

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

MONDAY, DECEMBER 11, 1995

SESSION OF 1995

179TH OF THE GENERAL ASSEMBLY

No. 79

HOUSE OF REPRESENTATIVES

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

**THE SPEAKER (MATTHEW J. RYAN)
PRESIDING**

PRAYER

REV. FEDERICO A. BRITTO, Chaplain of the House of Representatives and pastor of St. Ignatius Church, Philadelphia, Pennsylvania, offered the following prayer:

Let us pray:

United in God our Father, we turn to Him for guidance, strength, and understanding. Almighty Father, we petition to You to lead this Assembly in right judgment. Test the hearts and minds of all the members of this House of Representatives. Guide our Governor of this State. Guide the Speaker of this House as the leader of this body. Help this body to make the right decisions on particular bills that will come before them this week. Let their decisions be honest, truthful, and sincere.

You desire justice for all. Enable us to uphold the rights of others. Do not allow us to be misled by ignorance or corruption, by fear or favor.

Bless our country and our State. Watch over and protect our service men and women on foreign soil, especially in Bosnia.

Lord, may everything we do begin with Your inspiration and continue with Your help so that all our prayers and works may begin and end with You. Bless us and keep us. Watch over us and guide us in everything we say and do.

We make this prayer in Your name. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Tuesday, November 21, 1995, will be postponed until printed. The Chair hears no objection.

JOURNAL APPROVED

The SPEAKER. Without objection, the Journal for Wednesday, May 3, 1995, will stand approved. The Chair hears no objection.

COMMUNICATION

LOBBYIST LIST PRESENTED

The SPEAKER. The Chair acknowledges receipt of the lobbyist list, which the clerk will file.

The following communication was submitted:

The General Assembly of Pennsylvania
Main Capitol Building
Harrisburg, Pennsylvania 17120

December 1, 1995

To the Honorable, the Senate of the
Commonwealth of Pennsylvania

To the Honorable, the House of Representatives
of the Commonwealth of Pennsylvania

In compliance with Act No. 712 of the 1961 Session and Act No. 212 of the 1976 Session of the General Assembly titled the "Lobbying Registration and Regulation Act," we herewith jointly present a list containing the names and addresses of the persons who have registered from November 1, 1995 through November 30, 1995, inclusive, for the 179th Session of the General Assembly. This list also contains the names and addresses of the organizations represented by these registrants.

Respectfully submitted:
Mark R. Corrigan, Secretary
Senate of Pennsylvania

Ted Mazia, Chief Clerk
House of Representatives

(For list, see Appendix.)

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED
FOR CONCURRENCE AND
REFERRED TO COMMITTEE ON RULES

The clerk of the Senate, being introduced, returned **HB 406, PN 2880**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

SENATE MESSAGE

HOUSE BILL
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 409, PN 429**, with information that the Senate has passed the same without amendment.

SENATE MESSAGE

AMENDED SENATE BILL RETURNED
FOR CONCURRENCE AND
REFERRED TO COMMITTEE ON RULES

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives by amending said amendments to **SB 432, PN 1615**.

Ordered, That the clerk present the same to the House of Representatives for its concurrence.

COMMUNICATIONS FROM GOVERNOR**APPROVAL OF HOUSE BILLS**

The Speaker laid before the House communications in writing from the office of His Excellency, the Governor of the Commonwealth, advising that the following House bills had been approved and signed by the Governor:

HB 269, HB 490, and HB 917.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HB 409, PN 429

An Act amending the act of November 24, 1992 (P.L.730, No.110), entitled "An act providing cemetery companies or associations with the right to inter a dead human body in a ground space, a mausoleum, a columbarium or a niche to which interment rights have been abandoned; and encouraging caretaker organizations to assume responsibility for

restoration and maintenance of historic burial places by limiting liability in connection therewith," extending liability limitations to landowners of historic burial places.

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

RESOLUTION SIGNED BY SPEAKER

Resolution numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HR 235, PN 2700

A Concurrent Resolution amending House Resolution No. 2 (Concurrent), approved by the Governor March 9, 1995, entitled "A concurrent resolution to create a commission of public and private cost-minded leaders of this Commonwealth to study the management of current government operations and make recommendations of cost-cutting measures," changing the date of the report; and further providing for funding of the commission.

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

**HOUSE BILLS
INTRODUCED AND REFERRED**

No. 2237 By Representatives GANNON, MICHLOVIC, FAJT, LAUGHLIN, STURLA, MILLER, LEDERER, TRELLO, BELARDI, CALTAGIRONE, SANTONI, KUKOVICH, MERRY, TRUE, PETTIT, MANDERINO, ITKIN, VEON, GRUPPO, E. Z. TAYLOR, YOUNGBLOOD, STETLER, TIGUE, M. N. WRIGHT, CURRY, DIGIROLAMO, HENNESSEY, VAN HORNE, SCRIMENTI, SERAFINI, STEELMAN, SEMMEL, BROWNE, BISHOP, BARD, STRITTMATTER, SCHRODER, CIVERA, ROEBUCK, J. TAYLOR, RAYMOND, DeLUCA, THOMAS, WASHINGTON, KENNEY, M. COHEN, CAPPABIANCA, BEBKO-JONES, RUDY, OLIVER, D. W. SNYDER, HERMAN, PETRONE, McGILL, TULLI, STABACK, L. I. COHEN, O'BRIEN, RUBLEY, CORNELL, CLYMER, KREBS, KELLER, CORRIGAN, RIEGER and BUNT

An Act providing for parity in health insurance coverage for persons who suffer from mental illness.

Referred to Committee on HEALTH AND HUMAN SERVICES, November 28, 1995.

No. 2238 By Representatives WALKO, BELARDI, LYNCH, McGEEHAN, SCRIMENTI, DeLUCA, HENNESSEY, HALUSKA, LEDERER, OLASZ, SHANER, GIGLIOTTI, PISTELLA, ITKIN, BEBKO-JONES, JOSEPHS, BATTISTO, SERAFINI, READSHAW, MELIO, E. Z. TAYLOR, MICOZZIE, STEELMAN, FARGO, MILLER, WASHINGTON, THOMAS and BELFANTI

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for visitation rights and partial custody for siblings of the deceased parent.

Referred to Committee on JUDICIARY, November 27, 1995.

No. 2239 By Representatives SCHRODER, HENNESSEY, MERRY, PISTELLA, PITTS, E. Z. TAYLOR, FLICK, HERSHEY, RUBLEY, CLYMER, CLARK, BARLEY, FARGO, LYNCH, READSHAW, FICHTER, PETTIT, MELIO, GEIST, KAISER, PHILLIPS, ROBERTS, TIGUE, BAKER, BROWNE, STABACK, TRELLO, BARD, GORDNER, FAJT, McCALL, ZUG, BELARDI, MUNDY, SERAFINI, SATHER, SCHULER, ARGALL, NICKOL, CURRY, SANTONI, WALKO, TRAVAGLIO, ITKIN, LUCYK, BATTISTO, L. I. COHEN, CORPORA, YOUNGBLOOD, STEIL, MICHLOVIC, B. SMITH and MILLER

An Act providing for purchases by public agencies of products and services using Federal contracts; providing for powers and duties of the Department of General Services; and exempting purchases using Federal contracts from advertising and competitive bidding requirements.

Referred to Committee on LOCAL GOVERNMENT, November 27, 1995.

No. 2240 By Representatives MAITLAND, BUNT, NICKOL, MASLAND, HENNESSEY, STURLA, LAUGHLIN, HERSHEY, TRELLO, MILLER, SCRIMENTI, SEMMEL, ZIMMERMAN, HALUSKA, SURRA, LLOYD, FLEAGLE, FEESE, BARLEY, EGOLF, PITTS, TRUE, CHADWICK, BROWNE, HARHART, CONTI, ARGALL, KREBS, B. SMITH, STISH, DiGIROLAMO, BARD, GORDNER, ALLEN, RUBLEY, PICCOLA, PLATTS, YEWIC, SCHULER, STERN, MAJOR, BAKER, PHILLIPS, HESS, SCHIRODER, VANCE, GLADECK, ZUG, ARMSTRONG, MARSICO, TULLI, STAIRS, NAILOR and E. Z. TAYLOR

An Act amending the act of December 19, 1974 (P.L.973, No.319), known as the Pennsylvania Farmland and Forest Land Assessment Act of 1974, further providing for tax determination upon abandonment.

Referred to Committee on LOCAL GOVERNMENT, November 27, 1995.

No. 2241 By Representatives LYNCH, CORRIGAN, O'BRIEN, McGEEHAN, DeWEESE, DEMPSEY, McGILL, RUBLEY, McCALL, MARKOSEK, DERMODY, TIGUE, ROONEY, STEELMAN, J. TAYLOR, ADOLPH, M. COHEN, LEDERER, BROWNE, STISH and HENNESSEY

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for Pennsylvania Irish Caucus registration plates and for a fund to renovate war memorials.

Referred to Committee on TRANSPORTATION, November 27, 1995.

No. 2242 By Representatives KAISER, COLAFELLA, READSHAW, MARKOSEK, ROBINSON, L. I. COHEN, LaGROTTA, ARGALL, VAN HORNE, KREBS, ITKIN, YOUNGBLOOD, JOSEPHS, TANGRETTI, BROWNE, LAUGHLIN, DEMPSEY, ADOLPH and CORNELL

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, excluding tangible personal property for the making of motion pictures from sales and use tax.

Referred to Committee on FINANCE, November 27, 1995.

No. 2243 By Representatives KAISER, COLAFELLA, READSHAW, MARKOSEK, ROBINSON, L. I. COHEN, LaGROTTA, ARGALL, KUKOVICH, VAN HORNE, KREBS, ITKIN, DRUCE, YOUNGBLOOD, JOSEPHS, TANGRETTI, BROWNE, STEELMAN, DEMPSEY, LAUGHLIN, ADOLPH and CORNELL

An Act prohibiting certain fees for the use of State property for the purpose of making commercial motion pictures.

Referred to Committee on TOURISM AND RECREATIONAL DEVELOPMENT, November 27, 1995.

No. 2244 By Representatives McGEEHAN, DENT, FICHTER, COY, BELARDI, GEIST, GODSHALL, SAYLOR, LEDERER, PETTIT, LAUGHLIN, MELIO, STISH, STABACK, TRELLO, SERAFINI, STURLA, LYNCH, WALKO, DiGIROLAMO, TRUE, M. COHEN, READSHAW, TIGUE, BAKER, BROWNE, VAN HORNE, L. I. COHEN, HORSEY, E. Z. TAYLOR, CORNELL, MILLER, J. TAYLOR, CAPPABIANCA and DeLUCA

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for trafficking drugs to minors.

Referred to Committee on JUDICIARY, November 27, 1995.

No. 2245 By Representatives BUNT, FICHTER, LEDERER, McGILL, CORRIGAN and HENNESSEY

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, providing an additional class of creditable nonschool service.

Referred to Committee on EDUCATION, November 27, 1995.

No. 2246 By Representatives BUNT, LEDERER, ROONEY, E. Z. TAYLOR, TRELLO, PESCI, L. I. COHEN, BROWNE, HENNESSEY, BOSCOLA, DeLUCA, BELFANTI and DERMODY

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for the definition of "golf course."

Referred to Committee on LIQUOR CONTROL, November 27, 1995.

No. 2247 By Representatives BUNT, McGILL, CIVERA, TRELLO, LEDERER, LYNCH, FICHTER, HENNESSEY and HARHART

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, further providing for the powers and duties of the board of commissioners relating to compensation for members of township boards and commissions.

Referred to Committee on LOCAL GOVERNMENT, November 27, 1995.

No. 2248 By Representatives FAJT, GODSHALL, KUKOVICH, BELARDI, MARKOSEK, LAUGHLIN, FARMER, TIGUE, BROWNE, WAUGH, TRELLO, WALKO, RUBLEY, LYNCH, WOGAN, BATTISTO, JOSEPHS, PISTELLA, MICHLOVIC and M. COHEN

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

Referred to Committee on STATE GOVERNMENT, November 27, 1995.

No. 2249 By Representatives FAJT, KUKOVICH, READSHAW, TRELLO, WOGAN, NICKOL, YOUNGBLOOD, THOMAS and MICHLOVIC

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for parties to declaratory judgment actions.

Referred to Committee on JUDICIARY, November 27, 1995.

No. 2250 By Representatives FAJT, RUBLEY, LEVDANSKY, WALKO, GAMBLE, TRELLO, HANNA, BUNT and KING

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 sabbatical leaves, for temporary professional employees, for contracts, for causes for termination of contract, for rating system, for causes for suspension, for the order of suspension, for the reinstatement of professional employees and for minimum salaries and increments; providing for continuing professional development and renewable certification; providing for a local option for compliance with outcome-based education regulations and for curriculum and strategic planning; further providing for discretionary funds to assist school districts experiencing extreme financial difficulty; providing for a Distance Learning Task Force; and making an editorial change.

Referred to Committee on EDUCATION, November 27, 1995.

No. 2251 By Representatives BATTISTO, CLYMER, SCHULER, M. COHEN, GRUPPO, BIRMEIN, CURRY and MERRY

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further regulating gambling devices.

Referred to Committee on JUDICIARY, November 27, 1995.

No. 2252 By Representatives GLADECK, FARGO and E. Z. TAYLOR

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, further providing for liability for the local realty transfer taxes.

Referred to Committee on LOCAL GOVERNMENT, November 27, 1995.

No. 2253 By Representatives BARD, FARGO, WOGAN, MAITLAND, DRUCE, ZIMMERMAN, STRITTMATTER, E. Z. TAYLOR, FLICK, KING, HUTCHINSON, FARMER, REBER, PETTIT, WAUGH, GLADECK, NICKOL, DIGIROLAMO, CONTI, BOSCOLA, CLYMER, HALUSKA, CURRY, DeLUCA, GODSHALL, HENNESSEY, FICHTER, NAILOR, MARSICO, L. I. COHEN, HERSHEY, CLARK, SCHRODER, RUBLEY, BUNT, LAWLESS, SHEEHAN, BROWNE, ARGALL, CORNELL, McGILL, GEIST and KREBS

An Act amending the act of June 5, 1913 (P.L.419, No.276), providing for display of the Pennsylvania flag for deceased firemen or policemen.

Referred to Committee on STATE GOVERNMENT, November 27, 1995.

No. 2254 By Representatives COY, LAUGHLIN, MELIO, HERMAN, GEORGE, BAKER, STABACK, WOZNAK, SERAFINI, CLARK, MASLAND, BATTISTO, THOMAS, HALUSKA, ITKIN, LUCYK, SURRA, TRELLO, D. R. WRIGHT, STETLER, McCALL, DALEY, SCRIMENTI, ROONEY, MERRY and STEELMAN

An Act providing incentives and assistance for rural students to attend college; and making an appropriation.

Referred to Committee on EDUCATION, November 27, 1995.

No. 2255 By Representatives TIGUE, DEMPSEY, ARMSTRONG, ROBINSON and SATHER

An Act amending the act of June 24, 1968 (P.L.237, No.111), referred to as the Policemen and Firemen Collective Bargaining Act, providing for regulation of arbitration awards.

Referred to Committee on LOCAL GOVERNMENT, November 27, 1995.

No. 2256 By Representatives WALKO, STURLA, COY, BAKER, READSHAW, MANDERINO, TRELLO, MERRY, BUNT, TRICH, MICHLOVIC, STEELMAN and M. COHEN

An Act providing for an annual grant program for counties and municipalities relating to tax-exempt real property; establishing a special fund in the State Treasury; and imposing powers and duties on the Department of Community Affairs.

Referred to Committee on LOCAL GOVERNMENT, December 7, 1995.

No. 2257 By Representative CHADWICK

An Act amending the act of April 12, 1951 (P.L. 90, No. 21), known as the Liquor Code, providing for an investigative unit; and further providing for enforcement, for advertising of prices of alcoholic beverages, for distributors' and importing distributors' restrictions on sales of malt or brewed beverages, for Sunday sales of alcoholic beverages, for distribution of malt and brewed beverages, for forfeiture of property illegally possessed or used and for motor vehicle licenses to be revoked.

Referred to Committee on LIQUOR CONTROL, December 7, 1995.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 258 By Representatives ROBINSON, WALKO, PISTELLA, READSHAW, PETRONE, GIGLIOTTI, LAUGHLIN, DERMODY, VAN HORNE, ITKIN, LEVDANSKY, TRELLO and PRESTON

A Concurrent Resolution directing the Local Government Commission to review and recodify the laws of cities and counties of the second class.

Referred to Committee on RULES, November 27, 1995.

No. 259 By Representatives LYNCH, FARGO, E. Z. TAYLOR, PHILLIPS, TRELLO, PESCI, JAROLIN, GORDNER, ARMSTRONG, HANNA, HARHART, McCALL, CIVERA, FICHTER, DEMPSEY, BAKER, STISH, SERAFINI, SCHULER, ROHRER, MERRY, HENNESSEY and PISTELLA

A Concurrent Resolution directing a select committee to study the ramifications of the repeal of The Local Tax Enabling Act upon the Commonwealth and local governments.

Referred to Committee on RULES, November 27, 1995.

SENATE BILLS FOR CONCURRENCE

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

SB 315, PN 325

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, November 27, 1995.

SB 509, PN 1584

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, November 27, 1995.

SB 790, PN 1538

Referred to Committee on JUDICIARY, November 27, 1995.

SB 1163, PN 1359

Referred to Committee on CONSUMER AFFAIRS, December 7, 1995.

SB 1167, PN 1583

Referred to Committee on APPROPRIATIONS, November 27, 1995.

SB 1303, PN 1577

Referred to Committee on APPROPRIATIONS, November 27, 1995.

LEAVES OF ABSENCE

The SPEAKER. The Chair is about to take leaves of absence. The Chair recognizes the gentleman, Mr. Barley, who requests leave of absence for the gentleman, Mr. HASAY, for today's session. Without objection, leave is granted.

The Chair recognizes the gentleman, Mr. Itkin.

Mr. ITKIN. Mr. Speaker, I request leave of absence for the gentleman from Philadelphia, Mr. EVANS; the gentleman from Westmoreland, Mr. MIHALICH; and the gentleman from Lehigh, Mr. ROONEY, all for today's session.

The SPEAKER. Without objection, leaves will be granted. The Chair hears none.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Chair is pleased to note the presence on the floor of the House today of the gentleman, Mr. Travaglio, and welcomes him back after his illness.

Will the lady, Mrs. Taylor, come to the rostrum.

HENDERSON HIGH SCHOOL GIRLS SOCCER TEAM PRESENTED

The SPEAKER. The Chair recognizes the lady, Mrs. Taylor. Mrs. TAYLOR. Thank you very much, Mr. Speaker.

It is always a pleasure to welcome students to the Capitol and a particularly special occasion today when we recognize State champions. I am always pleased when we do have students come, particularly when they come to the opening of the House and note how it is that we start our day.

The group that I have here today is from Henderson High School. It is the Henderson High School girls varsity soccer team, and they are being honored upon capturing the 1995 PIAA State girls soccer fall championship.

I reminded the group that came this morning that they say old soldiers do not die, they just fade away, and I reminded the girls that old coaches do not die, they just bring championship teams to the Capitol, because I did have the pleasure of coaching at Henderson High, soccer and track and hockey and a few other sports.

So we are honoring these girls. I want to mention, too, that they played four games in the championship and they did not give up one goal. Now, here is a team that was playing the best of the best, and so it is really a remarkable season and a remarkable championship.

I would like, if I may, Mr. Speaker, if I could just recognize this team and their coach. The Warriors defeated the Erie-McDowell Trojans by a score of 1 to 0 and accumulated a record of 23 wins, 2 losses, and 2 ties. Under the expert guidance of head coach Peter Rohall and assistant coaches Peter Donnelly, Dick Arscott, Debbie Sweeney, and Dan Coffey, the team is comprised of Meghan Allen, Christina Anderson — you girls can rise in the back as I call your name; I will start again — Meghan Allen, Christina Anderson, Kara Anderson, Stacy Arrison, Meghan Bellucci, Nicole Cheadle, Sarah Condit, Colleen Donnelly, Liz Donnelly, Kelly Dougherty, Lauren Gallagher, Danna Gosney, Meredith Jones, Marissa Kimmel, Teresa Lunardi, Mary Jo Markle, Katie McIntire, Laura Meikle, Kristin Off, Catharine Rohall, Cara Rubinstein, Jennifer Sember, Trisha Stant, and Melissa Sweeney, and Melissa Chacra assisted the team as a student manager.

Let us give them a round of applause.

Thank you, Mr. Speaker, and I just want to close by saying that the House of Representatives of the Commonwealth of Pennsylvania congratulates the Henderson High School girls varsity soccer team upon capturing the 1995 PIAA State girls soccer fall championship; heartily commends the team members and coaches for their ability, dedication, and tireless pursuit of athletic excellence.

I would also like to mention that some of these members are constituents of Representatives Joseph Pitts and Robert Flick.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Chair is pleased to advise the members that Representative Jere Schuler in the recent week became a grandfather. He has a brand-new granddaughter, Taylor Margaret. Taylor was born on Friday, December 8, at 5:01 p.m. Congratulations, grandfather Jere Schuler.

GUESTS INTRODUCED

The SPEAKER. Here today seated at the rear of the House are a group of members of the Lebanon County Republican Committee. They are here as the guests of, I believe, Peter Zug and the delegation from Lebanon County, I suspect. *Would those folks please rise.*

Here as the guests of Representative Jim Merry are his grandsons, Steve and Scott Cico, who are acting as guest pages today. Steve and Scott, would you please rise. Let us see where you are. Here they are, right here on the floor.

Representative Dwight Evans sent me an interesting memorandum, and I hope I am not too late to make this announcement, but the memorandum goes like this; it is addressed to me from Dwight: "I am requesting that Mr. Tru Dixon and Mr. Chuck Deans be acknowledged on the House floor on Monday, December 11...." Now, are these two individuals here? Okay. They are over here. I want them to stand up, and be quiet now for a minute until I finish my letter. Come on up here first. You have to get a look at these two.

Now, Representative Evans goes on to tell me this: "Mr. Deans and Mr. Dixon are walking across Pennsylvania to generate publicity and support for building a national youth athletic center in Pittsburgh. They left Pittsburgh on November 27 and hope to reach their final destination of New York City in a few weeks.

"I appreciate your cooperation in this matter."

Now, I want you to keep this in mind every time you complain when you have to walk up a flight of steps when the elevator is crowded. Just think about these two.

MASTER ROLL CALL

The SPEAKER. The Chair is about to take today's master roll call. Members will begin to vote.

The following roll call was recorded:

PRESENT—198

Adolph	Durham	Lucyk	Saylor
Allen	Egolf	Lynch	Schroder
Argall	Fairchild	Maitland	Schuler
Armstrong	Fajt	Major	Scrimonti
Baker	Fargo	Manderino	Semmel
Bard	Farmer	Markosek	Serafini
Barley	Feese	Marsico	Shaner
Battisto	Fichter	Masland	Sheehan
Bebko-Jones	Fleagle	Mayernik	Smith, B.
Belardi	Flick	McCall	Smith, S. H.
Belfanti	Gamble	McGeehan	Snyder, D. W.
Birmelin	Gannon	McGill	Staback
Bishop	Geist	Melio	Stairs
Blaum	George	Merry	Steelman
Boscola	Gigliotti	Michlovic	Steil
Boyes	Gladeck	Micozzie	Stern
Brown	Godshall	Miller	Stetler
Browne	Gordner	Mundy	Stish
Bunt	Gruitza	Myers	Strittmatter
Butkovitz	Gruppo	Nailor	Sturla
Buxton	Habay	Nickol	Surra
Caltagirone	Haluska	Nyce	Tangretti
Cappabianca	Hanna	O'Brien	Taylor, E. Z.
Carn	Harhart	Olasz	Taylor, J.
Carone	Hennessey	Oliver	Thomas
Cawley	Herman	Perzel	Tigue
Chadwick	Hershey	Pesci	Travaglio
Civera	Hess	Petrarca	Trello
Clark	Horsey	Petrone	Trich
Clymer	Hutchinson	Pettit	True
Cohen, L. I.	Itkin	Phillips	Tulli
Cohen, M.	Jadlowiec	Phyllis	Vance
Colaella	James	Pitts	Van Horne
Colaizzo	Jarolin	Platts	Veon
Conti	Josephs	Preston	Vitali
Cornell	Kaiser	Ramos	Walko
Corpora	Keller	Raymond	Washington
Corrigan	Kenney	Readshaw	Waugh
Cowell	King	Reber	Williams
Coy	Kirkland	Reinard	Wogan
Curry	Krebs	Rieger	Wozniak
Daley	Kukovich	Roberts	Wright, D. R.
DeLuca	LaGrotta	Robinson	Wright, M. N.
Dempsey	Laughlin	Roebuck	Yewcic
Dent	Lawless	Rohrer	Youngblood
Dermody	Lederer	Rubley	Zimmerman
DeWeese	Leh	Rudy	Zug
DiGirolamo	Lescovitz	Sainato	
Donatucci	Levdansky	Santoni	Ryan,
Druce	Lloyd	Sather	Speaker

ADDITIONS—0

NOT VOTING—0

EXCUSED-4

Evans Hasay Mihalich Rooney

LEAVES ADDED-1

Carone

LEAVES CANCELED-1

Carone

CALENDAR

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of HB 2222, PN 2851, entitled:

An Act appropriating money from the Sunny Day Fund to the Department of Commerce for various projects throughout this Commonwealth for fiscal year 1995-1996.

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.

YEAS-197

Adolph Durham Lucyk Saylor
Allen E:gold Lynch Schroder
Argall Fairchild Maitland Schuler
Armstrong Fajt Major Scrimenti
Baker Fargo Manderino Semmel
Bard Farmer Markosek Serafini
Barley Feese Marsico Shaner
Battisto Fichter Masland Shechan
Bebko-Jones Fleagle Mayernik Smith, B.
Belardi Flick McCall Smith, S. H.
Belfanti Gamble McGeehan Snyder, D. W.
Birmelin Gannon McGill Staback
Bishop Geist Mello Stairs
Blaum George Merry Steelman
Boscola Gigliotti Michlovic Steil
Boyes Gladeck Micozzie Stern
Brown Godshall Miller Stetler
Browne Gordner Mundy Stish
Bunt Gruitza Myers Strittmatter
Butkovitz Gruppo Nailor Sturla
Buxton Habay Nickol Surra
Caltagirone Haluska Nyce Tangretti
Cappabianca Hanna O'Brien Taylor, E. Z.
Carn Harhart Olasz Taylor, J.
Carone Hennessey Oliver Thomas
Cawley Herman Perzel Tigue
Chadwick Hershey Pesci Travaglio
Civera Hess Petrarca Trello
Clark Horsey Petrone Trich
Clymer Hutchinson Pettit True
Cohen, I. J. Itkin Phillips Tulli

Cohen, M. Jadlowiec Pistella Vance
Colaifella James Pitts Van Horne
Colaizzo Jarolin Platts Veon
Conti Josephs Preston Vitali
Cornell Kaiser Ramos Walko
Corpora Keller Raymond Washington
Corrigan Kenney Readshaw Waugh
Cowell King Reber Williams
Coy Kirkland Reinard Wozniak
Curry Krebs Rieger Wright, D. R.
Daley Kukovich Roberts Wright, M. N.
DeLuca LaGrotta Robinson Yewcic
Dempsey Laughlin Roebuck Youngblood
Dent Lawless Rohrer Zimmerman
Dermody Lederer Rubley Zug
DeWeese Leh Rudy
DiGirofamo Lescovitz Sainato Ryan,
Donatucci Levdansky Santoni Speaker
Druce Lloyd Sather

NAYS-0

NOT VOTING-1

Wogan

EXCUSED-4

Evans Hasay Mihalich Rooney

The two-thirds majority required by Act 32 of 1985 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 2073, PN 2625, entitled:

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

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

Mrs. VANCE offered the following amendment No. A5604:

Amend Sec. 3, page 2, line 15, by striking out "competent in" and inserting who hold a current certificate of completion of
Amend Sec. 3, page 2, line 15, by striking out "techniques" and inserting training
Amend Sec. 3, page 2, line 19, by striking out "TECHNIQUES" and inserting training
Amend Sec. 3, page 2, line 21, by striking out "MUST BE COMPETENT" and inserting must hold a current certificate of completion of training

Amend Sec. 3, page 2, line 27, by striking out "Competence is completion" and inserting

Completion

Amend Sec. 3, page 2, line 27, by striking out "that"

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

Pediatric first

Amend Sec. 3, page 3, line 3, by striking out "or" and inserting and at least

Amend Sec. 3, page 3, lines 3 and 4, by striking out "as applicable"

On the question,

Will the House agree to the amendment?

The SPEAKER. On the question of the adoption of the amendment, the Chair recognizes the lady, Mrs. Vance.

Mrs. VANCE. Thank you, Mr. Speaker.

This basically is a very technical amendment. We are changing a few words only so that it would fit the American Red Cross training course, because these are the only people that have a course dealing with pediatric first aid, and I do believe it is an agreed-to amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-197

Adolph	Egolf	Lynch	Schroder
Allen	Fairchild	Maitland	Schuler
Argall	Fajt	Major	Scrimanti
Armstrong	Fargo	Manderino	Semmel
Baker	Farmer	Markosek	Serafini
Bard	Feese	Marsico	Shaner
Barley	Fichter	Masland	Sheehan
Battisto	Fleagle	Mayernik	Smith, B.
Bebko-Jones	Flick	McCall	Smith, S. H.
Belardi	Gamble	McGeehan	Snyder, D. W.
Belfanti	Gannon	McGill	Staback
Birmelin	Geist	Melio	Stairs
Bishop	George	Merry	Steelman
Blaum	Gigliotti	Michlovic	Steil
Boscola	Gladeck	Micozzie	Stern
Boyes	Godshall	Miller	Stetler
Brown	Gordner	Mundy	Stish
Browne	Gruitza	Myers	Strittmatter
Bunt	Gruppo	Nailor	Sturla
Butkovitz	Habay	Nickol	Surra
Buxton	Haluska	Nyce	Tangretti
Caltagirone	Hanna	O'Brien	Taylor, E. Z.
Cappabianca	Harhart	Olasz	Taylor, J.
Carone	Hennessey	Oliver	Thomas
Cawley	Herman	Perzel	Tigue
Chadwick	Hershey	Pesci	Travaglio
Civera	Hess	Petrarca	Trello
Clark	Horsely	Petrone	Trich
Clymer	Hutchinson	Pettit	True
Cohen, L. I.	Itkin	Phillips	Tulli
Cohen, M.	Jadlowiec	Pistella	Vance
Colafrilla	James	Pitts	Van Horne
Colaizzo	Jarolin	Platts	Veon
Conti	Josephs	Preston	Vitali
Cornell	Kaiser	Ramos	Walko
Corpora	Keller	Raymond	Washington
Corrigan	Kenney	Readshaw	Waugh
Cowell	King	Reber	Williams
Coy	Kirkland	Reinard	Wogan
Curry	Krebs	Rieger	Wozniak

Daley	Kukovich	Roberts	Wright, D. R.
DeLuca	LaGrotta	Robinson	Wright, M. N.
Dempsey	Laughlin	Roebuck	Yewcic
Dent	Lawless	Rohrer	Youngblood
Dermody	Lederer	Rudley	Zimmerman
DeWeese	Leh	Ruby	Zug
DiGirolamo	Lescovitz	Sainato	
Donatucci	Levdansky	Santoni	Ryan,
Druce	Lloyd	Sather	Speaker
Durham	Lucyk	Saylor	

NAYS-0

NOT VOTING-1

Carn

EXCUSED-4

Evans	Hasay	Mihalich	Rooney
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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?

