

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

MONDAY, APRIL 4, 2005

SESSION OF 2005

189TH OF THE GENERAL ASSEMBLY

No. 22

HOUSE OF REPRESENTATIVES

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

THE SPEAKER PRO TEMPORE (PAUL W. SEMMEL) PRESIDING

PRAYER DISPENSED WITH

The SPEAKER pro tempore. We will now dispense with the prayer. However, we will have the pledge to the flag.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. Without objection, the approval of the Journal of Wednesday, March 30, 2005, will be postponed until printed.

HOUSE BILLS INTRODUCED AND REFERRED

No. 52 By Representatives CREIGHTON, ARMSTRONG, BALDWIN, BIRMELIN, BOYD, CLYMER, ELLIS, FAIRCHILD, FLEAGLE, FORCIER, GABIG, HARRIS, HERSHEY, HICKERNELL, M. KELLER, LEH, MARSICO, METCALFE, R. MILLER, PYLE, REICHLEY, ROHRER, SAYLOR, SCAVELLO, SCHRODER, STEIL, TRUE, YOUNGBLOOD, S. MILLER, ZUG, GILLESPIE, RAPP, MAJOR, BASTIAN, MAITLAND, T. STEVENSON, R. STEVENSON, KAUFFMAN, DENLINGER, GINGRICH, BENNINGHOFF and GRELL

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, eliminating authority for the fair share fee for employees of Commonwealth entities; and relieving certain employee organizations of certain duties and obligations.

Referred to Committee on LABOR RELATIONS, March 31, 2005.

No. 1241 By Representatives PAYNE, BELARDI, CAUSER, CREIGHTON, DeWEESE, GEORGE, MUSTIO, SCAVELLO, B. SMITH, STERN, TIGUE, TRUE, ZUG, ARMSTRONG, BLACKWELL, CALTAGIRONE, CAPPELLI, GINGRICH,

GOOD, GRELL, HARHART, HERMAN, McNAUGHTON, E. Z. TAYLOR, CIVERA, PISTELLA, STABACK, GEIST, GOODMAN, REICHLEY and GILLESPIE

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing an exception to the oral examination for members of the active military, reserves or Pennsylvania National Guard who are currently deployed in an active military operation or national emergency.

Referred to Committee on JUDICIARY, March 31, 2005.

No. 1242 By Representatives ROBERTS, CAWLEY, CREIGHTON, DENLINGER, FABRIZIO, GEIST, GOODMAN, GRUCELA, JAMES, KIRKLAND, PALLONE and YOUNGBLOOD

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for visual signals on authorized vehicles and for identification of certain vehicles.

Referred to Committee on TRANSPORTATION, March 31, 2005.

No. 1243 By Representatives MARKOSEK, BOYD, CALTAGIRONE, CURRY, FAIRCHILD, FREEMAN, GEORGE, GOODMAN, HARHAI, HENNESSEY, JAMES, McGEEHAN, McILHATTAN, OLIVER, PALLONE, PHILLIPS, PISTELLA, READSHAW, REICHLEY, ROONEY, SHANER, R. STEVENSON, STURLA, E. Z. TAYLOR, TIGUE, WATERS and WHEATLEY

An Act providing for protection from identity theft, for security alerts and freezes, for procedures for access after imposition and removal of security freezes and for confidentiality of Social Security numbers.

Referred to Committee on COMMERCE, March 31, 2005.

No. 1244 By Representatives GANNON, GEORGE, WALKO, FLEAGLE, NICKOL, KILLION, STEIL, CREIGHTON, DALLY, GERGELY, DeWEESE, B. SMITH, ADOLPH, GRELL, BOYD, GEIST, FRANKEL, BELFANTI, SAINATO, PICKETT, CRAHALLA, HARPER, DENLINGER, T. STEVENSON, FAIRCHILD, CAPPELLI, SATHER and CALTAGIRONE

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 personal income tax, for election as Pennsylvania S corporations.

Referred to Committee on FINANCE, March 31, 2005.

No. 1245 By Representatives CLYMER, ARMSTRONG, BAKER, BASTIAN, BENNINGHOFF, BOYD, CORNELL, CREIGHTON, DALLY, DENLINGER, FAIRCHILD, FORCIER, GINGRICH, HERSHEY, HICKERNELL, NAILOR, PHILLIPS, PICKETT, RAPP, ROHRER, SATHER, SCHRODER and E. Z. TAYLOR

An Act amending Title 4 (Amusements) of the Pennsylvania Consolidated Statutes, further providing for regulatory authority of Pennsylvania Gaming Control Board.

