and procedure of Commonwealth agencies) and Ch. 7 Subch. A (relating to judicial review of Commonwealth agency action).

(b) Criminal.—

(1) An [administrator] employer who intentionally or willfully fails to comply or obstructs compliance with this chapter commits a misdemeanor of the third degree and shall, upon conviction, be sentenced to pay a fine of \$2,500 or to imprisonment for not more than one year, or both.

(2) [A facility owner] An employer-owner that intentionally or willfully fails to comply with or obstructs compliance with this chapter commits a misdemeanor of the third degree and shall, upon conviction, be sentenced to pay a fine of \$2,500 or to imprisonment for not more than one year, or both.

(c) Penalties for failure to report.—A person required under this chapter to report a case of suspected abuse who willfully fails to do so commits a summary offense for the first violation and a misdemeanor of the third degree for a second or subsequent violation.

Section 707. Immunity.

An [administrator or a facility] employer shall not be held civilly liable for any action directly related to good faith compliance with this chapter.

Amend Sec. 7, page 19, line 19, by striking out “7” and inserting 10

Amend Sec. 8, page 20, line 14, by striking out “8” and inserting 11

Amend Sec. 9, page 20, line 19, by striking out “9” and inserting 12

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. Veon.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, my amendment would extend the provisions that are outlined in Representative Vance’s bill requiring a criminal background check in her bill for nursing home workers. My amendment would extend the provisions and require for the first time in Pennsylvania law the same criminal history background check for all hospital-care workers in the State of Pennsylvania. If you are going to be a direct-care staff, whether that be in a nursing home or the hospital, you should have to have a criminal history background check.

Mr. Speaker, my amendment would also include one other important provision. As most of us know that have been involved in the health-care issue, there is a significant movement of direct-access care, hands-on care, from nursing homes to in-home and that that is part of the changing continuum of care in Pennsylvania as well as many other States, that more and more people are being cared for – and I think this is an appropriate change – more and more people are being cared for in their home rather than in the nursing home.

So I just would like to make the point on this amendment that if we are going to have criminal history background checks for workers in nursing homes, direct-care workers, unsupervised direct-care workers in nursing homes, that we ought to extend that same criminal history background check to hospital direct-care workers and certainly to those who in many cases, you can make a case, are the most vulnerable, those who are at home, who have direct-care workers coming in to them, oftentimes paid for by public dollars. In many cases you can make the case that they are perhaps the most vulnerable on this issue, but those workers would also have to have a criminal history background check.

So, Mr. Speaker, I would ask for a “yes” vote on my amendment to accomplish those policy goals.

The SPEAKER. The Chair thanks the gentleman.

LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence and recognizes the majority whip, who moves for a leave of absence for the gentleman from Montgomery, Mr. GODSHALL. Without objection, that leave will be granted.

CONSIDERATION OF HB 2319 CONTINUED

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

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

The SPEAKER. Will the gentleman, Mr. Veon, stand for interrogation? The gentleman indicates that he will stand. The gentleman, Mr. Thomas, is in order and may proceed.

Mr. THOMAS. Mr. Speaker, what is the underlying rationale, or are there any facts that give rise to why we need to extend this background check to all hospital and care facilities?

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, I think that is a good question and a fair question, and I would make the case that the reason that we put in place criminal history background checks for any direct-care workers, setting aside my amendment for a moment, I think they are all very good public policy and practical reasons. There have been many horror stories, some of us in the legislature dealt with directly, of people who should not have been providing direct quality care because of their past criminal history, and, Mr. Speaker, I would make the case that somewhere in the State of Pennsylvania today, someone is getting abused by someone who should not be providing direct care and that the best that we can do to try to filter those bad actors out of the process is to make them go through a criminal history background check. So that public policy rationale that has been, I think, good for where we have applied it already, certainly with direct-care workers, as you well know, with education workers, I think the extension of that into hospitals and certainly the extension of that into in-home-care workers makes very good public policy sense, makes very good care sense.

Mr. THOMAS. Mr. Speaker, how does your public policy pronouncement fit with the concern that a number of courts have raised, and that is that this broad background check policy has been used to discriminate against workers by application and by impact, that the background check has actually created a situation where there are people who cannot get direct-care workers because there are not enough to fill a void which is out there, that the background check, and I am not arguing against the need to have access to certain information; I am just arguing on behalf of a policy which has led to underemployment rather than greater employment. I am arguing on behalf of a policy that has led to people being without care rather than raising the bar of the availability of care. I mean, the court has said that this background check and subsequent bar, lifetime bar, from employment, that the legislature needed to define specific areas, and to make a long story short, my question is, why should somebody working in the cafeteria in a hospital or in a care facility be forever barred from employment arising out of this background check? And I have had a number of situations in my office where employers and training providers have hired people because they had a void and sat on doing the background check until they did not need them anymore, and then all of a sudden they did the background check and used the information from the background check to preclude them from future employment. And so my question is, how does your amendment avoid frustrating a real problem that we are now having in the Commonwealth of Pennsylvania?

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, I think it is a very good question, it is a very important question, as we have struggled to deal with this issue in the right way and, I think, hopefully in a way that responds to certainly past court actions but hopefully future court actions, so I will make two points. One, when you talk about the cafeteria worker, I think you are right on target, and in fact this amendment and this bill does not require criminal background checks if you work in the kitchen, if you work in the cafeteria, if you work in the laundry room. What we are talking about here

is those employees that have direct-access care or provide direct-access care, so whether that be in the nursing home or the hospital or the in-home, those are the kinds of workers that would be responsible for a criminal history background check.

Mr. THOMAS. Okay. Mr. Speaker, in closing, let me just make a suggestion which is not in the amendment and I think needs to be put in the amendment so employers will be clear, that the public policy intent in this bill and any other amendments that might go forward is not to frustrate an already frustrating situation, that this only applies to a certain classification of workers, because in the real world it is being applied to all workers, not just certain classes of workers, and there are people that are involved and have been involved in protracted litigation until they got it right. There is a serious problem out there in the real world with how our public policy message as incorporated in the Older Adults Protective Services Act is being implied, being applied, and is being used. It is being used to deny people access to meaningful jobs rather than to make the workplace, this particular workplace, more safe than in the past.

So I only ask that at some point let us clear this up so that the message that we send to employers is that we want a safe place for people to be cared for, but we do not want you to use what we have done as a billy club in denying people access to meaningful employment opportunities.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, let me respond to your question, and as I understood the question, it was, how can we have this make some sense and not frustrate both workers and employers even more, and I think the bill takes some steps to do that, and probably the most important rational way that we do it is to provide for a hearing process, so that if you do receive a 10-year ban under the provisions of this bill, you have the ability to go through a hearing process where you can make the case in that hearing that you have been rehabilitated, that you have worked here a long time. You can bring in letters from your employer saying that you have done a good job in all the time that you have worked there and that you are the kind of employee that that employer would like to have at that facility. So we have a process in place.

You also pointed out, Mr. Speaker, in responding to your question, one important deficiency in this bill, in my opinion, that is not in here that I wish was in here and I hope gets into law before it becomes final passage, and that is that we still have a lifetime ban for certain gradations of criminal law. So if you commit specific certain crimes, you are banned for life. There is not a hearing process for those individuals that are banned for life under the provisions for those criminal acts in here, Mr. Speaker, in responding to your question. So that is something that I think we should do. I wish it were in this bill. I think it is the one important deficiency in this bill that is in front of us here today.

The gentleman, I think, is done with his interrogation?

The SPEAKER. The Chair thanks the gentleman. I guess he is.

The Chair thanks the gentleman.

The Chair recognizes the gentledady from Cumberland, Mrs. Vance.

Mrs. VANCE. Thank you, Mr. Speaker.

I rise to oppose the Veon amendment for some very specific reasons.

First of all, the definition of “care provider” is already covered by department regulations as long as they are licensed. This House passed HB 518 by Chairman Hess of the Aging Committee, and it is now in the Senate Appropriations Committee, which would do some of the things that he is suggesting for in-home-care providers. But be very careful of this amendment, because it is very broad. If your wife happens to be taking care of her aged mother in your home, she would have to have a background check. I am not sure that that is what we really want.

I do not know anyone here who would not want hospital workers to have background checks, and most hospitals already do this, but under the Veon amendment, he would have this done by the Department of Aging. First of all, the Department of Aging is against this amendment, the Governor is against this amendment, the Hospital Association is against this amendment, just by the sheer weight of the number of hospital employees. We are talking about a huge number of employees – 282,000 employees – that would suddenly be thrust upon the Department of Aging to take care of. Your local AAAs (area agencies on aging) would be inundated.

I have talked to Representative Veon and told him we would be more than happy to run an individual background check on hospitals and do it correctly and have it done by the Department of Health, who presently does regulate hospitals. I support the concept, but I reject this amendment strongly, because Aging cannot handle this. Everyone who has worked on the bill has agreed with this. This has not just been something that has been done overnight. This has been going on for a long time. It has had very careful study, and I ask you to reject the Veon amendment for the reasons that I have stated.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentledady.

The Chair recognizes the gentleman from Delaware, Mr. Vitali. The gentleman waives off.

The gentleman from Allegheny, Mr. Wheatley.

Mr. WHEATLEY. Thank you, Mr. Speaker.

I rise for consent to interrogate the maker of this amendment.

The SPEAKER. The gentleman, Mr. Veon, indicates he will stand for interrogation. The gentleman, Mr. Wheatley, is in order and may proceed.

Mr. WHEATLEY. Mr. Speaker, for clarity, for purposes of clarity, can you explain to me if your amendment, as part of your amendment, is also to offer appeal processes for individuals who may meet some of these standards, may have made mistakes in their lives, and now with your expansion you are also offering an appeal process for those individuals as well?

Mr. VEON. No, Mr. Speaker, I am not. My amendment mirrors the language in the bill that is in front of us and does provide for a hearing process for those individuals who receive a 10-year ban, and you receive a 10-year ban if you have committed certain crimes, all of which are enumerated in the bill itself. And there are also the other crimes that are enumerated in the bill, felonies of various descriptions in the bill, for which you receive a lifetime ban. My amendment mirrors what is in the bill, which provides for a hearing process for those individuals who do receive a 10-year ban because of a criminal history background check but no hearing process if you have received a lifetime ban. My amendment is that way; the bill itself is that way. So my amendment does not address that in any different way than what is in the bill.

Mr. WHEATLEY. Can you explain to me or offer any examples of how your amendment, if we are looking at including and broadening the scope of this bill, how your amendment will impact an individual who, for example, may have, for whatever circumstance in their life, may have been accused of aggravated assault for something 10, 15 years in their lifetime and has been working for the last 5 or 10 years in a hospital, being very productive. How will your amendment address that?

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, my amendment does not address that specific issue at all, in, again, that my amendment mirrors what is in the bill itself. If you are convicted of aggravated assault, it is one of the items enumerated in the bill that would require a lifetime ban. My amendment does not address a hearing process for a lifetime ban. Aggravated assault is enumerated in the bill, and it is in the same place as murder, rape, and other very heinous crimes. But in response to the gentleman I would say again, I think aggravated assault, in my judgment, is an example of the kind of crime committed when you were 18 years old and got in a bar fight, where we should have a hearing process for a lifetime ban for that individual. This bill does not do it. My amendment does not add that kind of hearing process for a lifetime ban. I will state again what I stated to the gentleman in a previous question—

The SPEAKER. Would the gentleman suspend just one moment?

For what purpose does the gentledady from Cumberland—

Mrs. VANCE. Thank you, Mr. Speaker.

Just as a clarification to the gentleman, not all aggravated assaults are a lifetime ban. But just to clarify one thing, we are not talking about this in Representative Veon’s amendment. We are talking about how this should be extended to hospital workers, and I repeat again that the Department of Aging rejects this amendment, the Governor rejects this amendment, the Hospital Association rejects this amendment, not because we do not think that hospital workers should not have background checks but because the Department of Aging is absolutely incapable of handling these huge numbers of workers in a hospital, and we would be very happy—

The SPEAKER. Would the gentledady suspend?

Mrs. VANCE. —if we could do a bill immediately. Thank you.

The SPEAKER. The Chair was under the impression that you were going to ask a parliamentary question.

The gentleman, Mr. Veon, did have the floor, and I apologize to the gentleman, Mr. Veon. The gentleman is in order and may proceed.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, I would be glad to respond to the gentleman’s question. I know we were in the middle of that, and would you like me to elaborate on any particular points?

Mr. WHEATLEY. Well, I guess, Mr. Speaker, I am through with my interrogation. I would like to speak on the amendment, I guess, and what I would like to say is, I guess I am rising, Mr. Speaker, in opposition to the amendment and not to say—I believe the maker of this amendment has good intentions of what he is trying to accomplish with his amendment, and no one of us here wants to put any of our seniors or residents and constituencies in any harm’s way. We want to do the best we can to protect our residents of this Commonwealth. However,

I believe the more we create laws that do not allow for people who make mistakes in their lives and who are honestly trying to rehabilitate themselves and to better themselves after they have made those mistakes, regardless of what those mistakes are, if we continue to make laws that eliminate them the possibilities to do something with themselves, we are permanently locking their lives away to be a permanent criminal class. If they do not have ways to feed themselves and their families legally because we make laws that will continuously block them their opportunities, we will continuously add to our corrections rolls that we have already all heard the numbers – 42,000; 42,000 Pennsylvanians are under the care of our correctional facilities, at somewhere close to \$1.4 billion a year that we are paying to lock these people away – and my contention is once you have paid your debt to society, you should be given an opportunity to show that you have changed your life around, and once you have been given that opportunity, you should have full rights as a citizen to work and enjoy all of the fruits that everyone else has to enjoy.

The numbers are very daunting. The numbers show that as we continue our lock-'em-up attitude and as we continue to have mandatory minimums and we continue to lock people up in large numbers, we could possibly in the next couple years have 50,000 people locked away in our correctional facilities, and then they will be enumerated, and we will continue to make laws that say, well, you cannot work in education fields; you cannot be around our children; you cannot be around our seniors; pretty soon you will not be able to pick up our trash. What will they do for their own livelihood?