Ms. WASHINGTON offered the following amendment No. A5998:

Amend Title, page 1, line 4, by removing the period after "care" and inserting

; and providing for inspection of family child day-care homes.

Amend Bill, page 3, by inserting between lines 4 and 5

Section 4. Inspection of family child day-care homes.

The department or authorized agent of the department shall have the right to enter, visit and inspect upon complaint or upon request of the caregiver, any family child day-care home and shall have free and full access to the premises where children are cared for, all records of the premises which relate to the children's care and to the children cared for therein and full opportunity to speak with or observe the children. The department annually shall inspect at least 25% of all registered family child day-care homes.

Amend Sec. 4, page 3, line 5, by striking out "4" and inserting 5

Amend Sec. 5, page 3, line 9, by striking out "5" and inserting 6

On the question,

Will the House agree to the amendment?

AMENDMENT PASSED OVER TEMPORARILY

The SPEAKER. Is the lady, Ms. Washington, on the floor?

The lady, Ms. Washington's amendment will go over temporarily.

On the question recurring,

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

Ms. MUNDY offered the following amendment No. A5672:

Amend Title, page 1, line 4, by removing the period after "care" and inserting

; and providing for unannounced inspections.

Amend Sec. 1, page 1, line 9, by striking out "and CPR" and inserting

, CPR and Inspection

Amend Bill, page 3, by inserting between lines 4 and 5 Section 4. Inspections without prior notice.

(a) Inspections during working hours.—The department shall conduct at least one inspection annually during operational hours, without prior notice, of child day-care centers and group child day-care homes as defined by the Public Welfare Code or by regulation to determine the standard of care being administered to the children for whom child day care is provided. This inspection may be in addition to any other inspection required by statute or regulation.

(b) Standards.—For the purpose of conducting an inspection of a child day-care center or group child day-care home as defined by the Public Welfare Code or by regulation, without prior notice, the department shall be authorized to apply those regulatory standards which, when not complied with, pose a significant risk to the health, safety and well-being of the children in care. These regulations shall include, but not be limited to, regulations pertaining to staff-to-child ratios, group sizes, prevention of disease, equipment safety, sanitation and food handling. The department shall retain the authority to enforce all department regulations that pertain to child day-care facilities.

(c) Notice.—The department, within six months of the effective date of this act, shall publish a notice in the Pennsylvania Bulletin that identifies the regulations described in subsection (b).

Amend Sec. 4, page 3, lines 5 and 6, by striking out all of line 5 and "This" in line 6 and inserting Section 5. Application of section.

Section 3 of this

Amend Sec. 5, page 3, line 9, by striking out "5" and inserting 6

On the question,

Will the House agree to the amendment?

The SPEAKER. On the question of the adoption of the Mundy amendment, the Chair recognizes the lady, Ms. Mundy.

Ms. MUNDY. Thank you, Mr. Speaker.

This amendment requires the Department of Public Welfare to conduct at least one unannounced inspection of child day-care centers and group child day-care homes annually.

Some of you may have read in the clips or in the newspapers this summer of a tragic incident that occurred in my district. A 4-year-old boy was drowned at a day-care center in a backyard swimming pool, and the woman who ran the day-care facility was indicted. The child, we believe, was neglected because there were not enough child day-care workers in the home.

Every year the department conducts an annual inspection but it is an announced inspection, which gives the day-care operator time to gather together the records and make sure that all the regulations are complied with. Unfortunately, there are no unannounced inspections that give the DPW the ability to just walk into the facility and check what is happening there and to look for key safety violations. If that had been the case, if the unannounced inspections had occurred, it is possible that this child would not have died.

This amendment requires the department to conduct at least one unannounced inspection, and it limits the focus on key regulatory

standards which, if not complied with, pose a significant risk to the health, safety, and well-being of the children in care.

This is a very important amendment to this bill, Mr. Speaker, and I would request the support of the members. Thank you.

The SPEAKER. The Chair thanks the lady.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—197

Adolph	Egolf	Lynch	Schroder
Allen	Fairchild	Maitland	Schuler
Argall	Fajt	Major	Scrimenti
Armstrong	Fargo	Manderino	Semmel
Baker	Farmer	Markosek	Serafini
Bard	Feese	Marsico	Shaner
Barley	Fichter	Masland	Sheehan
Battisto	Fleagle	Mayernik	Smith, B.
Bebko-Jones	Flick	McCall	Smith, S. H.
Belardi	Gamble	McGeehan	Snyder, D. W.
Belfanti	Gannon	McGill	Staback
Birmelin	Geist	Melio	Stairs
Bishop	George	Merry	Steelman
Blaum	Gigliotti	Michlovic	Steil
Boscola	Gladeck	Micozzie	Stern
Boyes	Godshall	Miller	Stetler
Brown	Gordner	Mundy	Stish
Browne	Gruitza	Myers	Strittmatter
Bunt	Gruppo	Nailor	Sturla
Butkovitz	Habay	Nickol	Surra
Buxton	Haluska	Nyce	Tangretti
Caltagirone	Hanna	O'Brien	Taylor, E. Z.
Cappabianca	Harhart	Olasz	Taylor, J.
Carone	Hennessey	Oliver	Thomas
Cawley	Herman	Perzel	Tigue
Chadwick	Hershey	Pesci	Travaglio
Civera	Hess	Petrarca	Trello
Clark	Horscy	Petrone	Trich
Clymer	Hutchinson	Pettit	True
Cohen, L. I.	Itkin	Phillips	Tulli
Cohen, M.	Jadlowiec	Pistella	Vance
Colafella	James	Pitts	Van Horne
Colaizzo	Jarolin	Platts	Veon
Conti	Josephs	Preston	Vitali
Cornell	Kaiser	Ramos	Walko
Corpora	Keller	Raymond	Washington
Corrigan	Kenney	Readshaw	Waugh
Cowell	King	Reber	Williams
Coy	Kirkland	Reinard	Wogan
Curry	Krebs	Rieger	Wozniak
Daley	Kukovich	Roberts	Wright, D. R.
DeLuca	LaGrotta	Robinson	Wright, M. N.
Dempsey	Laughlin	Roebuck	Yewcic
Dent	Lawless	Rohrer	Youngblood
Dermody	Lederer	Rubley	Zimmerman
DeWeese	Leh	Ruby	Zug
DiGirolamo	Lescovitz	Sainato	
Donatucci	Levdansky	Santoni	Ryan,
Druce	Lloyd	Sathor	Speaker
Durham	Lucyk	Saylor	

NAYS—0

NOT VOTING-1

Cam

EXCUSED-4

Evans Hasay Mihalich Rooney

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. A5839:

Amend Title, page 1, line 4, by removing the period after "care" and inserting

; and providing for dangerous facilities.

Amend Sec. 1, page 1, line 9, by striking out "and CPR" and inserting

, CPR and Dangerous Facilities

Amend Sec. 2, page 1, by inserting between lines 16 and 17 "Department." The Department of Public Welfare of the Commonwealth.

"Facility." A child day-care center, family child day-care home or group child day-care home.

Amend Bill, page 3, by inserting between lines 4 and 5 Section 4. Dangerous facilities.

(a) Procedure.—Whenever the department, upon inspection or investigation, shall learn of a violation of the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, or of regulations adopted by the department pursuant to the Public Welfare Code which poses an immediate and serious threat to life, health or safety of an individual being cared for in a facility, the following shall apply:

(1) An agent of the department shall take immediate corrective action to eliminate the threat, including, if necessary, securing emergency services and contacting law enforcement authorities. An agent of the department shall remain at the facility when the facility is open for business until the conclusion of the hearing under paragraph (2).

(2) On the next business day after the agent takes corrective action under paragraph (1), the department shall schedule an administrative hearing before a hearing examiner of the department. If the hearing examiner determines that there is a violation of the Public Welfare Code or of regulations adopted by the department pursuant to the Public Welfare Code which poses an immediate and serious threat to life, health or safety of an individual being cared for in a facility, the hearing examiner shall order the facility closed until the conclusion of the license revocation proceeding under paragraph (3). The hearing examiner shall make a determination within 30 minutes of conclusion of the presentation of evidence.

(3) Within three business days of taking corrective action under paragraph (1), the agent shall initiate license revocation proceedings under section 1026 of the Public Welfare Code against the licensee for the facility.

(b) Supersedeas.—The following shall apply:

(1) An appeal to the department of an order under subsection (a)(2) shall not act as an automatic supersedeas of the decision of the hearing examiner; but, upon cause shown, the department may grant a supersedeas.

(2) An appeal to Commonwealth Court of a decision under paragraph (1) shall not act as an automatic supersedeas of the

decision of the department; but, upon cause shown, the court may grant a supersedeas.

(c) Effect of violation on license.—The department shall refuse to issue a license to or shall revoke the license of a facility found to be in violation of the Public Welfare Code in a manner which poses an immediate and serious threat to life, health or safety of an individual being cared for in the facility.

Amend Sec. 4, page 3, line 5, by striking out "4" and inserting 5

Amend Sec. 5, page 3, line 9, by striking out "5" and inserting 6

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

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

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, during the tragic events of this past summer, we got to see our system of enforcement in action, and while the department, I think, did a great job in responding immediately to problems in Luzerne County, we saw some technical problems with our law, and I think the department did, too, as far as not giving them adequate powers to deal with day-care centers which are operating in a gross fashion where serious dangers exist for kids.

One of those problems was that if you have a day-care center that poses an immediate and serious threat to children and the department moves in and closes them down, all that center need do is file an immediate appeal, and they are open for the duration of that appeal, even though the serious problems which existed may still be continuing and may not have been totally corrected.

In order to give the department the necessary tools they need, I ask the members to approve this amendment, which says that a day-care center that has serious and immediate threats to the safety and well-being of the children in a day-care facility and the department feels so strongly that that center should be closed, that when they do so, that center remains closed all through the appeal process, while providing in this amendment that if those situations are corrected and improved, that center would be allowed to reopen.

So I would ask that the members approve this amendment.

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

Table with 4 columns of names: Adolph, Allen, Argall, Armstrong, Baker, Bard, Barley, Battisto, Bebko-Jones, Belardi, Belfanti, Birmelin, Bishop, Fajt, Fargo, Farmer, Feese, Fichter, Fleagle, Flick, Gamble, Gannon, Geist, George, Gigliotti, Gladeck, Maitland, Major, Manderino, Markosek, Marsico, Masland, Mayernik, McCall, McGeehan, McGill, Melio, Merry, Michlovic, Schroder, Schuler, Scrimenti, Semmel, Serafini, Shaner, Sheehan, Smith, B., Smith, S. H., Snyder, D. W., Staback, Stairs, Steelman

Blaum	Godshall	Micozzie	Steil
Boscola	Gordner	Miller	Stern
Boyes	Gruitza	Mundy	Stetler
Brown	Gruppo	Myers	Stish
Browne	Habay	Nailor	Strittmatter
Bunt	Haluska	Nickol	Sturla
Butkovitz	Hanna	Nyce	Surra
Buxton	Harhart	O'Brien	Tangretti
Caltagirone	Hennessey	Olasz	Taylor, E. Z.
Cappabianca	Herman	Oliver	Taylor, J.
Cawley	Hershey	Perzel	Thomas
Chadwick	Hess	Pesci	Tigue
Civera	Horscy	Petrarca	Travaglio
Clark	Hutchinson	Petrone	Trello
Clymer	Itkin	Pettit	Trich
Cohen, L. I.	Jadlowiec	Phillips	True
Cohen, M.	James	Pistella	Tulli
Colafiglia	Jarolin	Pitts	Vance
Colaizzo	Josephs	Platts	Van Horne
Conti	Kaiser	Preston	Veon
Cornell	Keller	Ramos	Vitali
Corpora	Kenney	Raymond	Walco
Corrigan	King	Readshaw	Washington
Cowell	Kirkland	Reber	Waugh
Coy	Krebs	Reinard	Williams
Curry	Kukovich	Rieger	Wogan
Daley	LaGrotta	Roberts	Wozniak
DeLuca	Laughlin	Robinson	Wright, D. R.
Dempsey	Lawless	Roebuck	Wright, M. N.
Dent	Lederer	Rohrer	Yewcic
Dermoddy	Leh	Rublely	Youngblood
DeWeese	Lescovitz	Rudy	Zimmerman
DiGirolamo	Levdanský	Sainato	Zug
Donatucci	Lloyd	Santoni	
Durham	Lucyk	Sather	Ryan,
Egolf	Lynch	Saylor	Speaker
Fairchild			

NAYS-0

NOT VOTING-3

Carn	Carone	Druce
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EXCUSED-4

Evans	Hasay	Mihalich	Rooney
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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. A5997:

Amend Title, page 1, line 1, by removing the period after "care" and inserting ; providing for the creation of a Statewide Child Day-Care Resource and Referral System; and imposing additional responsibilities upon the Department of Public Welfare.

Amend Bill, page 1, by inserting between lines 6 and 7

CHAPTER 1
GENERAL PROVISIONS

Section 101. Short title.

This act shall be known and may be cited as the Child Care First Aid-CPR and Resource-Referral Act.

Section 102. Definitions.

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

"Department." The Department of Public Welfare of the Commonwealth.

CHAPTER 3

FIRST AID - CPR

Amend Sec. 1, page 1, line 7, by striking out "1" and inserting 301

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

Amend Sec. 2, page 1, line 10, by striking out "2" and inserting 302

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

Amend Sec. 3, page 2, line 9, by striking out "3" and inserting 303

Amend Bill, page 3, by inserting between lines 4 and 5

CHAPTER 5

CHILD DAY-CARE RESOURCE AND REFERRAL SYSTEM

Section 501. Short title.

This chapter shall be known and may be cited as the Child Day-Care Resource and Referral Law.

Section 502. Legislative findings.

The General Assembly finds and declares as follows:

(1) The demand for high quality, affordable, accessible child day care has increased dramatically in the last decade in correlation with a dramatic increase in the labor force participation rate of parents with young children.

(2) Approximately 190,000 children are currently in care through a variety of child day-care programs in this Commonwealth.

(3) A comprehensive, coordinated effort is needed to ensure that accurate, up-to-date child day-care information is readily available and easy to access.

(4) Local child day-care resource and referral services are beneficial to:

(i) working parents of all economic means by enabling them to make informed choices in selecting and purchasing the child day care that best meets their family's unique needs;

(ii) existing and prospective child day-care providers in their efforts to develop and maintain safe, high-quality child day-care services;

(iii) businesses by providing a comprehensive resource for them to use in responding to child day-care needs of their employees; and

(iv) the community-at-large by contributing directly to the health, safety and well-being of this Commonwealth's children and their families.

Section 503. 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:

"Child day care." Care in lieu of parental care, given for part of the 24-hour day to children under 16 years of age, away from their own homes. The term does not include child day care furnished in places of worship during religious services.

"Child day-care resource and referral agency." A public or private nonprofit entity that performs functions related to child day-care resource and referral services. The term includes an association or a corporation.

"Child day-care resource and referral services." The term includes, but is not limited to, the following:

(1) The provision of updated information to the parents, employers and individuals in a community regarding the availability, cost and quality of child day-care services in a defined geographic area.

(2) Assistance to parents so they can make informed decisions regarding appropriate, affordable child day-care services for their children.

(3) Information to employers on programs designed to meet the child day-care needs of employees.

(4) Provision of start-up information to potential child day-care providers to increase the supply of providers.

Section 504. Provision of child day-care resource and referral services.

The department shall arrange for the availability of child day-care resource and referral services across this Commonwealth through contractual agreements with public or private entities that can fulfill the responsibilities of a child day-care resource and referral agency.

Section 505. Establishment of central child day-care data base.

The department shall provide for the establishment and maintenance of a central child day-care data base. The department shall compile all information from child day-care resource and referral agencies with which it has a contractual agreement under section 504 and establish comprehensive, accurate and up-to-date reference base on child day care in this Commonwealth shall be created. In accordance with the Executive Order 1988-8 and any subsequent orders issued pursuant thereto, the central child day-care data base shall be created by utilizing applied demographic analyses, creation of statistical maps and graphics and census geographic reference maps, as well as any other resources the department may have available. The department shall determine the nature and scope of all centralized child day-care data to be maintained pursuant to this act. Child day-care resource and referral agencies under contract with the department shall be provided at least annually and at no charge with information developed regarding child day care in their specific geographic areas. Each child day-care resource and referral agency under contract with the department shall maintain a comprehensive data base on child day-care supply and demand in the geographic area served by the agency.

Section 506. Resource and referral services offered.

The department shall arrange for child day-care resource and referral services across this Commonwealth through contracts with child day-care resource and referral agencies, which shall provide, at a minimum, the following services:

(1) Identification of all State-approved child day-care providers in their specific geographic area and a profile of each provider to indicate the types of services they provide and the costs of such services.

(2) Maintenance of a regularly updated resource file that demonstrates supply and demand of services.

(3) Maintenance of a resource and referral service for child day-care users and assistance, if requested, in evaluating child day-care needs and appropriateness of types of child day care.

(4) Establishment of a public education program to inform consumers and provide referral counseling about child day-care options, including information on types of child day care, availability, cost and standards, through such means as printed materials, telephone contacts, education sessions or workshops and resource libraries.

(5) Provision of information and technical assistance to providers and prospective providers, as requested. Types of information to be made available shall include, but not be limited to, information regarding career opportunities in the field, continuing education, training opportunities, accreditation programs, regulatory requirements, food programs and demographic information to determine the existence of markets for services and to help stimulate the supply of child day-care services needed in the area.

(6) Serve as a resource to employers who are trying to meet the child day-care needs of their employees.

(7) Collection and maintenance of data, as may be useful in State and local planning efforts, on the number and usage of different child day-care providers, the type, availability and cost of child day care in a particular geographic area and demographic information to determine whether the supply meets the demand for child day-care services in a given area.

(8) Provision of information to low-income parents about subsidized child day-care services receiving Federal and State funding and referral to a local entity responsible for administering the subsidized child day-care funds. The child day-care resource and referral agency shall also provide to parents receiving public assistance information about child day-care services that may be available through the county assistance office pursuant to Title IV of the Social Security Act (Public Law 74-271, 42 U.S.C. § 601 et seq.). The child day-care resource and referral agency shall avoid duplicating services and shall develop procedures to streamline services for low-income parents needing child day-care services.

Section 507. Standard operating procedures.

Local management agencies, as providers of child day-care resource and referral services shall:

(1) Conduct business during hours convenient to working parents, including some evening and weekend hours, if deemed necessary.

(2) Have the authority to establish a reasonable range of fees for services, with the approval of the department.

(3) Advertise their services. All recipients of services shall be informed of applicable fees prior to the provision of such services, as designated in this act.

(4) Tailor services provided for in this act to the geographically defined area in which they are located.

(5) Seek opportunities to provide educational and consumer awareness programs.

(6) Utilize, to the maximum extent, the most cost-effective means of providing child day-care resource and referral services in accordance with this act, including, but not limited to, public-private partnerships, where deemed appropriate, and contractual arrangements with existing providers of resource and referral services.

(7) Maintain confidentiality of records. Information contained in the records shall not be publicly disclosed in such a manner so as to identify individuals. Certain nonidentifying information may, however, be collected in aggregate form for the purposes of data collection.

(8) Report to the department on a regular basis information regarding:

(i) The number of parents and children served.

(ii) The extent of assistance given to providers, parents, businesses and others.

(iii) Fees charged for resource and referral services provided for in this act.

(iv) The impact of the resource and referral services on quality and availability of child day care in their particular geographically defined area.

(v) Any recommendations that may contribute to the improvement of the provision of child day-care resource and referral services.

Section 508. Annual report.

The department shall submit an annual report to the General Assembly which shall reflect the information collected by the child day-care resource and referral agencies designated by the department. The report shall describe how the child day-care resource and referral agencies further the department's goal to improve the quality, availability and affordability of child day-care services. This report shall also include any recommendations of the department for improvements to the Statewide resource and referral system, as well as the availability

of private, corporate and government funding for resource and referral services.

Section 509. Regulations.

The department shall, in the manner provided by law, promulgate the rules and regulations necessary to establish child day-care resource and referral services to be offered in accordance with this chapter.

Section 510. Resource and referral services implementation.

The department shall establish a three-year implementation schedule for phasing in child day-care resource and referral services throughout this Commonwealth.

CHAPTER 7

MISCELLANEOUS PROVISIONS

Amend Sec. 4, page 3, line 5, by striking out "4" and inserting 701

Amend Sec. 4, page 3, line 6, by striking out "This" and inserting Chapter 3 of this

Amend Sec. 5, page 3, lines 9 and 10, by striking out all of said lines and inserting

Section 702. Effective date.

This act shall take effect as follows:

- (1) Chapter 5 shall take effect in six months.
(2) The remainder of this act shall take effect in 60 days.

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

The SPEAKER. On the question, the Chair recognizes the gentleman.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, I rise to ask the members to support amendment 5997, which creates over a 3-year period a system of resource and referral for the Commonwealth of Pennsylvania.

One of the major problems with the availability of day care in Pennsylvania is that parents in the community are many times unaware of the availability, the cost, and the quality of day care in their locale, in their municipalities or their county. A system of resource and referral, set up by the Department of Welfare, where they can contract with the local agency to perform that task, would make available to the parents and to the community at large information on the resources that are available in that town, in that city, in that borough or township, in that county, with regard to the availability of day-care centers and what the cost of those placements may be.

A system of resource and referral, set up in many States, is something that could be of enormous help to the parents and children of Pennsylvania, and I ask for the members' approval.

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

The following roll call was recorded:

YEAS-197

Table listing names of members who voted 'YEAS-197' in four columns: Adolph, Allen, Argall, Armstrong, Baker, Bard, Barley, Battisto, Bebko-Jones, Belardi, Belfanti, Egolf, Fairchild, Fajt, Fargo, Farmer, Feese, Fichter, Fleagle, Flick, Gamble, Gannon, Lynch, Maitland, Major, Manderino, Markosek, Marsico, Masland, Mayernik, McCall, McGeehan, McGill, Schroder, Schuler, Scrimenti, Semmel, Serafini, Shaner, Sheehan, Smith, B., Smith, S. H., Snyder, D. W., Staback.

Table listing names of members who did not vote 'YEAS-197' in four columns: Birmelin, Bishop, Blaum, Boscola, Boyes, Brown, Browne, Bunt, Butkovitz, Buxton, Caltagirone, Cappabianca, Carone, Cawley, Chadwick, Civera, Clark, Clymer, Cohen, L. I., Cohen, M., Colafella, Colaizzo, Conti, Cornell, Corpora, Corrigan, Cowell, Coy, Curry, Daley, DeLuca, Dempsey, Dent, Dermody, DeWeese, DiGirolamo, Donatucci, Druce, Durham, Geist, George, Gigliotti, Gladeck, Godshall, Gordner, Gruitza, Gruppo, Habay, Haluska, Hanna, Harhart, Hennessey, Herman, Hershey, Hess, Horsey, Hutchinson, Itkin, Jadlowiec, James, Jarolin, Josephs, Kaiser, Keller, Kenney, King, Kirkland, Krebs, Kukovich, LaGrotta, Laughlin, Lawless, Lederer, Leh, Lescovitz, Levdansky, Lloyd, Lucyk, Melio, Merry, Michlovic, Micozzie, Miller, Mundy, Myers, Nailor, Nickol, Nyce, O'Brien, Olasz, Oliver, Perzel, Pesci, Petrarca, Petrone, Pettit, Phillips, Pistella, Pitts, Platts, Preston, Ramos, Raymond, Readshaw, Reber, Reinard, Rieger, Roberts, Robinson, Roebuck, Rohrer, Rubley, Rudy, Sainato, Santoni, Sather, Saylor, Stairs, Steelman, Steil, Stern, Stetler, Stish, Strittmatter, Sturla, Surra, Tangretti, Taylor, E. Z., Taylor, J., Thomas, Tigue, Travaglio, Trello, Trich, True, Tulli, Vance, Van Horne, Veon, Vitali, Walko, Washington, Waugh, Williams, Wogan, Wozniak, Wright, D. R., Wright, M. N., Yewcic, Youngblood, Zimmerman, Zug, Ryan, Speaker.

NAYS-0

NOT VOTING-1

Carn

EXCUSED-4

Evans Hasay Mihalich Rooney

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. DeLUCA offered the following amendment No. A6017:

Amend Title, page 1, line 4, by removing the period after "care" and inserting

; and providing for registration.

Amend Sec. 2, page 1, by inserting between lines 16 and 17 "Department" The Department of Public Welfare of the Commonwealth and its authorized agents.

Section 4. Application for registration certificate.

In addition to complying with the requirements set forth in 23 Pa.C.S. § 6344 (relating to information relating to prospective child-care personnel), an individual who applies to the department for a registration certificate to operate a family child day-care home shall include in the application a report of criminal history information and child abuse history record information, as described in 23 Pa.C.S. § 6344, regarding every individual 14 years of age or older who resides in the home for at least 30 days in a calendar year.

Section 5. Denial, nonrenewal or revocation of registration.

The department shall refuse to issue or renew a registration certificate or shall revoke a registration certificate if the family day-care home provider, an employee of the provider, or an individual 14 years of age or older who has resided in the home of the provider for 30 days in a calendar year:

(1) is named in the central register on child abuse established under 23 Pa.C.S. Ch. 63 (relating to child protective services) as the perpetrator of a founded report of child abuse; or

(2) has been found guilty of or adjudicated delinquent for an offense enumerated in 23 Pa.C.S. § 6344(c) (relating to information relating to prospective child-care personnel).

Amend Sec. 4, page 3, line 5, by striking out "4" and inserting 6

Amend Sec. 5, page 3, line 9, by striking out "5" and inserting 7

On the question,

Will the House agree to the amendment?

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

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, I ask for support for amendment 6017.

This amendment requires family day-care providers to submit child abuse and criminal record history clearance checks on individuals 14 years of age or older who reside in a home for at least 30 days in a calendar year. The Department of Public Welfare is prohibited from issuing or renewing a registration certificate for a family day-care home and must revoke their registration certificate if the provider, an employee of the provider, or an individual 14 years of age or older who has resided in the home for 30 days in a calendar year, if the following is true: The individual is named in the central register on child abuse as the perpetrator of a founded report; two, the individual was found guilty of or adjudicated delinquent for a serious offense identified in the Child Protection Service Law, under section 6344, including such crimes as homicide, rape, aggravated indecent assault, sexual abuse, or endangering the welfare of children.

Mr. Speaker, there are currently 4,132 family day-care centers in the Commonwealth as of today, and they are growing. We have more children in day care than any other time in history. This amendment attempts to make a safer environment for those children. It also attempts to put the family, the parents, their mind at ease.

Let me say, Mr. Speaker, that over 10 percent, over 10 percent, of abuse that happens in family day-care centers is caused by other members in that household. This amendment will go a long way in protecting these children.

This was also passed by the House last year as a bill that I introduced, and I respectfully ask my members, my colleagues in the House on both sides of the aisle, to support this amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—193

Adolph	Durham	Maitland	Schuler
Allen	Egolf	Major	Scrimanti
Argall	Fairchild	Manderino	Semmel
Armstrong	Fajt	Markosek	Serafini
Baker	Fargo	Marsico	Shaner
Bard	Farmer	Masland	Sheehan
Barley	Feese	Mayernik	Smith, B.
Battisto	Fichter	McCall	Smith, S. H.
Bebko-Jones	Fleagle	McGeehan	Snyder, D. W.
Belardi	Flick	McGill	Staback
Belfanti	Gamble	Melio	Stairs
Birmelin	Gannon	Merry	Steelman
Bishop	Geist	Michlovic	Steil
Blaum	George	Micozzie	Stern
Boscola	Gigliotti	Miller	Stetler
Boyes	Gladeck	Mundy	Stish
Brown	Godshall	Nailor	Strittmatter
Browne	Gordner	Nickol	Sturla
Bunt	Gruitza	Nyce	Surra
Butkovitz	Gruppo	O'Brien	Tangretti
Buxton	Habay	Olasz	Taylor, E. Z.
Caltagirone	Haluska	Oliver	Taylor, J.
Cappabianca	Hanna	Perzel	Thomas
Carone	Harhart	Pesci	Tigue
Cawley	Hennessey	Petrarca	Travaglio
Chadwick	Herman	Petrone	Trello
Civera	Hess	Pettit	Trich
Clark	Horsey	Phillips	True
Clymer	Hutchinson	Pistella	Tulli
Cohen, L. I.	Itkin	Pitts	Vance
Cohen, M.	Jadlowiec	Platts	Van Horne
Colafella	Jarolin	Preston	Veon
Colaizzo	Kaiser	Ramos	Vitali
Conti	Keller	Raymond	Walko
Cornell	Kenney	Readshaw	Washington
Corpora	King	Reber	Waugh
Corrigan	Kirkland	Reinard	Williams
Cowell	Krebs	Rieger	Wogan
Coy	Kukovich	Roberts	Wozniak
Curry	LaGrotta	Robinson	Wright, D. R.
Daley	Laughlin	Roebuck	Wright, M. N.
DeLuca	Lawless	Rohrer	Yewcic
Dempsey	Lederer	Rublely	Youngblood
Dent	Leh	Rudy	Zimmerman
Dermody	Lescovitz	Sainato	Zug
DeWeese	Levdansky	Santoni	
DiGirolamo	Lloyd	Sather	Ryan,
Donatucci	Lucyk	Saylor	Speaker
Druce	Lynch	Schroder	

NAYS—0

NOT VOTING—5

Carn	James	Josephs	Myers
Hershey			

EXCUSED—4

Evans	Hasay	Mihalich	Rooney
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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. VEON offered the following amendment No. A6002:

Amend Title, page 1, line 4, by removing the period after "care" and inserting

; and providing for a toll-free telephone number.