Referred to Committee on TOURISM AND RECREATIONAL DEVELOPMENT, March 31, 2005.

No. 1246 By Representatives CLYMER, ARMSTRONG, BAKER, BALDWIN, BARRAR, BASTIAN, BENNINGHOFF, BOYD, BUNT, CALTAGIRONE, CRAHALLA, CRUZ, CURRY, DALEY, DALLY, DENLINGER, DeWEESE, EACHUS, FABRIZIO, FLEAGLE, GEORGE, GERGELY, GINGRICH, GOODMAN, HALUSKA, HARHAI, HARPER, HARRIS, HENNESSEY, HERSHEY, HESS, HUTCHINSON, JAMES, KAUFFMAN, M. KELLER, KIRKLAND, KOTIK, LEH, MAHER, MAJOR, MANN, McILHATTAN, MUSTIO, NAILOR, O'NEILL, PALLONE, PHILLIPS, PICKETT, PYLE, READSHAW, REED, ROHRER, RUBLEY, SAINATO, SANTONI, SCHRODER, SEMMEL, SHANER, SOLOBAY, STERN, SURRA, E. Z. TAYLOR, TIGUE, TRUE, VEON, WALKO, WATSON, WILT, WOJNAROSKI and YOUNGBLOOD

An Act amending the act of July 9, 1981 (P.L.208, No.66), known as the Public Employee Retirement Commission Act, further providing for actuarial notes.

Referred to Committee on STATE GOVERNMENT, March 31, 2005.

No. 1247 By Representatives CLYMER, ARMSTRONG, BELARDI, BELFANTI, BENNINGHOFF, CALTAGIRONE, CAPPELLI, CORRIGAN, CRAHALLA, CREIGHTON, DeLUCA, DENLINGER, DeWEESE, FABRIZIO, FICHTER, FRANKEL, GEIST, GINGRICH, GODSHALL, GOODMAN, GRUCELA, HALUSKA, HARRIS, HENNESSEY, HERSHEY, HESS, JAMES, KILLION, LEDERER, McILHATTAN, S. MILLER, O'NEILL, SATHER, SCAVELLO, SEMMEL, SHANER, SOLOBAY, STABACK, STERN, E. Z. TAYLOR, THOMAS, WASHINGTON and YOUNGBLOOD

An Act amending the act of September 26, 1961 (P.L.1661, No.692), known as the State Employees Group Life Insurance Law, further providing for amount of insurance.

Referred to Committee on INSURANCE, March 31, 2005.

No. 1248 By Representatives RUBLEY, BASTIAN, BENNINGHOFF, BUNT, CALTAGIRONE, CAPPELLI, CAUSER, CRAHALLA, DALEY, GINGRICH, GRUCELA, HANNA, HARRIS, HENNESSEY, HERSHEY, HUTCHINSON, M. KELLER, KILLION, LEH, R. MILLER, MUNDY, NICKOL, ROBERTS, SATHER, SCAVELLO, STAIRS, STEIL, STURLA, E. Z. TAYLOR, TIGUE,

WOJNAROSKI, YUDICHAK, HALUSKA, BAKER, CIVERA and WILT

An Act authorizing counties to impose sales and use, personal income or earned income and net profits taxes; and providing for the levying, assessment and collection of taxes and for the powers and duties of the Department of Community and Economic Development or any successor agency, the Department of Revenue and the State Treasurer.

Referred to Committee on FINANCE, March 31, 2005.

No. 1249 By Representatives RUBLEY, ARGALL, BALDWIN, CALTAGIRONE, CAPPELLI, CORNELL, CRAHALLA, FRANKEL, FREEMAN, GEORGE, GINGRICH, GOODMAN, GRUCELA, HARPER, HENNESSEY, HERSHEY, KILLION, LEACH, NICKOL, O'NEILL, ROSS, B. SMITH, STEIL, E. Z. TAYLOR, TIGUE and WATSON

An Act amending Title 27 (Environmental Resources) of the Pennsylvania Consolidated Statutes, providing for uniform environmental covenants.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, March 31, 2005.

No. 1251 By Representatives TIGUE, BLAUM, CAWLEY, MUNDY, W. KELLER, STABACK, BARRAR, BELFANTI, BOYD, CALTAGIRONE, CORRIGAN, CRAHALLA, DALEY, DeLUCA, DENLINGER, GOOD, HALUSKA, HENNESSEY, LEVDANSKY, McGEEHAN, SCAVELLO, SHANER, SURRA, TANGRETTI, THOMAS, WALKO and WASHINGTON

An Act amending the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, prohibiting certain settlement agreements; and requiring settlement agreements to be subject to disclosure.