So on the principles that I believe this amendment does not allow for a process for people to show themselves to be changing in a productive way, I do not believe we should support this amendment. However, I do not believe the simple argument that my colleague, the previous speaker on the amendment, I do not believe just simply because if you like the direct-care worker in your home that is working with your elderly parent, that that should make a difference if they should go through a background check or not. If we believe in background checks and we believe in making sure everyone has the same qualifications and everyone is going through the same scrutiny, then the maker of the amendment is correct; we should expand it to everyone. But I believe if you are going to expand it at all, if you are going to make anyone go through a background check, you should allow for an appeal process. You should allow for a viable appeals process that people can show you that they have changed their life; they are not the same person that they were 10, 15, 20 years ago.

So under that statement, Mr. Speaker, I would ask my colleagues to join in opposition against the amendment.

Thank you, Mr. Speaker.

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

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, I appreciate the comments of the gentleman from the city of Pittsburgh, and I know how strongly and passionately he feels about this issue and he has talked to me about the issue at great length, and I think he makes some very good points, but let me make sure that all the members understand the distinctions that we are working with here.

We have in this bill a process for a criminal history background check, and we have a process whereby you are

banned from your employment for 10 years if you have been convicted of any of the following kinds of crimes, and if you look at page 10 of the bill, those of you that are following it and want to take a look at the long list of crimes that are in the bill, you can find that it starts on page 10 and lists those crimes for which you would get a 10-year ban, and that if you get a 10-year ban, a good part of this legislation gives you the opportunity to have a hearing in front of professionals to make your case that the gentleman talks about: that you have been rehabilitated; that you are a good employee; that your employer would like to have you stay here. So we give those individuals a process where they can make that case in a rational way and, I think, a fair way, and I am confident that people will get fair decisions out of that process and be allowed to continue to work if they have been convicted of any of those crimes that are starting on page 10 for the 10-year ban.

And then, Mr. Speaker, we have a lifetime ban that is in this legislation, and the lifetime ban is for those crimes that all of us believe are so much more serious for all the obvious reasons, and those crimes are listed on page 9 of the bill, start on page 9: the crime related to kidnapping; section 3121 related to rape—

The SPEAKER. Would the gentleman please confine his remarks to the amendment itself.

Mr. VEON. Thank you, Mr. Speaker.

Those are the kinds of crimes that people may have committed that are working in hospitals today without a criminal history background check. Look at the list on page 9; look at the list on page 10. Those are the kinds of individuals who may be working for an employer and providing long-term care in your home. And so, Mr. Speaker, the reason I have my amendment, which would extend the provisions of the criminal history background check to hospitals, to in-home care, is to make sure we filter out the bad actors that are providing direct-access care. It is not a very complicated idea. I do not think it is a very controversial idea.

Mr. Speaker, I know that the gentledady, the maker of the bill or the author of the bill itself, made a couple of points that I just want to make sure that I clarify. She has referenced the Governor several times here today. I do not know about her, but I have not talked to the Governor about this issue; I have not received a letter from the Governor on this issue. I am not sure whether the Governor thinks that all hospital-care workers should have criminal history background checks or not. He may; he may not. She may have more information on that. I have not talked to the Governor directly and asked him if in-home-care individuals should have a criminal history background check if they are taking care of my mother or not. I guess she may have more information on that than me, but I have not received a letter; I have not talked to him directly, so he may or may not. I am taking the gentledady's word for it. She said that the Governor is against this. I find it hard to imagine, but I guess it is possible.

She also made the comment that you would have to get a certificate – I am sorry – you would have to have a criminal history background check if you were taking care of your mother in her home if she were sick. That is not accurate, and in fact in my bill it is very clear that unless you are receiving compensation for the care you are providing, you do not have to get a criminal history background check. We obviously want to make sure that family members can take care of family

members and that you do not have to go through a criminal history background check to make that happen.

So I think this amendment is important. I think we ought to extend it in a very serious and rational way to every direct-care worker in the State of Pennsylvania dealing with our constituents. My amendment accomplishes that, and I would strongly ask for an affirmative vote.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Philadelphia, Mr. Myers.

Mr. MYERS. Thank you, Mr. Speaker.

Mr. Speaker, I would like to interrogate the maker of the amendment.

The SPEAKER. The gentleman indicates he will stand for interrogation. Mr. Myers.

Mr. MYERS. Mr. Speaker, there are two issues, and I need some clarity with regard to which one is appropriate for the discussion we are having now. The lifetime ban, does your amendment address the lifetime ban? I mean, does your amendment require that there be a lifetime ban or a 10-year ban, or does your amendment just deal with background checks?

Mr. VEON. My amendment does not deal with the lifetime ban issue at all; it deals with criminal history background checks and extending those to the items that I talked about. The bill itself, the Vance bill, HB 2319, deals with lifetime bans. My amendment does not address that one way or the other, add to it or subtract from it, in my amendment from what is in the bill.

Mr. MYERS. So if I am opposed to 10-year or lifetime bans, then I need to address that when we talk about the passage of the bill. Is that correct?

Mr. VEON. Mr. Speaker, I think that would be the appropriate point to talk about it, to make the point. I think both the author of the bill and I understand that there are some real philosophical differences on this issue. I think a major deficiency is that we do not have a hearing process for lifetime bans. But it seems to me, Mr. Speaker, in answer to your question, that it would be appropriate to bring that up on final passage when we are dealing with the issue of whether we have a bill with lifetime bans and no hearing process or not.

Mr. MYERS. Okay.

Mr. Speaker, I would like to address the amendment.

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

Mr. MYERS. Well, Mr. Speaker, the reason that I was somewhat torn between these two different issues is because members of this House may not realize this, but your long-term-care policy does not allow you to hire anybody who is in your family or related to you.

The SPEAKER. Would the gentleman, Mr. Myers, suspend.

PARLIAMENTARY INQUIRY

The SPEAKER. For what purpose does the gentleman, Mr. O'Brien, rise?

Mr. O'BRIEN. Thank you, Mr. Speaker.

I have a point of parliamentary inquiry—

The SPEAKER. Would the gentleman state his point.

Mr. O'BRIEN.—and it deals with germaneness.

With all due respect to the gentleman, Mr. Veon, I believe that the way, in listening to this debate, these offenses are listed

under the Department of Aging. Maybe they should be listed under the Department of Health or he should ask the State Police to do these background checks directly.

Also, I believe the list of offenses that the gentleman is referring to, some offenses on that list perhaps should be excluded and there are other offenses that relate to hospital workers that should be included on a list. So with all due respect, I do not believe that this is germane, and for this issue I would say to the gentleman, Mr. Veon, the Judiciary Committee would look at this and perhaps come up with another approach. But I do not believe it is germane to this bill.

Thank you.

The SPEAKER. Did the gentleman make that as a motion?

Mr. O'BRIEN. Yes, Mr. Speaker.

The SPEAKER. The Chair apologizes, but the Parliamentarian says that a member cannot interrupt another member while he is speaking. So we will go back. We will come to you as soon as the gentleman, Mr. Myers, has completed.

The gentleman, Mr. Myers. Mr. Myers?

Mr. MYERS. Oh, I am sorry, Mr. Speaker. As my senior member, I thought he still had the floor.

What I was saying was that the entire legislature and the judiciary, we all have the same group policy under long-term care, and that group policy says that you are forbidden, not allowed to, and shall not have anybody who is related to you in any kind of way provide care to you or your spouse. So therefore, you have to either hire an agency or find somebody who is not related to you, and the reason I am torn is because if it is my sister-in-law, I know her, but if it is somebody that an agency sends to me I do not know, then I think I might want to have a background check, because I do not want to have to come home and kill somebody because they are disrespecting my wife. So, I mean, Mr. Speaker, I feel you in that regard.

On the other hand, I do believe that in a spiritual way, that God shall be the judge of our actions, and some people do rehabilitate. So those that truly have rehabilitated and may have been nonincarcerated for 20 years, then they might deserve a second chance. I just want to make sure that if I vote for this, I am voting to make sure I do not have to kill somebody for disrespecting my wife and not stopping somebody from getting a job.

So I am trying to trust you on this here. You are saying that voting for this means that all of us in this chamber will be assured that if we ever have to use our long-term-care policy, we get somebody that we can trust to take care of our loved one. I am hoping that that is what I might vote on. If that is the case, yes, but if I am voting on limiting people from getting a job, then I would be yes and no. Mr. Speaker, can you abstain? You have to be yes or no, right?

Just one more time; just one more point of inquiry, Mr. Speaker.

Mr. Speaker, assure me, please, assure me that if I vote "yes," that I am only voting on ensuring that I will not end up incarcerated because somebody did something to my wife and I did not know it because I did not have a background check, and it is not tied to the 10-year or lifetime ban.

The SPEAKER. The Chair believes that you have asked a question of the gentleman from Beaver, Mr. Veon. Mr. Veon, would you like to answer the question brought up by the gentleman from Philadelphia, Mr. Myers?

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, I have been here long enough to know to be very careful about assuring anyone anything, and you have been here long enough with me together for me to know to be very careful of assuring you of any particular thing that I might be wrong on. So, Mr. Speaker, I can only tell you this, that I feel very strongly about and confident of that if you have a criminal history background check in place for in-home-care workers that are providing care to our families, that you are much, much, much more likely to be able to take bad actors out of those jobs than if you do not have a criminal history background check for those in-home-care workers. That is as far as I am willing to go to assure you. I feel strongly about that; I feel confident of that fact, and I hope that the gentleman takes that in the spirit in which it is provided.

The SPEAKER. Mr. Myers.

Mr. MYERS. Mr. Speaker, just one other question. Who is in position to make the decision with regard to what the background check actually will mean with respect to their human resources departments?

The SPEAKER. Mr. Veon.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, under my amendment, the Department of Aging would make the determination on whether the criminal history background check would require you to have a 10-year disbarment from employment or a lifetime disbarment. That process, again, is clearly delineated in the bill, and there would not be much wiggle room. It is a black-and-white concept written into the legislation on which ones you would be banned for 10 years and which ones you would be banned for a lifetime.

Mr. MYERS. All right. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

LEAVES OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence and recognizes the majority whip, who moves for a leave of absence for the gentleman from Lancaster, Mr. CREIGHTON, and the gentleman from Armstrong, Mr. COLEMAN. Without objection, those leaves will be granted.

CONSIDERATION OF HB 2319 CONTINUED

The SPEAKER. For what purpose does the gentlelady from Philadelphia— She waives off.

The gentlelady from Cumberland, Mrs. Vance.

Mrs. VANCE. I just want to clarify that there was not a motion on germaneness.

Again, I repeat, I have been in this chamber for some time. You know that I have always been forthright. I would not tell you that somebody opposed legislation if in fact I did not know that for a certainty.

Again, we would be delighted to do hospital background checks in a separate bill under the Department of Health. I ask you for a “no” vote on the Veon amendment.

Thank you.

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

The following roll call was recorded:

YEAS—52

Bebko-Jones	Fabrizio	Levdansky	Solobay
Belardi	Freeman	McCall	Staback
Biancucci	Geist	Melio	Stetler
Blaum	George	Pallone	Sturla
Casorio	Gergely	Petrarca	Surra
Cohen	Goodman	Petrone	Tangretti
Coy	Grucela	Preston	Veon
Curry	Habay	Readshaw	Walko
Daley	Hanna	Rooney	Wansacz
Dermody	Horsey	Ruffing	Washington
DeWeese	Kenney	Samuelson	Williams
Eachus	Leach	Santoni	Wojnaroski
Evans, D.	Lescovitz	Scrimenti	Yudichak

NAYS—140

Adolph	Fairchild	Maitland	Rubley
Allen	Feese	Major	Sainato
Argall	Fichter	Manderino	Sather
Armstrong	Fleagle	Mann	Saylor
Baker	Flick	Markosek	Scavello
Baldwin	Forcier	Marsico	Schwartz
Bard	Frankel	McGill	Semmel
Barrar	Gabig	McIlhattan	Shaner
Bastian	Gannon	McIlhinney	Smith, B.
Belfanti	Gillespie	McNaughton	Smith, S. H.
Benninghoff	Gingrich	Metcalfe	Stairs
Birmelin	Good	Micozzie	Steil
Bishop	Gruitza	Millard	Stern
Boyd	Haluska	Miller, R.	Stevenson, R.
Browne	Harhai	Miller, S.	Stevenson, T.
Bunt	Harhart	Mundy	Taylor, E. Z.
Butkovitz	Harris	Mustio	Thomas
Buxton	Hasay	Myers	Tigue
Caltagirone	Hennessey	Nailor	Travaglio
Cappelli	Herman	Nickol	True
Causer	Hershey	O'Brien	Turzai
Cawley	Hess	Oliver	Vance
Civera	Hickernell	O'Neill	Vitali
Clymer	Hutchinson	Payne	Waters
Cornell, S. E.	James	Petri	Watson
Costa	Josephs	Phillips	Weber
Crahalla	Killion	Pickett	Wheatley
Cruz	Kirkland	Pistella	Wilt
Dally	Kotik	Raymond	Wright
DeLuca	LaGrotta	Reed	Yewcic
Denlinger	Laughlin	Reichley	Youngblood
DiGirolamo	Lederer	Roberts	Zug
Diven	Leh	Roebuck	
Donatucci	Lewis	Rohrer	
Egolf	Mackereth	Ross	Perzel,
Evans, J.	Maher		Speaker

NOT VOTING—0

EXCUSED—11

Coleman	Dailey	Keller	Rieger
Corrigan	Godshall	Lynch	Taylor, J.
Creighton	Harper	McGeehan	

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

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

Mr. MAITLAND offered the following amendment No. A0824:

Amend Sec. 1, page 1, line 21, by inserting after “Act,” amended December 18, 1996 (P.L.1125, No.169),

Amend Sec. 4 (Sec. 503), page 10, lines 28 through 30; page 11, lines 1 through 11, by striking out all of said lines on said pages

Amend Sec. 4 (Sec. 503), page 11, lines 27 through 29, by striking out all of said lines

Amend Sec. 4 (Sec. 503), page 12, lines 4 and 5, by striking out all of said lines

Amend Sec. 4 (Sec. 503), page 12, lines 14 through 16, by striking out all of said lines and inserting

(4) A felony offense under 18 Pa.C.S. Ch. 39 (relating to theft and related offenses) or two or more misdemeanors under 18 Pa.C.S. Ch. 39.