Amend Bill, page 3, by inserting between lines 4 and 5 Section 4. Toll-free telephone number.

The Department of Public Welfare shall establish and advertise the availability of a toll-free telephone number by which consumers may inquire and receive prompt information on the history and nature of violations committed by any provider of child day-care services.

Amend Sec. 4, page 3, line 5, by striking out "4" and inserting 5

Amend Sec. 5, page 3, line 9, by striking out "5" and inserting 6

On the question,

Will the House agree to the amendment?

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

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, the gentleman, Mr. Veon, was called off the floor and asked me to offer these amendments on his behalf.

Amendment 6002 establishes a toll-free number for the citizens in Pennsylvania with regard to the availability of day care in Pennsylvania.

Once again, going in the direction of availability in making consumers aware of what their options are, as we all know, in many departments and in many bureaus and agencies in the Commonwealth, there exists toll-free numbers, "1-800" numbers. This amendment seeks to establish one for the availability and affordability of day care in Pennsylvania.

It is a good amendment, and I ask for the members' approval.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-184

Adolph	DiGirolamo	Levdansky	Schroder
Allen	Donatucci	Lloyd	Schuler
Argall	Druce	Lucyk	Scrimenti
Armstrong	Durham	Maitland	Semmel
Baker	Egolf	Major	Serafini
Bard	Fairchild	Manderino	Shaner
Barley	Fajt	Markosek	Smith, B.
Banisto	Feese	Marsico	Snyder, D. W.
Bebko-Jones	Fichter	Masland	Staback
Belardi	Fleagle	Mayernik	Stairs
Belfanti	Flick	McCall	Steelman
Birmelin	Gamble	McGeehan	Steil
Bishop	Gannon	McGill	Stern
Blaum	Geist	Melio	Stetler
Boscola	George	Merry	Stish
Boyes	Gigliotti	Michlovic	Strittmatter

Brown	Gladeck	Micozzie	Sturla
Browne	Godshall	Mundy	Surra
Bunt	Gordner	Myers	Tangretti
Butkovitz	Gruitza	Nailor	Taylor, E. Z.
Buxton	Gruppo	O'Brien	Taylor, J.
Caltagirone	Habay	Olasz	Thomas
Cappabianca	Haluska	Oliver	Tigue
Carn	Hanna	Perzel	Travaglio
Carone	Hennessey	Pesci	Trello
Cawley	Herman	Petrarca	Trich
Chadwick	Hershey	Petrone	True
Civera	Hess	Phillips	Tulli
Clark	Horsey	Pistella	Vance
Clymer	Hutchinson	Pitts	Van Horne
Cohen, L. I.	Itkin	Platts	Veon
Cohen, M.	Jadlowiec	Preston	Vitali
Colafella	James	Ramos	Walko
Colaizzo	Jarolin	Raymond	Washington
Conti	Josephs	Readshaw	Williams
Cornell	Kaiser	Reber	Wogan
Corpora	Keller	Reinard	Wozniak
Corrigan	Kerney	Rieger	Wright, D. R.
Cowell	King	Roberts	Wright, M. N.
Coy	Kirkland	Robinson	Yewcic
Curry	Krebs	Roebuck	Youngblood
Daley	Kukovich	Rubley	Zimmerman
DeLuca	LaGrotta	Rudy	Zug
Dempsey	Laughlin	Sainato	
Dent	Lawless	Santoni	Ryan,
Dermody	Lederer	Sather	Speaker
DeWeese	Lescovitz		

NAYS-14

Fargo	Lynch	Pettit	Sheehan
Farmer	Miller	Rohrer	Smith, S. H.
Harhart	Nickol	Saylor	Waugh
Leh	Nyce		

NOT VOTING-0

EXCUSED-4

Evans	Hasay	Mihalich	Rooney
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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. VEON offered the following amendment No. A6010:

Amend Title, page 1, line 4, by removing the period after "care" and inserting

; and providing for a child day-care consumer guide.

Amend Sec. 2, page 2, by inserting between lines 8 and 9

"Provider profile." Information specific to each regulated child day-care provider contained in a simple and easily understandable information sheet which shall include, but not be limited to, the following:

(1) Name, address and telephone number of the provider of child day-care services.

(2) Type of child day-care provider.

(3) The expiration date of the provider's certification of compliance or registration certificate.

(4) Hours of operation.

(5) Typical enrollment by age level.

(6) A brief list or description of services provided or available.

Amend Bill, page 3, by inserting between lines 4 and 5 Section 4. Child day-care consumer guide.

(a) General rule.—The Department of Public Welfare, or the entity with which it contracts to perform child day-care resource and referral services, shall develop, distribute and annually update a child day-care consumer guide for each county or other defined geographical area of this Commonwealth.

(b) Contents.—The child day-care consumer guide shall be a consumer orientated compilation of the following:

(1) A brief description of the types of regulated child day care in this Commonwealth.

(2) A compilation of provider profiles for that specific area.

(3) A general checklist of recommended questions and issues for parents to consider in choosing child day-care services.

(4) A telephone number by which consumers may inquire and receive prompt provider specific information on the history and nature of violations committed by any provider of child day-care services.

(5) Any other useful consumer orientated information.

(c) Regulations.—The Department of Public Welfare shall promulgate rules and regulations to implement the provisions of this section.

Amend Sec. 4, page 3, line 5, by striking out "4" and inserting 5

Amend Sec. 5, page 3, line 9, by striking out "5" and inserting 6

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

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

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, amendment 6010 establishes a consumer guide for parents throughout Pennsylvania in describing and assisting them in knowing what are the questions to ask and how to tell one day-care center from another, what to look for, which is a good day-care center, and how to realize and the proper questions to ask when you enter these facilities in trying to determine whether or not you are going to place your child there and whether or not it is the kind of center that you perhaps think is best for your child.

Many times people do not know the correct things to look for or the correct questions to ask. This amendment seeks to establish a consumer guide, a consumer pamphlet, which will be distributed by the department so that people will be provided with the necessary information, the correct information, things to look for, the proper questions to ask in trying to better select their day-care center for their child.

Again, I think it is a good amendment worthy of inclusion in this bill, and I ask for the members' approval.

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

The following roll call was recorded:

YEAS—172

Adolph	DeWeese	Lederer	Scrimenti
Allen	DiGirolamo	Lescovitz	Semmel
Argall	Donatucci	Levdansky	Serafini
Armstrong	Druce	Lloyd	Shaner
Baker	Durham	Lucyk	Smith, B.
Bard	Fairchild	Manderino	Snyder, D. W.
Barley	Fajt	Markosek	Staback
Battisto	Feese	Marsico	Stairs
Bebko-Jones	Fichter	Mayernik	Steelman
Belardi	Fleagle	McCall	Stetler
Belfanti	Flick	McGeehan	Stish
Birmelin	Gamble	McGill	Strittmatter
Bishop	Gannon	Melio	Sturla
Blaum	Geist	Michlovic	Surra
Boscola	George	Micozzie	Tangretti
Boyes	Gigliotti	Mundy	Taylor, E. Z.
Browne	Gladeck	Myers	Taylor, J.
Bunt	Godshall	Nailor	Thomas
Butkovitz	Gordner	O'Brien	Tigue
Buxton	Gruitza	Oliver	Travaglio
Caltagirone	Gruppo	Perzel	Trelo
Cappabianca	Habay	Pesci	Trich
Carone	Haluska	Petrarca	True
Cawley	Hanna	Petrone	Tulli
Chadwick	Hennessey	Phillips	Vance
Civera	Herman	Pitts	Van Horne
Clark	Hershey	Preston	Veon
Clymer	Hess	Ramos	Vitali
Cohen, L. I.	Horsey	Raymond	Walko
Cohen, M.	Hutchinson	Readshaw	Washington
Colafella	Itkin	Reber	Williams
Colaizzo	Jadlowiec	Reinard	Wogan
Conti	James	Rieger	Wozniak
Cornell	Jarolin	Roberts	Wright, D. R.
Corpora	Josephs	Robinson	Wright, M. N.
Corrigan	Kaiser	Roebuck	Yewcic
Cowell	Keller	Rubley	Youngblood
Coy	Kenney	Rudy	Zimmerman
Curry	King	Sainato	Zug
Daley	Kirkland	Santoni	
DeLuca	Krebs	Sather	
Dempsey	Kukovich	Schroder	Ryan,
Dent	LaGrotta	Schuler	Speaker
Dermody	Laughlin		

NAYS—23

Brown	Leh	Miller	Saylor
Egolf	Lynch	Nickol	Sheehan
Fargo	Maitland	Nyce	Smith, S. H.
Farmer	Major	Pettit	Stern
Harhart	Masland	Platts	Waugh
Lawless	Merry	Rohrer	

NOT VOTING—3

Carn	Olasz	Pistella
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EXCUSED—4

Evans	Hasay	Mihalich	Rooney
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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. Is the lady, Ms. Washington, on the floor?
Is anyone here prepared to offer her amendment?
The clerk will read amendment 5998.

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

Ms. WASHINGTON reoffered the following amendment No. A5998:

Amend Title, page 1, line 4, by removing the period after "care" and inserting

; and providing for inspection of family child day-care homes.

Amend Bill, page 3, by inserting between lines 4 and 5 Section 4. Inspection of family child day-care homes.

The department or authorized agent of the department shall have the right to enter, visit and inspect upon complaint or upon request of the caregiver, any family child day-care home and shall have free and full access to the premises where children are cared for, all records of the premises which relate to the children's care and to the children cared for therein and full opportunity to speak with or observe the children. The department annually shall inspect at least 25% of all registered family child day-care homes.

Amend Sec. 4, page 3, line 5, by striking out "4" and inserting
5

Amend Sec. 5, page 3, line 9, by striking out "5" and inserting
6

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

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

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, what we are doing today with all of these bills and amendments I think is improving the safety and efficiency of day-care centers throughout Pennsylvania. Representative Washington's amendment is a step in that direction.

Currently we inspect about 5 percent of the day-care homes in Pennsylvania. At that rate, that means that the average day-care home will not be inspected except for once every 20 years. We all know that that is inadequate. This amendment seeks to send a message that more inspections are necessary and to up that 5 percent to 25 percent that should be inspected on a yearly basis.

I ask the members for their approval of this amendment.

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

The following roll call was recorded:

YEAS-177

Adolph	DeWeese	Lescovitz	Schroder
Allen	DiGirolamo	Levdansky	Schuler
Argall	Donatucci	Lloyd	Scrimenti
Armstrong	Druce	Lucyk	Semmel
Baker	Durham	Major	Serafini
Bard	Fairchild	Manderino	Shaner
Barley	Fajt	Markosek	Sheehan
Battisto	Fargo	Marsico	Smith, B.
Bebko-Jones	Feece	Mayernik	Staback
Belardi	Fichter	McCall	Stairs
Belfanti	Fleagle	McGeehan	Steelman
Birmelin	Flick	McGill	Steil
Bishop	Gamble	Melio	Stetler
Blaum	Gannon	Merry	Stish
Boscola	Geist	Michlovic	Strittmatter
Boyes	George	Micozzie	Sturla
Brown	Gigliotti	Mundy	Surra
Browne	Gladeck	Myers	Tangretti
Bunt	Godshall	Nailor	Taylor, E. Z.
Butkovitz	Gordner	O'Brien	Taylor, J.
Buxton	Gruitza	Olasz	Thomas
Caltagirone	Gruppo	Oliver	Tigue
Cappabianca	Habay	Perzel	Travaglio
Carone	Haluska	Pesci	Trello
Cawley	Hanna	Petrarca	Trich
Chadwick	Herman	Petrone	True
Civera	Hershey	Phillips	Tulli
Clark	Hess	Pistella	Van Horne
Clymer	Horsey	Pitts	Veon
Cohen, L. I.	Hutchinson	Platts	Vitali
Cohen, M.	Itkin	Preston	Walko
Colafrilla	Jadlowiec	Ramos	Washington
Colaizzo	James	Raymond	Williams
Conti	Jarolin	Readshaw	Wogan
Cornell	Josephs	Reber	Wozniak
Corpora	Kaiser	Reinard	Wright, D. R.
Corrigan	Keller	Rieger	Wright, M. N.
Cowell	Kenney	Roberts	Yewcic
Coy	King	Robinson	Youngblood
Curry	Kirkland	Roebuck	Zimmerman
Daley	Krebs	Ruby	Zug
DeLuca	Kukovich	Rudley	
Dempsey	LaGrotta	Sainato	Ryan,
Dent	Laughlin	Santoni	Speaker
Dermody	Lederer	Sather	

NAYS-19

Egolf	Lynch	Nyce	Snyder, D. W.
Farmer	Maitland	Pettit	Stern
Hennessey	Masland	Rohrer	Vance
Lawless	Miller	Saylor	Waugh
Leh	Nickol	Smith, S. H.	

NOT VOTING-2

Carn	Harhart
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EXCUSED-4

Evans	Hasay	Mihalich	Rooney
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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?

Does the lady, Mrs. Lederer, desire recognition on final passage?

Mrs. LEDERER. Mr. Speaker, there are few occasions where we have the opportunity to vote for legislation that immediately would put our children and our grandchildren in a position where they are well protected. This is one of those occasions.

I urge everyone to vote for HB 2073 so that children will have on premises day-care workers who are qualified in CPR (cardiopulmonary resuscitation), in lifesaving, in breathing techniques and choking techniques, and all the pediatric techniques necessary.

I urge a "yes" vote. Thank you, Mr. Speaker.
The SPEAKER. The Chair thanks the lady.

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.

YEAS—197

Adolph	Egolf	Lynch	Schroder
Allen	Fairchild	Maitland	Schuler
Argall	Fajt	Major	Scriminti
Armstrong	Fargo	Manderino	Semmel
Baker	Farmer	Markosek	Serafini
Bard	Feese	Marsico	Shaner
Barley	Fichter	Masland	Sheehan
Battisto	Fleagle	Mayernik	Smith, B.
Bebko-Jones	Flick	McCall	Smith, S. H.
Belardi	Gamble	McGeehan	Snyder, D. W.
Belfanti	Gannon	McGill	Staback
Birmelin	Geist	Melio	Stairs
Bishop	George	Merry	Steelman
Blaum	Gigliotti	Michlovic	Steil
Boscola	Gladeck	Micozzie	Stern
Boyes	Godshall	Miller	Stetler
Brown	Gordner	Mundy	Stish
Browne	Gruitza	Myers	Strittmatter
Bunt	Gruppo	Nailor	Sturla
Butkovitz	Habay	Nickol	Surra
Buxton	Haluska	Nyce	Tangretti
Caltagirone	Hanna	O'Brien	Taylor, E. Z.
Cappabianca	Harhart	Olasz	Taylor, J.
Carone	Hennessey	Oliver	Thomas
Cawley	Herman	Perzel	Tigue
Chadwick	Hershey	Pesci	Travaglio
Civera	Hess	Petrarca	Trello
Clark	Horsey	Petrone	Trich
Clymer	Hutchinson	Pettit	True
Cohen, L. I.	Itkin	Phillips	Tulli
Cohen, M.	Jadlowiec	Pistella	Vance
Colaella	James	Pitts	Van Horne
Colaizzo	Jarolin	Platts	Veon
Conti	Josephs	Preston	Vitali
Cornell	Kaiser	Ramos	Walko
Corpora	Keller	Raymond	Washington
Corrigan	Kenney	Readshaw	Waugh
Cowell	King	Reber	Williams

Coy	Kirkland	Reinard	Wogan
Curry	Krebs	Rieger	Wozniak
Daley	Kukovich	Roberts	Wright, D. R.
DeLuca	LaGrotta	Robinson	Wright, M. N.
Dempsey	Laughlin	Roebuck	Yewcic
Dent	Lawless	Rohrer	Youngblood
Dermody	Lederer	Rubley	Zimmerman
DeWeese	Leh	Rudy	Zug
DiGirolamo	Lescovitz	Sainato	
Donatucci	Levdansky	Santoni	Ryan,
Druce	Lloyd	Sather	Speaker
Durham	Lucyk	Saylor	

NAYS—0

NOT VOTING—1

Carn

EXCUSED—4

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

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

ADDITIONS AND DELETIONS OF SPONSORS

The SPEAKER. The Chair acknowledges receipt of additions and deletions for sponsorships of bills, which the clerk will file.

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

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 28, PN 2890 (Amended) By Rep. GEIST

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for impounding vehicles.

TRANSPORTATION.

HB 324, PN 327 By Rep. CORNELL

An Act amending the act of April 14, 1972 (P.L.221, No.63), known as the Pennsylvania Drug and Alcohol Abuse Control Act, further providing for the disclosure of records.

HEALTH AND HUMAN SERVICES.

HB 466, PN 2891 (Amended) By Rep. FLICK

An Act amending the act of July 29, 1953 (P.L.970, No.235), Forest Fire Protection Compact Act, authorizing the admission of other states into the compact; and making an editorial change.

INTERGOVERNMENTAL AFFAIRS.

HB 1036, PN 1151

By Rep. CORNELL

An Act providing for Commonwealth support for a Mental Health and Mental Retardation Staff Member Loan Forgiveness Program for *Commonwealth residents who graduate from institutions of higher education and who apply their degrees to careers as mental health and mental retardation staff members in this Commonwealth.*

HEALTH AND HUMAN SERVICES.

HB 1896, PN 2335

By Rep. GEIST

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for a special registration plate for members of the Civilian Conservation Corps.

TRANSPORTATION.

HB 1987, PN 2462

By Rep. GEIST

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for a special registration plate for submarine veterans.

TRANSPORTATION.

HB 2091, PN 2889 (Amended)

By Rep. GEIST

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for reciprocity agreements.

TRANSPORTATION.

HB 2201, PN 2785

By Rep. GEIST

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, authorizing the incurring of indebtedness, with the approval of the electorate, for loans to owners of public airports for capital improvements, facilities and equipment; providing for the creation of the Pennsylvania Airport Capital Loan Fund; adding provisions relating to rail freight preservation and improvement; establishing the Pennsylvania Railroad Authority; providing for the creation of the Pennsylvania Railway Capital Loan Fund; and making a repeal.

TRANSPORTATION.

SB 140, PN 1447

By Rep. GEIST

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for accidents involving death or personal injury.

TRANSPORTATION.

SB 577, PN 1233

By Rep. MICOZZIE

An Act amending the act of May 17, 1921 (P. L. 789, No. 285), entitled, as amended, "The Insurance Department Act of 1921," further providing for brokers' licenses.

INSURANCE.

SB 684, PN 1630 (Amended)

By Rep. GEIST

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the use of school bus or school vehicle plates and for maximum speed limits; and providing for utility trailers, for liability insurance and for the authority to erect traffic-control devices.

TRANSPORTATION.

**BILL REPORTED AND REREFERRED TO
COMMITTEE ON INSURANCE****HB 2237, PN 2872**

By Rep. CORNELL

An Act providing for parity in health insurance coverage for persons who suffer from mental illness.

HEALTH AND HUMAN SERVICES.

**RESOLUTION REPORTED
FROM COMMITTEE****HR 256, PN 2832**

By Rep. FLICK

A Concurrent Resolution memorializing Congress to enact legislation to further protect the eligibility of volunteers in nursing homes and other assisted-living institutions.

INTERGOVERNMENTAL AFFAIRS.

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader, Mr. PERZEL.

Mr. PERZEL. Mr. Speaker, I move that HB 28, HB 324, and HB 1896 be removed from the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILLS RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader. Mr. PERZEL. Mr. Speaker, I move that HB 28, HB 324, and HB 1896 be recommitted to the Committee on Appropriations.

On the question,

Will the House agree to the motion?

Motion was agreed to.

CONDOLENCE RESOLUTION

The SPEAKER. The Chair is about to take up a condolence resolution.

The members will please take their seats. The Sergeant at Arms will close the doors of the House.

The clerk will read the resolution.

The following resolution was read:

COMMONWEALTH OF PENNSYLVANIA
THE HOUSE OF REPRESENTATIVES

RESOLUTION

WHEREAS, William D. Hutchinson of Pottsville, a distinguished jurist and former legislator, recently passed away at the age of sixty-three; and

WHEREAS, A federal appeals judge whose career included ten years as a member of the Pennsylvania House of Representatives, Judge Hutchinson began his tenure on the 3rd Circuit Court of Appeals in 1987, prior to which he served as a justice of the Pennsylvania Supreme Court. He was one of the premier legal scholars while serving in the House of Representatives where he chaired the Ethics Committee and the Subcommittee on Courts. Earlier, Judge Hutchinson had been a Schuylkill County assistant district attorney and county solicitor, in addition to maintaining a private practice. Very active in the First United Methodist Church of Pottsville, he served as a lay leader. He was a graduate of Moravian College and earned his law degree from Harvard University; now therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania note with deep regret the passing of William D. Hutchinson whose life and public service career greatly benefited all those who lived, served and worked with him; express heartfelt condolences to his wife, Louise Meloney Hutchinson; sons, William, Jr., and Andrew; and daughters, Kathryn and Louise; and be it further

RESOLVED, That a copy of this resolution be transmitted to Mrs. Louise Hutchinson.

We hereby certify that the foregoing is an exact copy of a resolution introduced in the House of Representatives by the Honorable Matthew J. Ryan and unanimously adopted by the House of Representatives.

Matthew Ryan
Speaker of the House
ATTEST:
Ted Mazia
Chief Clerk of the House

On the question,
Will the House adopt the resolution?

The SPEAKER. Those in favor of the resolution will rise and remain standing as a mark of respect for the deceased former member. Guests will also please rise.

(Whereupon, the members of the House and all visitors stood in a moment of silence in solemn respect to the memory of the Honorable William D. Hutchinson.)

The SPEAKER. The resolution has been unanimously adopted. The Sergeant at Arms will open the doors of the House.

RULES SUSPENDED

The SPEAKER. The Chair recognizes the majority leader, Mr. Perzel.

Mr. PERZEL. Mr. Speaker, I move that the rules of the House be suspended to permit House concurrent resolution 167 to be considered immediately.

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

The following roll call was recorded:

YEAS-187

Adolph	Durham	Lloyd	Schroder
Allen	Egolf	Lucyk	Schuler
Argall	Fairchild	Major	Scrimenti
Armstrong	Fajt	Manderino	Semmel
Baker	Fargo	Markosek	Serafini
Bard	Farmer	Marsico	Shaner
Barley	Feese	Masland	Sheehan
Battisto	Fichter	Mayernik	Smith, B.
Bebko-Jones	Fleagle	McCall	Smith, S. H.
Belardi	Flick	McGeehan	Snyder, D. W.
Belfanti	Gamble	McGill	Staback
Birmelin	Gannon	Melio	Stairs
Bishop	Geist	Merry	Stern
Blaum	George	Micozzie	Stetler
Boscola	Gigliotti	Miller	Stish
Boyes	Gladeck	Mundy	Strittmatter
Brown	Godshall	Myers	Sturla
Browne	Gordner	Naitor	Surra
Bunt	Gruitza	Nickol	Tangretti
Butkovitz	Gruppo	Nyce	Taylor, E. Z.
Buxton	Habay	O'Brien	Taylor, J.
Caltagirone	Haluska	Olasz	Thomas
Cappabianca	Harhart	Oliver	Tigue
Cawley	Hennessey	Perzel	Travaglio
Chadwick	Herman	Pesci	Trello
Civera	Hershey	Petrarca	Trich
Clark	Hess	Petrone	True
Clymer	Horsey	Pettit	Tulli
Cohen, L. I.	Hutchinson	Phillips	Vance
Cohen, M.	Itkin	Pistella	Van Horne
Colaella	Jadlowiec	Pitts	Veon
Colaizzo	James	Preston	Vitali
Conti	Jarolin	Ramos	Walko
Cornell	Josephs	Raymond	Washington
Corpora	Kaiser	Readshaw	Waugh
Corrigan	Keller	Reber	Williams
Cowell	Kenney	Reinard	Wogan
Coy	King	Rieger	Wozniak
Curry	Kirkland	Roberts	Wright, D. R.
Daley	Kukovich	Roebuck	Wright, M. N.
DeLuca	LaGrotta	Rohrer	Yewcic
Dempsey	Laughlin	Rubley	Youngblood
Dent	Lawless	Rudy	Zimmerman
Dermody	Lederer	Sainato	Zug
DeWeese	Leh	Santoni	
DiGirolamo	Lescovitz	Sather	Ryan,
Donatucci	Levdansky	Saylor	Speaker
Druce			

NAYS-9

Carone	Lynch	Platts	Steelman
Hanna	Maitland	Robinson	Steil
Krebs			

NOT VOTING-2

Cam	Michlovic
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EXCUSED-4

Evans	Hasay	Mihalich	Rooney
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A majority of the members elected to the House having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

RESOLUTION

Mr. LESCOVITZ called up **HR 167, PN 2047**, entitled:

A Concurrent Resolution encouraging and supporting full participation by Taiwan, the Republic of China, in the United Nations.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-192

Adolph	Durham	Lynch	Saylor
Allen	Egolf	Maitland	Schroder
Argall	Fairchild	Major	Schuler
Armstrong	Fajt	Manderino	Scriminti
Baker	Fargo	Markosek	Semmel
Bard	Farmer	Marsico	Serafini
Barley	Feese	Masland	Shaner
Battisto	Fichter	Mayernik	Sheehan
Bebko-Jones	Fleagle	McCall	Smith, B.
Belardi	Flick	McGeehan	Smith, S. H.
Belfanti	Gamble	McGill	Snyder, D. W.
Birmelin	Gannon	Melio	Staback
Bishop	Geist	Merry	Stairs
Blaum	George	Michlovic	Steelman
Boscola	Gigliotti	Micozzie	Stern
Boyes	Gladeck	Miller	Stetler
Brown	Godshall	Mundy	Stish
Browne	Gruitza	Myers	Strittmatter
Bunt	Gruppo	Nailor	Sturla
Butkovitz	Habay	Nyce	Surra
Buxton	Haluska	O'Brien	Tangretti
Caltagirone	Hanna	Olasz	Taylor, E. Z.
Cappabianca	Harhart	Oliver	Taylor, J.
Carn	Hennessey	Perzel	Thomas
Cawley	Herman	Pesci	Tigue
Chadwick	Hershey	Petrarca	Travaglio
Civera	Hess	Petrone	Trello
Clark	Horsey	Petit	Trich
Clymer	Hutchinson	Phillips	True
Cohen, L. J.	Itkin	Pistella	Tulli
Cohen, M.	Jadlowiec	Pitts	Vance
Colafiglia	James	Platts	Veon
Colaizzo	Jarolin	Preston	Vitali
Conti	Josephs	Ramos	Walko
Cornell	Kaiser	Raymond	Washington
Corpora	Keller	Readshaw	Waugh
Corrigan	Kenney	Reber	Williams
Cowell	King	Reinard	Wogan
Coy	Kirkland	Rieger	Wozniak
Curry	Krebs	Roberts	Wright, D. R.
Daley	Kukovich	Robinson	Wright, M. N.
DeLuca	LaGrotta	Roebuck	Yewcic
Dempsey	Laughlin	Rohrer	Youngblood
Dent	Lawless	Rubley	Zimmerman
Dermody	Lederer	Rudy	Zug
DeWeese	Leh	Sainato	
DiGirolando	Lescovitz	Santoni	Ryan,
Donatucci	Lloyd	Sather	Speaker
Druce	Lucyk		

NAYS-2

Carone	Steil
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NOT VOTING-4

Gordner	Levdansky	Nickol	Van Horne
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EXCUSED-4

Evans	Hasay	Mihalich	Rooney
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The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

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

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2191, PN 2753**, entitled:

An Act providing for the inspection of child-care facilities.

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

Ms. **MANDERINO** offered the following amendment No. **A5763**:

Amend Bill, page 2, by inserting between lines 16 and 17

Section 4. Staff.

The department shall have a staff complement of at least 59 child day-care inspectors for the purpose of inspecting child day-care centers. The department shall not reduce this number without the approval of the General Assembly.

Section 5. Applicability.

Section 4 shall apply after June 30, 1996.

Amend Sec. 4, page 2, line 17, by striking out "4" and inserting

6

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

The **SPEAKER**. On the question, the Chair recognizes the lady. Ms. **MANDERINO**. Thank you, Mr. Speaker.

Mr. Speaker, this amendment would require starting next fiscal year, July 1 of 1996, for the department to increase its staff complement of child day-care inspectors by at least 10 by asking that there be at least 59 child-care inspectors acting within the department.

Currently there are 49 inspectors, and based on the examples that were mentioned when we ran the last bill, for the 4,000-plus family day-care homes there are only 7 inspectors statewide who oversee those 4,000 homes. What that means is that none of those homes get any kind of inspection unless somebody calls in to register a complaint, like the example that happened in Luzerne County this summer.

A couple weeks ago we passed a bill that dealt with the fire safety requirements of family day-care homes, and in that bill we required an annual visitation in order to check and make sure that the fire smoke alarms and detectors that we said was all a family day-care home needed are actually working and operating.

In addition, we have over 3,000 day-care centers and over 600 group day-care homes, and for those homes which have annual inspections, we have only 42 inspectors for the whole State, which means if you have listened to testimony that the department gave to the Health and Human Services Committee, they pretty much can get around for their annual inspections but unannounced inspections are very difficult because of the limited number of inspectors they have for the thousands of sites across the State.

We have made some important steps in the past few weeks with regard to improving our day-care facilities and requirements. We did it in the last bill, Representative Lederer's bill.