Referred to Committee on HEALTH AND HUMAN SERVICES, March 31, 2005.

No. 1252 By Representatives TIGUE, ROEBUCK, MUNDY, CALTAGIRONE, CAWLEY, CORRIGAN, CRAHALLA, CREIGHTON, DALEY, GRUCELA, HALUSKA, JAMES, LEDERER, McGEEHAN, O'NEILL, READSHAW, SHANER, E. Z. TAYLOR, WALKO, WHEATLEY, W. KELLER, LEVDANSKY, R. MILLER, PISTELLA, REICHLEY, STABACK, THOMAS and WASHINGTON

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 notice publication by recognizing the Internet and for emergency certification to overcome teacher shortages.

Referred to Committee on EDUCATION, March 31, 2005.

No. 1253 By Representatives TIGUE, GRUCELA, CAWLEY, CALTAGIRONE, CORRIGAN, HALUSKA, McGEEHAN, MUNDY, READSHAW, REICHLEY, SATHER, SCAVELLO, THOMAS, E. Z. TAYLOR and WALKO

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, providing for a right of cancellation in agreements for a residential real estate transfer.

Referred to Committee on COMMERCE, March 31, 2005.

No. 1254 By Representatives TIGUE, CALTAGIRONE, CAPPELLI, CAWLEY, CRAHALLA, CREIGHTON, FABRIZIO, GEORGE, GOODMAN, GRUCELA, W. KELLER, MUNDY, PALLONE, SCAVELLO, STABACK, E. Z. TAYLOR, WOJNAROSKI, O'NEILL, REICHLEY, SOLOBAY, STERN and WALKO

An Act amending the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, further providing for administration and enforcement.

Referred to Committee on COMMERCE, March 31, 2005.

No. 1255 By Representatives TIGUE, BARRAR, CALTAGIRONE, CAWLEY, CRAHALLA, CREIGHTON, FABRIZIO, FREEMAN, GEORGE, GODSHALL, GOODMAN, GRUCELA, HENNESSEY, W. KELLER, NAILOR, REICHLEY, SCAVELLO, SOLOBAY, E. Z. TAYLOR, WOJNAROSKI, HARRIS, JAMES, MUNDY, PALLONE, SANTONI, SCHRODER, STABACK and WALKO

An Act amending the act of June 21, 1957 (P.L.390, No.212), referred to as the Right-to-Know Law, further defining "public record."

Referred to Committee on STATE GOVERNMENT, March 31, 2005.

No. 1256 By Representatives TIGUE, BARRAR, BEBKO-JONES, BOYD, CALTAGIRONE, CAWLEY, CREIGHTON, CURRY, FREEMAN, GEORGE, GOODMAN, GRUCELA, HUTCHINSON, W. KELLER, MUNDY, PALLONE, READSHAW, SCAVELLO, SOLOBAY, E. Z. TAYLOR, WHEATLEY, YUDICHAK, HENNESSEY, JAMES, MANN, O'NEILL, PETRARCA, REICHLEY, SCHRODER, STABACK, WALKO and WOJNAROSKI

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for extension of exemption from payment of real estate taxes.

Referred to Committee on FINANCE, March 31, 2005.

No. 1257 By Representatives TIGUE, W. KELLER, LEDERER, STABACK, SEMMEL, BAKER, BARRAR, BEBKO-JONES, BENNINGHOFF, BIANCUCCI, BOYD, CALTAGIRONE, CAWLEY, CRAHALLA, FICHTER, GOODMAN, HARRIS, HESS, KIRKLAND, LEH, R. MILLER, O'NEILL, PHILLIPS, REICHLEY, SATHER, SCHRODER, SOLOBAY, WALKO, YOUNGBLOOD, CAPPELLI, CORRIGAN, CREIGHTON, GEORGE, GRUCELA, HENNESSEY, HUTCHINSON, LEACH, MANN, MUNDY, PAYNE, READSHAW, ROBERTS, SCAVELLO, SHANER, E. Z. TAYLOR and WOJNAROSKI

An Act amending the act of July 10, 1989 (P.L.291, No.50), known as the Philadelphia Regional Port Authority Act, providing for criminal history checks and special identification cards in certain circumstances.

Referred to Committee on URBAN AFFAIRS, March 31, 2005.