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. Maitland.

Those in favor of the amendment will vote “aye”; those opposed, “no.” The members— The gentleman from Delaware, Mr. Vitali.

Mr. VITALI. I am looking for, initially, a brief explanation of this amendment.

The SPEAKER. The gentleman, Mr. Maitland, is —

Mr. MAITLAND. Mr. Speaker, the purpose of this amendment is to make sure that one felony offense under Chapter 39 related to theft or two or more misdemeanors in that chapter require a 10-year ban.

The SPEAKER. Mr. Vitali.

Mr. VITALI. So if one committed— So it is the theft crimes that require the 10-year— Theft would require a 10-year ban?

Mr. MAITLAND. These are theft crimes that in the current law require a lifetime ban.

Mr. VITALI. Oh, you are switching from lifetime to 10 years.

Mr. MAITLAND. Yes, Mr. Speaker.

Mr. VITALI. Okay. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman from Philadelphia, Mr. Horsey, is recognized.

Mr. HORSEY. May I interrogate the maker of the amendment? I just have one question to ask him. Would you stand for interrogation?

The SPEAKER. The gentleman indicates he will stand for interrogation. The gentleman, Mr. Horsey, is in order and may proceed.

Mr. HORSEY. I just have one question, Mr. Speaker. Would you explain to me the relationship between a theft and being involved in a nursing home? Thank you. That is all.

Mr. MAITLAND. Well, the policy of the act, Mr. Speaker, is that the commission of any offenses related to the misappropriation or misuse of property legitimately warrant a ban on employment for a period of 10 years. In the current law, one felony theft or two misdemeanor thefts result in a lifetime ban on employment. My amendment would simply add the same language into the 10-year ban under HB 2319, and at the same time my language would preserve the provisions of HB 2319 which provide a 10-year ban after a single misdemeanor conviction for certain types of theft, which

might be of particular significance when considering the care-dependent elderly, such as theft by deception, theft by extortion, and failure to make a required disposition of funds. So I would ask for a “yes” vote in order to protect our older citizens.

The SPEAKER. Mr. Horsey?

Mr. HORSEY. I am sorry, Mr. Speaker.

The SPEAKER. That is all right.

Mr. HORSEY. I did not get clarity on the answer. So a person is automatically banned from employment whether he or she is handling, because you mentioned money, money or not. If they are cleaning out bedpans and have a theft, they should not be able—

Mr. MAITLAND. Two misdemeanor thefts or one felony are a 10-year ban.

Mr. HORSEY. Okay; two misdemeanor thefts and a felony, they should not be allowed to clean out bedpans.

Mr. MAITLAND. Well, these people are going to be caring for some of the most vulnerable citizens that we have, and if they have such a character defect that they committed two misdemeanor or one felony theft, then it is in the interests of the Commonwealth to give them a 10-year ban.

Mr. HORSEY. Okay. Two misdemeanors and a felony, right?

Mr. MAITLAND. Two misdemeanors or a felony.

Mr. HORSEY. Or a felony—

Mr. MAITLAND. Yes, Mr. Speaker.

Mr. HORSEY. —they should not be allowed to clean out bedpans.

Mr. MAITLAND. That is what I am saying, Mr. Speaker.

Mr. HORSEY. Thank you, Mr. Speaker. Thank you.

The SPEAKER. The gentleman from Philadelphia, Mr. Myers.

Mr. MYERS. Mr. Speaker, I would like to interrogate the maker of the amendment.

The SPEAKER. The gentleman indicates he will stand. The gentleman is in order and may proceed.

Mr. MYERS. Just for my clarity, because, you know, sometimes I will be a little thick. A felony or two misdemeanors, could you kind of explain to me like what the financial grade of that is? I mean, if somebody steals a roll of toilet paper, is that a misdemeanor and they should be banned for 10 years? Or two rolls, one roll this year and another roll next year, they should be banned for 10 years? Or is it single ply or double ply?

Mr. MAITLAND. Well, Mr. Speaker, a theft is a theft. If it is a roll of toilet paper, for example, that is one misdemeanor, and that would not qualify the offender for a lifetime ban. But we are talking about people that have wedding rings and watches, checkbooks, they might have cash lying around, and we think it is relevant that if someone has a history of committing theft offenses, that that be considered and that the vulnerable citizens be protected from them.

Mr. MYERS. Well, Mr. Speaker, I am trying to think of a diplomatic way to say this. I think if anybody believes that single ply or double ply, one roll in one year, a second roll in another year, warrants 10 years, they probably need to stay on something, because they are full of what you might need some toilet paper for, because it really does not— I mean, come on, that is absurd and insane, at least in my opinion.

I would certainly ask for a “no” vote on this amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Philadelphia, Mr. James.

Mr. JAMES. Thank you, Mr. James. I mean—

The SPEAKER. You are welcome, Mr. James.

Mr. JAMES. Oh; Mr. Perzel, right? Mr. Speaker.

I would like to interrogate the maker of the amendment.

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

Mr. JAMES. My question, Mr. Speaker, is that I heard you say that the law now says it is a lifetime ban—

Mr. MAITLAND. That is correct.

Mr. JAMES. —and that your amendment is going to change the lifetime ban to a 10-year ban.

Mr. MAITLAND. Yes, Mr. Speaker.

Mr. JAMES. Is that correct?

Mr. MAITLAND. That is correct, Mr. Speaker.

Mr. JAMES. Does that apply to the misdemeanors as well as felonies?

Mr. MAITLAND. Two misdemeanors or one felony.

Mr. JAMES. So if you either have two misdemeanors or one felony, you now have a lifetime ban.

Mr. MAITLAND. Under current law.

Mr. JAMES. Under current law.

Mr. MAITLAND. Yes, Mr. Speaker.

Mr. JAMES. So you are hoping to reduce it now to 10 years.

Mr. MAITLAND. That is correct.

Mr. JAMES. Is that also in the draft of the bill? In the Vance draft of the bill?

Mr. MAITLAND. Mr. Speaker, in the Vance bill the theft offenses are all dealt with individually, and some are 10, some are a lifetime. I beg your pardon; they are all 10. So this, it consolidates the treatment of theft offenses in the bill.

Mr. JAMES. Can you repeat that, please? I am sorry; I was distracted.

Mr. MAITLAND. Yes. In the Vance bill, the theft offenses are all individually enumerated and they are all 10-year bans. This amendment consolidates the theft offenses and treats them uniformly.

Mr. JAMES. Okay. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Horsey.

Mr. HORSEY. Mr. Speaker, what is the sentencing grading for a felony? What is the sentencing grading— What is the grading— A person is found guilty of a felony. What is the grading, and what is the required sentencing? And, Mr. Speaker— Oh, excuse me, Mr. Speaker. May I interrogate the gentleman?

The SPEAKER. The gentleman is in order.

Mr. HORSEY. Thank you. Sorry.

Mr. MAITLAND. Can you repeat your question, Mr. Speaker?

Mr. HORSEY. Okay. What is the grading, what is the sentencing, for a theft misdemeanor? What is the criminal grading and the sentencing?

Mr. MAITLAND. It depends on the grade of the misdemeanor. There are three grades of misdemeanors – M-1, M-2, M-3. They each—

Mr. HORSEY. Well, any one of them, 1, 2, or 3. What is the sentencing grading?

Mr. MAITLAND. Okay. The maximum for a third-degree misdemeanor is 1 year in jail or a \$2500 fine; a second-degree misdemeanor, maximum is 2 years in jail, a \$5,000 fine; and a first-degree misdemeanor, the maximum is 5 years in jail and a \$10,000 fine.

Mr. HORSEY. And how about a felony, Mr. Speaker?

Mr. MAITLAND. A third-degree felony is 7 years, \$15,000; a second-degree felony is 10 years, \$25,000; and a first-degree felony is 20 years, \$25,000.

Mr. HORSEY. I understand that grading structure, but let us talk about the misdemeanors. How did you arrive at a 10-year ban on a misdemeanor that could put someone in jail for 2 years? I am trying to make a connection between 2 years that someone could be put away in jail versus a 10-year ban for employment.

Mr. MAITLAND. There are two reasons, Mr. Speaker. First, it takes two misdemeanor thefts to get a 10-year ban. That speaks to the character of the offender that, you know, it was not a mistake; it was a repeated behavior. And secondly, the reason to ban them for 10 years is so that they can show evidence of having been rehabilitated, that they have been out of incarceration and, you know, living clean.

Mr. HORSEY. But, Mr. Speaker, for two misdemeanors, what is the maximum sentence you can receive? What is the maximum sentence a judge sitting on the bench who finds someone guilty of it, what is the maximum sentence he can get?

Mr. MAITLAND. The maximum sentences are the ones that I read. It depends on the grading of the offense. But you are more likely to get a longer minimum sentence on a second offense than you are on a first offense.

Mr. HORSEY. Okay. A misdemeanor-1, what is the max?

Mr. MAITLAND. The maximum is 5 years and \$10,000.

Mr. HORSEY. Misdemeanor-2 is?

Mr. MAITLAND. 2 years, \$5,000.

Mr. HORSEY. Okay. Let us deal with the misdemeanor-2. So if a person, hypothetically, is found guilty of both of them, the max he can get is 4 years. Is that not correct?

Mr. MAITLAND. That is correct, Mr. Speaker.

Mr. HORSEY. So he can be sentenced for 4 years by a judge for committing the crime, but we are giving him a 10-year ban from employment?

Mr. MAITLAND. Well, Mr. Speaker, if this amendment is not adopted, these very same people that you are arguing for are going to have a longer ban. They are going to be banned for life.

Mr. HORSEY. Well, I am assuming that, you know, the Supreme Court is going to hear or read this argument, and some of these questions that we are raising among ourselves, you know, they will read about, and they will make the decision based on our interrogations on the floor. I think that is the way the legal process works, that when we come up with these bills and we make arguments, that they read the Journals to see what our rationale was for coming up with these bills.

You know, whether it is a lifetime ban or a 10-year ban, I need to know the connection, because we are penalizing now. I do not know if this is going to be constitutional; I do not know if this will be constitutional, because we are imposing a longer sentence, we are taking away from people for a longer period, after the offense has been committed. So I do not know if it will be covered under the equal protection doctrine.

Mr. MAITLAND. Two points on that, Mr. Speaker.

First of all, there is an appeals process in the original bill that can shorten the 10-year period to 5 years if the offender takes the appropriate steps.

Secondly, this amendment is attempting to implement the recommendations of the Supreme Court in the Nixon opinion. Justice Castille in his opinion recommended that we pull out the theft offenses and treat them in a more individual way like this.

Mr. HORSEY. Okay. Thank you, Mr. Speaker.

I am going to vote against the amendment. I understand what you are trying to do. I just do not agree with the process.

Mr. MAITLAND. Thank you, Mr. Speaker.

Mr. HORSEY. So thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Allegheny, Mr. Wheatley.

Mr. WHEATLEY. Thank you, Mr. Speaker.

I also rise to interrogate the maker of the amendment.

The SPEAKER. The gentleman indicates he will stand for interrogation. The gentleman is in order.

Mr. WHEATLEY. Mr. Speaker, I do not want to belabor this point. I know we all have been here a long day, and I know there are a lot of other things that we need to take care of, and for clarity purposes, I am having some serious, serious internal struggles, because on the one hand, strangely enough, this amendment that is being put before us actually betters a terrible situation already that we currently live under.

I am rising because, strangely enough, I am going to have to— If we have to pass something, at least this amendment makes an attempt to lessen, lessen, the punitive damages that people who have done something wrong in their lives; at least it is taking some of these minor or smaller crimes that were enumerated earlier – you know, theft of toilet paper – at least instead of being a lifetime ban on them now, at least they will be reduced down to a 10-year ban, and under the bill that we will be considering later on today, even though that bill should be defeated, under that bill, at least in a 10-year ban, they have a process for appeals, even though you still would have to wait a period of time before you can even apply for that process of hearing.

So in a strange way, in a very strange way, this amendment, this amendment is an attempt to, in my opinion at least, is an attempt to try to allow more opportunities for those people who have made mistakes in their lives.

So even though that I think this whole conversation we are doing in a rush way, I think we are pushing bills forward that really do not offer viable opportunities for people who have made mistakes in their lives, I would hate, I would hate to see us defeat this amendment, and my question to you, to the maker of this amendment, Mr. Speaker, is, really, if he can reiterate the statement. Currently we are now, these crimes, if we do not pass this amendment, currently the people who have any of these enumerated crimes currently will be banned for life, will be banned for life. Do I have that right?

Mr. MAITLAND. If we do not pass the bill—

Mr. WHEATLEY. The amendment.

Mr. MAITLAND. —that is correct. The amendment is basically technical. It consolidates the theft offenses in the bill under, you know, one simple treatment, and in some of the misdemeanor offenses in the bill, it only takes one conviction, misdemeanor conviction, and this amendment would require

two misdemeanor convictions. So it does improve the situation of people that have made these mistakes.

Mr. WHEATLEY. So again, I just would like to urge my colleagues, I would like to urge my colleagues, Mr. Speaker, if I can— I am finished with my interrogation. If I could speak on the amendment.