This bill implements or requires the department to implement the staff that would be necessary to provide the kind of investigations that we are saying in these bills we want the department to do, and it gives the department the flexibility to either come to the General Assembly with their next appropriation and ask for the appropriation necessary to require that or to reorganize their own staff based on the priorities that we have given them and therefore may not need an appropriation increase at all. But what this is doing is saying to the department, we, the General Assembly, take this issue of inspection so seriously that we want to see you increase your complement by at least 10 inspectors for next fiscal year in order to implement the changes that we are suggesting.

And I hope that all of the members will vote "yes" on this amendment.

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

The following roll call was recorded:

YEAS-165

Adolph	DeWeese	Levdansky	Schuler
Allen	DiGirolamo	Lloyd	Scrimanti
Argall	Donatucci	Lucyk	Semmel
Baker	Druce	Manderino	Shaner
Bard	Durham	Markosek	Sheehan
Barley	Fairchild	Masland	Smith, B.
Battisto	Fajt	Mayernik	Staback
Bebko-Jones	Fichter	McCall	Stairs
Belardi	Fleagle	McGeehan	Steelman
Belfanti	Flick	Melio	Steil
Birmelin	Gamble	Merry	Stern
Bishop	Gannon	Michlovic	Stetler
Blaum	Geist	Micozzie	Stish
Boscola	George	Mundy	Strittmatter
Boyes	Gigliotti	Myers	Sturla
Browne	Gladeck	Nyce	Surra
Bunt	Godshall	O'Brien	Tangretti
Butkovitz	Gordner	Olasz	Taylor, E. Z.
Buxton	Gruitza	Oliver	Taylor, J.
Caltagirone	Gruppo	Perzel	Thomas
Cappabianca	Habay	Pesci	Tigue
Carone	Haluska	Petrarca	Travaglio
Cawley	Hanna	Petrone	Trello
Chadwick	Harhart	Phillips	Trich
Civera	Hennessey	Pistella	True
Clark	Herman	Platts	Tulli
Clymer	Hess	Preston	Van Horne
Cohen, L. I.	Horsey	Ramos	Veon
Cohen, M.	Itkin	Raymond	Vitali
Colafella	James	Readshaw	Walko
Colaizzo	Jarolin	Reber	Washington
Conti	Josephs	Reinard	Williams
Cornell	Kaiser	Rieger	Wogan

Corpora	Keller	Roberts	Wozniak
Corrigan	Kenney	Robinson	Wright, D. R.
Cowell	King	Roebuck	Yewcic
Coy	Kirkland	Rubley	Youngblood
Curry	Kukovich	Rudy	Zimmerman
Daley	LaGrotta	Sainato	
DeLuca	Laughlin	Santoni	Ryan,
Dent	Lederer	Sather	Speaker
Dermody	Lescovitz	Schroder	

NAYS-32

Armstrong	Hutchinson	Marsico	Saylor
Brown	Jadlowiec	McGill	Serafini
Dempsey	Krebs	Miller	Smith, S. H.
Egolf	Lawless	Nailor	Snyder, D. W.
Fargo	Leh	Nickol	Vance
Farmer	Lynch	Pettit	Waugh
Feese	Maitland	Pitts	Wright, M. N.
Hershey	Major	Rohrer	Zug

NOT VOTING-1

Carn

EXCUSED-4

Evans	Hasay	Mihalich	Rooney
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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. **BLAUM** offered the following amendment No. **A5852**:

Amend Title, page 1, line 1, by removing the period after "facilities" and inserting
and for child day-care services and early-childhood development services.

Amend Sec. 1, page 1, by inserting between lines 16 and 17 "Early childhood development services." Services which are intended to provide an environment that enhances the educational, social, cultural, emotional and recreational development of children from birth through eight years of age, but which are not intended to serve as a substitute for academic programs.

Amend Sec. 4, page 2, lines 17 and 18, by striking out all of said lines and inserting

Section 4. Annual comprehensive State plan for child day-care services and early childhood development services.

(a) Comprehensive plan.—Through an annual State plan on child day-care and early childhood development services, the department, in coordination with the Department of Health and the Department of Education, shall establish goals and objectives and review and assess the Commonwealth's child day-care and early childhood development service delivery system, including State efforts to assure the provision of accessible, available and affordable quality child day-care and early childhood development services to the general public. The plan shall be developed in relation to Statewide and local needs and shall take into consideration available demographic studies. It shall reflect the needs of families in different social, economic and cultural circumstances and the needs of children of different ages and stages of development and of children with special needs.

(b) Preliminary plan.—No later than May 1 of each year, the department shall submit to the Aging and Youth Committee, the Appropriations Committee, the Education Committee and the Public Health and Welfare Committee of the Senate and the Aging and Youth Committee, the Appropriations Committee, the Education Committee and the Health and Human Services Committee of the House of Representatives a preliminary State plan on child day-care and early childhood development services. A final State plan shall be submitted by the first week of September of each year.

(c) Purpose of plan.—In the development and implementation of an annual State plan, the department shall promote common policies and practices in programs to the fullest extent possible and develop mechanisms for interagency collaboration to create a coordinated State child day-care and early childhood development delivery system. This shall include simplification and coordination of the application process for families needing services.

(d) Public hearings.—To prepare the preliminary State plan, the department shall hold at least four public hearings in different geographic locations in this Commonwealth to seek input and recommendations from parents, early childhood development professionals, child day-care providers, child advocates, educators, representatives of local government, health and human service organizations, health care professionals, labor organizations, businesses, school officials and any other individuals or agencies interested in issues affecting children and families.

(e) Information in plans.—The preliminary and final State plan shall include the following information:

(1) A summary of recommendations submitted to the department pursuant to Statewide public hearings held in preparation of the preliminary and final State plan and the department's response to the recommendations.

(2) The amount of Federal, State and local funds expended for child day-care and early childhood development services and the allocation of these funds, by the type of care and by administrative costs. Funding shall include, but not be limited to, funding through the Social Services Block Grant Act (Public Law 97-35, 42 U.S.C. § 1397 et seq.); Title IV of the Federal Social Security Act; the Child Care and Development Block Grant Act of 1990 at section 5082 of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508, 104 Stat. 1388); the Head Start Act (Public Law 97-35, 42 U.S.C. § 9831 et seq.); the act of December 19, 1990 (P.L.1372, No.212), known as the Early Intervention Services System Act; the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400 et seq.); and any pertinent appropriation.

(3) A description of child day-care and early childhood development-programs in this Commonwealth, including child day care centers, group child day-care homes, family child day-care homes, school-age child day-care programs, child day care for teen parents, early intervention programs and Head Start programs.

(4) The unduplicated number of children served and assisted with Federal, State and local funds, by type of care and age, the funding source for the services, the average duration of the child care service and the child capacity of regulated providers.

(5) Income eligibility guidelines for federally funded and State-funded child day-care and early childhood development services, sliding fee scales and the extent to which the income guidelines and fee scales are adjusted to reflect the most recent available State income data.

(6) The Commonwealth's practices regarding the monitoring of child day-care and early childhood development programs to ensure the health, safety and welfare of children. In describing the monitoring system, the department shall identify the extent of announced and unannounced inspections of regulated providers, the level of compliance with State standards and the staff-to-provider ratio to accomplish this task. Recommendations on ways to improve both the enforcement and monitoring of standards and compliance with standards shall also be included.

(7) The department's coordination, identification or arrangement of training for providers in specific program areas that are designed to improve the quality of child day-care and early childhood development services. The department shall identify any Federal, State, local or private funding allocated for training, the objectives of the training, the way in which training will be accomplished and an evaluation of the previous year's training programs.

(8) An analysis of any recent demonstration projects related to child day care or early childhood development established by the Department of Public Welfare, the Department of Health or the Department of Education using Federal or State funds, along with a summary of the cost of the projects and the findings and recommendations of the Department of Public Welfare.

(9) A summary of any recent reports, data or surveys concerning the compensation of child day-care and early childhood development professionals, loan forgiveness programs, the Commonwealth's reimbursement rates and any changes in rates recommended by the department.

(10) A summary of the most recent available demographic information related to the need for child day-care and early childhood development programs in this Commonwealth.

(11) Efforts by the private sector and State and local government to encourage employer-sponsored child day-care services and policies aimed at addressing the child day-care needs of working parents.

(12) A description of the responsibilities and programs of various State departments with respect to child day-care and early childhood development services and how coordination between agencies is addressed. The department shall describe its responsibilities and programs under various program offices as well as any related programs or services available through the Department of Aging, the Department of Commerce, the Department of Community Affairs, the Department of Education, the Department of Health and the Department of Labor and Industry.

(13) Standards and training for child day-care providers who receive payment through Federal or State child day-care or early childhood development programs. The standards and training shall promote the health, safety and developmental needs of children.

(14) Identification of gaps in child day-care and early childhood development services, unmet needs and administrative barriers that serve as obstacles to obtaining services and recommendations on how the Commonwealth can address these issues.

(15) Statutory and regulatory changes recommended by the department to address the quality, affordability and availability of child day-care and early childhood development services.

Section 5. Effective date.

This act shall take effect as follows:

(1) Section 4 shall take effect in 180 days.

(2) This section shall take effect immediately.

(3) The remainder of this act shall take effect in 60 days.

On the question,

Will the House agree to the amendment?

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

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, this amendment establishes a State plan for early childhood services including day care where the Departments of Education, Health, and Welfare would cooperate in yearly sitting down and mapping out a strategy for young children to make sure

that the necessary services, services already available to them, are being taken advantage of by the kids and the families of Pennsylvania. And if that is not the case, if they are not getting to these services which we are already spending money to provide, why are they not getting services and how better can this delivery system be improved?

It is a part of a bill that we passed a few years ago in the House here, and I am asking that the members do so again and vote "yes" on this amendment.

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

The following roll call was recorded:

YEAS—195

Adolph	Fairchild	Maitland	Schroder
Allen	Fajt	Major	Schuler
Argall	Fargo	Manderino	Scrimenti
Baker	Farmer	Markosek	Semmel
Bard	Feese	Marsico	Serafini
Barley	Fichter	Masland	Shaner
Battisto	Fleagle	Mayernik	Sheehan
Bebko-Jones	Flick	McCall	Smith, B.
Belardi	Gamble	McGeehan	Smith, S. H.
Belfanti	Gannon	McGill	Snyder, D. W.
Birmelin	Geist	Melio	Staback
Bishop	George	Merry	Stairs
Blaum	Gigliotti	Michlovic	Steelman
Boscola	Gladeck	Micozzie	Steil
Boyes	Godshall	Miller	Stern
Brown	Gordner	Mundy	Stetler
Browne	Gruitza	Myers	Stish
Bunt	Gruppo	Nailor	Strittmatter
Butkovitz	Habay	Nickol	Sturla
Buxton	Haluska	Nyce	Surra
Caltagirone	Hanna	O'Brien	Tangretti
Cappabianca	Harhart	Olasz	Taylor, E. Z.
Carone	Hennessey	Oliver	Taylor, J.
Cawley	Herman	Perzel	Thomas
Chadwick	Hershey	Pesci	Tigue
Civera	Hess	Petrarca	Travaglio
Clark	Horsey	Petrone	Trello
Clymer	Hutchinson	Pettit	Trich
Cohen, L. I.	Itkin	Phillips	True
Cohen, M.	Jadlowiec	Pistella	Tulli
Colaella	James	Pitts	Vance
Colaizzo	Jarolin	Platts	Van Horne
Conti	Josephs	Preston	Veon
Cornell	Kaiser	Ramos	Vitali
Corpora	Keller	Raymond	Walko
Corrigan	Kenney	Readshaw	Washington
Cowell	King	Reber	Waugh
Coy	Kirkland	Reinard	Williams
Curry	Krebs	Rieger	Wogan
Daley	Kukovich	Roberts	Wozniak
DeLuca	LaGrotta	Robinson	Wright, D. R.
Dempsey	Laughlin	Roebuck	Wright, M. N.
Dent	Lawless	Rohrer	Yewcic
Dermody	Lederer	Rublely	Youngblood
DeWeese	Leh	Rudy	Zimmerman
DiGirolamo	Levdansky	Sainato	Zug
Donatucci	Lloyd	Santoni	
Druce	Lucyk	Sather	Ryan,
Durham	Lynch	Saylor	Speaker
Egolf			

NAYS—0

NOT VOTING—3

Armstrong Carn Lescovitz

EXCUSED—4

Evans Hasay Mihalich Rooney

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. **A5855**:

Amend Sec. 1, page 1, line 10, by striking out "form" and inserting from

Amend Sec. 1, page 1, line 16, by striking out "and its authorized agents"

Amend Sec. 2, page 1, line 17, by striking out "Inspection of facilities." and inserting

Inspections of child day-care centers without prior notice.

Amend Sec. 2, page 2, line 5, by striking out "If the facility is a child day-care center, the" and inserting

The

Amend Sec. 2, page 2, line 7, by striking out "facility" and inserting child day-care center

Amend Sec. 3, page 2, line 10, by inserting after "department" annually

Amend Sec. 3, page 2, line 10, by striking out "unannounced"

Amend Sec. 3, page 2, lines 11 and 12, by striking out "each calendar year. Such unannounced" and inserting

without prior notice. The

Amend Sec. 3, page 2, line 12, by striking out "only"

Amend Sec. 3, page 2, lines 12 and 13, by striking out "regulatory standards" and inserting

regulations

Amend Sec. 3, page 2, line 13, by striking out "an immediate" and inserting

a serious

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

The **SPEAKER**. The gentleman, Mr. Blaum.

Mr. **BLAUM**. Thank you, Mr. Speaker.

Mr. Speaker, this bill before us, I think, is perhaps one of the most important ones that we will do dealing with the safety of kids, and it has to do with the inspection of day-care facilities having to do with the immediate - immediate - dangers that may be before the children and the families who are at these day-care centers.

What this amendment does is change the word "immediate" to "serious," and in that way, I think more problems that exist in these day-care facilities can be addressed.

I think it improves the bill, and I ask that the members vote "yes."

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

The following roll call was recorded:

YEAS-197

Adolph	Egolf	Lynch	Schroder
Allen	Fairchild	Maitland	Schuler
Argall	Fajt	Major	Scrimenti
Armstrong	Fargo	Manderino	Semmel
Baker	Farmer	Markosek	Serafini
Bard	Feese	Marsico	Shaner
Barley	Fichter	Masland	Sheehan
Battisto	Fleagle	Mayernik	Smith, B.
Bebko-Jones	Flick	McCall	Smith, S. H.
Belardi	Gamble	McGeehan	Snyder, D. W.
Belfanti	Gannon	McGill	Staback
Birmelin	Geist	Melio	Stairs
Bishop	George	Merry	Steelman
Blaum	Gigliotti	Michlovic	Steil
Boscola	Gladeck	Micozzie	Stern
Boyes	Godshall	Miller	Stetler
Brown	Gordner	Mundy	Stish
Browne	Gruitza	Myers	Strittmatter
Bunt	Gruppo	Nailor	Sturla
Butkovitz	Habay	Nickol	Surra
Buxton	Haluska	Nyce	Tangretti
Caltagirone	Hanna	O'Brien	Taylor, E. Z.
Cappabianca	Harhart	Olasz	Taylor, J.
Carone	Hennessey	Oliver	Thomas
Cawley	Herman	Perzel	Tigue
Chadwick	Hershey	Pesci	Travaglio
Civera	Hess	Petrarca	Trello
Clark	Horsey	Petrone	Trich
Clymer	Hutchinson	Pettit	True
Cohen, L. I.	Itkin	Phillips	Tulli
Cohen, M.	Jadlowiec	Pistella	Vance
Colafella	James	Pitts	Van Horne
Colaizzo	Jarolin	Platts	Veon
Conti	Josephs	Preston	Vitali
Cornell	Kaiser	Ramos	Walko
Corpora	Keller	Raymond	Washington
Corrigan	Kenney	Readshaw	Waugh
Cowell	King	Reber	Williams
Coy	Kirkland	Reinard	Wogan
Curry	Krebs	Rieger	Wozniak
Daley	Kukovich	Roberts	Wright, D. R.
DeLuca	LaGrotta	Robinson	Wright, M. N.
Dempsey	Laughlin	Roebuck	Yewcic
Dent	Lawless	Rohrer	Youngblood
Dermody	Lederer	Rublely	Zimmerman
DeWeese	Leh	Rudy	Zug
DiGirolamo	Lescovitz	Sainato	
Donatucci	Levdansky	Santoni	Ryan,
Druce	Lloyd	Sather	Speaker
Durham	Lucyk	Saylor	

NAYS-0

NOT VOTING-1

Carn

EXCUSED-4

Evans	Hasay	Mihalich	Rooney
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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. DeLUCA offered the following amendment No. A5946:

Amend Title, page 1, line 1, by inserting after "inspection" and registration

Amend Sec. 1, page 1, by inserting between lines 16 and 17 "Family child day-care home." A home other than the child's own home, operated for profit or not for profit, in which child day care is provided at any one time to four, five or six children unrelated to the operator.

Amend Bill, page 2, by inserting between lines 16 and 17

Section 4. Application for registration certificate.

In addition to complying with the requirements set forth in 23 Pa.C.S. § 6344 (relating to information relating to prospective child-care personnel), an individual who applies to the department for a registration certificate to operate a family child day-care home shall include in the application a report of criminal history information and child abuse history record information, as described in 23 Pa.C.S. § 6344, regarding every individual 14 years of age or older who resides in the home for at least 30 days in a calendar year.

Section 5. Denial, nonrenewal or revocation of registration.

The department shall refuse to issue or renew a registration certificate or shall revoke a registration certificate if the family day-care home provider, an employee of the provider, or an individual 14 years of age or older who has resided in the home of the provider for 30 days in a calendar year:

(1) is named in the central register on child abuse established under 23 Pa.C.S. Ch. 63 (relating to child protective services) as the perpetrator of a founded report of child abuse; or

(2) has been found guilty of or adjudicated delinquent for an offense enumerated in 23 Pa.C.S. § 6344(c) (relating to information relating to prospective child-care personnel).

Amend Sec. 4, page 2, line 17, by striking out "4" and inserting

6

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

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

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, this amendment is similar to the one we just passed to HB 2073 which will require family day-care centers to have everyone 14 years or older to have a clearance check.

This bill, as I stated before, this bill passed 2 years ago, and it is a good bill to protect our children in these family day-care settings. I would appreciate an affirmative vote on it. Thank you.

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

The following roll call was recorded:

YEAS-195

Adolph	Egolf	Lynch	Saylor
Allen	Fairchild	Maitland	Schroder
Argall	Fajt	Major	Schuler
Armstrong	Fargo	Manderino	Scrimenti
Baker	Farmer	Markosek	Semmel
Bard	Feese	Marsico	Serafini
Barley	Fichter	Masland	Shaner

Battisto	Fleagle	Mayernik	Sheehan
Bebko-Jones	Flick	McCall	Smith, B.
Belardi	Gamble	McGeehan	Smith, S. H.
Belfanti	Gannon	McGill	Snyder, D. W.
Birmelin	Geist	Melio	Staback
Bishop	George	Merry	Stairs
Blaum	Gigliotti	Michlovic	Steelman
Boscola	Gladeck	Micozzie	Steil
Boyes	Godshall	Miller	Stern
Brown	Gordner	Mundy	Stetler
Browne	Gruitza	Myers	Stish
Bunt	Gruppo	Nailor	Strittmatter
Butkovitz	Habay	Nickol	Sturla
Buxton	Haluska	Nyce	Surra
Caltagirone	Hanna	O'Brien	Tangretti
Cappabianca	Harhart	Olasz	Taylor, E. Z.
Carone	Hennessey	Oliver	Taylor, J.
Cawley	Herman	Perzel	Thomas
Chadwick	Hershey	Pesci	Tigue
Civera	Hess	Petrarca	Travaglio
Clark	Horsey	Petrone	Trello
Clymer	Hutchinson	Pettit	Trich
Cohen, L. I.	Itkin	Phillips	True
Cohen, M.	Jadlowiec	Pistella	Tulli
Colaella	James	Pitts	Vance
Colaizzo	Jarolin	Platts	Van Horne
Conti	Josephs	Preston	Veon
Cornell	Kaiser	Ramos	Vitali
Corpora	Keller	Raymond	Walko
Corrigan	Kenney	Readshaw	Waugh
Cowell	King	Reber	Williams
Coy	Krebs	Reinard	Wogan
Curry	Kukovich	Rieger	Wozniak
Daley	LaGrotta	Roberts	Wright, D. R.
DeLuca	Laughlin	Robinson	Wright, M. N.
Dempsey	Lawless	Roebuck	Yewcic
Dent	Lederer	Rohrer	Youngblood
Dermody	Leh	Rubley	Zimmerman
DeWeese	Lescovitz	Rudy	Zug
DiGirolamo	Levdansky	Sainato	
Donatucci	Lloyd	Santoni	Ryan,
Druce	Lucyk	Sather	Speaker
Durham			

NAYS-0

NOT VOTING-3

Carn	Kirkland	Washington
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EXCUSED-4

Evans	Hasay	Mihalich	Rooney
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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. The Chair apologizes to the gentleman, Mr. Blaum, who has seven amendments, I am told. He has offered two.

The clerk will read the third amendment from the gentleman, Mr. Blaum.

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

Mr. BLAUM offered the following amendment No. A5860:

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

and for dangerous facilities.

Amend Bill, page 2, by inserting between lines 16 and 17

Section 4. Dangerous facilities.

(a) Procedure.—Whenever the department, upon inspection or investigation, shall learn of a violation of this act or of regulations adopted by the department under this act which poses an immediate and serious threat to life, health or safety of the children being cared for in a child day-care center, the following shall apply:

(1) An agent of the department shall take immediate corrective action to eliminate the threat. This paragraph includes securing emergency services and contacting law enforcement authorities. An agent of the department shall remain at the facility when the facility is open for business until the conclusion of the hearing under paragraph (2).

(2) On the next business day after the agent takes corrective action under paragraph (1), the department shall schedule an administrative hearing before a hearing examiner of the department. If the hearing examiner determines that there is a violation of this act or of regulations adopted by the department under this act which poses an immediate and serious threat to life, health or safety of the children being cared for in a child day-care center, the hearing examiner shall order the facility closed until the conclusion of the license revocation proceeding under paragraph (3). The hearing examiner shall make a determination within 30 minutes of conclusion of the presentation of evidence.

(3) Within three business days of taking corrective action under paragraph (1), the agent shall initiate license revocation proceedings under section 1026 of the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, against the licensee of the facility.

(b) Supersedes.—The following shall apply:

(1) An appeal to the department of an order under subsection (a)(2) shall not act as an automatic supersedeas of the decision of the hearing examiner; but, upon cause shown, the department may grant a supersedeas.

(2) An appeal to Commonwealth Court of a decision under paragraph (1) shall not act as an automatic supersedeas of the decision of the department; but, upon cause shown, the court may grant a supersedeas.

(c) Effect of violation of license.—The department shall refuse to issue a license to or shall revoke the license of a facility found to be in violation of the Public Welfare Code in a manner which poses an immediate and serious threat to life, health or safety of the children being cared for in the facility.

Amend Sec. 4, page 2, line 17, by striking out "4" and inserting
5

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

The SPEAKER. The gentleman, Mr. Blaum.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, this is a similar amendment which the House has already adopted to the previous bill dealing with the closure of facilities found by the department to be posing a serious threat to the children who attend there.

As I explained earlier, it has to do with the fact that once the department closes these facilities, that they remain closed until a court determines that they should be allowed to be open, that they would not be allowed to be open simply by filing an appeal to the department's order.

So I would ask that the members approve this amendment.

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

The following roll call was recorded:

YEAS-192

Adolph	Durham	Lucy	Schuler
Allen	Egolf	Maitland	Scrimenti
Argall	Fairchild	Major	Semmel
Armstrong	Fajt	Manderino	Serafini
Baker	Fargo	Markosek	Shaner
Bard	Farmer	Marsico	Sheehan
Barley	Feese	Masland	Smith, B.
Battisto	Fichter	Mayernik	Smith, S. H.
Bebko-Jones	Fleagle	McCall	Snyder, D. W.
Belardi	Flick	McGeehan	Staback
Belfanti	Gamble	McGill	Stairs
Birmelin	Gannon	Melio	Steelman
Bishop	Geist	Merry	Steil
Blaum	George	Michlovic	Stern
Boscola	Gigliotti	Micozzie	Stetler
Boyes	Gladeck	Mundy	Stish
Brown	Godshall	Myers	Strittmatter
Browne	Gordner	Nailor	Sturla
Bunt	Gruitza	Nickol	Surra
Butkovitz	Gruppo	Nyce	Tangretti
Buxton	Habay	O'Brien	Taylor, E. Z.
Caltagirone	Haluska	Olasz	Taylor, J.
Cappabianca	Hanna	Oliver	Thomas
Carone	Harhart	Perzel	Tigue
Cawley	Hennessey	Pesci	Travaglio
Chadwick	Herman	Petrarca	Trello
Civera	Hershey	Petrone	Trich
Clark	Hess	Phillips	True
Clymer	Horsey	Pistella	Tulli
Cohen, L. I.	Hutchinson	Pitts	Vance
Cohen, M.	Itkin	Platts	Van Horne
Colafella	Jadlowiec	Preston	Veon
Colaizzo	James	Ramos	Vitali
Conti	Jarolin	Raymond	Walko
Cornell	Josephs	Readshaw	Washington
Corpora	Kaiser	Reber	Waugh
Corrigan	Keller	Reinard	Williams
Cowell	Kenney	Rieger	Wogan
Coy	King	Roberts	Wozniak
Curry	Kirkland	Robinson	Wright, D. R.
Daley	Krebs	Roebuck	Wright, M. N.
DeLuca	Kukovich	Rubley	Yewcic
Dempsey	LaGrotta	Rudy	Youngblood
Dent	Laughlin	Sainato	Zimmerman
Dermody	Lawless	Santoni	Zug
DeWeese	Lederer	Sather	
DiGirolamo	Lescovitz	Saylor	Ryan,
Donatucci	Levdansky	Schroder	Speaker
Druce	Lloyd		

NAYS-5

Leh	Miller	Pettit	Rohrer
Lynch			

NOT VOTING-1

Carn

EXCUSED-4

Evans Hasay Mihalich Rooney

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. The gentleman, Mr. Blaum.
Mr. BLAUM. Thank you, Mr. Speaker.
Mr. Speaker, just for your information, I am withdrawing amendments 5993 and 5994.
The SPEAKER. The Chair thanks the gentleman.
What amendment would the gentleman like us to consider at this time?
Mr. BLAUM. 5995 would be the next on the list.
The SPEAKER. The clerk will read the amendment.

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

Mr. BLAUM offered the following amendment No. A5995:

Amend Sec. 1, page 1, by inserting between lines 16 and 17
"Family child day-care home." A home other than the child's own home, operated for profit or not for profit, in which child day care is provided at any one time to four, five or six children unrelated to the operator.

Amend Bill, page 2, by inserting between lines 16 and 17
Section 4. Inspection of family child day-care homes.

The department or authorized agent of the department shall have the right to enter, visit and inspect during operational hours, without prior notice, any family child day-care home and shall have free and full access to the premises where children are cared for, all records of the premises which relate to the children's care and to the children cared for therein and full opportunity to speak with or observe the children to determine the standard of child day care being administered.

Amend Sec. 4, page 2, line 17, by striking out "4" and inserting
5

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

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

Mr. BLAUM. Thank you, Mr. Speaker.
Mr. Speaker, this simply includes the family day-care facilities in the unannounced inspection process which we are doing throughout today, and I would ask that the members approve this amendment.

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

The following roll call was recorded:

YEAS-187

Adolph	Fairchild	Lucyk	Scrimenti
Allen	Fajt	Maitland	Semmel
Argall	Fargo	Major	Serafini
Armstrong	Farmer	Manderino	Shaner
Baker	Feese	Markosek	Sheehan
Bard	Fichter	Marsico	Smith, B.
Barley	Fleagle	Masland	Smith, S. H.
Battisto	Flick	Mayernik	Snyder, D. W.
Bebko-Jones	Gamble	McCall	Staback
Belardi	Gannon	McGeehan	Stairs
Belfanti	Geist	McGill	Steelman
Birmelin	George	Melio	Steil
Bishop	Gigliotti	Michlovic	Stern
Blaum	Gladeck	Micozzie	Stetler
Boscola	Godshall	Mundy	Stish
Boyes	Gordner	Myers	Strittmatter
Browne	Gruitza	Nailor	Sturla
Bunt	Gruppo	Nickol	Surra
Butkowitz	Habay	O'Brien	Tangretti
Buxton	Haluska	Olasz	Taylor, E. Z.
Caltagirone	Hanna	Oliver	Taylor, J.
Cappabianca	Harhart	Perzel	Thomas
Carone	Hennessey	Pesci	Tigue
Cawley	Herman	Petrarca	Travaglio
Chadwick	Hershey	Petrone	Trello
Civera	Hess	Phillips	Trich
Clark	Horshey	Pistella	True
Clymer	Hutchinson	Pitts	Tulli
Cohen, L. I.	Itkin	Platts	Vance
Colaella	Jadlowiec	Preston	Van Horne
Colaizzo	James	Ramos	Veon
Conti	Jarolin	Raymond	Vitali
Cornell	Josephs	Readshaw	Walko
Corpora	Kaiser	Reber	Washington
Corrigan	Keller	Reinard	Waugh
Cowell	Kenney	Rieger	Williams
Coy	King	Roberts	Wogan
Curry	Kirkland	Robinson	Wozniak
Daley	Krebs	Roebuck	Wright, D. R.
DeLuca	Kukovich	Rublely	Wright, M. N.
Dempsey	LaGrotta	Rudy	Yewcic
Dent	Laughlin	Sainato	Youngblood
Dermody	Lawless	Santoni	Zimmerman
DeWeese	Lederer	Sather	Zug
DiGirolamo	Lescovitz	Saylor	
Donatucci	Levdansky	Schroder	Ryan,
Druce	Lloyd	Schuler	Speaker
Durham			

NAYS-8

Egolf	Lynch	Miller	Pettit
Leh	Merry	Nyce	Rohrer

NOT VOTING-3

Brown	Carn	Cohen, M.
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EXCUSED-4

Evans	Hasay	Mihalich	Rooney
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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. **A5996**:

Amend Title, page 1, line 1, by removing the period after "facilities" and inserting
and for the creation of a Statewide Child Day-Care Resource and Referral System; and imposing additional responsibilities upon the Department of Public Welfare.