No. 1258 By Representatives TIGUE, W. KELLER, D. EVANS, CAWLEY, YUDICHAK, ROEBUCK, BARRAR, BELARDI, BENNINGHOFF, BUXTON, CALTAGIRONE, CAPPELLI, CORRIGAN, CURRY, FABRIZIO, GEORGE, GOODMAN, HARRIS, HERSHEY, LEH, MANDERINO, McILHATTAN, O'NEILL, REICHLEY, SANTONI, SCHRODER, B. SMITH, STABACK, SURRA, WATSON, WRIGHT, CLYMER, CRAHALLA, DALLY, FREEMAN, GODSHALL, GRUCELA, HASAY, LEACH, MAITLAND, MANN, MUNDY, READSHAW, SAINATO, SCAVELLO, SHANER, SOLOBAY, STURLA, WALKO, WOJNAROSKI and YOUNGBLOOD

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 approved reimbursable rental for leases hereafter approved and approved reimbursable sinking fund charges on indebtedness.

Referred to Committee on EDUCATION, March 31, 2005.

No. 1259 By Representatives TIGUE, SEMMEL, BARRAR, BASTIAN, BEBKO-JONES, BELARDI, BIANCUCCI, BUXTON, CALTAGIRONE, CAPPELLI, CAUSER, CAWLEY, COHEN, CRAHALLA, DENLINGER, FABRIZIO, FICHTER, FREEMAN, GOODMAN, HALUSKA, HASAY, HERMAN, JAMES, LEH, MARKOSEK, S. MILLER, NAILOR, PHILLIPS, PRESTON, REICHLEY, ROONEY, SCAVELLO, SOLOBAY, STERN, CLYMER, CORRIGAN, CURRY, DeWEESE, FAIRCHILD, FRANKEL, GEORGE, GRUCELA, HARHAI, HENNESSEY, HUTCHINSON, W. KELLER, MAHER, McILHATTAN, MUNDY, PALLONE, PICKETT, READSHAW, ROEBUCK, SATHER, SHANER, STABACK, SURRA, TANGRETTI, WALKO, WOJNAROSKI, YUDICHAK, E. Z. TAYLOR, WATERS and YOUNGBLOOD

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, providing for extension of limitations on student assistance grants.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, March 31, 2005.

No. 1260 By Representatives DALLY, BEBKO-JONES, CALTAGIRONE, CORRIGAN, DENLINGER, GRUCELA, HERSHEY, JAMES, ROBERTS, SCAVELLO, B. SMITH, E. Z. TAYLOR, WOJNAROSKI and YOUNGBLOOD

An Act designating polka music as the official folk music of the Commonwealth of Pennsylvania; and designating the American square dance as the official folk dance of the Commonwealth of Pennsylvania.

Referred to Committee on STATE GOVERNMENT, March 31, 2005.

No. 1261 By Representatives O'NEILL, BEBKO-JONES, BOYD, CAPPELLI, CAUSER, CORNELL, CRAHALLA, CURRY, DiGIROLAMO, FAIRCHILD, GEORGE, GERBER, GRUCELA, HERMAN, LaGROTTA, LEDERER, MARKOSEK, McCALL, McILHATTAN, S. MILLER, NAILOR, PISTELLA, RAPP, RAYMOND, REICHLEY, SAYLOR, SHANER, B. SMITH, SOLOBAY, STERN, SURRA, TIGUE, WATSON, ZUG, CALTAGIRONE, HENNESSEY, BARRAR, W. KELLER, MUNDY, TRUE, GOODMAN, BUNT, S. H. SMITH, RUBLEY, READSHAW, KENNEY and BASTIAN

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for deferred motor vehicle insurance coverage.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, March 31, 2005.

No. 1262 By Representatives HARHAI, BEBKO-JONES, BIANCUCCI, BUXTON, CALTAGIRONE, DeLUCA, FABRIZIO, FREEMAN, GOODMAN, GRUCELA, HASAY, JAMES, W. KELLER, KOTIK, LEACH, PALLONE, PETRARCA, PRESTON, RAYMOND, READSHAW, SAINATO, SCAVELLO, SHANER, SOLOBAY, STABACK, TANGRETTI, TIGUE, WALKO, WANSACZ, WHEATLEY, WILT and YOUNGBLOOD

An Act relating to the rights of purchasers and lessees of defective recreational vehicles.

Referred to Committee on CONSUMER AFFAIRS, March 31, 2005.