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

Mr. WHEATLEY. I would like to urge my colleagues – again, I do not want to have to stand up on each and every one of these amendments that we are going to go through and make comments on; I would like to speak on final passage, most certainly, of the bill – but I would just urge my colleagues, I think we are having this discussion in a rush type of way. I think we really should reevaluate how we are going to handle the situation, because I do not believe any one of us wants to put our citizens in harm's way. I do not think any one of us is in disagreement about offering background checks and making sure everyone that has any contact with our citizens, that we are doing the best we can to protect their environment, to make it a safe environment. I do not think any one of us would argue with that.

I think the real critical nexus of this conversation is, how do we, if we as a society of people believe in the rehabilitation of our citizens; that means if we believe in people who make mistakes can change their lives; if we believe in that concept; if we believe in, if you have paid your debt to society, that you should be given the opportunities to be a free citizen; if we believe in those things, then we need to have a serious conversation and not rush this process through, not rush this bill through, not rush these amendments through. We should take these things off the board.

But in our current environment, I think we all are ready, I think we are all interested in going home, but I would say, in a strange type of way, we should support this amendment; we should support this amendment.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleday from Philadelphia, Ms. Manderino.

Ms. MANDERINO. Thank you, Mr. Speaker.

Representative Wheatley just made the point that I wanted to make, particularly to members on our side of the aisle that were concerned, because I, too, shared concerns of members who were not clear exactly what this amendment was doing, and just with regard to the amendment – when you get on final passage, if you have concerns about misdemeanors being something that would trigger bans from employment, that is a separate issue that you want to consider when you get to final passage – but at least at this point, when I went over the language with the sponsor of the bill, the Maitland amendment would make the concerns that we have about whether it is rational and fair and gives people a second chance, it actually would make it a little bit better than how it is drafted in the bill, because how it is drafted in the bill now, it lists individual theft crimes individually, and the way it is written, some of those can be triggering a 10-year ban, even if there was only one misdemeanor. What Representative Maitland is doing is eliminating all of the language that enumerates lots of different theft offenses, puts all of the theft offenses together in the one sentence that is his amendment, and treats them all as one entity altogether and says, one felony or two misdemeanors.

So from that perspective, I think it is an improvement on the language that is in HB 2319, and I am going to urge a “yes” vote.

Now, when you get to final passage on 2319, if you have concerns about the misdemeanor language overall, then that is a place that you want to raise those concerns, but I think that it is okay on this amendment to support it, because the language is actually a little bit broader or a little bit more flexible than the language as originally drafted.

Thank you, Mr. Speaker.

The SPEAKER. Mr. Maitland, if I allow you to speak now, then you will not have a chance on— Does the gentleman from Allegheny, Mr. Pistella, still desire recognition? The gentleman waives off.

The gentleman from Philadelphia, Mr. Waters.

Mr. WATERS. Thank you, Mr. Speaker.

Mr. Speaker, I would like to interrogate the maker of the amendment.

The SPEAKER. The gentleman indicates he will stand for interrogation. The gentleman is in order.

Mr. WATERS. Thank you.

I am standing up because I wanted to say that I believe that this amendment is going in the direction that many people have asked for the legislative body to travel.

We have for many, many years passed bills that have banned people forever from ever being able to apply for certain jobs. Even though they had turned their life around, even though they had proven— We even passed a bill up here one time where people who had already proven that they were qualified for the job, had been employed, gainfully employed, for 10 years or more, because of something that was done here, we passed a bill that made that person now disqualified for that job, and they lost their job as a result of that.

I am looking at this as going in the right direction, to give people a second chance, and I just wanted to say that the first offense that was a misdemeanor that would have banned that person for a lifetime of employment was overkill. Now, what this has done is give that person the second chance. Now, if they cross the line the second time, that is different.

But I believe that this amendment is going in the right direction, and I would suggest and recommend that we look at more legislation like this and introduce more legislation like this so that we can give people a second chance so that they can prove that they are worthy of a second chance.

And I want to thank you, and I would urge a positive vote on this amendment.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. MYERS. Thank you, Mr. Speaker.

Mr. Speaker, I am very appreciative of my colleagues and the fraternal relationships we have in this House, and as a result of that, I feel that we have to be men and women enough to reflect when we have misinterpreted what we thought we were seeing, hearing, and reading. I would like to apologize to Representative Maitland. I truly did misunderstand what your intent was. I do not want to charge you with needing toilet paper.

I certainly would ask for a “yes” vote on the Maitland amendment also.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Adams, Mr. Maitland.

Mr. MAITLAND. Thank you, Mr. Speaker.

I want to thank the gentlelady from Philadelphia for her clarification.

I just want to make clear to the body that there are three theft offenses for which one misdemeanor receives the 10-year ban – 10-year ban. That is still in the bill, and that is theft by deception, theft by extortion, and failure to make required disposition of funds. Other than that, it takes two misdemeanors or one felony theft offense to get the 10-year ban.

And as an aside, I would say that this would all be much simpler if we would take the Title 18, Chapter 39, theft offenses and make them uniform so there is not a library theft, retail theft, and all the different kinds of theft, which we had attempted to do last session, but that is a subject for another bill.

So I would ask for an affirmative vote and thank the members for their indulgence.

The SPEAKER. The Chair thanks the gentleman.

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

(Members proceeded to vote.)

LEAVE OF ABSENCE

The SPEAKER. The Chair recognizes the minority whip, who moves for a leave of absence for the gentleman from Luzerne, Mr. YUDICHAK. Without objection, that leave will be granted.

CONSIDERATION OF HB 2319 CONTINUED

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

The following roll call was recorded:

YEAS—184

Adolph	Feese	Maitland	Santoni
Allen	Fichter	Major	Sather
Argall	Fleagle	Manderino	Saylor
Armstrong	Flick	Mann	Scavello
Baldwin	Forcier	Markosek	Schroder
Bard	Frankel	Marsico	Scrimenti
Barrar	Freeman	McCall	Semmel
Bastian	Gabig	McGill	Shaner
Bebko-Jones	Gannon	McIlhattan	Smith, B.
Belardi	Geist	McIlhinney	Smith, S. H.
Belfanti	George	McNaughton	Solobay
Benninghoff	Gergely	Melio	Staback
Biancucci	Gillespie	Metcalfe	Stairs
Bishop	Gingrich	Micozzie	Steil
Boyd	Good	Millard	Stern
Browne	Goodman	Miller, R.	Stetler
Bunt	Grucela	Miller, S.	Stevenson, R.
Butkovitz	Gruitza	Mundy	Stevenson, T.
Buxton	Habay	Mustio	Sturla
Caltagirone	Haluska	Myers	Surra
Cappelli	Hanna	Nailor	Tangretti
Causar	Harhai	Nickol	Taylor, E. Z.
Cawley	Harhart	O'Brien	Thomas
Civera	Harris	Oliver	Tigue

Clymer	Hasay	O'Neill	Travaglio
Cohen	Hennessey	Pallone	True
Cornell, S. E.	Herman	Payne	Turzai
Costa	Hershey	Petrarca	Vance
Coy	Hess	Petri	Veon
Crahalla	Hickernell	Petrone	Vitali
Cruz	Hutchinson	Phillips	Walko
Curry	James	Pickett	Wansacz
Daley	Josephs	Pistella	Waters
Dally	Kenney	Preston	Watson
DeLuca	Killion	Raymond	Weber
Denlinger	Kirkland	Readshaw	Wheatley
Dermody	Kotik	Reed	Williams
DeWeese	LaGrotta	Reichley	Wilt
DiGirolamo	Laughlin	Roberts	Wojnaroski
Diven	Leach	Roebuck	Wright
Donatucci	Lederer	Rohrer	Yewcic
Eachus	Leh	Rooney	Youngblood
Egolf	Lescovitz	Ross	Zug
Evans, D.	Levdansky	Rubley	
Evans, J.	Lewis	Sainato	
Fabrizio	Mackereth	Samuelson	Perzel,
Fairchild	Maher		Speaker

NAYS-6

Baker	Blaum	Horsey	Ruffing
Birmelin	Casorio		

NOT VOTING-0

EXCUSED-13

Coleman	Godshall	Lynch	Taylor, J.
Corrigan	Harper	McGeehan	Washington
Creighton	Keller	Rieger	Yudichak
Dailey			

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

On the question recurring,

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

Mr. **BLAUM** offered the following amendment No. **A0863**:

Amend Sec. 1, page 1, line 20, by inserting after "No.79)," renumbered December 18, 1996 (P.L.1125, No.169),

Amend Sec. 4 (Sec. 503), page 10, line 11, by inserting after "information" as supplemented under subsection (a.3),

Amend Sec. 4 (Sec. 503), page 12, by inserting between lines 18 and 19

(a.3) Duty of applicant or employee.—An applicant required to submit information under section 502(a) and an employee required to submit information under section 508 shall provide the facility with documentation of time spent in incarceration and the date of release from incarceration because of being sentenced for an offense enumerated under subsection (a.2).

On the question,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-190

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

NAYS-0

NOT VOTING-0

EXCUSED-13

Coleman	Godshall	Lynch	Taylor, J.
Corrigan	Harper	McGeehan	Washington
Creighton	Keller	Rieger	Yudichak
Dailey			

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

On the question recurring,

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

Mr. **BLAUM** offered the following amendment No. **A0867**:

Amend Title, page 1, lines 7 and 8, by striking out the semicolon in line 7, all of line 8 and inserting

, for definitions, for

Amend Sec. 1, page 1, line 21, by inserting after “Act,” amended December 18, 1996 (P.L.1125, No.169),

Amend Sec. 2, page 3, line 1, by striking out “ “EMPLOYEE” ” and inserting

“employee,” “exploitation”

Amend Sec. 2 (Sec. 103), page 3, line 21, by striking out all of said line and inserting

“Exploitation.” An act or course of conduct by a caretaker or other person, including an individual who is acting under a power of attorney, against an older adult or an older adult’s resources, without the informed consent of the older adult or with consent obtained through misrepresentation, coercion or threats of force, that results in monetary, personal or other benefit, gain or profit for the perpetrator or monetary or personal loss to the older adult.

On the question,

Will the House agree to the amendment?

(Members proceeded to vote.)

Mr. THOMAS. Mr. Speaker? Mr. Speaker?

The SPEAKER. For what purpose does the gentleman, Mr. Thomas, rise?

Mr. THOMAS. I would just like to ask the maker to give a brief explanation of his amendment.

The SPEAKER. We are in the middle of the vote. We will be glad to have the gentleman stand up the second the vote is done.

Mr. THOMAS. Well, I tried last time, but—

The SPEAKER. I missed you. I apologize, Mr. Thomas.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—190

Adolph	Evans, J.	Lewis	Sainato
Allen	Fabrizio	Mackereth	Samuelson
Argall	Fairchild	Maher	Santoni
Armstrong	Feese	Maitland	Sather
Baker	Fichter	Major	Saylor
Baldwin	Fleagle	Manderino	Scavello
Bard	Flick	Mann	Schroder
Barrar	Forcier	Markosek	Scrimenti
Bastian	Frankel	Marsico	Semmel
Bebko-Jones	Freeman	McCall	Shaner
Belardi	Gabig	McGill	Smith, B.
Belfanti	Gannon	McIlhattan	Smith, S. H.
Benninghoff	Geist	McIlhinney	Solobay
Biancucci	George	McNaughton	Staback
Birmelin	Gergely	Melio	Stairs
Bishop	Gillespie	Metcalfe	Steil
Blaum	Gingrich	Micozzie	Stern
Boyd	Good	Millard	Stetler
Browne	Goodman	Miller, R.	Stevenson, R.
Bunt	Grucela	Miller, S.	Stevenson, T.
Butkovitz	Gruitza	Mundy	Sturla
Buxton	Habay	Mustio	Surra
Caltagirone	Haluska	Myers	Tangretti
Cappelli	Hanna	Nailor	Taylor, E. Z.
Casorio	Harhai	Nickol	Thomas
Causer	Harhart	O’Brien	Tigue

Cawley	Harris	Oliver	Travaglio
Civera	Hasay	O’Neill	True
Clymer	Hennessey	Pallone	Turzai
Cohen	Herman	Payne	Vance
Cornell, S. E.	Hershey	Petrarca	Veon
Costa	Hess	Petri	Vitali
Coy	Hickernell	Petrone	Walko
Crahalla	Horsey	Phillips	Wansacz
Cruz	Hutchinson	Pickett	Waters
Curry	James	Pistella	Watson
Daley	Josephs	Preston	Weber
Dally	Kenney	Raymond	Wheatley
DeLuca	Killion	Readshaw	Williams
Denlinger	Kirkland	Reed	Wilt
Dermody	Kotik	Reichley	Wojnaroski
DeWeese	LaGrotta	Roberts	Wright
DiGirolamo	Laughlin	Roebuck	Yewcic
Diven	Leach	Rohrer	Youngblood
Donatucci	Lederer	Rooney	Zug
Eachus	Leh	Ross	
Egolf	Lescovitz	Rubley	Perzel,
Evans, D.	Levdansky	Ruffing	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—13

Coleman	Godshall	Lynch	Taylor, J.
Corrigan	Harper	McGeehan	Washington
Creighton	Keller	Rieger	Yudichak
Dailey			

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

On the question recurring,

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

The SPEAKER. With that being said, would the gentleman, Mr. Blaum, just give a brief explanation of the last amendment for the gentleman, Mr. Thomas.

Mr. BLAUM. Certainly, Mr. Speaker.

The last amendment included financial exploitation in the definition of “exploitation.” It is estimated that 16 percent of all abuse of the elderly is actually financial exploitation by those who would have the power of attorney over them, so this clarified the actual definition of “exploitation” in the bill to include financial.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

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

Mr. **BUTKOVITZ** offered the following amendment No. **A0917**:

Amend Sec. 5 (Sec. 503.1), page 15, line 9, by inserting after “RECOMMENDATIONS” relevant to the factors under paragraph (1), (2), (3), (4) or (5), if the testimony, letters or recommendations are

provided to the bureau prior to the scheduled hearing date or, at the bureau's option, provided at the scheduled hearing.

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

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. Butkovitz.