Amend Bill, page 1, by inserting between lines 3 and 4

CHAPTER 1

GENERAL PROVISIONS

Section 101. Short title.

This act shall be known and may be cited as the Child Care Facilities Inspection and Resource and Referral Act.

Section 102. Definitions.

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

"Department." The Department of Public Welfare of the Commonwealth.

CHAPTER 3

INSPECTION OF CHILD DAY-CARE FACILITIES

Amend Sec. 1, page 1, line 4, by striking out "1" and inserting
301

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

Amend Sec. 1, page 1, lines 15 and 16, by striking out all of said lines

Amend Sec. 2, page 1, line 17, by striking out "2" and inserting
302

Amend Sec. 3, page 2, line 9, by striking out "3" and inserting
303

Amend Bill, page 2, lines 17 and 18, by striking out all of said lines and inserting

CHAPTER 5

CHILD DAY-CARE RESOURCE AND REFERRAL SYSTEM

Section 501. Short title.

This chapter shall be known and may be cited as the Child Day-Care Resource and Referral Law.

Section 502. Legislative findings.

The General Assembly finds and declares as follows:

(1) The demand for high quality, affordable, accessible child day care has increased dramatically in the last decade in correlation with a dramatic increase in the labor force participation rate of parents with young children.

(2) Approximately 190,000 children are currently in care through a variety of child day-care programs in this Commonwealth.

(3) A comprehensive, coordinated effort is needed to ensure that accurate, up-to-date child day-care information is readily available and easy to access.

(4) Local child day-care resource and referral services are beneficial to:

(i) working parents of all economic means by enabling them to make informed choices in selecting and purchasing the child day care that best meets their family's unique needs;

(ii) existing and prospective child day-care providers in their efforts to develop and maintain safe, high-quality child day-care services;

(iii) businesses by providing a comprehensive resource for them to use in responding to child day-care needs of their employees; and

(iv) the community-at-large by contributing directly to the health, safety and well-being of this Commonwealth's children and their families.

Section 503. 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:

"Child day care." Care in lieu of parental care, given for part of the 24-hour day to children under 16 years of age, away from their own homes. The term does not include child day care furnished in places of worship during religious services.

"Child day-care resource and referral agency." A public or private nonprofit entity that performs functions related to child day-care resource and referral services. The term includes an association or a corporation.

"Child day-care resource and referral services." The term includes, but is not limited to, the following:

(1) The provision of updated information to the parents, employers and individuals in a community regarding the availability, cost and quality of child day-care services in a defined geographic area.

(2) Assistance to parents so they can make informed decisions regarding appropriate, affordable child day-care services for their children.

(3) Information to employers on programs designed to meet the child day-care needs of employees.

(4) Provision of start-up information to potential child day-care providers to increase the supply of providers.

Section 504. Provision of child day-care resource and referral services.

The department shall arrange for the availability of child day-care resource and referral services across this Commonwealth through contractual agreements with public or private entities that can fulfill the responsibilities of a child day-care resource and referral agency.

Section 505. Establishment of central child day-care data base.

The department shall provide for the establishment and maintenance of a central child day-care data base. The department shall compile all information from child day-care resource and referral agencies with which it has a contractual agreement under section 504 and establish comprehensive, accurate and up-to-date reference base on child day care in this Commonwealth shall be created. In accordance with the Executive Order 1988-8 and any subsequent orders issued pursuant thereto, the central child day-care data base shall be created by utilizing applied demographic analyses, creation of statistical maps and graphics and census geographic reference maps, as well as any other resources the department may have available. The department shall determine the nature and scope of all centralized child day-care data to be maintained pursuant to this act. Child day-care resource and referral agencies under contract with the department shall be provided at least annually and at no charge with information developed regarding child day care in their specific geographic areas. Each child day-care resource and referral agency under contract with the department shall maintain a comprehensive data base on child day-care supply and demand in the geographic area served by the agency.

Section 506. Resource and referral services offered.

The department shall arrange for child day-care resource and referral services across this Commonwealth through contracts with child day-care resource and referral agencies, which shall provide, at a minimum, the following services:

(1) Identification of all State-approved child day-care providers in their specific geographic area and a profile of each provider to indicate the types of services they provide and the costs of such services.

(2) Maintenance of a regularly updated resource file that demonstrates supply and demand of services.

(3) Maintenance of a resource and referral service for child day-care users and assistance, if requested, in evaluating child day-care needs and appropriateness of types of child day care.

(4) Establishment of a public education program to inform consumers and provide referral counseling about child day-care options, including information on types of child day care, availability, cost and standards, through such means as printed materials, telephone contacts, education sessions or workshops and resource libraries.

(5) Provision of information and technical assistance to providers and prospective providers, as requested. Types of information to be made available shall include, but not be limited to, information regarding career opportunities in the field, continuing education, training opportunities, accreditation programs, regulatory requirements, food programs and demographic information to determine the existence of markets for services and to help stimulate the supply of child day-care services needed in the area.

(6) Serve as a resource to employers who are trying to meet the child day-care needs of their employees.

(7) Collection and maintenance of data, as may be useful in State and local planning efforts, on the number and usage of different child day-care providers, the type, availability and cost of child day care in a particular geographic area and demographic information to determine whether the supply meets the demand for child day-care services in a given area.

(8) Provision of information to low-income parents about subsidized child day-care services receiving Federal and State funding and referral to a local entity responsible for administering the subsidized child day-care funds. The child day-care resource and referral agency shall also provide to parents receiving public assistance information about child day-care services that may be available through the county assistance office pursuant to Title IV of the Social Security Act (Public Law 74-271, 42 U.S.C. § 601 et seq.). The child day-care resource and referral agency shall avoid duplicating services and shall develop procedures to streamline services for low-income parents needing child day-care services.

Section 507. Standard operating procedures.

Local management agencies, as providers of child day-care resource and referral services shall:

(1) Conduct business during hours convenient to working parents, including some evening and weekend hours, if deemed necessary.

(2) Have the authority to establish a reasonable range of fees for services, with the approval of the department.

(3) Advertise their services. All recipients of services shall be informed of applicable fees prior to the provision of such services, as designated in this act.

(4) Tailor services provided for in this act to the geographically defined area in which they are located.

(5) Seek opportunities to provide educational and consumer awareness programs.

(6) Utilize, to the maximum extent, the most cost-effective means of providing child day-care resource and referral services in accordance with this act, including, but not limited to, public-private partnerships, where deemed appropriate, and contractual arrangements with existing providers of resource and referral services.

(7) Maintain confidentiality of records. Information contained in the records shall not be publicly disclosed in such a manner so as to identify individuals. Certain nonidentifying information may, however, be collected in aggregate form for the purposes of data collection.

(8) Report to the department on a regular basis information regarding:

- (i) The number of parents and children served.
- (ii) The extent of assistance given to providers, parents, businesses and others.
- (iii) Fees charged for resource and referral services provided for in this act.
- (iv) The impact of the resource and referral services on quality and availability of child day care in their particular geographically defined area.
- (v) Any recommendations that may contribute to the improvement of the provision of child day-care resource and referral services.

Section 508. Annual report.

The department shall submit an annual report to the General Assembly which shall reflect the information collected by the child day-care resource and referral agencies designated by the department. The report shall describe how the child day-care resource and referral agencies further the department's goal to improve the quality, availability and affordability of child day-care services. This report shall also include any recommendations of the department for improvements to the Statewide resource and referral system, as well as the availability of private, corporate and government funding for resource and referral services.

Section 509. Regulations.

The department shall, in the manner provided by law, promulgate the rules and regulations necessary to establish child day-care resource and referral services to be offered in accordance with this chapter.

Section 510. Resource and referral services implementation.

The department shall establish a three-year implementation schedule for phasing in child day-care resource and referral services throughout this Commonwealth.

CHAPTER 7

MISCELLANEOUS PROVISIONS

Section 701. Effective date.

This act shall take effect as follows:

- (1) Chapter 5 shall take effect in six months.
- (2) The remainder of this act shall take effect in 60 days.

On the question,

Will the House agree to the amendment?

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

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, this, too, is an amendment similar to one we passed to the previous bill dealing with resource and referral so that our parents in our hometowns and counties are aware of the resources, the day-care resources, that are available to them, the availability as well as the cost, and I ask that the members approve the amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-167

Adolph	Dent	Lederer	Santoni
Allen	Dermody	Lescovitz	Sather
Argall	DeWeese	Levdansky	Schroder
Armstrong	DiGirolamo	Lloyd	Schuler
Baker	Donatucci	Lucyk	Scrimenti
Bard	Druce	Manderino	Semmel
Barley	Durham	Markosek	Serafini
Battisto	Fairchild	Marsico	Shaner
Bebko-Jones	Fajt	Masland	Staback

Belardi	Feese	Mayernik	Stairs
Belfanti	Fichter	McCall	Steelman
Birmelin	Fleagle	McGeehan	Steil
Bishop	Flick	Melio	Stetler
Blaum	Gamble	Michlovic	Stish
Boscola	Gannon	Micozzie	Strittmatter
Boyes	Geist	Mundy	Sturfa
Browne	George	Myers	Surra
Bunt	Gigliotti	Nailor	Tangretti
Butkovitz	Gladeck	O'Brien	Taylor, E. Z.
Buxton	Godshall	Olasz	Taylor, J.
Caltagirone	Gordner	Oliver	Thomas
Cappabianca	Gruitza	Perzel	Tigue
Carn	Gruppo	Pesci	Trello
Carone	Habay	Petrarca	Trich
Cawley	Haluska	Petrone	Tulli
Chadwick	Hanna	Phillips	Van Horne
Civera	Herman	Pistella	Veon
Clark	Hess	Pitts	Vitali
Clymer	Horsey	Platts	Walko
Cohen, L. I.	Itkin	Preston	Washington
Cohen, M.	James	Ramos	Williams
Colafella	Jarolin	Raymond	Wogan
Colaizzo	Josephs	Readshaw	Wozniak
Conti	Kaiser	Reber	Wright, D. R.
Cornell	Keller	Reinard	Wright, M. N.
Corpora	Kenney	Rieger	Yewcic
Corrigan	King	Roberts	Youngblood
Cowell	Kirkland	Robinson	Zimmerman
Coy	Krebs	Roebuck	Zug
Curry	Kukovich	Rublely	
Daley	LaGrotta	Rudy	Ryan,
DeLuca	Laughlin	Sainato	Speaker
Dempsey			

NAYS-30

Brown	Jadlowiec	Miller	Smith, B.
Egolf	Lawless	Nickol	Smith, S. H.
Fargo	Leh	Nyce	Snyder, D. W.
Farmer	Lynch	Pettit	Stern
Harhart	Maitland	Rohrer	True
Hennessey	Major	Saylor	Vance
Hershey	McGill	Sheehan	Waugh
Hutchinson	Merry		

NOT VOTING-1

Travaglio

EXCUSED-4

Evans	Hasay	Mihalich	Rooney
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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. The Chair recognizes the gentleman, Mr. Blaum, who offers the following amendment which the clerk will read.

Mr. BLAUM. Mr. Speaker?

The SPEAKER. Mr. Blaum.

Mr. BLAUM. Amendment 6023 I will also withdraw, and I think that takes care of our amendments.

The SPEAKER. Thank you, Mr. Blaum.

The Chair recognizes the lady, Ms. Washington. The lady, Ms. Washington, is not on the floor.

The Chair recognizes the gentleman, Mr. Veon. The gentleman, Mr. Veon, is not on the floor. The clerk will read the Veon amendment.

On the question recurring,

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

Mr. VEON offered the following amendment No. A6011:

Amend Title, page 1, line 1, by inserting after "facilities" and for a toll-free telephone number

Amend Bill, page 2, by inserting between lines 16 and 17 Section 4. Toll-free telephone number.

The department shall establish and advertise the availability of a toll-free telephone number by which consumers may inquire and receive prompt information on the history and nature of violations committed by any provider of child day-care services.

Amend Sec. 4, page 2, line 17, by striking out "4" and inserting
5

On the question,

Will the House agree to the amendment?

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

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, again the gentleman, Mr. Veon, was called off the floor and asked that I offer these amendments, again similar to ones that were offered to the previous bill — this one having to do with the "1-800" number, to establish for the availability and cost of day-care centers throughout the Commonwealth of Pennsylvania — very similar to "1-800" numbers that are established in various departments, bureaus, and agencies, for other matters, and the gentleman, Mr. Veon, believes it is essential as well to establish a "1-800" number for the availability of day care in Pennsylvania. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—163

Adolph	Donatucci	Laughlin	Sather
Allen	Druce	Lederer	Schroder
Argall	Durham	Lescovitz	Schuler
Baker	Fairchild	Levdansky	Scrimenti
Bard	Fajt	Lloyd	Semmel
Barley	Feese	Lucyk	Serafini
Battisto	Fichter	Major	Shaner
Bebko-Jones	Fleagle	Manderino	Staback
Belardi	Flick	Markosek	Stairs
Belfanti	Gamble	Masland	Steelman
Bishop	Gannon	Mayernik	Stetler
Blaum	Geist	McCall	Stish
Boscola	George	McGeehan	Strittmatter
Boyes	Gigliotti	Melio	Sturla
Browne	Gladeck	Michlovic	Surra
Bunt	Godshall	Micozzie	Tangretti
Butkovitz	Gordner	Mundy	Taylor, E. Z.

Buxton	Gruitza	Myers	Taylor, J.
Caltagirone	Gruppo	O'Brien	Thomas
Cappabianca	Habay	Olasz	Tigue
Carr	Haluska	Oliver	Travaglio
Cawley	Hanna	Perzel	Trello
Chadwick	Hennessey	Pesci	Trich
Civera	Herman	Petrarca	True
Clark	Hershey	Petrone	Tulli
Cohen, L. I.	Hess	Phillips	Van Horne
Cohen, M.	Horsey	Pistella	Veon
Colafella	Hutchinson	Platts	Vitali
Colaizzo	Itkin	Preston	Walko
Cornell	Jadlowiec	Ramos	Washington
Corpora	James	Raymond	Williams
Corrigan	Jarolin	Readshaw	Wogan
Cowell	Josephs	Reber	Wozniak
Coy	Kaiser	Rieger	Wright, D. R.
Curry	Keller	Roberts	Wright, M. N.
Daley	Kenney	Robinson	Youngblood
DeLuca	King	Roebuck	Zimmerman
Dempsey	Kirkland	Rublely	Zug
Dent	Krebs	Rudy	
Dermody	Kukovich	Sainato	Ryan,
DeWeese	LaGrotta	Santoni	Speaker
DiGirolamo			

NAYS—35

Armstrong	Harhart	Nailor	Smith, B.
Birmelin	Lawless	Nickol	Smith, S. H.
Brown	Leh	Nyce	Snyder, D. W.
Carone	Lynch	Pettit	Steil
Clymer	Maitland	Pitts	Stern
Conti	Marsico	Reinard	Vance
Egolf	McGill	Rohrer	Waugh
Fargo	Merry	Saylor	Yewic
Farmer	Miller	Sheehan	

NOT VOTING—0

EXCUSED—4

Evans	Hasay	Mihalich	Rooney
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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. VEON offered the following amendment No. A6012:

Amend Title, page 1, line 1, by removing the period after "facilities" and inserting
and for a child day-care consumer guide.

Amend Sec. 1, page 1, by inserting between lines 16 and 17 "Provider profile." Information specific to each regulated child day-care provider contained in a simple and easily understandable information sheet which shall include, but not be limited to, the following:

- (1) Name, address and telephone number of the provider of child day-care services.
- (2) Type of child day-care provider.
- (3) The expiration date of the provider's certification of compliance or registration certificate.
- (4) Hours of operation.
- (5) Typical enrollment by age level.

(6) A brief list or description of services provided or available.

Amend Bill, page 2, by inserting between lines 16 and 17

Section 4. Child day-care consumer guide.

(a) General rule.—The Department of Public Welfare, or the entity with which it contracts to perform child day-care resource and referral services, shall develop, distribute and annually update a child day-care consumer guide for each county or other defined geographical area of this Commonwealth.

(b) Contents.—The child day-care consumer guide shall be a consumer orientated compilation of the following:

(1) A brief description of the types of regulated child day care in this Commonwealth.

(2) A compilation of provider profiles for that specific area.

(3) A general checklist of recommended questions and issues for parents to consider in choosing child day-care services.

(4) A telephone number by which consumers may inquire and receive prompt provider specific information on the history and nature of violations committed by any provider of child day-care services.

(5) Any other useful consumer orientated information.

(c) Regulations.—The Department of Public Welfare shall promulgate rules and regulations to implement the provisions of this section.

Amend Sec. 4, page 2, line 17, by striking out "4" and inserting

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On the question,

Will the House agree to the amendment?

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

Mr. BLAUM. Thank you, Mr. Speaker.

This is also a Veon amendment similar to one offered to the previous bill dealing with the compilation of consumer information that would be available to parents throughout Pennsylvania in helping them decide which day-care center is best in their community, what questions to ask, what to look for in determining how to tell one day-care center from another, how to tell a good one from perhaps one that is not so good, and I ask the members for their approval and for their cooperation. Thank you.

The SPEAKER. On the question, the gentleman, Mr. Fargo.

Mr. FARGO. Thank you, Mr. Speaker.

Through all these amendments that we have just passed to this bill and the bills themselves, I do not think there is anyone who does not feel that we should be protecting and making sure that where child care is being offered, that it be offered in a workmanlike way, and we in the legislature certainly have a responsibility to make sure that that is true. But we have rather blithely gone through and made it so that if I were a child-care provider, especially if I were a family child-care provider with four or five or six children that I was trying to take care of in my home, that I would right now be considering closing it, and when the bill gets passed I would close it, because there would be no way that I could live with all the various inspections and all the requirements and all the plans that we are going to come up with — consumer guides and things. I just do not think that it is a reasonable approach that we are asking here.

This particular amendment, and I realize it was passed in the last bill, and when it was passed I should have gotten up and said something about it at the time, but it is just my opinion that we have now gone, in fact we have already gone too far, but in this amendment it goes entirely too far.

The bill itself indicates that it is going to be every regulated child-care provider that is going to be involved in this, and I would ask if I could speak or ask a question or two of the maker of the bill, and I understand that maybe Representative Blaum would answer a couple of questions for me.

The SPEAKER. The maker of the bill or amendment?

Mr. FARGO. Of the amendment; I am sorry. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Blaum, will stand for interrogation. You may begin.

Mr. FARGO. Thank you.

It indicates that this is going to be a child day-care provider that is going to be involved here, and you in your amendment indicated that there are several different categories. One of them is the family child day-care center, and if I understood it correctly, that meant somebody who had four or five or six children but less than seven. Will this particular amendment apply to that particular type of a family child day-care center?

Mr. BLAUM. Yes, Mr. Speaker, and Representative Veon, I am told by staff, worked very closely with those organizations in obtaining their support for this amendment.

I think what we have to realize is that this is information made available to parents to help them select, again, one day-care center over another. I am told that the child-care providers do not object to this.

We have pamphlets and information on everything. We all have things in our district offices. What this does is seek to establish an informational brochure for parents and families so that they can know the right questions to ask. That is all.

Mr. FARGO. One of the items that is listed, item (3), is that we have to list the expiration date of the provider's certification of compliance or registration certificate. Family child day-care centers, do they have to be certified; do they have a license that they have to get?

Mr. BLAUM. Yes, Mr. Speaker.

Mr. FARGO. So that they do annually or over some period of time have to set up a certain requirement that they get licensed and they get a certificate of compliance within that period of time?

Mr. BLAUM. Yes, Mr. Speaker.

Mr. FARGO. Whenever you indicate or the maker of this amendment indicates that the consumer guide will be for each county or other defined geographic area of this Commonwealth, what would be an example of "other defined geographical area"? Are we talking about not going down below the county level and requiring boroughs and cities and that we have a separate consumer guide for each one of those areas? What does he mean by this statement?

Mr. BLAUM. No, Mr. Speaker. I think what it does is not necessarily provides the expiration date of every day-care facility in the Commonwealth of Pennsylvania but informs parents of what to look for, questions to ask, things that are important when they go into a day-care center. They may all look alike to the people of Pennsylvania, yet we in Luzerne County, and I know in Allegheny County, this summer found out that there are good ones and bad ones—

Mr. FARGO. But my question here—

Mr. BLAUM. —and, and—

Mr. FARGO. If I could ask the question—

Mr. BLAUM. —and it is important for parents to know, again, what information is out there that they can look to to see as to the performance of a particular facility. Expiration date of the license

and what the department thinks of that particular facility is one question that I do not think parents think to ask but one which I am sure the department wishes that every mom and dad would ask when deciding where to place their child.

Mr. FARGO. Thank you, Mr. Speaker, but my question is, is this going to be prepared for every county or is it going to be prepared for, as it indicates in the amendment, "other defined geographical area of this Commonwealth"? What do we mean by "other defined geographical area of this Commonwealth," other than the county?

Mr. BLAUM. Mr. Speaker, from what I understand, the department has their regional areas already established, and what they would do is provide this information on what day cares are available throughout that particular region and what to ask for. That would be determined by the Department of Welfare as to how best to inform the people of perhaps your county as to what is available there. Residents of your county may not be interested in what we have in Luzerne County, what is available in Philadelphia County, but in that particular region of the Department of Welfare, they can make people aware of that.

Mr. FARGO. But my question is, is the department going to have to make up a child day-care consumer guide for every county or for every defined geographic area of the Commonwealth? Which are we talking about?

Mr. BLAUM. Mr. Speaker, for every region where they believe— Again, for us to micromanage the department in telling them how to do it I do not think would be prudent, but I think the department is best able to decide in what areas, you know, people are going to have access to, be able to drive to, be able to have transportation to various day-care centers.

Mr. FARGO. So it would be conceivable that the department would have to make up a consumer guide for every city or every town that has any kind of a child day-care center if they decided that they so wanted to do it.

Mr. BLAUM. No, Mr. Speaker, that is not correct, and I think most of this information, most of the questions and items that you are going to be asked to look for by way of this amendment, pertain to all day-care centers wherever they may be. I mean, to look at licensure, to look at whether or not they have had staffing deficiencies in the last year or two, these are important things for people to look for as to the performance of the various centers.

Mr. FARGO. All right.

Mr. BLAUM. So 90 percent of everything that is provided for in this amendment, if not all of it, is information and questions that are applicable no matter where you live in Pennsylvania.

Mr. FARGO. All right, but you are still not answering, and I am not—

Mr. BLAUM. So we are not—

Mr. FARGO. I do not even want you to answer it now, but the amendment itself is not clear as to how many consumer guides are going to have to be made up in Pennsylvania.

I will stop at that point because I am not getting an answer from you, but the other question I would ask then is, can you tell me — and this refers back somewhat to the previous amendment — can you tell me who it is that maintains the toll-free information that is going to be asked whenever there is a violation and the information about that violation and where it is going to be kept and that type of thing? Where do they get this information?

Mr. BLAUM. The Department of Welfare.

Mr. FARGO. So they collect this information and have to make available a toll-free "800" number to let anyone who wants to

know if there are any violations in any particular day-care center, what that violation was and how severe it was.

Mr. BLAUM. It is public information, Mr. Speaker.

Mr. FARGO. Thank you, Mr. Speaker.

I believe that— Thank you. Could I make a statement then?

The SPEAKER. The gentleman, Mr. Fargo.

Mr. FARGO. I believe that there are just too many unanswered questions in this particular amendment and also in some of the previous amendments which we have already passed. But I would ask that we call a halt to this, at least to the extent that on this amendment we oppose it. Thank you.

The SPEAKER. Does the gentleman, Mr. Godshall, desire recognition?

Mr. GODSHALL. No, Mr. Speaker. I did not know we were on the amendment; I thought we were going to be on the bill.

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

The following roll call was recorded:

YEAS—134

Baker	Dermody	Lescovitz	Santoni
Bard	DeWeese	Levdansky	Scrimanti
Battisto	DiGirolamo	Lloyd	Serafini
Bebko-Jones	Donatucci	Lucyk	Shaner
Belardi	Druce	Manderino	Staback
Belfanti	Durham	Markosek	Stairs
Bishop	Egolf	Mayernik	Steelman
Blaum	Fajt	McCall	Steil
Boscola	Fichter	McGeehan	Stetler
Boyes	Fleagle	McGill	Sturla
Browne	Gamble	Melio	Surra
Bunt	Gannon	Michlovic	Tangretti
Butkovitz	George	Micozzie	Taylor, E. Z.
Buxton	Gigliotti	Mundy	Taylor, J.
Caltagirone	Gladeck	Myers	Thomas
Cappabianca	Gordner	O'Brien	Tigue
Carn	Gruitza	Olasz	Travaglio
Carone	Gruppo	Oliver	Trello
Cawley	Haluska	Pesci	Trich
Clark	Hanna	Petrarca	Van Horne
Cohen, L. I.	Herman	Petrone	Veon
Cohen, M.	Horsey	Pistella	Vitali
Colafella	Itkin	Preston	Walko
Colaizzo	James	Ramos	Washington
Conti	Jarolin	Readshaw	Williams
Cornell	Josephs	Reber	Wozniak
Corpora	Kaiser	Reinard	Wright, D. R.
Corrigan	Keller	Rieger	Wright, M. N.
Cowell	Kirkland	Roberts	Yewcic
Coy	Krebs	Robinson	Youngblood
Curry	Kukovich	Roebuck	Zug
Daley	LaGrotta	Rubley	
DeLuca	Laughlin	Rudy	Ryan,
Dent	Lederer	Sainato	Speaker

NAYS—64

Adolph	Geist	Marsico	Schroder
Allen	Godshall	Masland	Schuler
Argall	Habay	Merry	Semmel
Armstrong	Harhart	Miller	Sheehan
Barley	Hennessey	Nailor	Smith, B.
Birmelin	Hershey	Nickol	Smith, S. H.
Brown	Hess	Nyce	Snyder, D. W.
Chadwick	Hutchinson	Perzel	Stern
Civera	Jadlowicc	Pettit	Stish

Clymer	Kenney	Phillips	Strittmatter
Dempsey	King	Pitts	True
Fairchild	Lawless	Platts	Tulli
Fargo	Leh	Raymond	Vance
Farmer	Lynch	Rohrer	Waugh
Feese	Maitland	Sather	Wogan
Flick	Major	Saylor	Zimmerman

NOT VOTING—0

EXCUSED—4

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

The SPEAKER. There are no further amendments, I understand.

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?

Mr. Godshall, on the question of final passage.
Mr. GODSHALL. Thank you, Mr. Speaker.

This bill, HB 2191, provides for the right of the Department of Public Welfare to visit, enter, and inspect any child day-care center, defined as including centers and group homes, during the operational hours without prior notice to determine the standard of care being given to the children in care.

This bill further requires the department to conduct at least one unannounced inspection of every child day-care center each calendar year. Such unannounced inspections shall focus only on those regulatory standards which, when not complied with, pose an imminent threat to the health, safety, and well-being of the children in care. Further, this unannounced inspection shall be in addition to any other inspection required by statute or regulation.

The Department of Public Welfare's Bureau of Child Day Care Services regulates 7,829 facilities through four regional offices. Statewide, there are 3,077 child day-care centers serving 13 or more children outside of the operator's home. These centers service 239,000 children in our State. There are 620 group child day-care homes which care for 7 to 12 children. These centers serve approximately 6,000 children in our State. Then there are 4,132 registered family day-care homes which service 30,000 children in our State.

Is there a difference between announced and unannounced inspections, and the answer is definitely yes. Earlier this year and at the end of last year, the Department of Welfare did a random sample, a random sample of our day-care facilities in this State. They took 191 such homes and did an unannounced inspection. They found that 87, or 44 percent, were in high compliance with State standards. They found that 104, or 56 percent, were in low compliance with State standards. This is not what they find when they do announced inspections.

I just want to share with you briefly an editorial, which is my local newspaper, Gwynedd news service, The Reporter, dated Friday, December 1: "DO WE REALLY know what's going on in most of Pennsylvania's day care centers?"

"The answer is no, and that fact should worry the tens of thousands of parents across the state who depend on day care facilities to mind their kids while mom and dad are off at work.

"This doesn't necessarily mean something illegal or potentially harmful is taking place. But the fact is, we don't know because of the way the state Welfare Department inspects day care operations.

"Believe it or not, the once-a-year inspections - let's be honest and call them 'visits' - are arranged by appointment. In other words, the Welfare Department calls ahead and announces when an inspector will check out a day care center.

"Can you imagine the outcry if the same convenient arrangement was used to inspect nursing homes and retirement communities? What's the difference, you ask? So do we.

"STATE REP. Robert Godshall...found out about the lax way the state inspects day care centers seven years ago when his daughter tried to find a suitable facility after moving from Texas.

"Since then - for seven consecutive years - he has tried to push through legislation that would require the Welfare Department to make at least one unannounced inspection per year at every day care center that supervises seven or more children. Mom and pop operations that handle three to six kids would be exempt" under my original legislation.

"Godshall's proposal is still not law. It was tabled once again...before the Thanksgiving recess. With any luck, it will be considered when the Legislature returns in two weeks.

"WHAT HAS taken so long to pass good, common sense legislation? Who knows what schemes lurk in Harrisburg, but Godshall, a Republican, was in the minority for the seven years his bill has languished in obscurity. That didn't help his cause."

"This year the Welfare Department took it upon itself to conduct a round of unannounced inspections and found a 'significant difference' in the number of violations compared to the announced visits....

"That's reason enough to proceed now with his \$1.4 million bill. It may not solve all the problems, but unannounced checks at the 8,000 day care centers that qualify should give the Welfare Department and the Legislature some idea of what really goes on after mom and dad leave for work.

"If more legislation is needed later, enact it. But waiting to devise the 'perfect' solution should not be an option now. Seven years is long enough. Godshall's bill cries out for bipartisan support and approval."

I ask for your favorable support today. Thank you.
The SPEAKER. The gentleman, Mr. Blaum, on final passage.

Mr. BLAUM. Thank you, Mr. Speaker.
The SPEAKER. The gentleman will yield.

Sergeant at Arms, clear the area behind the rail. The conferences on the side aisles, please break up.

The gentleman may proceed.
Mr. BLAUM. Thank you, Mr. Speaker.

I wish I had gotten up a few minutes ago to make sure that all the members got to hear what Bob Godshall just read, but I did not want to interrupt him, and I think it is important the information that he just read into the record.