No. 1263 By Representatives CIVERA, BARRAR, CAPPELLI, CORNELL, FAIRCHILD, GANNON, GEIST, GINGRICH, HARPER, HARRIS, HENNESSEY, KILLION, MICOZZIE, NAILOR, RAYMOND, READSHAW, RUBLEY, SATHER, SCAVELLO, E. Z. TAYLOR, TIGUE, WATSON and WILT

An Act amending the act of July 5, 2004 (P.L.654, No.72), known as the Homeowner Tax Relief Act, further providing for qualifying contributions, for adoption of referendums, for referendum requirements and for disposition of tax revenue and property tax reduction allocation.

Referred to Committee on FINANCE, March 31, 2005.

No. 1264 By Representatives CREIGHTON, CALTAGIRONE, R. MILLER, ARMSTRONG, ROHRER, GINGRICH and BUNT

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for licenses to carry firearms and for the offense of certain bullets prohibited.

Referred to Committee on JUDICIARY, March 31, 2005.

No. 1266 By Representatives RAPP, SEMMEL, CAUSER, STERN, ARMSTRONG, ALLEN, BENNINGHOFF, CALTAGIRONE, CAPPELLI, CORNELL, CREIGHTON, FAIRCHILD, FORCIER, GEORGE, GINGRICH, HERSHEY, KAUFFMAN, M. KELLER, McILHATTAN, MILLARD,

R. MILLER, QUIGLEY, READSHAW, RUBLEY, SONNEY, E. Z. TAYLOR, GRELL, CIVERA, BASTIAN, O'NEILL, REICHLEY and BARRAR

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for absentee electors files and lists.

Referred to Committee on STATE GOVERNMENT, March 31, 2005.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 215 By Representatives TIGUE, YUDICHAK, O'NEILL, W. KELLER, SURRA, BELFANTI, BIANCUCCI, CALTAGIRONE, CORRIGAN, DeLUCA, GEIST, HALUSKA, HENNESSEY, LEVDANSKY, METCALFE, MUNDY, SHANER, STERN, THOMAS, WASHINGTON, BARRAR, BOYD, CAWLEY, CRAHALLA, FABRIZIO, GRUCELA, HASAY, HESS, McGEEHAN, R. MILLER, READSHAW, STABACK, E. Z. TAYLOR, WALKO and WHEATLEY

A Resolution memorializing the Congress of the United States and the Federal Government to take steps to discontinue outsourcing and to prevent the Internal Revenue Service from hiring foreign contractors to prepare, process or collect any personal financial information of United States taxpayers.

Referred to Committee on COMMERCE, March 31, 2005.

STATE SYSTEM OF HIGHER EDUCATION PROPERTY REQUESTS

The SPEAKER pro tempore. The Speaker submits for the calendar two resolutions pursuant to 24 Pennsylvania Statute, section 20-2018.

RULE 15 SUSPENDED

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

Mr. S. SMITH. Mr. Speaker, I move that House rule 15 be suspended so that when the House convenes on April 11, 2005, it can convene at 11 a.m. instead of 1 p.m.

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

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 377, PN 1492 (Amended)

By Rep. STAIRS

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 the definition of "compulsory school age" and for home education programs.

EDUCATION.

GUESTS INTRODUCED

The SPEAKER pro tempore. While we are awaiting the arrival of an Insurance Committee report or bill, I would like to acknowledge, up in the gallery, this year's class of junior volunteer firefighters who are participating in the Junior Firefighter Youth Leadership Challenge Program. Will those members please stand in the gallery at this time.

We again say thank you for your presence here today, along with the other visitors in the gallery.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 107, PN 1493 (Amended) By Rep. MICOZZIE

An Act authorizing the establishment and maintenance of health savings accounts; providing an exclusion from State income tax; and imposing restrictions on health savings accounts.

INSURANCE.

BILL REPORTED AND REREFERRED TO COMMITTEE ON LOCAL GOVERNMENT

HB 90, PN 84 By Rep. MICOZZIE

An Act authorizing municipalities to obtain certain information prior to issuance of occupancy permits.

INSURANCE.

BILL REPORTED AND REREFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS

HB 243, PN 269 By Rep. MICOZZIE

An Act establishing the Flood Insurance Premium Assistance Program to provide premium assistance to eligible Pennsylvania residents who purchase flood insurance; and imposing powers and duties on the Insurance Department.

INSURANCE.

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.

RECESS

The SPEAKER pro tempore. The Chair recognizes the gentleman from York County, Representative Miller.

Mr. MILLER. Mr. Speaker, I move that this House do now recess until Wednesday, April 6, 2005, at 11 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 11:19 a.m., e.d.t., the House recessed.