Mr. BUTKOVITZ. Mr. Speaker, this is an agreed-to amendment which will make the process for a certificate of employability more fair and uniform.

Under the text of the current bill, people will be allowed who would otherwise be disqualified from employment, through a hearing process, to be qualified for it, and there are a variety of documentation that would authorize such reeligibility. Under the current text, there is no criteria for it. This would simply provide that the letters of recommendation would have to refer to the general standards in terms of successful probationary record, stable employment history, completion of incarceration, and the other specific standards that would qualify a person for a certificate of employability. This is so that you cannot just have favoritism or arbitrary recommendations just because somebody is politically connected.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS-190

Adolph	Evans, J.	Lewis	Sainato
Allen	Fabrizio	Mackereth	Samuelson
Argall	Fairchild	Maher	Santoni
Armstrong	Feese	Maitland	Sather
Baker	Fichter	Major	Saylor
Baldwin	Fleagle	Manderino	Scavello
Bard	Flick	Mann	Schroder
Barrar	Forcier	Markosek	Scrimenti
Bastian	Frankel	Marsico	Semmel
Bebko-Jones	Freeman	McCall	Shaner
Belardi	Gabig	McGill	Smith, B.
Belfanti	Gannon	McIlhattan	Smith, S. H.
Benninghoff	Geist	McIlhinney	Solobay
Biancucci	George	McNaughton	Staback
Birmelin	Gergely	Melio	Stairs
Bishop	Gillespie	Metcalfe	Steil
Blaum	Gingrich	Micozzie	Stern
Boyd	Good	Millard	Stetler
Browne	Goodman	Miller, R.	Stevenson, R.
Bunt	Grucela	Miller, S.	Stevenson, T.
Butkovitz	Gruitza	Mundy	Sturla
Buxton	Habay	Mustio	Surra
Caltagirone	Haluska	Myers	Tangretti
Cappelli	Hanna	Nailor	Taylor, E. Z.
Casorio	Harhai	Nickol	Thomas
Causer	Harhart	O'Brien	Tigue
Cawley	Harris	Oliver	Travaglio
Civera	Hasay	O'Neill	True
Clymer	Hennessey	Pallone	Turzai
Cohen	Herman	Payne	Vance
Cornell, S. E.	Hershey	Petrarca	Veon
Costa	Hess	Petri	Vitali
Coy	Hickernell	Petrone	Walko
Crahalla	Horsey	Phillips	Wansacz
Cruz	Hutchinson	Pickett	Waters
Curry	James	Pistella	Watson

Daley	Josephs	Preston	Weber
Dally	Kenney	Raymond	Wheatley
DeLuca	Killion	Readshaw	Williams
Denlinger	Kirkland	Reed	Wilt
Dermody	Kotik	Reichley	Wojnarowski
DeWeese	LaGrotta	Roberts	Wright
DiGirolamo	Laughlin	Roebuck	Yewcic
Diven	Leach	Rohrer	Youngblood
Donatucci	Lederer	Rooney	Zug
Eachus	Leh	Ross	
Egolf	Lescovitz	Rubley	Perzel,
Evans, D.	Levdansky	Ruffing	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-13

Coleman	Godshall	Lynch	Taylor, J.
Corrigan	Harper	McGeehan	Washington
Creighton	Keller	Rieger	Yudichak
Dailey			

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

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

Mr. EACHUS offered the following amendment No. A0889:

Amend Sec. 5 (Sec. 503.1), page 16, line 17, by inserting after "SECTION."
The initial rules and regulations promulgated by the bureau under this section shall not be subject to the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law, the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act, and the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act. If the bureau determines that it needs to revise these rules and regulations, it may promulgate subsequent rules and regulations in accordance with the Regulatory Review Act.

Amend Sec. 5 (Sec. 503.1), page 16, line 23, by inserting after "FOR"

subsequent rules and

Amend Sec. 5 (Sec. 503.1), page 17, line 8, by inserting after "SECTION."
Fees shall be effective upon publication in the Pennsylvania Bulletin and shall not be subject to the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law, the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act, and the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act.

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

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. Eachus.

Mr. EACHUS. Thank you, Mr. Speaker.

Amendment 0889 enumerates the process which will allow the administration, the folks at BPOA, the Bureau of Professional and Occupational Affairs, to apply fees while the regulatory process proceeds.

As we have heard today, there will be background checks on somewhere in the neighborhood of 169,000 employees in personal-care homes and nursing homes across the Commonwealth. This simply allows the department of BPOA to apply a fee schedule, to collect fees, during the time we make decisions throughout the regulatory process.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentlelady, Mrs. Vance.

Mrs. VANCE. Thank you, Mr. Speaker.

If in fact your amendment just applied to fees, I would not have a problem with it. However, it applies to the section ahead of it, and it would exempt the initial rules and regulations for the appeals process from IRRC (Independent Regulatory Review Commission). It also would take it away so that the Aging Committees in both the House and Senate, it would remove our oversight.

And for that reason, I oppose your amendment, not because of the one section but because of the other.

The SPEAKER. The Chair thanks the gentlelady.

The Chair recognizes the gentleman.

Mr. EACHUS. Thank you, Mr. Speaker.

Would the gentlelady meet with me for just a moment so I can explain this amendment, just informally for a moment, Mr. Speaker?

The SPEAKER. The House will be temporarily at ease.

Mr. EACHUS. Thank you. We will try and make it quick.

(Conference held.)

Mr. EACHUS. Mr. Speaker?

The SPEAKER. The gentleman is in order.

Mr. EACHUS. Thank you for the members' indulgence.

PARLIAMENTARY INQUIRY

AMENDMENT DIVIDED

Mr. EACHUS. What we have agreed to do, Mr. Speaker, is to divide this amendment between line 14 and line 15. That would allow a fee structure and alleviate the objections of the gentlelady.

The SPEAKER. It is the opinion of the Parliamentarian that the amendment can be divided between lines 14 and 15.

Does the gentleman wish to vote lines 15 through 22?

Mr. EACHUS. Yes, Mr. Speaker. I would like to have a vote on lines 15 to 22, sir.

PART 1 OF AMENDMENT WITHDRAWN

The SPEAKER. Then lines 1 through 14 are withdrawn?

Mr. EACHUS. Yes, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The question is on the second part of the amendment, lines 15 through 22.

On the question,

Will the House agree to part 2 of the amendment?

The following roll call was recorded:

YEAS-187

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

NAYS-3

Hasay	Kenney	Metcalfe
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NOT VOTING-0

EXCUSED-13

Coleman	Godshall	Lynch	Taylor, J.
Corrigan	Harper	McGeehan	Washington
Creighton	Keller	Rieger	Yudichak
Dailey			

The majority having voted in the affirmative, the question was determined in the affirmative and part 2 of the amendment was agreed to.

On the question recurring,

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

Mr. EACHUS offered the following amendment No. A0950:

Amend Sec. 1, page 1, line 21, by inserting after "Act," amended December 18, 1996 (P.L.1125, No.169), Amend Sec. 5 (Sec. 503.1), page 16, by inserting between lines 3 and 4

(d) Submission.—An applicant shall submit any and all evidence listed under subsection (c) within 30 days of the initial filing of the application for a certificate. Any submission of evidence listed under subsection (c) after this 30-day period shall be accepted at the discretion of the hearing officer.

(e) Investigations.—The bureau shall establish procedures to conduct investigations of all evidence submitted by an applicant or others in regard to an application for a certificate. These procedures shall include, but not be limited to:

(1) Time periods for a response to an investigator's request for further documentation or evidence from the applicant.

(2) Time periods for responses from any notices sent by the hearing officer under subsection (c)(8).

Any information submitted after these established time periods shall be accepted at the discretion of the hearing officer.

Amend Sec. 5 (Sec. 503.1), page 16, line 4, by striking out "(D)" and inserting

(f)

Amend Sec. 5 (Sec. 503.1), page 16, line 11, by striking out "(E)" and inserting

(g)

Amend Sec. 5 (Sec. 503.1), page 16, line 14, by striking out "(F)" and inserting

(h)

Amend Sec. 5 (Sec. 503.1), page 17, line 5, by striking out "(G)" and inserting

(i)

Amend Sec. 5 (Sec. 503.1), page 17, line 13, by striking out "(H)" and inserting

(j)

Amend Sec. 5 (Sec. 506.1), page 18, line 12, by striking out "503.1(D)" and inserting

503.1(f)

Amend Sec. 5 (Sec. 506.1), page 18, line 21, by striking out "503.1(D)" and inserting

503.1(f)

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

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. Eachus.

Mr. EACHUS. Thank you, Mr. Speaker.

This amendment, 0883, enumerates a process— I am sorry. Excuse me, Mr. Speaker. I have an old amendment number. It is 0950.

The SPEAKER. The Chair thanks the gentleman.

Mr. EACHUS. This enumerates an appeals process more strictly that the Bureau of Professional and Occupational Affairs will have to apply in these cases, where the applicant will provide information and the investigators will be able to go through a process and proceed within 90 days to a hearing.

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

The following roll call was recorded:

YEAS-190

Table listing names of members who voted 'YEAS-190', including 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, Cornell, S. E., Costa, Coy, Crahalla, Cruz, Curry, Daley, Dally, DeLuca, Denlinger, Dermody, DeWeese, DiGirolo, Diven, Donatucci, Eachus, Egolf, Evans, D., Evans, J., Fabrizio, Fairchild, Feese, Fichter, Fleagle, Flick, Forcier, Frankel, Freeman, Gabig, Gannon, Geist, George, Gergely, Gillespie, Gingrich, Good, Goodman, Grucela, Gruitza, Habay, Haluska, Hanna, Harhai, Harhart, Harris, Hasay, Hennessey, Herman, Hershey, Hess, Hickernell, Horsey, Hutchinson, James, Josephs, Kenney, Killion, Kirkland, Kotik, LaGrotta, Laughlin, Leach, Lederer, Leh, Lescovitz, Levdansky, Lewis, Mackereth, Maher, Maitland, Major, Manderino, Mann, Markosek, Marsico, McCall, McGill, McIlhattan, McIlhinney, McNaughton, Melio, Metcalfe, Micozzie, Millard, Miller, R., Miller, S., Mundy, Mustio, Myers, Nailor, Nickol, O'Brien, Oliver, O'Neill, Pallone, Payne, Petrarca, Petri, Petrone, Phillips, Pickett, Pistella, Preston, Raymond, Readshaw, Reed, Reichley, 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, Steel, Stern, Stetler, Stevenson, R., Stevenson, T., Sturla, Surra, Tangretti, Taylor, E. Z., Thomas, Tigue, Travaglio, True, Turzai, Vance, Veon, Vitali, Walko, Wansacz, Waters, Watson, Weber, Wheatley, Williams, Wilt, Wojnaroski, Wright, Yewcic, Youngblood, Zug, and Speaker.

NAYS-0

NOT VOTING-0

EXCUSED-13

Table listing names of members who were 'EXCUSED-13', including Coleman, Corrigan, Creighton, Dailey, Godshall, Harper, Keller, Lynch, McGeehan, Rieger, Taylor, J., Washington, and Yudichak.

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

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

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

The question is, shall the bill pass finally?

CONSTITUTIONAL POINT OF ORDER

The SPEAKER. The gentleman from Allegheny, Mr. Wheatley.

Mr. WHEATLEY. Thank you, Mr. Speaker.

Mr. Speaker, I move that the bill, I move that the bill is considered unconstitutional because it violates the Fifth Amendment, due process, and the 14th Amendment.

The SPEAKER. The gentleman, Mr. Wheatley, raises the point of order that HB 2319, PN 3535, is unconstitutional. The Speaker, under rule 4, is required to submit questions affecting the constitutionality of a bill to the House for decision, which the Chair now does.

On the question,

Will the House sustain the constitutionality of the bill?

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

Mr. WHEATLEY. Thank you, Mr. Speaker.

Mr. Speaker, again, I am not going to belabor this point.

I believe every individual who commits an offense should be given due process; after serving their time, they should be given due process like every other rightful citizen of this country to be employed under gainful employment, and my reading of this bill gives me the sneaking opinion that this bill would not allow that to happen. This bill separates people. This bill says, well, if you have committed these lists of crimes, then you can receive a hearing, and if you committed these acts, you can never receive a hearing; you can never work in this field.

And I am not naive, I am not naive to believe that some of these people who have committed these crimes deserve to be working in conditions with our seniors, but what I am advocating for is that they should be given the opportunity, that they should be given the opportunity to come before some hearing board, some commission, some entity, that gives them a true chance to show that they have rehabilitated themselves in such a way that they are now productive citizens of our society. I do not believe the bill that we have before us does that.

Again, coming before this august body, again, I understand all of us in here want to do the best that we can for the people that we represent, want to do the best that we can to protect our citizenry. I am not one that advocates that we should not have background checks. This is not what I am standing up here before you advocating. I am not one to say, people who commit crimes, we should just forgive them and let them move on. I am saying to you that everyone should be given the opportunity to prove that they have changed their circumstances in their life, and if they can prove to you that they have done that – and we should set up criteria for doing that – I do not think that we separate them because we feel, we feel as if people who commit an aggravated assault should receive life bans away from our seniors and someone who steals should only be given a 10-year ban.

I think there should be a hearing process, that everyone goes through the same process, everyone goes through the same hearing process, to prove their worthiness and their

rehabilitation. I think that is a serious thing that we should do. Under this bill, Mr. Speaker, I do not believe that happens.

So I am going to again throw myself, throw myself on the mercy of this august body, and before I sit down on this issue, Mr. Speaker, I am going to share for the record, I am going to share for the record why this makes so much sense to me and why I believe this bill should not pass here today, that we need to go back and reevaluate how we are handling this situation.