And today - and I want to congratulate Representative Godshall, Representative Lederer, and everyone who participated in this debate today - I think what happened here on the floor of

the House is that when we deal with the issue of day care or any issue that involves kids, there are all kinds of interests. There are going to be day-care operators. There is always going to be the department's interest. There are always going to be philosophical interests pulling and tugging on either side of some of these issues. But today, the children were put first.

Today, the legislation that was adopted, the amendments that were adopted on a bipartisan basis, were all kids-centered. Their interests were put first. Certainly we considered the interests of the department, but the kids were put first. Certainly we considered the interests of the day-care operators, but the kids were put first.

And I just want to thank Bob Godshall and the other members of the House who participated in this debate. I think the legislation passed today is going to make day-care centers safer throughout the Commonwealth, so hopefully we will not have the kinds of tragedies that we saw in recent months.

Also, these amendments put into the bill were done on a bipartisan basis with cooperation from the sponsors of the bill, and I thank them for their cooperation as well. Thank you, Mr. Speaker.

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.

YEAS-187

Adolph	Durham	Maitland	Schuler
Allen	Egolf	Major	Scrimenti
Argall	Fairchild	Manderino	Semmel
Baker	Fajt	Markosek	Serafini
Bard	Feese	Marsico	Shaner
Barley	Fichter	Masland	Sheehan
Battisto	Fleagle	Mayernik	Smith, B.
Bebko-Jones	Flick	McCall	Smith, S. H.
Belardi	Gamble	McGeehan	Snyder, D. W.
Belfanti	Gannon	McGill	Staback
Birmelin	Geist	Melio	Stairs
Bishop	George	Michlovic	Steelman
Blaum	Gigliotti	Micozzie	Steil
Boscocola	Gladeck	Miller	Stern
Boyes	Godshall	Mundy	Stetler
Brown	Gordner	Myers	Stish
Bunt	Gruitza	Nailor	Strittmatter
Butkovitz	Gruppo	Nickol	Sturla
Buxton	Habay	Nyce	Surra
Caltagirone	Haluska	O'Brien	Tangretti
Cappabianca	Hanna	Olasz	Taylor, E. Z.
Carn	Harhart	Oliver	Taylor, J.
Carone	Hennessey	Perzel	Thomas
Cawley	Herman	Pesci	Tigue
Chadwick	Hershey	Petrarca	Travaglio
Civera	Hess	Petrone	Trello
Clark	Horsey	Phillips	Trich
Clymer	Hutchinson	Pistella	True
Cohen, L. I.	Itkin	Pitts	Tulli
Cohen, M.	Jadlowiec	Platts	Vance
Colafrèlla	James	Preston	Van Horne
Colaizzo	Jarolin	Ramos	Veon
Conti	Josephs	Raymond	Vitali
Cornell	Kaiser	Readshaw	Walko
Corpora	Keller	Reber	Waugh
Corrigan	Kenney	Reinard	Williams
Cowell	King	Rieger	Wogan
Coy	Krebs	Roberts	Wozniak
Curry	Kukovich	Robinson	Wright, D. R.
Daley	LaGrotta	Roebuck	Wright, M. N.

DeLuca	Laughlin	Rubley	Yewcic
Dempsey	Lawless	Rudy	Youngblood
Dent	Lederer	Sainato	Zimmerman
Dermody	Lescovitz	Santoni	Zug
DeWeese	Levdansky	Sather	
DiGirolamo	Lloyd	Saylor	Ryan,
Donatucci	Lucyk	Schroder	Speaker
Druce			

NAYS-8

Armstrong	Farmer	Lynch	Pettit
Fargo	Leh	Merry	Rohrer

NOT VOTING-3

Browne	Kirkland	Washington
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EXCUSED-4

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

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

RULES COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman, Mr. Perzel, who calls for an immediate meeting of the Rules Committee at the majority leader's desk.

TRANSPORTATION COMMITTEE MEETING

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

Mr. GEIST. Thank you, Mr. Speaker.

There will be an immediate meeting of the Transportation Committee right here by my desk upon the declaration of the recess.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Chester, Mr. Pitts.

Mr. PITTS. Mr. Speaker, I would like to call a meeting of the House Appropriations Committee at 3:25, before we come back on the floor, in room 243, the Appropriations conference room.

The SPEAKER. The Chair thanks the gentleman.

REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the gentleman, Mr. Fargo, for the purpose of a caucus announcement.

Mr. FARGO. Thank you, Mr. Speaker.

The Republican Caucus will meet— I will check my own watch here, I guess. The Republican Caucus will meet at the call of the recess and be back at 3:30 for continued voting.

The SPEAKER. The Chair thanks the gentleman.

According to my watch, it is approximately 2:45. It is never right on time.

DEMOCRATIC CAUCUS

The SPEAKER. The gentleman, Mr. Cohen, do you have any announcements? Do you have any announcement with respect to caucus?

Mr. COHEN. Mr. Speaker, there will be a meeting of the House Democratic Caucus immediately upon the recess.

The SPEAKER. Is three-quarters of an hour enough time?

Mr. COHEN. My guess would be it would be better if we had an hour, Mr. Speaker.

The SPEAKER. Mr. Fargo, any problem with that? All right.

Without more, we will recess now until the call of the Chair, and the Chair does not expect to call— We will recess now until a quarter to 4. When I declare a recess, it will be until 3:45, a quarter to 4.

In the meantime, however, I have some housekeeping to do. There will be no further votes; you may leave.

VOTE CORRECTIONS

The SPEAKER. The gentleman, Mr. Kirkland.

Mr. KIRKLAND. Mr. Speaker, I wanted to correct the record.

The SPEAKER. The gentleman is in order.

Mr. KIRKLAND. Mr. Speaker, on HB 2191 my button malfunctioned. I would like to be recorded in the positive.

The SPEAKER. The remarks of the gentleman will be spread upon the record.

The lady, Mrs. Harhart.

Mrs. HARHART. Mr. Speaker, my vote did not register on HB 2073. I would like to be put on record as "no" for that vote.

The SPEAKER. The remarks of the lady will be spread upon the record.

Mrs. HARHART. It was an amendment. Amendment A5998; I am sorry.

The SPEAKER. The remarks of the lady will be spread upon the record.

HOUSE BILL INTRODUCED AND REFERRED

No. 2269 By Representatives EGOLF, MASLAND, TRUE, GEIST, FARGO, BROWNE, DIGIROLAMO, FAJT, SATHER, STERN, STEELMAN, WAUGH, M. N. WRIGHT, HERSHEY, E. Z. TAYLOR, SCHRODER, TULLI, YOUNGBLOOD, MILLER, PLATTS, ROHRER, COWELL, MANDERINO, LAUGHLIN, PITTS and STRITTMATTER

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for blood alcohol levels in relation to driving under the influence.

Referred to Committee on TRANSPORTATION, December 11, 1995.

BILLS ON CONCURRENCE REPORTED FROM COMMITTEE

SB 432, PN 1615

By Rep. PERZEL

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for grounds for involuntary termination of parental rights; providing for mediation in divorce and custody matters and for disclosure of child support arrearage information; and adding the definition of "consumer reporting agency".

RULES.

SB 476, PN 1590

By Rep. PERZEL

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the transfer of ownership of a vehicle; and providing for the development of an electronic lien program.

RULES.

SB 578, PN 1591

By Rep. PERZEL

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further defining "classic motor vehicle", "commercial motor vehicle" and "emergency vehicle"; further providing for correction of certificate of title; providing for a drug abuse resistance education registration plate, for permits, for the movement of special mobile equipment, for special funds, for collectible motor vehicles, for an emission reduction program in the Department of Environmental Protection and for penalties relating to towed vehicles; further providing for the enforcement of the International Fuel Tax Agreement; revising reporting taxes and administrative procedures; further providing for the motorbus road tax; and making a repeal.

RULES.

RESOLUTION ON CONCURRENCE REPORTED FROM COMMITTEE

HR 31, PN 2650

By Rep. PERZEL

A Concurrent Resolution urging members of the Pennsylvania Congressional delegation to meet periodically with the General Assembly regarding unfunded Federal mandates and other related issues.

RULES.

RECESS

The SPEAKER. Do the Republican or Democratic floor leaders have any further business prior to the declaration of a recess?

Hearing none, this House will stand in recess until 3:45, unless sooner recalled by the Speaker.

AFTER RECESS

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

ACTUARIAL NOTE

The SPEAKER. The Chair acknowledges receipt of an actuarial note for amendment 6171 to SB 652, PN 1582.

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

COMMITTEE APPOINTMENTS

The SPEAKER. The clerk will read the following changes with respect to committee assignments.

The following appointments were read:

Thomas P. Gannon appointed Chairman of the Judiciary Committee, replacing Jeffrey E. Piccola.

David K. Levdansky appointed Democratic Chairman of the Subcommittee on Health of the House Health and Human Services Committee, replacing Linda Bebko-Jones.

Linda Bebko-Jones appointed Democratic Chairman of the Subcommittee on Drugs and Alcohol of the House Health and Human Services Committee, replacing David K. Levdansky.

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

SB 1303, PN 1577 By Rep. PITTS

An Act making an appropriation to the Organ Donation Awareness Trust Fund.

APPROPRIATIONS.

BILLS REREPORTED FROM COMMITTEE

HB 28, PN 2890 By Rep. PITTS

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for impounding vehicles.

APPROPRIATIONS.

HB 337, PN 2895 (Amended) By Rep. PITTS

An Act allocating from the General Fund an amount equal to the amount of all unclaimed funds remitted to the State Treasurer as unclaimed property derived from sheriffs' sales to the Pennsylvania Housing Finance Agency for the purpose of assisting potential home buyers with the financing and purchase of homes at sheriffs' sales.

APPROPRIATIONS.

HB 497, PN 2896 (Amended) By Rep. PITTS

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for revocation or suspension of operating privilege, for reports by issuing authorities and for reports by courts; and making a repeal.

APPROPRIATIONS.

HB 664, PN 2232 By Rep. PITTS

An Act amending the act of July 10, 1981 (P.L.234, No.76), known as the Donated Food Limited Liability Act, providing for game donated as food.

APPROPRIATIONS.

HB 1468, PN 2897 (Amended) By Rep. PITTS

An Act providing for the establishment and regulation of individual and employer-provided medical care savings accounts.

APPROPRIATIONS.

HB 1601, PN 2898 (Amended) By Rep. PITTS

An Act amending the act of May 2, 1945 (P.L.382, No.164), known as the Municipality Authorities Act of 1945, further providing for membership of the governing body.

APPROPRIATIONS.

HB 1896, PN 2335 By Rep. PITTS

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for a special registration plate for members of the Civilian Conservation Corps.

APPROPRIATIONS.

HB 1897, PN 2336 By Rep. PITTS

An Act designating a section of S.R.1018, York County, as the Normandy Memorial Drive.

APPROPRIATIONS.

HB 1943, PN 2399 By Rep. PITTS

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, extending the expiration date of the Pennsylvania Veterans' Memorial Commission.

APPROPRIATIONS.

HB 2004, PN 2485 By Rep. PITTS

An Act designating a section of US Route 15, Tioga County, as the William B. Wilson Highway.

APPROPRIATIONS.

HB 2223, PN 2899 (Amended) By Rep. PITTS

An Act implementing the provisions of section 2(b)(ii) of Article VIII of the Constitution of Pennsylvania by authorizing cities of the first class to provide for special tax provisions relating to real property taxes for certain persons who meet the established standards and qualifications for age and poverty.

APPROPRIATIONS.

SB 238, PN 244

By Rep. PITTS

An Act amending the act of July 3, 1986 (P. L. 388, No. 84), entitled "Sunshine Act," further providing for executive sessions.

APPROPRIATIONS.

SB 654, PN 686

By Rep. PITTS

An Act amending the act of February 2, 1966 (1965 P. L. 1860, No. 586), entitled "An act encouraging landowners to make land and water areas available to the public for recreational purposes by limiting liability in connection therewith, and repealing certain acts," further providing for definitions.

APPROPRIATIONS.

SB 712, PN 1526

By Rep. PITTS

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, providing for the issuance of certificates relating to release or discharge.

APPROPRIATIONS.

BILL REMOVED FROM TABLE

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

Mr. PERZEL. Mr. Speaker, I move that SB 1303 be removed from the table.

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

SUPPLEMENTAL CALENDAR A

BILLS ON SECOND CONSIDERATION

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

HB 1601, PN 2898; SB 654, PN 686; HB 2223, PN 2899; HB 1468, PN 2897; HB 497, PN 2896; HB 664, PN 2232; SB 238, PN 244; HB 1897, PN 2336; HB 2004, PN 2485; HB 1943, PN 2399; and SB 712, PN 1526.

HB 2191 RECONSIDERED

The SPEAKER. The Chair recognizes the gentleman, Mr. Allen, who moves that the vote by which HB 2191, PN 2753, was passed on the 11th day of December be reconsidered.

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

LEAVE OF ABSENCE

The SPEAKER. Prior to the announcement of the vote, the Chair takes note of the fact that the gentleman, Mr. Barley, requests that the lady, Ms. CARONE, be granted leave of absence for the balance of the day. Without objection, leave is granted.

CONSIDERATION OF HB 2191 CONTINUED

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

The following roll call was recorded:

YEAS-195

Adolph	Fairchild	Lynch	Saylor
Allen	Fajt	Maitland	Schroder
Argall	Fargo	Major	Schuler
Armstrong	Farmer	Manderino	Scrimenti
Baker	Feese	Markosek	Semmel
Bard	Fichter	Marsico	Serafini
Barley	Fleagle	Masland	Shaner
Battisto	Flick	Mayernik	Sheehan
Bebko-Jones	Gamble	McCall	Smith, B.
Belardi	Gannon	McGeehan	Smith, S. H.
Belfanti	Geist	McGill	Snyder, D. W.
Birmefin	George	Melio	Staback
Bishop	Gigliotti	Merry	Stairs
Blaum	Gladeck	Michlovic	Steelman
Boscola	Godshall	Micozzie	Steil
Boyes	Gordner	Miller	Stern
Brown	Gruitza	Mundy	Stetler
Browne	Gruppo	Myers	Stish
Bunt	Habay	Nailor	Strittmatter
Butkovitz	Haluska	Nickol	Sturla
Buxton	Hanna	Nyce	Surra
Caltagirone	Harhart	O'Brien	Tangretti
Cappabianca	Hennessey	Olasz	Taylor, E. Z.
Cawley	Herman	Oliver	Taylor, J.
Chadwick	Hershey	Perzel	Thomas
Civera	Hess	Pesci	Tigue
Clark	Horsey	Petrarca	Travaglio
Clymer	Hutchinson	Petrone	Trello
Cohen, L. I.	Itkin	Petit	Trich
Cohen, M.	Jadlowiec	Phillips	True
Colafiglia	James	Pistella	Tulli
Colaizzo	Jarolin	Pitts	Vance
Conti	Josephs	Platts	Van Horne
Cornell	Kaiser	Preston	Veon
Corpora	Keller	Ramos	Vitali
Corrigan	Kenney	Raymond	Walko
Cowell	King	Readshaw	Waugh
Coy	Kirkland	Reber	Williams
Curry	Krebs	Reinard	Wogan
Daley	Kukovich	Rieger	Wozniak
DeLuca	LaGrotta	Roberts	Wright, D. R.
Dempsey	Laughlin	Robinson	Wright, M. N.
Dent	Lawless	Roebuck	Yewcic
Dermody	Lederer	Rohrer	Youngblood
DeWeese	Leh	Rubley	Zimmerman
DiGirolamo	Lescovitz	Rudy	Zug
Donatucci	Levdansky	Sainato	
Druce	Lloyd	Santoni	Ryan,
Durham	Lucyk	Sather	Speaker
Egolf			

NOT VOTING-3

Carn Carone Washington

EXCUSED-4

Evans Hasay Mihalich Rooney

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

REMARKS SUBMITTED FOR THE RECORD

Mr. BELFANTI. Mr. Speaker?

The SPEAKER. For what reason does the gentleman, Mr. Belfanti, rise?

Mr. BELFANTI. Mr. Speaker, if I may indulge the House, I would like to offer about 30 seconds on unanimous consent so I could submit some remarks for the record.

The SPEAKER. The gentleman may proceed.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, realizing our schedule today, I did not rise and speak on HB 2222, the Sunny Day Fund. However, I would like to submit some remarks for the record.

The SPEAKER. Send the remarks to the desk. They will be placed in the record.

Mr. BELFANTI. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

HB 2222 would earmark \$19.5 million for use by the Department of Commerce for economic development and job creation. Specifically, \$15 million would be loaned to Lockheed Martin Corporation, \$3 million would be loaned to Sony Electronics, and \$1.5 million would be loaned to Genesis Health Ventures.

Back in 1991 the Keebler Baking Company received loans from the Machinery and Equipment Loan Fund and the Pennsylvania Industrial Development Authority in the amount of \$2.5 million. Just 3 weeks ago Keebler announced that it would close the Oxford plant, leaving the borough of Oxford with three-quarters of a million dollars of business infrastructure development (BID) loans and not much else to show for it. The devastation suffered by the families of Oxford cannot be fairly estimated in dollar terms alone.

We need to provide greater assurances when we provide moneys through loans or grants that the jobs that are promised are created. This legislation estimates of new jobs creation but no hard-and-fast figures. How can we know if we are getting the biggest bang for the economic development buck.

I have joined with Representatives Cohen and Evans to request that Commerce Secretary Hagen work with us to ensure that, when we negotiate economic development financing packages, we have a means to protect tax dollars and prevent as much as possible the personal hardship that occurs when jobs are lost.

CONSIDERATION OF HB 2191 CONTINUED

The SPEAKER. As a result of reconsideration, HB 2191, PN 2753, is before the House on final consideration.

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.

YEAS-192

- Adolph Egolf Maitland Schroder
Allen Fairchild Major Schuler
Argall Fajt Manderino Scrimenti
Armstrong Fargo Markosek Semmel
Baker Farmer Marsico Serafini
Bard Feese Masland Shaner
Barley Fichter Mayernik Sheehan
Battisto Fleagle McCall Smith, B.
Bebko-Jones Flick McGeehan Smith, S. H.
Belardi Gamble McGill Snyder, D. W.
Belfanti Gannon Melio Staback
Birmelin Geist Merry Stairs
Bishop George Michlovic Steelman
Blaum Gigliotti Micozzie Steil
Boscola Gladeck Miller Stern
Boyes Godshall Mundy Stetler
Brown Gordner Myers Stish
Browne Gruitza Nailor Strittmatter
Bunt Gruppo Nickol Sturla
Butkovitz Habay Nyce Surra
Buxton Haluska O'Brien Taylor, E. Z.
Caltagirone Hanna Olasz Taylor, J.
Cappabianca Harhart Oliver Thomas
Cawley Hennessey Perzel Tigie
Chadwick Herman Pesci Travaglio
Civera Hershey Petrarca Trello
Clark Hess Petrone Trich
Clymer Horsey Pettit True
Cohen, L. I. Hutchinson Phillips Tulli
Cohen, M. Itkin Pistella Vance
Colafella Jadlowiec Pitts Van Horne
Colaizzo James Platts Veon
Conti Jarolin Preston Vitali
Cornell Kaiser Ramos Walko
Corpora Keller Raymond Washington
Corrigan Kenney Readshaw Waugh
Cowell King Reber Williams
Coy Kirkland Reinard Wogan
Curry Krebs Rieger Wozniak
Daley Kukovich Roberts Wright, D. R.
DeLuca LaGrotta Robinson Wright, M. N.
Dempsey Laughlin Roebuck Yewcic
Dent Lawless Rubley Youngblood
Dermoddy Lederer Rudy Zimmerman
DeWeese Lescovitz Sainato Zug
DiGiroloamo Levdansky Santoni
Donatucci Lloyd Sather
Druce Lucyk Saylor
Durham Lynch

NAYS-2

Leh Rohrer

NOT VOTING-3

Carn Josephs Tangretti

EXCUSED-5

Carone Hasay Mihalich Rooney
Evans

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.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 881, PN 976**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the regulation of obscenity.

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

Mr. **STURLA** offered the following amendment No. **A5662**:

Amend Title, page 1, line 2, by inserting after "the"
theft of trade secrets and for the

Amend Sec. 1, page 1, line 6, by striking out "Section" where it appears the second time and inserting

Sections 3930(a), (b) and (e) and

Amend Sec. 1, page 1, by inserting between lines 7 and 8
§ 3930. Theft of trade secrets.

(a) Felony of the [third] second degree.—A person is guilty of a felony of the [third] second degree if he:

(1) by force or violence or by putting him in fear takes from the person of another any article representing a trade secret; or

(2) willfully and maliciously enters any building or other structure with intent to obtain unlawful possession of, or access to, an article representing a trade secret.

(b) [Misdemeanor of the first degree] Felony of the third degree.—A person is guilty of a [misdemeanor of the first degree] felony of the third degree if he, with intent to wrongfully deprive of, or withhold from the owner, the control of a trade secret, or with intent to wrongfully appropriate a trade secret for his use, or for the use of another:

(1) unlawfully obtains possession of, or access to, an article representing a trade secret; or

(2) *having lawfully obtained possession of an article representing a trade secret, or access thereto, converts such article to his own use or that of another person, while having possession thereof or access thereto makes, or causes to be made, a copy of such article, or exhibits such article to another.*

(e) Definitions.—As used in this section the following words and phrases shall have the meanings given to them in this subsection:

"Article." Any object, material, device or substance or copy thereof, including any writing, record, recording, drawing, description, sample, specimen, prototype, model, photograph, microorganism, blueprint or map.

"Copy." Any facsimile, replica, photograph or reproduction of, an article, or any note, drawing, sketch, or description made of, or from an article.

"Representing." Describing, depicting, containing, constituting, reflecting or recording.

"Trade secret." The whole or any portion or phase of any scientific or technical information, design, process, procedure, formula or

improvement or customer or sales information or any other privileged or confidential information which is of value and has been specifically identified by the owner as of a confidential character, and which has not been published or otherwise become a matter of general public knowledge. There shall be a rebuttable presumption that scientific or technical information or customer or sales information or any other privileged or confidential information has not been published or otherwise become a matter of general public knowledge when the owner thereof takes measures to prevent it from becoming available to persons other than those selected by him to have access thereto for limited purposes.

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

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

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, this amendment is fairly simple. It simply—

The SPEAKER. Will the gentleman yield.

The gentleman, Mr. Sturla, has failed to turn in his amendment to the amendment clerk.

Mr. Sturla, all we have is a certificate. You have never turned the amendment in, and it has never been reproduced either.

AMENDMENT WITHDRAWN

Mr. STURLA. Thank you, Mr. Speaker.

Apparently there must be a mixup here in the clerical stuff. I will withdraw my amendment at this point in time to expedite the matter.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. **BLAUM** offered the following amendment No. **A5728**:

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

and for sentencing for trafficking drugs to minors.

Amend Bill, page 3, by inserting between lines 29 and 30

Section 2. Section 6314(b) of Title 18 is amended by adding paragraphs to read:

§ 6314. Sentencing and penalties for trafficking drugs to minors.

(b) Additional penalties.—In addition to the mandatory minimum sentence set forth in subsection (a), the person shall be sentenced to an additional minimum sentence of at least two years total confinement, notwithstanding any other provision of this title or other statute to the contrary, if the person did any of the following:

(4) Committed the offense on a school bus.

(5) Committed the offense within 500 feet of a school bus

stop.

(6) Committed the offense within 500 feet of the real property on which is located a public playground.

Amend Sec. 2, page 3, line 30, by striking out "2" and inserting
3

Amend Sec. 3, page 4, line 6, by striking out "3" and inserting
4

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

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

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, several years ago we adopted legislation increasing the penalties for anyone who would traffic drugs to minors within 1,000 feet of a public or private school. What this amendment does is seek to add to those two locations also stiffer penalties for those who would traffic controlled substances to children within 500 feet of a school bus stop or a public playground.

I ask for the members' affirmative vote.

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

Mr. ARMSTRONG. I support the amendment and ask everybody to do so, please.

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

The following roll call was recorded:

YEAS-196

Adolph	Egolf	Lynch	Schroder
Allen	Fairchild	Maitland	Schuler
Argall	Fajt	Major	Scrimenti
Armstrong	Fargo	Manderino	Semmel
Baker	Farmer	Marsico	Serafini
Bard	Feese	Masland	Shaner
Barley	Fichter	Mayernik	Sheehan
Battisto	Fleagle	McCall	Smith, B.
Bebko-Jones	Flick	McGeehan	Smith, S. H.
Belardi	Gamble	McGill	Snyder, D. W.
Belfanti	Gannon	Melio	Staback
Birmelin	Geist	Merry	Stairs
Bishop	George	Michlovic	Steelman
Blaum	Gigliotti	Micozzie	Steil
Boscola	Gladeck	Miller	Stern
Boyes	Godshall	Mundy	Stetler
Brown	Gordner	Myers	Stish
Browne	Gruitza	Nailor	Strittmatter
Bunt	Gruppo	Nickol	Sturla
Butkovitz	Habay	Nyce	Surra
Buxton	Haluska	O'Brien	Tangretti
Caltagirone	Hanna	Olasz	Taylor, E. Z.
Cappabianca	Harhart	Oliver	Taylor, J.
Carn	Hennessey	Perzel	Thomas
Cawley	Herman	Pesci	Tigue
Chadwick	Hershey	Petrarca	Travaglio
Civera	Hess	Petrone	Trello
Clark	Horsey	Pettit	Trich
Clymer	Hutchinson	Phillips	True
Cohen, L. J.	Itkin	Pistella	Tulli
Cohen, M.	Jadlowiec	Pitts	Vance
Colafigliola	James	Platts	Van Horne
Colaizzo	Jarofin	Preston	Veon
Conti	Josephs	Ramos	Vitali
Cornell	Kaiser	Raymond	Walko
Corpora	Keller	Readshaw	Washington
Corrigan	Kenney	Reber	Waugh
Cowell	King	Reinard	Williams
Coy	Kirkland	Rieger	Wogan
Curry	Krebs	Roberts	Wozniak
Daley	Kukovich	Robinson	Wright, D. R.
DeLuca	LaGrotta	Roebuck	Wright, M. N.
Dempsey	Laughlin	Rohrer	Yewcic
Dent	Lawless	Rubley	Youngblood
Dermodoy	Lederer	Rudy	Zimmerman
DeWeese	Leh	Sainato	Zug

DiGirolamo	Lescovitz	Santoni	
Donatucci	Levdansky	Sather	Ryan,
Druce	Lloyd	Saylor	Speaker
Durham	Lucyk		

NAYS-0

NOT VOTING-1

Markosek

EXCUSED-5

Carone	Hasay	Mihalich	Rooney
Evans			

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. BLAUM offered the following amendment No. A5862:

Amend Title, page 1, line 3, by removing the period after "obscenity" and inserting
and for regulations on dissemination of criminal history record information.

Amend Bill, page 3, by inserting between lines 29 and 30

Section 2. Section 9121(b) of Title 18 is amended and the section is amended by adding a subsection to read:
§ 9121. General regulations.

(b) Dissemination to noncriminal justice agencies and individuals.—Criminal history record information shall be disseminated by a State or local police department to any individual or noncriminal justice agency only upon request. Except as provided in subsection (b.1):

(1) A fee may be charged by a State or local police department for each request for criminal history record information by an individual or noncriminal justice agency.

(2) Before a State or local police department disseminates criminal history record information to an individual or noncriminal justice agency, it shall extract from the record all notations of arrests, indictments or other information relating to the initiation of criminal proceedings where:

- (i) three years have elapsed from the date of arrest;
- (ii) no conviction has occurred; and
- (iii) no proceedings are pending seeking a conviction.

(b.1) Exception.—Subsection (b)(1) and (2) shall not apply if the request is made by a county children and youth agency or the Department of Public Welfare, in the performance of duties relating to children and youth under the act of June 24, 1937 (P.L.2017, No.396), known as the County Institution District Law, the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, 23 Pa.C.S. Ch. 63 (relating to child protective services) or 42 Pa.C.S. Ch. 63 (relating to juvenile matters).

Amend Sec. 2, page 3, line 30, by striking out "2" and inserting
3

Amend Sec. 3, page 4, line 6, by striking out "3" and inserting
4

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

The SPEAKER. The Chair recognizes the gentleman.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, many times our children and youth agencies across the 67 counties, one of the problems they run into when they are dealing with the placement of a child is obtaining the criminal history background of a parent or person with whom they are deciding to place this child. We have seen in more than one instance a horrendous case where information is requested, they receive no criminal history information, and a child is placed, only for us to learn that the person with whom this child was placed had a criminal background; that the children and youth agency, had they known about it, had the judge known about it, would not have placed this child with that particular family or would not have returned that child to that home.

What this does is gives the children and youth agency the right to obtain the criminal history information of a person applying for custody of the child. It allows the children and youth agency to obtain that information on a very timely basis. Right now children and youth agencies sometimes have to wait between 6 weeks and 2 months to obtain information that may not be all-inclusive, and this amendment gives them the right to obtain that information, as another law enforcement agency would, so that they can make the appropriate decision in the disposition of the case involving a child.

So it is a very important amendment, and I ask the members for their approval.

The SPEAKER. The gentleman, Mr. Armstrong.

Mr. ARMSTRONG. Thank you, Mr. Speaker.

I also support this amendment. I think it is a good amendment. I ask everybody to vote in favor of it.

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

The following roll call was recorded:

YEAS-197

Adolph	Egolf	Lynch	Schroder
Allen	Fairchild	Maitland	Schuler
Argall	Fajt	Major	Scrimenti
Armstrong	Fargo	Manderino	Semmel
Baker	Farmer	Markosek	Serafini
Bard	Feese	Marsico	Shaner
Barley	Fichter	Masland	Sheehan
Battisto	Fleagle	Mayernik	Smith, B.
Bebko-Jones	Flick	McCall	Smith, S. H.
Belardi	Gamble	McGeehan	Snyder, D. W.
Belfanti	Gannon	McGill	Staback
Birmelin	Geist	Melio	Stairs
Bishop	George	Merry	Steelman
Blaum	Gigliotti	Michlovic	Steil
Boscola	Gladeck	Micozzie	Stern
Boyes	Godshall	Miller	Stetler
Brown	Gordner	Mundy	Stish
Browne	Gruitza	Myers	Strittmatter
Bunt	Gruppo	Nailor	Sturla
Butkovitz	Habay	Nickol	Surra
Buxton	Haluska	Nyce	Tangretti
Callagirono	Hanna	O'Brien	Taylor, E. Z.
Cappabianca	Harhart	Olasz	Taylor, J.
Carn	Hennessey	Oliver	Thomas

Cawley	Herman	Perzel	Tigue
Chadwick	Hershey	Pesci	Travaglio
Civera	Hess	Petrarca	Trello
Clark	Horsey	Petrone	Trich
Clymer	Hutchinson	Pettit	True
Cohen, L. I.	Itkin	Phillips	Tulli
Cohen, M.	Jadlowiec	Pistella	Vance
Colaella	James	Pitts	Van Horne
Colaizzo	Jarolin	Platts	Veon
Conti	Josephs	Preston	Vitali
Cornell	Kaiser	Ramos	Walko
Corpora	Keller	Raymond	Washington
Corrigan	Kenney	Readshaw	Waugh
Cowell	King	Reber	Williams
Coy	Kirkland	Reinard	Wogan
Curry	Krebs	Rieger	Wozniak
Daley	Kukovich	Roberts	Wright, D. R.
DeLuca	LaGrotta	Robinson	Wright, M. N.
Dempsey	Laughlin	Roebuck	Yewcic
Dent	Lawless	Rohrer	Youngblood
Dermody	Lederer	Rubley	Zimmerman
DeWeese	Leh	Rudy	Zug
DiGirolamo	Lescovitz	Sainato	
Donatucci	Levdansky	Santoni	Ryan,
Druce	Lloyd	Sather	Speaker
Durham	Lucyk	Saylor	

NAYS-0

NOT VOTING-0

EXCUSED-5

Carone	Hasay	Mihalich	Rooney
Evans			

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. The clerk will read the next amendment of the gentleman, Mr. Blaum. Is that it?

Mr. BLAUM. No, Mr. Speaker. I just wanted to thank the gentleman, Mr. Armstrong, for working with us on those amendments and getting them into the bill.

The SPEAKER. Do you have another amendment?

Mr. BLAUM. I do not.

The SPEAKER. Thank you. I will thank you.

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

Mr. COWELL offered the following amendment No. A6014:

Amend Sec. 1, page 1, line 6, by striking out "and (h)" and inserting
, (h) and (j)

Amend Sec. 1 (Sec. 5903), page 3, by inserting between lines 29 and 30

(j) Exemptions.—

(1) Nothing in this section shall apply to any recognized historical society or museum accorded charitable status by the Federal Government, any county, city, borough, township or town

library, any public library, any library of any school, college or university or any archive or library under the supervision and control of the Commonwealth or a political subdivision.

(2) This section shall not apply to the curriculum or materials of any public school district or to the curriculum, materials or courses of any accredited institution of higher education.

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

The SPEAKER. The gentleman, Mr. Cowell.
Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, in the current law, the definition of "obscene" includes an exemption or an exception for material deemed to have educational value. The bill before us eliminates that exception for material that would have educational value. The amendment that I am offering would provide for a more narrow exception, and it would provide that the section of the law would not apply to curriculum or materials of any public school district or the curriculum, materials, or courses of any accredited institution of higher education.

Mr. Speaker, I would ask that we approve that amendment.

The SPEAKER. The gentleman, Mr. Armstrong.

Mr. ARMSTRONG. Mr. Speaker, I also support this amendment.

When we look at the bill itself, we see that we are looking at a local community, and the community has every right and power and control in the local school districts as well as the higher education. So for that reason I am supporting 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-190

Adolph	Durham	Lucyk	Saylor
Allen	Egolf	Maitland	Schroder
Argall	Fairchild	Major	Schuler
Armstrong	Fajt	Manderino	Scrimenti
Baker	Fargo	Markosek	Semmel
Bard	Farmer	Marsico	Serafini
Barley	Feese	Masland	Shaner
Battisto	Fichter	Mayernik	Sheehan
Bebko-Jones	Fleagle	McCall	Smith, B.
Belardi	Flick	McGeehan	Smith, S. H.
Belfanti	Gamble	McGill	Snyder, D. W.
Birmelin	Gannon	Mefio	Staback
Bishop	Geist	Michlovic	Stairs
Blaum	George	Micozzie	Steil
Boscola	Gigliotti	Miller	Stern
Boyes	Gladeck	Mundy	Stetler
Brown	Godshall	Myers	Stish
Browne	Gordner	Nailor	Strittmatter
Bunt	Gruitzza	Nickol	Sturla
Butkovitz	Gruppo	Nyce	Surra
Buxton	Habay	O'Brien	Tangretti
Caltagirone	Haluska	Olasz	Taylor, E. Z.
Cappabianca	Hanna	Oliver	Taylor, J.
Carn	Harhart	Perzel	Thomas
Cawley	Hennessey	Pesci	Tigue

Chadwick	Herman	Petrarca	Travaglio
Civera	Hershey	Petrone	Trello
Clymer	Hess	Pettit	Trich
Cohen, L. I.	Horsey	Phillips	True
Cohen, M.	Hutchinson	Pistella	Tulli
Colafrilla	Itkin	Pitts	Vance
Colaizzo	Jadlowiec	Platts	Van Horne
Conti	James	Preston	Veon
Cornell	Jarolin	Ramos	Vitali
Corpora	Kaiser	Raymond	Walko
Corrigan	Keller	Readshaw	Washington
Cowell	Kenney	Reber	Waugh
Coy	King	Reinard	Williams
Curry	Kirkland	Rieger	Wogan
Daley	Krebs	Roberts	Wozniak
DeLuca	Kukovich	Robinson	Wright, D. R.
Dempsey	LaGrotta	Roebuck	Wright, M. N.
Dent	Laughlin	Rohrer	Youngblood
Dermody	Lawless	Rubley	Zimmerman
DeWeese	Lederer	Rudy	Zug
DiGirolamo	Lescovitz	Sainato	
Donatucci	Levdansky	Santoni	Ryan,
Druce	Lloyd	Sather	Speaker

NAYS-6

Clark	Leh	Merry	Yewcic
Josephs	Lynch		

NOT VOTING-1

Steelman

EXCUSED-5

Carone	Hasay	Mihalich	Rooney
Evans			

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. LYNCH offered the following amendment No. A6063:

Amend Title, page 1, line 3, by removing the period after "obscenity" and inserting
and for persons not to possess, use, manufacture, control, sell or transfer firearms.

Amend Sec. 1, page 1, line 6, by striking out "Section" and inserting Sections

Amend Sec. 1, page 1, line 6, by inserting after "(h)" and 6105(c) and (e)

Amend Sec. 1, page 3, by inserting between lines 29 and 30 § 6105. Persons not to possess, use, manufacture, control, sell or transfer firearms.

(c) Other persons.—In addition to any person who has been convicted of any offense listed under subsection (b), the following persons shall be subject to the prohibition of subsection (a):

(1) A person who is a fugitive from justice.

(2) A person who has been convicted of an offense under the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, that may be punishable by a term of imprisonment exceeding two years.

(3) A person who has been convicted of driving under the influence of alcohol or controlled substance as provided in 75 Pa.C.S. § 3731 (relating to driving under influence of alcohol or controlled substance) on three or more separate occasions within a five-year period. For the purposes of this paragraph only, the prohibition of subsection (a) shall only apply to transfers or purchases of firearms after the third conviction.]

(4) A person who has been adjudicated as an incompetent or who has been involuntarily committed to a mental institution for inpatient care and treatment under sections 302, 303 and 304 of the provisions of the act of July 9, 1976 (P.L.817, No.143), known as the Mental Health Procedures Act.

(5) A person who, being an alien, is illegally or unlawfully in the United States.

(6) A person who is the subject of an active protection from abuse order issued pursuant to 23 Pa.C.S. § 6108 (relating to relief), which order provided for the confiscation of firearms during the period of time the order is in effect.

(7) A person who was adjudicated delinquent by a court pursuant to 42 Pa.C.S. § 6341 (relating to adjudication) or under any equivalent Federal statute or statute of any other state as a result of conduct which if committed by an adult would constitute an offense under sections 2502, 2503, 2702, 2703 (relating to assault by prisoner), 2704, 2901, 3121, 3123, 3301, 3502, 3701 and 3923.

(8) A person who was adjudicated delinquent by a court pursuant to 42 Pa.C.S. § 6341 or under any equivalent Federal statute or statute of any other state as a result of conduct which if committed by an adult would constitute an offense enumerated in subsection (b) with the exception of those crimes set forth in paragraph (7). This prohibition shall terminate 15 years after the last applicable delinquent adjudication or upon the person reaching the age of 30, whichever is earlier.

(e) Proceedings.—

[(1)] If a person convicted of an offense under subsection (a), (b) or (c)(1), (2), (5) or (7) makes application to the court, a hearing shall be held in open court to determine whether the requirements of this section have been met. The commissioner and the district attorney of the county where the application is filed and any victim or survivor of a victim of the offense upon which the disability is based may be parties to the proceeding.

[(2)] Upon application to the court of common pleas pursuant to paragraph (1) by an applicant who is subject to the prohibition under subsection (c)(3), the court shall grant such relief if a period of ten years, not including any time spent in incarceration, has passed since the applicant's most recent conviction under subsection (c)(3).]

On the question,

Will the House agree to the amendment?

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

Mr. LYNCH. Thank you, Mr. Speaker.

What this amendment does is — and I will admit, it is not necessarily germane to this bill, and I am not going to argue against it if that is brought up, and I assume it probably will be — but it is an opportunity here for us to remove a provision that was put into the Uniform Firearms Act, under Act 17, which said that if a person is convicted of DUI (driving under the influence) three times within 5 years, they would not be able to purchase a gun for 10 years. Now, I would submit to those of you who are concerned about gun control that a dangerous door was opened up by

allowing that. There is absolutely no relationship between the function and responsibility of gun ownership and DUI's.

Again, for those that are concerned about gun control, I would suggest to you that several years down the road or maybe sooner, the people who want additional gun control are going to come to you and tell you that if you are convicted of jaywalking three times in 5 years, you will not be able to purchase a gun for 10 years. It has about as much relationship as the current DUI does.

I ask for approval on this amendment. Thank you, Mr. Speaker.

The SPEAKER. On the question, the gentleman, Mr. Michlovic.

Mr. MICHLOVIC. Mr. Speaker, the gentleman is correct in his description of the amendment. It would allow people who have been convicted of three DUI incidents to own a gun, a weapon. He said that he cannot see the relationship between the failure on the part of that person to act responsibly when they are driving and their potential for acting responsibly when they are behind the trigger of the gun. I see a direct relationship.

This is not a person who has had a mishap. This is a person who three times has gotten behind the wheel of an automobile under the influence of alcohol, has been convicted three times, and we are now going to give this guy a gun. That is insane.

I would ask that we oppose this amendment resoundingly, because I think that it sets a very bad precedent in terms of the responsibility. If a person has already been convicted three times of driving under the influence, he has already told us three times that he is irresponsible, to the point where we have assigned him to a prison term, and now we are going to assign him a gun because there is no relationship? The relationship is in the responsibility and his failure to act responsibly. That is the relationship.

I ask you to vote "no" on this amendment.

The SPEAKER. The gentleman from Philadelphia, Mr. Cohen. Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, will the gentleman, Mr. Lynch, submit to interrogation, please?

The SPEAKER. The gentleman indicates he will stand for interrogation. You may begin.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, will the gentleman, Mr. Lynch, indicate how many people are affected by his amendment?

Mr. LYNCH. I am sorry, Mr. Speaker. I did not hear the question.

Mr. COHEN. Mr. Speaker, how many people are affected by your amendment? How many people have been convicted three times?

Mr. LYNCH. I do not know, but I will say this to you, that if it is only one, that is too many.

By my amendment? If my amendment were able to pass by one person, it would be worth it, but how many people will be affected, I do not know.

Mr. COHEN. Is it a large number, Mr. Speaker?

Mr. LYNCH. I am sorry. I am having trouble hearing. It is not the noise. Could you speak up, Mr. Speaker?

Mr. COHEN. Mr. Speaker, could we have some order here?

The SPEAKER. The members are unable to hear the debate. The members who are debating are unable to hear the questions. Let us try again.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, to your knowledge, are there large numbers of people in this Commonwealth who have been convicted of driving

under the influence three times in a 5-year period who are applying to own guns?

Mr. LYNCH. If you are asking if it is a large number, I do not know, but I think with all due respect, Mr. Speaker, you are missing the point here.

I do not think the argument is how many people will or will not be affected. I think we have a philosophical discussion here as to whether a DUI, as the prior speaker mentioned, is irresponsible behavior in regards to gun ownership, and I submit to you that DUI is no more irresponsible — and I do not condone drunk driving; I do not think any of us here do — but I do not think that is any more irresponsible behavior than other nonrelated acts could be proven to be, under this scenario that was passed and signed into law here, if you will, a short time ago. I do not think numbers are the question here. The question is a philosophical discussion: Is there a relationship between DUI and gun ownership? And I submit to you that there is not.

Mr. COHEN. Mr. Speaker, if there is no relationship, why are you allowing somebody to be denied gun ownership who has been convicted four times in 5 years? Why are you drawing the line saying three times in 5 years is wrong but four times in 5 years is okay?

Mr. LYNCH. I say three times in 5 years, Mr. Speaker, because that is what was introduced into law through Act 17. I mean, had Act 17 called for four times in 5 years, I would have been saying four times in 5 years. I am only repeating what was put into law.

Mr. COHEN. Thank you, Mr. Speaker. I have no further questions.

May I address the bill, Mr. Speaker?

Mr. Speaker, the question here is whether a philosophical desire not to restrict the ownership of guns should overwhelm a very real practical problem here.

The legislature voted to ban somebody who has been convicted of drunken driving three times in 5 years, a category that has to be a very, very small category of people. The average Pennsylvanian never ever in his entire life gets convicted of driving under the influence. I am sure far less than 10 percent of the population ever in their entire lives gets convicted of drunken driving. I think it is safe to say that the average person who gets convicted, one of the 7, 8, 10 percent, whatever the number is, never gets convicted again, and then of the people who get convicted twice, I am sure the overwhelming majority of them never get convicted a third time. So we just have a very, very small group of people who are clearly irresponsible, who are clearly incapable of controlling themselves, and why should we pass a special exemption for this tiny group of people — probably in the average district, nobody at all is affected by this legislation — why this tiny group of people ought to have a special exemption for them. These are people who are clearly incapable of controlling themselves.

I strongly would urge everybody, regardless of their philosophical position, to vote against this amendment.

The SPEAKER. The gentleman, Mr. Lloyd.

Mr. LLOYD. Mr. Speaker, I would like to interrogate the maker of the amendment.

The SPEAKER. The gentleman has indicated a willingness to be interrogated. You may proceed.

Mr. LLOYD. Mr. Speaker, under the firearms law prior to what we did in June, there was a provision which said that it was illegal to deliver a firearm to any person who was a habitual drunkard. That was removed from the law in June when this laundry list of violations was inserted into the firearms law.

My question is, if your amendment were to pass, would there be any way to deny the right to carry or to impose an obligation not to deliver a firearm to someone who was a habitual drunkard?

Mr. LYNCH. Mr. Speaker, my understanding is that the law prior to Act 17 relating to habitual drunkards was referring not to gun ownership but to having a license to carry a weapon. There is a distinct difference.

Mr. LLOYD. Mr. Speaker, I think that is correct. My question is, however, if we simply repeal this prohibition on future possession without putting back the language which was repealed in June, is it not correct that it will no longer be possible to deny a right to carry to someone who is a habitual drunkard?

Mr. LYNCH. The habitual drunkard part, as I understand, is still in the law. Okay?

Mr. LLOYD. Mr. Speaker, on the amendment.

The SPEAKER. On the amendment, the gentleman is recognized.

Mr. LLOYD. Mr. Speaker, I do not have a copy of Title 18 in front of me, but it is my understanding that that used to be section 6110 of Title 18, and it is my understanding that that section of Title 18 was repealed in June. And if that is the case, you know, then we have a problem of, if this amendment were to be adopted, the effect would be that we would have no basis for denying a license to carry to someone who had a serious, perpetual drinking problem, and I think that goes too far.

The second thing, Mr. Speaker, we spent a lot of time in June and a lot of time a few weeks ago dealing with issues of guns. We have created enough confusion out across the State, and I think we ought to just let things settle down a little bit, see how what we did in November works out, and if there is then a need to come back and amend sections of law, we can do it in a deliberative kind of way.

I think I am correct with regard to my interpretation of the issue with regard to license to carry, but at the very least we ought to be able to check into that before we plunge into opening up a loophole that did not exist prior to June.

So, Mr. Speaker, I would urge that we defeat this amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Montgomery, Mr. Godshall.

Mr. GODSHALL. Thank you, Mr. Speaker.

I just had a discussion with Representative Lloyd prior to his statement, and I concur with him that what we may be doing here would be denying law enforcement from issuing a right-to-carry permit, you know, based on DUI's. Specifically before, under the bill that we passed back in 1988, which was a right-to-carry bill, if you were a habitual drunkard or habitual user of alcohol, law enforcement would be allowed to deny.

I would ask on that basis — I am not sure where we stand at this point with this amendment, what effect it would have — I would also ask for a negative vote.

The other thing I wanted to clear up is, I believe my cochairman of the Tourism Committee, Representative Michlovic, mentioned earlier about the purchase and ownership of firearms. What we are dealing with here is the purchase but not ownership. What we are dealing with here is the ability to buy a gun. It is not ownership. This was the Heckler amendment into the bill. It dealt with ability to buy any additional gun. It did not deal with ownership.

But I still would ask for a negative vote on the Lynch amendment. Thank you.

The SPEAKER. On the question, the Chair recognizes the gentleman, Mr. Lynch, for the second time.

Mr. LYNCH. Thank you, Mr. Speaker.

I would like to make a couple final comments.

It was mentioned before by the gentleman from Allegheny County that by doing this, if we remove from Act 17 this provision, that would be giving a person a gun. No, that is not what you are doing. By having that provision in there, you are taking away somebody's right, constitutional right, not privilege, constitutional right to own a weapon for a matter totally, totally unrelated, unsupported by statistics, to gun ownership.

And to the gentleman from Somerset County who indicated that a lot of work was done on this, well, I submit to him that there has been a lot of work done on all the laws in Pennsylvania, and if they were so perfect to begin with, we would not be sitting here 90 percent of the time that we sit here trying to correct them. Yes, there was a lot of work done on it, and I submit to you that some of the work that was done was not very good, and I say that with all due respect. I know there are a lot of compromises that go on in the making of a law, but do not sit there and argue that a lot of work was done on it, therefore, it must be perfect, because we know that is not the case.

Again, philosophically, the discussion that I see here is that you are looking to take away a person's right to do something by an act that is totally unrelated to it. You vote "no" for this, you keep it in the law, and you are opening up the doors for a lot more alarming possibilities. Anybody that is concerned about future gun control should vote "yes." Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS-18

Allen	Feese	Lucyk	Rohrer
Birmelin	George	Lynch	Saylor
Brown	Hutchinson	Merry	Smith, S. H.
Colaizzo	Jadlowiec	Nickol	Tulli
Fargo	King		

NAYS-179

Adolph	Egolf	Manderino	Scrimenti
Argall	Fairchild	Markosek	Semmel
Armstrong	Fajt	Marsico	Serafini
Baker	Farmer	Masland	Shaner
Bard	Fichter	Mayernik	Sheehan
Barley	Fleagle	McCall	Smith, B.
Battisto	Flick	McGeehan	Snyder, D. W.
Bebko-Jones	Gamble	McGill	Staback
Belardi	Gannon	Melio	Stairs
Belfanti	Geist	Michlovic	Steelman
Bishop	Gigliotti	Micozzie	Steil
Blaum	Gladeck	Miller	Stern
Boscola	Godshall	Mundy	Stetler
Boyes	Gordner	Myers	Stish
Browne	Gruitza	Nailor	Strittmatter
Bunt	Gruppo	Nyce	Sturla
Butkovitz	Habay	O'Brien	Surra
Buxton	Haluska	Olasz	Tangretti
Caltagirone	Hanna	Oliver	Taylor, E. Z.
Cappabianca	Harhart	Perzel	Taylor, J.
Carr	Hennessey	Pesci	Thomas
Cawley	Herman	Petrarca	Tiguc

Chadwick	Hershey	Petrone	Travaglio
Civera	Hess	Pettit	Trello
Clark	Horsey	Phillips	Trich
Clymer	Itkin	Pistella	True
Cohen, L. I.	James	Pitts	Vance
Cohen, M.	Jarolin	Platts	Van Horne
Colafrella	Josephs	Preston	Veon
Conti	Kaiser	Ramos	Vitali
Cornell	Keller	Raymond	Walko
Corpora	Kenney	Readshaw	Washington
Corrigan	Kirkland	Reber	Waugh
Cowell	Krebs	Reinard	Williams
Coy	Kukovich	Rieger	Wogan
Curry	LaGrotta	Roberts	Wozniak
Daley	Laughlin	Robinson	Wright, D. R.
DeLuca	Lawless	Roebuck	Wright, M. N.
Dempsey	Lederer	Rubley	Yewcic
Dent	Leh	Rudy	Youngblood
Dermody	Lescovitz	Sainato	Zimmerman
DeWeese	Levdansky	Santoni	Zug
DiGirolamo	Lloyd	Sather	
Donatucci	Maitland	Schroder	Ryan,
Druce	Major	Schuler	Speaker
Durham			

NOT VOTING-0

EXCUSED-5

Carone	Hasay	Mihalich	Rooney
Evans			

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. The Chair at this time recognizes the lady, Mrs. Brown.

Mrs. BROWN. Thank you, Mr. Speaker.

I rise to ask for unanimous consent to make a few remarks concerning my amendments to HB 881.

The SPEAKER. The lady may proceed.

Mrs. BROWN. Thank you, Mr. Speaker.

After I make a few remarks, I will withdraw both amendments, numbered A5758 and A6151.

My amendments, if passed, would have repealed most of the provisions enacted into law as Act 17 of the special session of 1995 and Act 66 of 1995.

The problems that existed with Act 17 did not go away with Act 66. The sponsors of Act 66 promised us that in order to give gun dealers a chance to gradually comply with the law, no records or paperwork would be required on long guns until January 1, 1997. Unfortunately, this has not been the reality.

The Pennsylvania State Police, due to an interpretation of Act 66 of 1995, which is at odds with the intent expressed by the act's sponsors, are requiring a triplicate form to be filled out and maintained at the gun dealer's expense for the sale of each long gun. This is happening right now, not January 1, 1997. What other hidden surprises are waiting around the bend? What else can we expect from Acts 17 and 66 that we were not warned about? How many people will lose their livelihood and their liberty for failing

to comply with some unforeseen twist of these hurried pieces of legislation?

I have decided to withdraw my amendments so that next year I can reintroduce similar legislation in order to fix the problems which have already resulted and will continue to pop up from Acts 17 and 66.

Act 17 of the special session of 1995 created a number of problems for law-abiding gun dealers and gun purchasers in Pennsylvania, but Act 17 generated more than just problems. It started a ground swell among Pennsylvania gun owners. The American Heritage Dictionary defines "ground swell" as a "swell in the ocean or a strong rapid growth or surge." The ground swell that was created on October 11, 1995, the effective date of Act 17, has not reached its full potential. The ground swell is still building.

Act 66 of 1995 attempted to stem the tide by providing some cosmetic changes to Act 17. Act 66 failed. The ground swell is still building.

As you return home to your districts over the holiday season, you will hear the opposition growing to Pennsylvania's new gun laws. The ground swell is still building.

Over the months to come, as more and more Pennsylvanians realize the difficulties we have created in this Commonwealth's firearms laws, the ground swell will still be building, and when we return next year, I predict the ground swell will crash upon the shores of the legislature. At that time I will introduce my amendments to the Pennsylvania firearms laws.

I respectfully withdraw amendments A5758 and A6151 to HB 881, PN 976, from consideration by the House. Thank you, Mr. Speaker.

On the question recurring,

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

The SPEAKER. The gentleman, Mr. Godshall.

Mr. GODSHALL. Thank you, Mr. Speaker.

I would like to make a very brief statement and then submit for the record my comments pertaining to the issue that is at hand, and that is Acts 17 and 66.

Very briefly, 5 months ago the House passed HB 110, which became Act 17, by a vote of 166 to 35. Since that time, there has been a steady barrage of propaganda, distortion, outright lies, and in some cases threats and intimidation, all because of information disseminated by essentially two groups of individuals — one being the Pennsylvania Sportsmen's Association, PSA, and the other being Gun Owners of America. You have heard no such complaints or threats from the Federation of Sportsmen's Clubs, the Unified Sportsmen, or the NRA (National Rifle Association). These groups represent the grassroots sportsmen in Pennsylvania. They represent your sportsmen; they represent your neighbors and friends. They are the mainstream grassroots sportsmen in this State.

In the last weekend, I received a half a dozen calls from gun dealers absolutely, totally in harmony with the new regulations issued by the State Police. I have heard absolutely no complaints about the new regulations that are issued by the State Police. There is no ground swell against this bill or against these acts. There is no such thing.

Recently in central Pennsylvania, Dr. Krug from the NRA, the president of the Unified Sportsmen's group, the Unified Sportsmen of Pennsylvania, spoke to 21 different sportsmen's clubs over this past weekend. Unanimously they supported Act 17 and Act 66.

REMARKS SUBMITTED FOR THE RECORD

Mr. GODSHALL. Mr. Speaker, I appreciate the fact that Representative Brown is withdrawing the amendments to do away with Acts 17 and 66, and I would like to submit my comments for the record. Thank you.

The SPEAKER. The remarks will be sent to the desk to be included in the record.

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

Five months ago, this House passed HB 110, which became Act 17, by a vote of 166 to 35. Since that time, there has been a steady barrage of propaganda, distortion, outright lies, and some cases of threats and intimidation, all because of information disseminated by essentially two groups of individuals — one being the Pennsylvania Sportsmen's Association (PSA) and the other being Gun Owners of America (GOA). You have heard no such complaints or threats from the Federation of Sportsmen's Clubs, the Unified Sportsmen, or the NRA (National Rifle Association). These groups represent the grassroots sportsmen in Pennsylvania. They represent your sportsmen. They represent your neighbors and friends — these are the mainstream and grassroots sportsmen.

Act 17 called for the development of an instantaneous background check prior to the purchase of a firearm or long gun. The check is to include criminal records, juvenile records, and mental health records. To the best of my knowledge, we would be the first State to include criminal, juvenile, and mental health records in a background check.

Let us just review what the repeal of Act 17 would cause:

*It would remove the strict penalties for illegal use, possession, and sale of firearms.

*It would allow dangerous people to possess firearms.

*Repeal of Act 17 would permit the carrying of weapons in our courtrooms and court buildings — certainly a dangerous situation.

*Repeal of Act 17 would cause matchlock, flintlock, and percussion-cap firearms that are not replicas for firearms manufactured on or before 1898 to possibly be subject to the Uniform Firearms Act.

*Repeal would stop the development of an instant check system.

*If we repeal Act 17, the 5-day and 48-hour waiting periods would remain in effect.

*Repeal would require dealers to continue to go through costly procedures (certified or registered mail) to forward documents (such as applications for purchase) to law enforcement officers.

*It would mean the continuation of the requirement that paperwork be sent to sheriffs' offices to be forwarded within 6 hours of the sale and by registered mail.

*Repeal would not prohibit sheriffs from charging for criminal history records checks as some are doing now.

*Repeal would prohibit juveniles from possession of firearms (handguns) with no exceptions provided by law.

*Repeal would prohibit the Attorney General from entering into reciprocity agreements to recognize other States' licenses to carry firearms.

*Repeal could mean restrictions for dealers wanting to conduct business at gun shows or meets. They might be required to obtain separate licenses to sell firearms at such events.

*Mr. Speaker, repeal would make dealer licenses valid for only 1 year, meaning additional dealer expense and paperwork.

*In addition, it would repeal statutory allowances to lend guns for lawful purposes.

*And finally, Mr. Speaker, repeal of Act 17 would remove the statutory prohibition of any law enforcement agency to create gun registries in the Commonwealth.

The question is what will Acts 17 and 66 do to the legitimate law-abiding sportsman and gun owner.

There is no added inconvenience to sportsmen and gun owners in Act 66. Under the 1968 Uniform Firearms Act, two separate forms – the application and the record of sale – had to be filled out in quadruplicate by consumers to purchase a handgun. Under Act 66 we only require one form, the record of sale, in triplicate, making the system more convenient. For the purchase of a longarm, the only thing required is the signature of the seller and the purchaser. No paperwork for the purchase of a longarm has to be submitted to the State Police until 1997. Overall, gun purchases require less paperwork under Act 66 than under 17 and the 1968 act.

There will be little inconvenience following the implementation of the background check on longarms in 1997. The same single form that is used for a handgun purchase will be used for a longarm. There is no wait to buy the rifle or shotgun...the purchaser takes it home that day. The record must be destroyed by the State Police following completion of the background check.

Lawful gun owners have given up very little in exchange for added protection for the public. In fact, they have gained specific protections against longarm ownership registries and records maintenance.

Act 66 specifically prohibits the creation of a firearm ownership registry. The intent of this section has created some concern among law enforcement. The Pennsylvania State Police have maintained the information on the record of sale for a handgun since the 1930's. The information has been successfully used to solve crimes involving the use of handguns. It was not the intent of Act 66 conference committee to change the State Police's ability to use this data to solve crimes as this information does not constitute an ownership registry.

According to case law, an ownership registry would require the registration of all firearms, including those owned by Pennsylvanians not purchased in the Commonwealth. Presently, if you move to Pennsylvania from another State, you are not required to register any handguns you bring with you. Information on transfers of handguns to spouses, children, and grandchildren is not reported or required. According to case law, the exclusion of these handguns means that there is no "ownership registry."

Act 66 allows the historic record of sale data bank to be retained by the State Police for the purpose of enabling law enforcement to solve crimes and to put the criminals who commit gun violence behind bars.

Act 66 also prevents any records from being maintained on rifles and shotguns. A true ownership registry would require all Pennsylvanians to register all firearms in the same manner as you register a motor vehicle.

While we all know that longarms are not the weapon of choice for most career criminals, there are instances where we may be able to save lives with little or no inconvenience to law-abiding gun owners.