I am not speaking about something that I am just reading about, Mr. Speaker; I am speaking as an ex-offender myself. Mr. Speaker, I am speaking as someone who has been accused and convicted of a crime that I do not believe should have prevented me from life's chances, and if that crime would have been committed or if that situation would have happened here in Pennsylvania at this time, after this bill has passed, I could not work in those fields, and the more that we make laws that prevent people who make mistakes and then try to correct themselves, the more that we do those things, you are forcing men and women, you are forcing men and women across this Commonwealth, you are forcing them—

The SPEAKER. Would the gentleman suspend. The gentleman is arguing on final passage of the bill and not on the motion for constitutionality.

Mr. WHEATLEY. Sorry, Mr. Speaker.

I believe if you have not set up a system to allow for all of us to come before a unified hearing process so that we all, regardless of what you have done, you all get a chance to prove that you have rehabilitated yourself—

The SPEAKER. Mr. Wheatley; Mr. Wheatley, what that meant was, we would like you to go back to your reasons that it is unconstitutional, not your reasons for not voting for the bill.

Mr. WHEATLEY. Yes, sir; I am going to. I am saying because—

The SPEAKER. All right; you are getting there. I will give you a little more latitude then. Go ahead.

Mr. WHEATLEY. On the reason why I think it is unconstitutional, again, it sets up a process that is unequal. It has one group of people who go through a hearing if they commit certain crimes. You have another group of people who do not get a process of a hearing. You know, I believe it is a violation of due process, because if I am a lifetime ban, if I committed an offense that has required me to be on a lifetime ban, I do not have a hearing process. I just cannot be in this field; I cannot get a job in this field. I have no due process.

So my argument is, I do not believe this bill is constitutional, because it does not give me, if I committed one of those crimes that are on the lifetime ban, it does not give me the opportunity to show that I have rehabilitated myself.

The SPEAKER. The Chair thanks the gentleman.

Mr. WHEATLEY. Yes; on that point, Mr. Speaker, I am. I would like to speak on the final passage though.

The SPEAKER. Well, we are on constitutionality right now, so we will get—

The gentleman from Luzerne, Mr. Blaum, wishes to speak on the constitutionality.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, I rise to say that this bill is certainly constitutional, not only constitutional but very important for the senior citizens of Pennsylvania.

We passed the Older Adult Protective Services Act many years ago, and that contained background checks for people

who committed some of the most heinous crimes against people and property in Pennsylvania, and the law only said that they would be prohibited in working in this field, in and around senior citizens in nursing homes, and as it has been said many times here before, in very vulnerable situations. The court has asked that the General Assembly tighten up the language. Representative Vance has done that. Along with Representative Eachus and Representative Veon, Representative Vance has led the way and tightened this up.

I direct your attention to pages 9 and 10. If you look at pages 9 and 10, you will see the list of offenses that these bans deal with, and I think when you read the list of offenses, you will agree that this is a reasonable piece of legislation; it is not unconstitutional. Certainly, you know, no one is allowed to work in some other professions because of criminal activity. We added working in nursing homes, I think very appropriately. We can all remember the tragic cases in the late eighties and the early nineties that spawned this kind of legislation necessary to protect senior citizens alone in nursing homes.

So it is certainly constitutional. I ask that the members vote "yes" on constitutionality, and let us get to final passage.

Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentlelady from Cumberland, Mrs. Vance.

Mrs. VANCE. Thank you, Mr. Speaker.

I certainly believe this bill is constitutional. It is important to remember why we are considering this legislation. The Pennsylvania Supreme Court struck down our Older Adult Protective Services Act, and one of the Justices stated, "There are unquestionably certain criminal offenses which are of such severity that all reasonable persons must agree that a lifetime ban is appropriate."

However, we are distinguishing those that are not so severe. There is an appeal process that was never in the legislation before, so people who have been convicted of some crimes have the ability to appeal after 5 years. There is no question it is constitutional. We have very clearly followed the directions of the Supreme Court in their decision that they handed down to us.

Thank you, Mr. Speaker.

The SPEAKER. Those voting "aye" will vote to declare the bill to be constitutional; those voting "no" will vote to declare the bill to be unconstitutional.

On the question recurring,
Will the House sustain the constitutionality of the bill?

The following roll call was recorded:

YEAS-181

Adolph	Evans, J.	Lewis	Ruffing
Allen	Fabrizio	Mackereth	Sainato
Argall	Fairchild	Maher	Samuelson
Armstrong	Feese	Maitland	Santoni
Baker	Fichter	Major	Sather
Baldwin	Fleagle	Manderino	Saylor
Bard	Flick	Mann	Scavello
Barrar	Forcier	Markosek	Schroder
Bastian	Freeman	Marsico	Scrimenti
Bebko-Jones	Gabig	McCall	Semmel
Belardi	Gannon	McGill	Shaner
Belfanti	Geist	McIlhatten	Smith, B.

Benninghoff	George	McIlhinney	Smith, S. H.
Bianucci	Gergely	McNaughton	Solobay
Birmelin	Gillespie	Melio	Staback
Bishop	Gingrich	Metcalfe	Stairs
Blaum	Good	Micozzie	Steil
Boyd	Goodman	Millard	Stern
Browne	Grucela	Miller, R.	Stetler
Bunt	Gruitza	Miller, S.	Stevenson, R.
Butkovitz	Habay	Mundy	Stevenson, T.
Buxton	Haluska	Mustio	Sturla
Caltagirone	Hanna	Nailor	Surra
Cappelli	Harhai	Nickol	Tangretti
Casorio	Harhart	O'Brien	Taylor, E. Z.
Causar	Harris	Oliver	Thomas
Cawley	Hasay	O'Neill	Tigue
Civera	Hennessey	Pallone	Travaglio
Clymer	Herman	Payne	True
Cohen	Hershey	Petrarca	Turzai
Cornell, S. E.	Hess	Petri	Vance
Coy	Hickernell	Petrone	Veon
Crahalla	Horsey	Phillips	Walko
Cruz	Hutchinson	Pickett	Wansacz
Curry	Josephs	Pistella	Watson
Daley	Kenney	Preston	Weber
Dally	Killion	Raymond	Williams
DeLuca	Kirkland	Readshaw	Wilt
Denlinger	Kotik	Reed	Wojnarowski
Dermody	LaGrotta	Reichley	Wright
DeWeese	Laughlin	Roberts	Yewcic
DiGirolamo	Leach	Roebuck	Zug
Donatucci	Lederer	Rohrer	
Eachus	Leh	Rooney	
Egolf	Lescovitz	Ross	Perzel,
Evans, D.	Levdansky	Rubley	Speaker

NAYS-9

Costa	James	Vitali	Wheatley
Diven	Myers	Waters	Youngblood
Frankel			

NOT VOTING-0

EXCUSED-13

Coleman	Godshall	Lynch	Taylor, J.
Corrigan	Harper	McGeehan	Washington
Creighton	Keller	Rieger	Yudichak
Dailey			

The majority having voted in the affirmative, the question was determined in the affirmative and the constitutionality of the bill was sustained.

On the question recurring,
Shall the bill pass finally?

The SPEAKER. On that question, the Chair recognizes the gentleman from Delaware, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

Will the prime sponsor stand for interrogation?

The SPEAKER. Yes, Mr. Vitali. The gentlelady has indicated she will stand for interrogation. The gentleman is in order and may proceed.

Mr. VITALI. Thank you, Mr. Speaker.

Now, one of the crimes that would require the lifetime ban from these facilities would be indecent assault misdemeanor. Is that correct?

Mrs. VANCE. That is absolutely correct. Given the vulnerable state of many of our—

Mr. VITALI. Okay. That is an answer. I just wanted an answer to that.

Mrs. VANCE. Okay.

Mr. VITALI. Now, let me just follow that up. I just want to know if I am understanding correctly. So let us say you are at a party and there is an improper groping, of a woman by a man. Would that constitute indecent assault misdemeanor, an improper groping, a fully clothed, improper groping?

Mrs. VANCE. Mr. Speaker, I will read you the exact definition of what “indecent contact” is: “Any touching of the sexual or other intimate parts of the person for the purpose of arousing or gratifying sexual desire....”

Mr. VITALI. Okay. As I hear that, again, you are at a party, frat party; there is an improper groping; you are charged, convicted; 20 years later you want to sweep floors at an adult day-care facility. You cannot do that for the rest of your life. Would that be the case under this bill?

Mrs. VANCE. Any indecent contact would result in a lifetime ban, only from a nursing home. That does not preclude the person from, your example, sweeping floors in a factory or somewhere else.

Mr. VITALI. Not a factory, but your bill also applies not only to the overnight facilities but to the adult day-care facilities, where there are no overnight accommodations. Is that true?

Mrs. VANCE. That is true. I want to state very clearly that if we erred, we erred on the side of protecting the elderly, because that is what I think our charge is.

Mr. VITALI. Also in that lifetime ban, statutory sexual assault, so if I am understanding that, let us say an 18-year-old has consensual sex with his 15-year-old girlfriend; again, convicted; 20 years later he wants to, again, sweep floors at that same adult day-care center. He cannot do that under this bill; he is banned for life. Is that true?

Mrs. VANCE. No. That is a 10-year ban, a 10-year ban with a right of appeal after 5 years.

Mr. VITALI. Statutory sexual assault?

Mrs. VANCE. It is listed on page 10 of the bill, if you would like to look. It is section 3122.1.

Mr. VITALI. Where would aggravated assault come in under this?

Mrs. VANCE. Because of some concerns about aggravated assault, we actually drew a distinction between the levels of aggravated assault. Aggravated assault punished as a felony of the first degree would result in a lifetime ban, while aggravated assault punished as a second-degree felony would result in a 10-year ban.

Again, when we erred, we erred on the side of protecting the elderly.

Mr. VITALI. Okay. With regard to the lifetime ban, is there any appeal process there?

Mrs. VANCE. Through the pardons process.

Mr. VITALI. Okay. That concludes my questions. I would like to speak on the bill.

The SPEAKER. The gentleman is in order.

Mr. VITALI. Thank you, Mr. Speaker.

Although I certainly agree with the intent of the bill, I have some serious concerns about flat-out prohibitions. It seems to

me that it is entirely proper to have thorough background checks and it is entirely proper for nursing homes and adult day-care facilities to, on their own, ban people from working and reject them from working and fire them, if they deem that to be the appropriate step, and it seems it is also appropriate, if you have a criminal record, that any resident of that facility, any senior, has the right to know about that.

But it just seems to me you are painting with too broad a brush for lifetime bans in every circumstance. You have to look to the individual circumstances to see if an actual danger is present. I mean, we talked about the indecent assault case, perhaps the fraternity party groping. It seems to me that in the circumstance like that, although the residents might have a right to know about it and the employer might have a right to know about it, ultimately it is a situation that turns on its own circumstances. It very well may be that the best person for that job may be that particular applicant, or that employee may have established himself or herself through many years of diligent service to be the right employee.

It seems that what we are doing here in an effort to do a good thing is perhaps throwing out the baby with the bathwater, and I think that this bill is not finely tuned enough, and therefore, I would urge a “no” vote.

The SPEAKER. The Chair thanks the gentleman.

LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence. The minority whip requests a leave of absence for the gentleman from Franklin, Mr. COY. Without objection, that leave will be granted.

CONSIDERATION OF HB 2319 CONTINUED

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

Mr. WHEATLEY. Thank you, Mr. Speaker.

I rise in opposition to the final passage of this bill for all the reasons that I have stated before, and I am going to simply ask my colleagues to, before voting on this, consider the ramifications that this will have on constituents, and again, I think we all can agree on the intent of this bill. I think the intent of this bill is wonderful. I just believe people should be given the opportunity to show rehabilitation, and I do not believe this bill includes that process, so again, I would ask my colleagues for a “no” vote.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentlelady, Mrs. Vance.

Mrs. VANCE. In conclusion, I would like to say, I understand people need jobs; I understand the facilities need employees, but these concerns do not outweigh the need to protect our senior citizens. We cannot have murderers and convicted rapists working in our nursing homes. We have changed this so that there is a 10-year ban. People who have been convicted of minor crimes have the ability to come back in the workforce after 5 years.

I urge your support so that we can protect our seniors in Pennsylvania.

Thank you.

The SPEAKER. The Chair thanks the gentlelady.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS-186

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

NAYS-3

James	Vitali	Wheatley
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NOT VOTING-0

EXCUSED-14

Coleman	Dailey	Lynch	Taylor, J.
Corrigan	Godshall	McGeehan	Washington
Coy	Harper	Rieger	Yudichak
Creighton	Keller		

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 2149, PN 3477**, entitled:

An Act amending the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, adding a definition of "recreational cabin"; further providing for application of the act, for municipal administration and enforcement and for exemptions; and providing for municipal immunity.

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

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

The question is, shall the bill pass finally?

VOTE CORRECTION

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, on final passage of 2319, my button malfunctioned, and I would like to be recorded in the negative.

The SPEAKER. The Chair thanks the gentleman. The gentleman's remarks will be spread across the record.

CONSIDERATION OF HB 2149 CONTINUED

DECISION OF CHAIR RESCINDED

The SPEAKER. The Chair rescinds. Without objection, the Chair rescinds the announcement that the bill has been agreed to.

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

Mr. EACHUS offered the following amendment No. **A0878**:

Amend Sec. 2 (Sec. 501), page 4, lines 21 through 24, by striking out all of said lines and inserting

(2.1) By the retention of a third-party agency to act on behalf of the municipality for administration and enforcement of all or parts of this act.

(2.2) (i) By maintaining a list of all third-party agencies certified under this act whose normal area of operations includes the municipality and from which list a responsible party may select service. The municipality may establish reasonable standards of performance for the third-party agencies and may bar a third-party agency from operating in the municipality if the agency fails to meet the municipality's standards.

(ii) A municipality that maintains a list of third-party agencies certified under this act shall be immune from civil liability under this act.

Amend Sec. 2 (Sec. 501), page 5, line 10, by striking out “(B)(2.1)” and inserting (b)(2.2)

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

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. Eachus.

Mr. EACHUS. Thank you, Mr. Speaker.

Amendment 878 allows for a process at the municipal level. Currently, under the Uniform Construction Code, when a municipality opts into the new system that was created by the code, they are allowed to hire a third-party person to do the inspections across a lexicon of services provided in the construction realm. Amendment 878 allows municipalities to secondarily create a list of qualified inspectors that would be able to do similar services but in a little bit different delivery model.

This amendment language was not the same amendment language which many of you received a letter on from the Township Supervisors Association. This amendatory language was worked on by minority and majority staff and agreed to by both chairmen, and I am asking for an affirmative vote.

The SPEAKER. The Chair recognizes the gentleman from Schuylkill, Mr. Allen.

Mr. ALLEN. Thank you, Mr. Speaker.

This is an agreed-to amendment. I would urge all the members on this side of the aisle to vote “yes” on this amendment.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS-189

Adolph	Fabrizio	Mackereth	Samuelson
Allen	Fairchild	Maher	Santoni
Argall	Feese	Maitland	Sather
Armstrong	Fichter	Major	Saylor
Baker	Fleagle	Manderino	Scavello
Baldwin	Flick	Mann	Schroder
Bard	Forcier	Markosek	Scrimenti
Barrar	Frankel	Marsico	Semmel
Bastian	Freeman	McCall	Shaner
Bebko-Jones	Gabig	McGill	Smith, B.
Belardi	Gannon	McIlhattan	Smith, S. H.
Belfanti	Geist	McIlhinney	Solobay
Benninghoff	George	McNaughton	Staback
Biancucci	Gergely	Melio	Stairs
Birmelin	Gillespie	Metcalfe	Steil
Bishop	Gingrich	Micozzie	Stern
Blaum	Good	Millard	Stetler
Boyd	Goodman	Miller, R.	Stevenson, R.
Browne	Grucela	Miller, S.	Stevenson, T.
Bunt	Gruitza	Mundy	Sturla
Butkovitz	Habay	Mustio	Surra
Buxton	Haluska	Myers	Tangretti
Caltagirone	Hanna	Nailor	Taylor, E. Z.
Cappelli	Harhai	Nickol	Thomas

Casorio	Harhart	O'Brien	Tigue
Causler	Harris	Oliver	Travaglio
Cawley	Hasay	O'Neill	True
Civera	Hennessey	Pallone	Turzai
Clymer	Herman	Payne	Vance
Cohen	Hershey	Petrarca	Veon
Cornell, S. E.	Hess	Petri	Vitali
Costa	Hickernell	Petrone	Walko
Crahalla	Horsey	Phillips	Wansacz
Cruz	Hutchinson	Pickett	Waters
Curry	James	Pistella	Watson
Daley	Josephs	Preston	Weber
Dally	Kenney	Raymond	Wheatley
DeLuca	Killion	Readshaw	Williams
Denlinger	Kirkland	Reed	Wilt
Dermody	Kotik	Reichley	Wojnaroski
DeWeese	LaGrotta	Roberts	Wright
DiGirolamo	Laughlin	Roebuck	Yewcic
Diven	Leach	Rohrer	Youngblood
Donatucci	Lederer	Rooney	Zug
Eachus	Leh	Ross	
Egolf	Lescovitz	Rubley	
Evans, D.	Levdansky	Ruffing	Perzel,
Evans, J.	Lewis	Sainato	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-14

Coleman	Dailey	Lynch	Taylor, J.
Corrigan	Godshall	McGeehan	Washington
Coy	Harper	Rieger	Yudichak
Creighton	Keller		

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

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

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

On that question, the Chair recognizes the gentleman from Elk, Mr. Surra.

Mr. SURRA. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support HB 2149, and I want to congratulate Mr. Fairchild for some very necessary legislation. What he does by excluding seasonal camps from the Uniform Construction Code is a very necessary thing to do and a problem that I predicted would happen 5 years ago when we passed the Uniform Construction Code.

Mr. Speaker, I withdrew my amendments that I had proposed for this legislation, but I have an agreement with the minority and majority chairmen of the Labor Committee and the majority leader to run the legislation, and we are going to try to pound out, to fix, some of the problems that are going to occur when the Uniform Construction Code is forced on the people of Pennsylvania.

Mr. Speaker, the Uniform Construction Code is the mother of all mandates. There are 2500 municipalities in Pennsylvania. Only 800 of them now have an existing code ordinance. Seventeen hundred municipalities will now be brought under 12 different international codes. It will pretty much put out of business the person who wants to do any work to their own homes and many small contractors.

So this is one slight change in HB 2149, and I am excited about working with the special interests to try to fix some of the problems, and I look forward to the members' support when we get that bill to the House floor.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Fairchild.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

I would just like to make sure the members know that by defining "recreational cabin," the safety provisions that we put in the bill – I think it is really important when you go home and talk to your people – that the safety provisions that we put in the bill exceed the new code that is going to be coming into play here very quickly.

So it is a very important safety factor, and I know it is getting late, but I would like to thank Representative Allen, the majority chair; Representative Belfanti, the minority chair; the staffs on both sides; the Department of Labor and Industry; the Township Association and the Builders Association; and the individual code enforcement officers for helping to make the compromises that allow this bill to move forward.

Thank you very much, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Northumberland, Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, I also rise in full support of HB 2149.

This has been a very long and tedious task in getting all of the stakeholders together on this legislation. The House may recall that within the past year, we rejected the original UCC code, as rules and regulations were promulgated by the Department of Labor and Industry. We basically had to start from scratch, and Representative Flick and I worked on this legislation for 3 years, and Representative Allen and I, the past year; our staffs.

It is not a perfect bill, but it is as good as it is going to get. I still think the manufactured housing group has some concerns, and I understand Speaker Perzel is working on legislation to remedy or correct their problems. But if we want to get the UCC law into some workable form, protect our municipalities, protect our homeowners, protect the companies that are building large projects, it is important that we finally adopt the best deal that we can get, and that is what we have in the legislation before us today.

Like Representative Fairchild, I would like to also thank the majority staff for working so closely with my staff on this final version.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Shall the bill pass finally?

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

The following roll call was recorded:

YEAS-189

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

NAYS-0

NOT VOTING-0

EXCUSED-14

Coleman	Dailey	Lynch	Taylor, J.
Corrigan	Godshall	McGeehan	Washington
Coy	Harper	Rieger	Yudichak
Creighton	Keller		

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 **SB 304, PN 319**, entitled:

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further providing for classification and order or payment of claims against the estate of a decedent.

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

Mr. **PISTELLA** offered the following amendment No. **A0826**:

Amend Title, page 1, line 2, by inserting after "for" payments to family and funeral directors, for allowable family exemption and for

Amend Sec. 1, page 1, line 7, by striking out "Section" and inserting

Sections 3101(b) and (c), 3121 and

Amend Sec. 1, page 1, line 8, by striking out "is" and inserting are

Amend Bill, page 1, by inserting between lines 8 and 9 § 3101. Payments to family and funeral directors.

* * *

(b) Deposit account.—Any bank, savings association, savings and loan association, building and loan association, credit union or other savings organization, at any time after the death of a depositor, member or certificate holder, may pay the amount on deposit or represented by the certificate, when the total standing to the credit of the decedent in that institution does not exceed [\$3,500] \$5,000, to the spouse, any child, the father or mother or any sister or brother (preference being given in the order named) of the deceased depositor, member or certificate holder, provided that a receipted funeral bill or an affidavit, executed by a licensed funeral director which sets forth that satisfactory arrangements for payment of funeral services have been made, is presented. Any bank, association, union or other savings organization making such a payment shall be released to the same extent as if payment had been made to a duly appointed personal representative of the decedent and it shall not be required to see to the application thereof. Any person to whom payment is made shall be answerable therefor to anyone prejudiced by an improper distribution.

(c) Patient's care account.—When the decedent was a qualified recipient of medical assistance from the Department of Public Welfare, the facility in which he was a patient may make payment of funds, if any, remaining in the patient's care account, for the decedent's burial expenses to a licensed funeral director in an amount not exceeding [\$3,500] \$5,000 whether or not a personal representative has been appointed. After the payment of decedent's burial expenses, the facility may pay the balance of decedent's patient's care account, as long as the payments including the payment for burial expenses does not exceed [\$4,000] \$5,500, to the spouse, any child, the father or mother or any sister or brother (preference being given in the order named) of the deceased patient. Any facility making such a payment shall be released to the same extent as if payment had been made to a duly appointed personal representative of the decedent and it shall not be required to see to the application thereof. Any licensed funeral director or other person to whom payment is made shall be answerable therefor to anyone prejudiced by an improper distribution.

* * *

§ 3121. When allowable.

The spouse of any decedent dying domiciled in the Commonwealth, and if there be no spouse, or if he has forfeited his rights, then such children [as are members] of [the same household as] the decedent, and in the event there are no such children, then the

parent or parents of the decedent [who are members of the same household as the decedent,] may retain or claim as an exemption either real or personal property, or both, not theretofore sold by the personal representative, to the value of [\$3,500] \$5,000: Provided, That property specifically devised or bequeathed by the decedent, or otherwise specifically disposed of by him, may not be so retained or claimed if other assets are available for the exemption. The surviving husband or wife shall be a competent witness as to all matters pertinent to the issue of forfeiture of the right to exemption.

Amend Sec. 3, page 2, line 14, by striking out "immediately." and inserting

as follows:

(1) The amendment of 20 Pa.C.S. §§ 3101(b) and (c) and 3121 shall take effect in 60 days.

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

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

The SPEAKER. Mr. Pistella.

Mr. PISTELLA. Thank you, Mr. Speaker.

Mr. Speaker, this legislation will do the following: This will address sections 3121 of Title 20 and 3101 of Title 20, the Probate, Estates and Fiduciaries Code, doing the following: In a situation where an individual has an account, the amount of money that would be available to be kept in the account and used by the family for purposes of the spouse, father, mother, sister, or other relative is being increased from \$3,500 to \$5,000. In section 3101(c), that amount of money that is available for medical assistance patients to pay for the decedent's burial expenses, the funeral directors, is being increased from \$3,500 to \$5,000. The same is increasing the expenses for the balance of a decedent's burial expenses, if they do not exceed \$4,000. And there is also a provision that will provide an exemption for the inheritance tax. In addition, it will provide for the exemption to be increased from \$3,500 to \$5,000.

These are amounts of money that have not been changed for a number of years. In the past we have seen fit to change some of the amounts, but this would in fact increase those amounts to a relatively uniform level.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS-189

Adolph	Fabrizio	Mackereth	Samuelson
Allen	Fairchild	Maher	Santoni
Argall	Feese	Maitland	Sather
Armstrong	Fichter	Major	Saylor
Baker	Fleagle	Manderino	Scavello
Baldwin	Flick	Mann	Schroder
Bard	Forcier	Markosek	Scrimenti
Barrar	Frankel	Marsico	Semmel
Bastian	Freeman	McCall	Shaner
Bebko-Jones	Gabig	McGill	Smith, B.
Belardi	Gannon	McIlhattan	Smith, S. H.
Belfanti	Geist	McIlhinney	Solobay
Benninghoff	George	McNaughton	Staback
Biancucci	Gergely	Melio	Stairs

Birmelin	Gillespie	Metcalf	Steil
Bishop	Gingrich	Micozzie	Stern
Blaum	Good	Millard	Stetler
Boyd	Goodman	Miller, R.	Stevenson, R.
Browne	Grucela	Miller, S.	Stevenson, T.
Bunt	Gruitza	Mundy	Sturla
Butkovitz	Habay	Mustio	Surra
Buxton	Haluska	Myers	Tangretti
Caltagirone	Hanna	Nailor	Taylor, E. Z.
Cappelli	Harhai	Nickol	Thomas
Casorio	Harhart	O'Brien	Tigue
Causer	Harris	Oliver	Travaglio
Cawley	Hasay	O'Neill	True
Civera	Hennessey	Pallone	Turzai
Clymer	Herman	Payne	Vance
Cohen	Hershey	Petrarca	Veon
Cornell, S. E.	Hess	Petri	Vitali
Costa	Hickernell	Petrone	Walko
Crahalla	Horsey	Phillips	Wansacz
Cruz	Hutchinson	Pickett	Waters
Curry	James	Pistella	Watson
Daley	Josephs	Preston	Weber
Dally	Kenney	Raymond	Wheatley
DeLuca	Killion	Readshaw	Williams
Denlinger	Kirkland	Reed	Wilt
Dermody	Kotik	Reichley	Wojnaroski
DeWeese	LaGrotta	Roberts	Wright
DiGirolamo	Laughlin	Roebuck	Yewcic
Diven	Leach	Rohrer	Youngblood
Donatucci	Lederer	Rooney	Zug
Eachus	Leh	Ross	
Egolf	Lescovitz	Rubley	Perzel,
Evans, D.	Levdansky	Ruffing	Speaker
Evans, J.	Lewis	Sainato	

NAYS-0

NOT VOTING-0

EXCUSED-14

Coleman	Dailey	Lynch	Taylor, J.
Corrigan	Godshall	McGeehan	Washington
Coy	Harper	Rieger	Yudichak
Creighton	Keller		

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

On the question,

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

Mr. **ROBERTS** offered the following amendment No. **A3351**:

Amend Title, page 1, line 2, by inserting after "Statutes," providing for grave markers in certain cases;

Amend Bill, page 1, lines 7 and 8, by striking out all of said lines and inserting

Section 1. Section 305 of Title 20 of the Pennsylvania Consolidated Statutes is amended by adding a subsection to read: § 305. Right to dispose of a decedent's remains.

* * *

(d.1) Grave marker.—If after five years following death, a person's grave remains unmarked, a parent or sibling of the decedent may mark the decedent's grave.

* * *

Section 2. Section 3392 of Title 20 is amended to read:

Amend Sec. 2, page 2, line 12, by striking out "2" and inserting 3

Amend Sec. 3, page 2, line 14, by striking out "3" and inserting 4

On the question,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-189

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

NAYS-0

NOT VOTING-0

EXCUSED-14

Coleman	Dailey	Lynch	Taylor, J.
Corrigan	Godshall	McGeehan	Washington
Coy	Harper	Rieger	Yudichak
Creighton	Keller		

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS-189

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

NAYS-0

NOT VOTING-0

EXCUSED-14

Coleman	Dailey	Lynch	Taylor, J.
Corrigan	Godshall	McGeehan	Washington
Coy	Harper	Rieger	Yudichak
Creighton	Keller		

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 return the same to the Senate with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

RESOLUTION PURSUANT TO RULE 35

Mr. HASAY called up **HR 657, PN 3591**, entitled:

A Resolution designating April 19 through 24, 2004, as "Community Banking Week" in Pennsylvania.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS-187

Adolph	Fabrizio	Mackereth	Sainato
Allen	Fairchild	Maher	Samuelson
Argall	Feese	Maitland	Santoni
Armstrong	Fichter	Major	Sather
Baker	Fleagle	Manderino	Saylor
Baldwin	Flick	Mann	Scavello
Bard	Forcier	Markosek	Schroder
Barrar	Frankel	Marsico	Semmel
Bastian	Freeman	McCall	Shaner
Bebko-Jones	Gabig	McGill	Smith, B.
Belardi	Gannon	McIlhattan	Smith, S. H.
Belfanti	Geist	McIlhinney	Solobay
Benninghoff	George	McNaughton	Staback
Biancucci	Gergely	Melio	Stairs
Birmelin	Gillespie	Metcalfe	Steil
Bishop	Gingrich	Micozzie	Stern
Blaum	Good	Millard	Stetler
Boyd	Goodman	Miller, R.	Stevenson, R.
Browne	Grucela	Miller, S.	Stevenson, T.
Bunt	Gruitza	Mundy	Sturla
Butkovitz	Habay	Mustio	Surra
Buxton	Haluska	Myers	Tangretti
Caltagirone	Hanna	Nailor	Taylor, E. Z.
Cappelli	Harhai	Nickol	Thomas
Casorio	Harhart	O'Brien	Tigue
Causer	Harris	Oliver	Travaglio
Cawley	Hasay	O'Neill	True
Civera	Hennessey	Pallone	Turzai
Clymer	Herman	Payne	Vance
Cohen	Hershey	Petrarca	Veon
Cornell, S. E.	Hess	Petri	Vitali
Costa	Hickernell	Petrone	Walko
Crahalla	Horsy	Phillips	Wansacz
Cruz	Hutchinson	Pickett	Waters
Curry	Josephs	Pistella	Watson
Daley	Kenney	Preston	Weber
Dally	Killion	Raymond	Wheatley
DeLuca	Kirkland	Readshaw	Williams
Denlinger	Kotik	Reed	Wilt
Dermody	LaGrotta	Reichley	Wojnaroski
DeWeese	Laughlin	Roberts	Wright
DiGirolo	Leach	Roebuck	Yewcic

Diven	Lederer	Rohrer	Youngblood
Donatucci	Leh	Rooney	Zug
Eachus	Lescovitz	Ross	
Egolf	Levdansky	Rubley	Perzel,
Evans, D.	Lewis	Ruffing	Speaker
Evans, J.			

NAYS—0

NOT VOTING—2

James Scrimenti

EXCUSED—14

Coleman	Dailey	Lynch	Taylor, J.
Corrigan	Godshall	McGeehan	Washington
Coy	Harper	Rieger	Yudichak
Creighton	Keller		

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

SUPPLEMENTAL CALENDAR A

RESOLUTION PURSUANT TO RULE 35

Mr. ROEBUCK called up **HR 661, PN 3606**, entitled:

A Resolution designating the month of April 2004 as "Pennsylvania Community College Month."

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—188

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

Cohen	Hershey	Petri	Veon
Cornell, S. E.	Hess	Petrone	Vitali
Costa	Hickernell	Phillips	Walko
Crahalla	Horsey	Pickett	Wansacz
Cruz	Hutchinson	Pistella	Waters
Curry	Josephs	Preston	Watson
Daley	Kenney	Raymond	Weber
Dally	Killion	Readshaw	Wheatley
DeLuca	Kirkland	Reed	Williams
Denlinger	Kotik	Reichley	Wilt
Dermody	LaGrotta	Roberts	Wojnaroski
DeWeese	Laughlin	Roebuck	Wright
DiGirolamo	Leach	Rohrer	Yewcic
Diven	Lederer	Rooney	Youngblood
Donatucci	Leh	Ross	Zug
Eachus	Lescovitz	Rubley	
Egolf	Levdansky	Ruffing	
Evans, D.	Lewis	Sainato	Perzel,
Evans, J.	Mackereth		Speaker

NAYS—0

NOT VOTING—1

James

EXCUSED—14

Coleman	Dailey	Lynch	Taylor, J.
Corrigan	Godshall	McGeehan	Washington
Coy	Harper	Rieger	Yudichak
Creighton	Keller		

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

SUPPLEMENTAL CALENDAR B

RESOLUTIONS

Mr. GODSHALL called up **HR 613, PN 3480**, entitled:

A Resolution directing the Judiciary Committee to direct and oversee a study conducted by the Pennsylvania Commission on Sentencing on the use and impact of mandatory minimum sentences.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—189

Adolph	Fabrizio	Mackereth	Samuelson
Allen	Fairchild	Maher	Santoni
Argall	Feese	Maitland	Sather
Armstrong	Fichter	Major	Saylor
Baker	Fleagle	Manderino	Scavello
Baldwin	Flick	Mann	Schroder
Bard	Forcier	Markosek	Scrimenti
Barrar	Frankel	Marsico	Semmel
Bastian	Freeman	McCall	Shaner
Bebko-Jones	Gabig	McGill	Smith, B.
Belardi	Gannon	McIlhattan	Smith, S. H.
Belfanti	Geist	McIlhinney	Solobay
Benninghoff	George	McNaughton	Staback
Biancucci	Gergely	Melio	Stairs
Birmelin	Gillespie	Metcalfe	Steil

Bishop	Gingrich	Micozzie	Stern
Blaum	Good	Millard	Stetler
Boyd	Goodman	Miller, R.	Stevenson, R.
Browne	Grucela	Miller, S.	Stevenson, T.
Bunt	Gruitza	Mundy	Sturla
Butkovitz	Habay	Mustio	Surra
Buxton	Haluska	Myers	Tangretti
Caltagirone	Hanna	Nailor	Taylor, E. Z.
Cappelli	Harhai	Nickol	Thomas
Casorio	Harhart	O'Brien	Tigue
Causer	Harris	Oliver	Travaglio
Cawley	Hasay	O'Neill	True
Civera	Hennessey	Pallone	Turzai
Clymer	Herman	Payne	Vance
Cohen	Hershey	Petrarca	Veon
Cornell, S. E.	Hess	Petri	Vitali
Costa	Hickernell	Petrone	Walko
Crahalla	Horsey	Phillips	Wansacz
Cruz	Hutchinson	Pickett	Waters
Curry	James	Pistella	Watson
Daley	Josephs	Preston	Weber
Dally	Kenney	Raymond	Wheatley
DeLuca	Killion	Readshaw	Williams
Denlinger	Kirkland	Reed	Wilt
Dermody	Kotik	Reichley	Wojnaroski
DeWeese	LaGrotta	Roberts	Wright
DiGirolamo	Laughlin	Roebuck	Yewcic
Diven	Leach	Rohrer	Youngblood
Donatucci	Lederer	Rooney	Zug
Eachus	Leh	Ross	
Egolf	Lescovitz	Rubley	
Evans, D.	Levdansky	Ruffing	Perzel,
Evans, J.	Lewis	Sainato	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-14

Coleman	Dailey	Lynch	Taylor, J.
Corrigan	Godshall	McGeehan	Washington
Coy	Harper	Rieger	Yudichak
Creighton	Keller		

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

* * *

Mr. MAITLAND called up **HR 655, PN 3574**, entitled:

A Resolution expressing opposition to amendments of March 12, 2004, to the Interstate Compact for Adult Offender Supervision.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-189

Adolph	Fabrizio	Mackereth	Samuelson
Allen	Fairchild	Maher	Santoni
Argall	Feese	Maitland	Sather
Armstrong	Fichter	Major	Saylor
Baker	Fleagle	Manderino	Scavello
Baldwin	Flick	Mann	Schroder
Bard	Forcier	Markosek	Scrimenti

Barrar	Frankel	Marsico	Semmel
Bastian	Freeman	McCall	Shaner
Bebko-Jones	Gabig	McGill	Smith, B.
Belardi	Gannon	McIlhattan	Smith, S. H.
Belfanti	Geist	McIlhinney	Solobay
Benninghoff	George	McNaughton	Staback
Biancucci	Gergely	Melio	Stairs
Birmelin	Gillespie	Metcalfe	Steil
Bishop	Gingrich	Micozzie	Stern
Blaum	Good	Millard	Stetler
Boyd	Goodman	Miller, R.	Stevenson, R.
Browne	Grucela	Miller, S.	Stevenson, T.
Bunt	Gruitza	Mundy	Sturla
Butkovitz	Habay	Mustio	Surra
Buxton	Haluska	Myers	Tangretti
Caltagirone	Hanna	Nailor	Taylor, E. Z.
Cappelli	Harhai	Nickol	Thomas
Casorio	Harhart	O'Brien	Tigue
Causer	Harris	Oliver	Travaglio
Cawley	Hasay	O'Neill	True
Civera	Hennessey	Pallone	Turzai
Clymer	Herman	Payne	Vance
Cohen	Hershey	Petrarca	Veon
Cornell, S. E.	Hess	Petri	Vitali
Costa	Hickernell	Petrone	Walko
Crahalla	Horsey	Phillips	Wansacz
Cruz	Hutchinson	Pickett	Waters
Curry	James	Pistella	Watson
Daley	Josephs	Preston	Weber
Dally	Kenney	Raymond	Wheatley
DeLuca	Killion	Readshaw	Williams
Denlinger	Kirkland	Reed	Wilt
Dermody	Kotik	Reichley	Wojnaroski
DeWeese	LaGrotta	Roberts	Wright
DiGirolamo	Laughlin	Roebuck	Yewcic
Diven	Leach	Rohrer	Youngblood
Donatucci	Lederer	Rooney	Zug
Eachus	Leh	Ross	
Egolf	Lescovitz	Rubley	
Evans, D.	Levdansky	Ruffing	Perzel,
Evans, J.	Lewis	Sainato	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-14

Coleman	Dailey	Lynch	Taylor, J.
Corrigan	Godshall	McGeehan	Washington
Coy	Harper	Rieger	Yudichak
Creighton	Keller		

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

SUPPLEMENTAL CALENDAR C

RESOLUTION PURSUANT TO RULE 35

Mr. CRUZ called up **HR 662, PN 3623**, entitled:

A Resolution commending the National Lieutenant Governors Association for supporting Project HomeSafe and as it enters its expanded efforts under the new name Project ChildSafe for the promotion of safe firearms handling and storage practices.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-189

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

NAYS-0

NOT VOTING-0

EXCUSED-14

Coleman	Dailey	Lynch	Taylor, J.
Corrigan	Godshall	McGeehan	Washington
Coy	Harper	Rieger	Yudichak
Creighton	Keller		

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

SUPPLEMENTAL CALENDAR D

RESOLUTION PURSUANT TO RULE 35

Mr. S. SMITH called up **HR 666, PN 3624**, entitled:

A Resolution designating April 22, 2004, as "Earth Day-Pennsylvania."

On the question,
Will the House adopt the resolution?

RESOLUTION RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that HR 666 be recommitted to the Committee on Rules.

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

ANNOUNCEMENT BY SPEAKER

The SPEAKER. For the information of the members, Monday, April 12, is a nonvoting day; Tuesday the 13th we will start session at 11.

JUDICIARY COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. O'Brien.

Mr. O'BRIEN. Thank you, Mr. Speaker.

At the declaration of the adjournment, there will be a meeting of the Judiciary Committee in the rear of the House.

The SPEAKER. The Chair thanks the gentleman.

There will be a meeting of the Judiciary Committee in the rear of the House at the adjournment.

There will be no further votes this evening.

COMMITTEE MEETING CANCELED

The SPEAKER. The Chair recognizes the gentleman from Lehigh, Mr. Semmel.

Mr. SEMMEL. Thank you, Mr. Speaker.

I just wanted to acknowledge the fact that the Veterans Affairs and Emergency Preparedness Committee meeting for next Tuesday has been canceled.

The SPEAKER. The Chair thanks the gentleman.

VOTE CORRECTION

The SPEAKER. The gentleman, Mr. Donatucci.
Mr. DONATUCCI. To correct the record.

The SPEAKER. The gentleman is in order and may proceed.
Mr. DONATUCCI. Thank you, Mr. Speaker.

On HB 1274 I would like to be recorded in the positive.

The SPEAKER. The Chair thanks the gentleman. The gentleman's remarks will be spread across the record.

**THE SPEAKER PRO TEMPORE
(GENE DIGIROLAMO) PRESIDING**

SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 1996, PN 3619**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

BILL REMOVED FROM TABLE

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

Mr. S. SMITH. Mr. Speaker, I move that HB 64 be taken off the table.

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

BILL ON SECOND CONSIDERATION

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

HB 64, PN 3552.

BILL RECOMMITTED

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

Mr. S. SMITH. Mr. Speaker, I move that HB 64 be recommitted to the Appropriations Committee.

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

The SPEAKER pro tempore. The House will be at ease awaiting the committee report from the Judiciary Committee.

For all the members, tomorrow will be a nonvoting session day. Again, tomorrow will be a nonvoting session day, for the information of the members.

RECESS

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

AFTER RECESS

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

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 Mr. Belardi.

Mr. BELARDI. Mr. Speaker, I move that this House do now adjourn until Thursday, April 1, 2004, at 10:30 a.m., e.s.t., or unless sooner recalled by the Speaker.

On the question,
Will the House agree to the motion?
Motion was agreed to, and at 7:07 p.m., e.s.t., the House adjourned.