For example, in 1994-95 there were 127 deaths in Pennsylvania related to domestic violence, 89 of which involved a firearm, including rifles and shotguns. The prior year, the number of domestic violence related deaths was 144, 82 of which involved a firearm. The perpetrators of those homicides are almost always repeat batterers. Many have active PFA's (protection from abuse) – others have served time in prison for aggravated assault.

Once the background check is implemented under Act 66, batterers with active PFA's will not be able to purchase a firearm. Act 66 also prohibits individuals convicted of aggravated assault from owning a firearm and will enable police to order the sale of the firearm by the individual or, if necessary, to remove the weapon from their possession. Under the old law, there was no such protection. Any angry batterer could walk into any gun store at any time and purchase a firearm with no questions asked.

Background checks will not save all domestic violence victims, but at a time when domestic violence appears to be on the rise, if we can prevent some of this violence, we must do it.

We have also had instances in the Commonwealth where people with serious mental health histories have obtained firearms and killed and injured members of the general public. Now individuals who have been involuntarily committed may not be able to purchase a gun unless relieved of this disability by the court. We are all very familiar with the

Sylvia Seachrist case in which a woman with a long history of involuntary commitments opened fire with a longarm in a shopping mall. It could be your child, it could be my child or your neighbor's child innocently walking into a mall or a McDonald's or playing on a playground when a mentally ill person has a violent episode. If we can prevent such episodes, we must do so. It is worth the minor inconveniences contained in our new firearms act.

Act 66, like Act 17, adds new crimes to those which preclude firearms ownership, such as stalking, carjacking, and aggravated assault. These criminals will be the ones really inconvenienced by Act 66. The bill for the first time addresses violent crimes such as murder or kidnapping committed by juveniles. Juveniles convicted of violent crimes may not purchase a firearm when they turn 21 unless the disability is removed by a court. Juveniles convicted of lesser crimes may not purchase a firearm until 15 years following the offense or until the offender turns 30. Under our former law, there were no restrictions on a dangerous juvenile once the juvenile turned 21, no matter how violent the criminal record. Before Act 17, a violent juvenile could purchase any gun once he turned 21.

Acts 17 and 66 focus on getting guns out of the hands of criminals by increasing penalties for those who illegally sell firearms to juveniles and to those who use them to commit crimes.

The citizens of Pennsylvania are increasingly concerned about the rise of random violence and the apparent ease with which illegal weapons are being obtained, especially by juveniles. We must balance that concern against Pennsylvania's strong heritage of sportsmanship. Lawful gun owners should be willing, and the vast majority are willing, to submit to a criminal and mental health records check in order to do their part to attack violence and crime in a reasonable manner. We want background checks for teachers, day-care workers, and health-care providers. These citizens willingly go through background checks in order to weed out those few individuals who may pose a threat to children, the sick, the elderly, and the public at large. All Pennsylvanians face increased inconveniences as a result of background crime. Filling out a background form is a small inconvenience.

Acts 17 and 66 prevent gun ownership of those who have diminished citizenship rights because of criminal activity or mental health problems, but at the same time allows for relief from disability. Law-abiding citizens have nothing to fear or lose with Acts 17 and 66. Again, filling out a background form is a small inconvenience, but it is the responsible thing to do.

On the question recurring,

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

The SPEAKER. It is my understanding that the gentleman, Mr. Cohen, has withdrawn his two amendments. Is that correct?

I am also told that Mr. Cowell and Mr. Stetler submitted amendments that would require a suspension of the rules to consider and that they are not being offered. Is that accurate?

Mr. STETLER. Mr. Speaker, would it be possible to interrogate the maker of the bill before I withdraw or ask for a suspension?

The SPEAKER. The gentleman, Mr. Armstrong, will submit to interrogation.

Mr. STETLER. Thank you, Mr. Speaker.

Mr. Speaker, my inquiry just involves legislative intent and the question of whether persons who are under the jurisdiction of the Federal Communications Commission would be exempt from this legislation.

Mr. ARMSTRONG. We have had 2 1/2 days of extensive research last week, and we have studied Federal statute, Pennsylvania statute, and case law, all of which have led us to the opinion that the Federal statute would preempt anything that we

would attempt to do in regards to FCC oversight. So your comment is correct.

Mr. STETLER. Thank you, Mr. Speaker.

Given the answer from Mr. Armstrong, I will not ask to suspend the rules for this amendment. Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Cowell, is that correct as to you?

The gentleman, Mr. Cowell, did you have amendments for this?

Mr. COWELL. Mr. Speaker, the amendment which I offered was approved about a half hour ago.

The SPEAKER. Our records indicated you had another amendment that had been filed after the time limit.

Mr. COWELL. No, Mr. Speaker.

The SPEAKER. If you are happy, we are happy.

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?

Does the gentleman, Mr. Armstrong, desire to be recognized on final passage?

Mr. ARMSTRONG. Yes.

The SPEAKER. The gentleman may proceed.

Mr. ARMSTRONG. Thank you, Mr. Speaker.

In 1972 Pennsylvania joined many, many of its sister States by enacting a statute designed to shield children from obscene and sexually explicit materials. By materials, I mean books, magazines, and other items in print, as well as live performances. Since then, it has been amended to keep pace with an ever-growing body of First Amendment jurisprudence, a body of case law which, on the whole, has expanded the protections afforded to sexually explicit and pornographic forms of expression when it comes to adults but not as it relates to children.

Our statute is and always has been moored in the First Amendment. It is narrowly tailored to meet the constitutional requirements as articulated by the U.S. Supreme Court in *Miller v. California*. It is not intended to censor free speech or to regulate what is heard on radio or seen on television, and although some of us would probably desire so, it is not the case in this particular piece of legislation. And even if we wanted to regulate broadcast or wire communications, we would run up against the Federal preemption.

Today I offer a bill which preserves Pennsylvania's tradition of protecting children from obscene materials. My bill makes minor but important changes to existing Pennsylvania law. And let me repeat that neither the current law nor my bill has anything to do with regulating radio, television, or cable television.

But before I outline those changes, let me summarize the kinds of speech the U.S. Constitution does protect. The First Amendment gives the highest form of protection to political speech. The framers of our Constitution believe, as do I, that the free flow of ideas is critical to a free society. There are also limited protections for commercial speech. Conduct which is the equivalent of political speech is also safeguarded. Even near-obscene speech is

afforded some shelter, but the First Amendment does not protect obscene speech nor does it protect child pornography.

Pennsylvania, like all 50 States, is given the authority under its police power to prohibit obscenity. The U.S. Supreme Court in *Miller v. California* set down guidelines States must follow in order to make obscenity illegal. This way, speech which falls outside the First Amendment is not to do harm to children, while speech which falls within the strictures of the First Amendment is preserved.

When writing an obscenity statute, a State must meet three requirements. First, the State must choose a legal standard, be it State or local, when applying "contemporary community standards." Second, the State must specify which material is outlawed. And third, the State must include a three-pronged test, commonly known as the Miller test, which a jury will use to determine whether a work is obscene.

Our current statute embodies these constitutional principles. We state that when applying "contemporary community standards," we will use a statewide standard. We go into great detail regarding just what conduct is prohibited. For example, it is illegal for anyone to display obscene magazines or books where children can see them; it is illegal to lend or to give away any obscene material to anyone under 18; and it is illegal to use a child in the production of obscene books, magazines, or performances. HB 881 does not change this at all.

Finally, we include the three-pronged Miller test but with a twist. Pennsylvania has gone above and beyond what the U.S. Constitution requires by including the term "educational" in that part of the test which states that a material is obscene "if the subject matter, taken as a whole, lacks serious literary, artistic, political, educational, or scientific value."

HB 881 amends Pennsylvania's obscenity statute in three ways. First, it changes the standard incorporated in "contemporary community standards" from statewide to local. The Constitution of the United States clearly allows us to make that change.

Second, HB 881 deletes the word "educational" from the litany I recited a moment ago: "the work, taken as a whole, lacks serious literary, artistic, political, educational, or scientific value." The Constitution of the United States allows us to make that change, too.

In the long run, I believe that these changes will help protect our children just a little more, and I do not know who can realistically argue about that.

Finally, HB 881 increases the penalty for violating our obscenity statute. Currently there is a complicated scheme, requiring at least one prior conviction before any serious penalty is assessed. My bill would get rid of that. Any person who violated the act — any person who gave obscene books to a minor or used a child in an obscene work — would be guilty of a felony of the third degree. When it comes to our children, it seems to me that the punishment should be serious.

I ask that all my colleagues reflect upon what I have said before you vote, and our children deserve no less. Thank you for your affirmative vote on this bill. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I have a letter from the Pennsylvania Association of Broadcasters, from the president of the Pennsylvania Association of Broadcasters, Richard Wyckoff. Mr. Wyckoff writes to me, and I assume to other members of the House:

"It has come to my attention that Representative Armstrong's analysis of HB 881 mistakenly assumes that broadcasters and cable

systems will be exempted because of federal pre-emption. PAB First Amendment/Constitution lawyers all state that we would not be exempt under HB 881.

“Passage of this bill will have devastating effects on our industry. WPVI television is seen from Philadelphia to counties west of Harrisburg. Having to predict multiple jurisdictional standards as well as defend against multiple prosecutions will prove impossible for our industry.”

“Thank you, Richard E. Wyckoff, President, PAB.”

Mr. Speaker, the broadcast industry has problems with this legislation. We have seen numerous editorials appearing in newspapers throughout the State against this legislation. We have totally legitimate businesses, such as the video rental business, lobbying against this legislation. There is widespread concern about very respectable, very well-established organizations in Pennsylvania about this legislation.

I have long been a proponent of more controls over what is broadcast over our airwaves at the Federal level, and I have advocated the divestiture of Commonwealth investment funds in record companies which produce materials with explicit, degrading, and dehumanizing lyrics. While I am sympathetic with Representative Armstrong’s goals, I have serious reservations about this legislation.

Under current law, a jury is a local factfinder and must necessarily draw on the knowledge of their local area to reach a determination of “community standard.” This bill proposes to go further by statutorily restricting a jury’s consideration of “community standard” to their judicial district, usually the county. A jury in Philadelphia, under this bill, must consider only the county of Philadelphia when determining a community standard, and it may not, as it may currently, consider the broader community of southeastern Pennsylvania or all of Pennsylvania.

Each of the State’s 60 judicial districts will now comprise their own community for the purpose of developing “contemporary community standards” through the process of evolving case law. The process envisioned by this bill sets up potentially radically different criminal obscenity standards in each county of the Commonwealth — different criminal standards for the same felony conviction.

I have concerns about the practical applications. How do legitimate businesses, the vast majority of whom cross county lines, determine in advance what community standards apply in each county? How do cable companies split their signals? How long before magazine and periodical distributors or video rental chains can safely discern which issues of which magazines or which movies can legally be distributed to newsstands or video stores in each county?

And then there is the practical impact of this bill on the not-so-legitimate adult bookstore business. I am afraid that major urban areas being restricted by the bill in what constitutes “community” will develop more lenient standards than they otherwise will under the current statewide standard. The sponsors of the legislation assume this is what actually will happen. Urbanized areas will adopt more lenient standards while rural areas will adopt relatively stricter standards.

This means that the tendency will be for more of those adult establishments being located in more urbanized areas, both cities and suburbs, drawing clientele in part from those areas which have successfully adopted more stringent standards which make their business more difficult. Applying the law of supply and demand, the end result for the cities and older suburbs will be more outlets

for pornography, not less. Without the statewide standard, there is also the possibility that there will be more objectionable material available, not less objectionable material.

In addition, I question but do not necessarily object to the reasoning behind the removal of the word “educational” from the list of excluded materials.

Mr. Speaker, the Judiciary Committee needs to take a closer look at the practical and legal problems with this legislation. Rather than shifting certain stores from one county to another, we should be looking to strengthen the statewide obscenity standard and look for ways to discourage the availability of obscene materials that people throughout the State would view as obscene throughout this Commonwealth. I think we are seriously mistaken if we believe that the county line is an effective barrier to the distribution of obscene material. People, books, videos, cable signals, regular broadcast signals really are not at all limited by county lines.

MOTION TO RECOMMIT

Mr. COHEN. I therefore move that HB 881 be recommitted to the Committee on Judiciary, which has a new chairman and, now that the special session is over, has plenty of time to study this bill in detail.

I move, Mr. Speaker, that this bill be recommitted to the House Committee on Judiciary.

The SPEAKER. The gentleman from Philadelphia, Mr. Cohen, moves that HB 881, PN 976, together with all of its amendments— Is that correct, Mr. Cohen?

Mr. COHEN. All the amendments that have been adopted; yes.

The SPEAKER. Yes; together with all the amendments that have been adopted be recommitted to the Committee on Judiciary.

On the question,

Will the House agree to the motion?

The SPEAKER. On that question of recommitment, the Chair recognizes the majority leader.

Mr. PERZEL. Mr. Speaker, this is not a new issue. It has been on the calendar for quite some time.

A number of the amendments were adopted and went into the bill, and I think that everyone has their mind basically made up of what they are going to do with this piece of legislation. I would like to oppose the motion to recommit.

The SPEAKER. The Chair thanks the gentleman.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair notes the presence in the hall of the House of the lady, Ms. Carone, and asks that she be placed back on the master roll call.

CONSIDERATION OF HB 881 CONTINUED

The SPEAKER. *Further debate on the recommitment? Hearing none, those in—* Does the gentleman, Mr. Gannon, desire recognition?

Mr. GANNON. Yes, Mr. Speaker.

I oppose recommitment, Mr. Speaker.

This bill has been on the calendar for some time. There has been a lot of discussion. We are dealing with amendments to the

bill. There is no reason, I believe, for this bill to be referred to Judiciary for any reason. I think we should go forward and vote this bill today.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—92

Battisto	DeWeese	Manderino	Santoni
Bebko-Jones	Donatucci	Markosek	Scrimenti
Belardi	Fajt	Mayernik	Shaner
Belfanti	Gamble	McCall	Sheehan
Bishop	Gordner	McGeehan	Staback
Boscola	Gruitza	Melio	Steelman
Butkovitz	Haluska	Michlovic	Stetler
Buxton	Hanna	Mundy	Sturla
Caltagirone	Horsey	Myers	Surra
Cappabianca	Itkin	Olasz	Tangretti
Carn	James	Oliver	Thomas
Carone	Jarolin	Pesci	Travaglio
Cawley	Josephs	Petrone	Trello
Cohen, M.	Kaiser	Pistella	Trich
Colafrilla	Keller	Preston	Van Horne
Colaizzo	Kirkland	Ramos	Veon
Corpora	Kukovich	Readshaw	Vitali
Corrigan	LaGrotta	Reber	Walko
Cowell	Laughlin	Rieger	Washington
Coy	Lederer	Roberts	Williams
Curry	Lescovitz	Robinson	Wright, D. R.
Daley	Levdanský	Roebuck	Wright, M. N.
Dermodý	Lucyk	Sainato	Youngblood

NAYS—105

Adolph	Fairchild	Lloyd	Schuler
Allen	Fargo	Lynch	Semmel
Argall	Farmer	Maitland	Serafini
Armstrong	Feese	Major	Smith, B.
Baker	Fichter	Marsico	Smith, S. H.
Bard	Fleagle	Masland	Snyder, D. W.
Barley	Flick	McGill	Stairs
Birmelin	Gannon	Merry	Steif
Blaum	Geist	Micozzie	Stern
Boyes	George	Miller	Stish
Brown	Gigliotti	Nailor	Strittmatter
Browne	Gladeck	Nickol	Taylor, E. Z.
Bunt	Godshall	Nyce	Taylor, J.
Chadwick	Gruppo	O'Brien	Tigue
Civera	Habay	Perzel	True
Clark	Harhart	Pettit	Tulli
Clymer	Hennessey	Phillips	Vance
Cohen, L. I.	Herman	Pitts	Waugh
Conti	Hershey	Platts	Wogan
Cornell	Hess	Raymond	Wozniak
DeLuca	Hutchinson	Reinard	Yewcic
Dempsey	Jadlowiec	Rohrer	Zimmerman
Dent	Kenney	Rubley	Zug
DiGirolamo	King	Rudy	
Druce	Krebs	Sather	Ryan,
Durham	Lawless	Saylor	Speaker
Egolf	Leh	Schroder	

NOT VOTING—1

Petrarca

EXCUSED—4

Evans Hasay Mihalich Rooney

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

On the question recurring,
Shall the bill pass finally?

The SPEAKER. On the question of final passage, the lady, Ms. Steelman, desires recognition.

Ms. STEELMAN. Thank you, Mr. Speaker.

In considering this bill, it occurred to me that this is a subject, as the prime sponsor has pointed out, that comes up again and again. And I knew I had read something relevant on the issue previously, and I was able to uncover the reference that was in my mind, and I would like to share with the members the thoughts of Ogden Nash on a similar Federal bill, I think dating from the late 1930's.

Senator Smoot (Republican, Ut.)

Is planning a ban on smut.

Oh, rootie-toot-toot for Smoot of Ut.

And his respectable occupit.

Smite, Smoot,

Be rugged and tough.

Smut when smitten

Is front-page stuff.

The SPEAKER. I thought I had heard it all; now I have.

Now I am about to hear more. Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, will the prime sponsor of the bill rise for a brief interrogation?

The SPEAKER. The gentleman, Mr. Armstrong? You may proceed; he indicates he will stand.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, earlier there was a discussion about the FCC having jurisdiction over this legislation when it came to cable television and radio and television. Are newspapers and magazines covered by the FCC also?

Mr. ARMSTRONG. No.

Mr. STURLA. So then I guess my next question is, while the FCC would supersede on the television and radio aspects of this, if a newspaper or magazine were distributed over county lines, they would be subject to the local obscenity laws?

Mr. ARMSTRONG. It would be a State law. The standard would only be community— It would be local as far as the contemporary community standard is reflected.

Mr. STURLA. So if something in a magazine that was distributed statewide met the statewide standard but did not meet the local standard, it would be considered obscene and those publishers could be taken to court? Is that correct?

Mr. ARMSTRONG. There is a very liberal Miller test, and that Miller test is probably more liberal than what I would like for it to

be, but that is the law, that is the U.S. Supreme Court ruling, and for as liberal as it is, anything to be judged obscene outside of that would have to be a gross exaggeration of obscenity in order to be prosecuted.

So we are actually looking at a national standard that has to be violated in order to be able to realize a case in our courts.

Mr. STURLA. Well, Mr. Speaker, I guess my concern here is that if you are saying that it is really a national standard that we all have to abide by or a State standard, but we are going to pass a local standard because we believe that a local standard will be better, what are we going to live by? Are we going to live by the local standard or are we going to live by the national standard? Cannot I— Well, I guess I will rephrase my question. Can the local standard prohibit anything from occurring that currently would be allowed under the national standard?

Mr. ARMSTRONG. I do not know if I understand the question, but I am going to state an answer in this way, and maybe this will give more light.

If something is determined to be obscene, it has to violate the Miller test — which is a very liberal test; it is a national test — and it has to be brought before a court of local jurisprudence, and then the local jury has to determine that if this has violated the Miller test, is it acceptable material within their community or is it obscene material for their community? So I think, in other words what I am looking at, there are instances where obscenity occurs beyond the Miller test. In violation of the Miller test is where the local rule comes into effect.

Mr. STURLA. I guess I still do not understand, and I will ask my question again: If there is a newspaper or a magazine that is not considered obscene by the national test, the Miller standard, could it be considered obscene by a new local standard that would be established as a result of your legislation?

I am just looking for a yes or no here, really.

Mr. ARMSTRONG. Yeah, I— I would have to say no, because you have to violate the Miller test.

Mr. STURLA. So I guess then my next question is, if nothing can be considered obscene that is not currently considered obscene, what is the purpose of the law that we are trying to pass here?

Mr. ARMSTRONG. Because when a jury is faced with determining if a particular case that is being prosecuted, if it is to be determined to be obscene and beyond the Miller test, they are then asked to consider this in light of the contemporary community standard and that that standard is a statewide standard. And I would argue that by stating so, you put up a lot of smoke-and-mirrors effect, because in some maybe more rural communities, they would be confused and wondering if this would be acceptable in Philadelphia. So they would rule in some of those cases that the material may not be obscene, because they might think that it might be accepted in Philadelphia when in reality it may not be.

Mr. STURLA. So then what you just told me is that if we do have a local standard, something can be ruled obscene that otherwise would not be ruled obscene. Is that correct?

Mr. ARMSTRONG. It first has to violate the Miller test.

Mr. STURLA. I understand that. Can it be considered obscene, under your legislation, would it be able to be considered obscene even though it would not have been considered obscene before your law?

Mr. ARMSTRONG. That is largely speculative, but I would say in most cases it would not be so. I mean, you have to violate the Miller test first before you go to the local community standard test.

Mr. STURLA. Okay.

Mr. ARMSTRONG. It is highly unlikely.

Mr. STURLA. I am not sure I am understanding the distinction here, but I will ask a few other questions.

If a newspaper or magazine that is not considered obscene under the Miller standard but is considered obscene under a new local standard is mailed to me through the Federal mail, is that a violation of the local law?

Mr. ARMSTRONG. I would go back to a part of your question. I think your question is corrupt. You are stating that someone is going to sit down and establish a local standard; that is not the case. A local standard is only determined once a case is brought before the court.

Mr. STURLA. And how would that be brought before the court?

Mr. ARMSTRONG. If it violates the Miller test.

Mr. STURLA. And so if it violates the Miller test, it would already be brought before the court, because it is a national standard that exists. Is that correct?

Mr. ARMSTRONG. A district attorney would bring a case before the court, and then they would be instructing the jury to determine whether the average person applying contemporary community standards would find that the work, taken as a whole, appeals to the prurient interest — and “prurient” is exciting, lustful thoughts — as a whole, plus the other two prongs of the Miller test, which are whether the work depicts or describes in a patently offensive way sexual conduct specifically defined by State law, and number (3), whether the work taken as a whole lacks serious literary, artistic, political, or scientific values.

Mr. STURLA. Mr. Speaker, if something does not meet the Miller standard, currently it is my understanding that if someone says, I do not believe this meets the Miller standard; I am going to take you to court on this and we will determine whether it is obscene or not, we use statewide obscenity law to determine whether it is obscene or not.

Mr. ARMSTRONG. That is true.

Mr. STURLA. Under your legislation we would use a local standard then to determine that. Is that correct?

Mr. ARMSTRONG. In applying the contemporary community standards, yes.

Mr. STURLA. Okay. So a magazine or a newspaper that does not meet the Miller standard but is currently not obscene in the State of Pennsylvania may be deemed to be obscene by a locality. Is that correct?

Mr. ARMSTRONG. That is possible.

Mr. STURLA. And so even though there is distribution of that newspaper or magazine statewide, and perhaps nationwide because it meets everybody's statewide test, it may not meet local tests, and therefore, it would be against the law to distribute that magazine in that particular location?

Mr. ARMSTRONG. It would be the same from State to State. We may find material to not be obscene in Pennsylvania, but in Alabama they may find it to be obscene. That is present law.

Mr. STURLA. Well, that can happen now. What I am saying is, it is possible for a piece of material, either a newspaper or a magazine, that does not meet the Miller standard but is not considered obscene in any State in the Nation, and yet, because of a new local standard, would not be allowed to be distributed in certain counties now in Pennsylvania. Is that correct?

Mr. ARMSTRONG. That could happen, but let me—

Mr. STURLA. Would it be a violation of the law if that were mailed? Would it be a violation of the law if that were mailed?

Mr. ARMSTRONG. You would get into Federal law, yes, and that is possible that that would be punishable by law.

Mr. STURLA. Even though it does not violate any Federal laws?

Mr. ARMSTRONG. It would have to fall within the guidelines of the Federal statute and case law.

Mr. STURLA. Now, let me ask this question: If I have a warehouse distribution center in my district and it distributes material throughout the Nation, and my county passes a law that says some of the information that they distribute throughout the Nation — but not in my county — is obscene, are they in violation of the law because they distribute material, even though it is not distributed in my district but it is warehoused there?

Mr. ARMSTRONG. We are talking about what is available for kids to see and to handle. If something is being warehoused, such as Hustler magazine, Playboy, and it is not getting into the hands of kids or kids have no access to that, I do not see where that would cause a violation.

Mr. STURLA. Mr. Speaker, I mean, I do not see anywhere in the bill where it talks about this applying only to children. It talks about a local community standard and whether it is pornography or whether it is not. It does not talk about who it is distributed to. It does not talk— I mean, it simply talks about a local standard and whether or not it is considered pornography or not, and my concern, either with the warehousing situation or the other situation, is a printing concern that prints material that may never be distributed in my county, may not even be distributed in my State, may be distributed in some other place. There are international publishers in my district, and I do not know whether in fact this applies to them if they publish something that may not meet the local community standard but is not ever distributed in the local community.

Mr. ARMSTRONG. I think that you are reading the law wrong.

You know, the whole standard has to be taken as a whole, okay? So if you are talking about, I do not even see how a prosecutor would even know that a particular book is being distributed from one particular warehouse, if they can go after that warehouse. We are talking about actual marketing to the kids or to a society. Marketing is where the emphasis of this bill and this legislation would really impact.

We are talking about the given tools to your local community to be able to shut down adult bookstores. That is primarily the focus of what this legislation is all about. All of this other side stuff has just meant nothing but to create smoke and mirrors. It has primarily to do with adult bookstores and allowing your communities to have control in what they want and do not want in their communities. That is what this bill is all about.

Mr. STURLA. Thank you, Mr. Speaker.

Could I make a comment now, please?

The SPEAKER. The gentleman is in order.

Mr. STURLA. Thank you, Mr. Speaker.

I agree with the prime sponsor's intent here. What I am not sure is that the legislation actually limits it to that, and if I could be assured — and I have not been assured, unfortunately, through this discussion — that what we were doing was simply limiting what bookstores were able to distribute and to whom they were able to distribute it, I would not have a problem with this legislation. But I have some concerns with the way it is crafted, that we have exempted some people and not others, and I have a concern about

what we will do to printing industries — newspapers and magazine distribution — throughout this Commonwealth. I have some real concerns about it, and I am still not convinced one way or the other, but I have a tendency to believe that we should perhaps look at this further. That is why I wish we had voted to send it back to the Judiciary Committee, so that we could further refine this. Short of that, though, I have some concerns about what this may do beyond what its stated intention is. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Mayernik.

Mr. MAYERNIK. Thank you, Mr. Speaker.

Will the maker of the bill stand for interrogation, please?

The SPEAKER. The gentleman indicates he will. You may begin.

Mr. MAYERNIK. Mr. Speaker, the two-prong test you mentioned is in the Miller standard, and you are moving to a contemporary community standard. Is that correct?

Mr. ARMSTRONG. The contemporary community standard is already there. We are just taking the definition of "contemporary community standard" as a statewide standard to reflect the local standard.

Mr. MAYERNIK. So is it possible that we could have— Is this county by county or municipality by municipality?

Mr. ARMSTRONG. It is more or less county by county.

Mr. MAYERNIK. So it is possible we could have 67 different standards or definitions of "obscenity" in Pennsylvania?

Mr. ARMSTRONG. Well, that is possible, but I think that is an extreme position. I think it is a very fanatical position to take. Generally, people are not all that different from county to county.

Mr. MAYERNIK. But it is possible?

Mr. ARMSTRONG. Yes, but highly unlikely.

Mr. MAYERNIK. Okay.

The other question I have is, your attempt is to tighten down and to make more stringent the obscenity laws and let the municipalities have that ability. Is that correct?

Mr. ARMSTRONG. No, municipalities would not have that authority.

Mr. MAYERNIK. The county being a municipality. I am sorry, sir.

Mr. ARMSTRONG. The county does not even have the authority. It would be the jury that is selected within that county that would be given the authority to be able to determine if a particular obscene material is acceptable in their community or not.

Mr. MAYERNIK. Is there anything that prevents the pendulum from swinging the other way, from being more restrictive to being less restrictive?

Mr. ARMSTRONG. Well, this very particular language is in, that I know of, five States — Louisiana, Florida, Virginia, Utah, and Missouri. Those five States have tested it in their own Supreme Courts, and I would ask for you to take a look at their own States, actually, and see what kind of situations you may have. Louisiana and Florida, I think, are two cases in point where you might be able to build a case where the community was actually able to go beyond what is acceptable in certain other communities.

Is that clear enough?

Mr. MAYERNIK. I could not hear you, to tell you the truth, but let me ask the question again.

I am concerned that the pendulum could swing the other way and what could be obscene in one county by one jury would find to be more lucrative and less restrictive in the other and pass the State standard, the existing standard, and they would eliminate the

State standard. Is that possible? Is there any prohibition that they would not do that?

Mr. ARMSTRONG. That they would not go beyond what is already accepted in our own State now?

Mr. MAYERNIK. That is correct, that they could make it more relaxed.

Mr. ARMSTRONG. I would point to five States that I know of that have a very similar legalese on their books, on their statutes — Florida, Louisiana, Utah, Virginia, and Missouri. Two of those States have local community standards — Florida and Louisiana come to mind — where you may have a more relaxed situation in certain communities where it would not be accepted in other communities.

Mr. MAYERNIK. So that is possible, under the existing language of this legislation, to have a more relaxed standard than we presently have in Pennsylvania by the statewide standard?

Mr. ARMSTRONG. Historically, in those five States that I have just relayed to you, you can see what has occurred, and I would also state that all of those five States have basically had this same statute on their books for approximately 20 years.

Mr. MAYERNIK. Mr. Speaker, I still have not received the answer to my question. My question is a yes-or-no answer. Is it possible that a jury could relax its standards more than existing statewide standards? I am not concerned about the other five States. I am concerned about the language that is presently in this legislation that we are voting on today. Is it possible to have the standards more relaxed?

Mr. ARMSTRONG. Yes, yes, because it is a community standard.

Mr. MAYERNIK. So it is possible, under this language, instead of tightening the law regarding obscenities in Pennsylvania, that the community standard could also loosen the law regarding obscenities and permit something to be more obscene material than the existing standard in Pennsylvania, more pornographic than the existing standard in Pennsylvania, more offensive than the existing standard in Pennsylvania, and that is what this bill could possibly do. Is that correct?

Mr. ARMSTRONG. Well, we are talking about local control, and what the local people would want to do, it is up to them, and unfortunately, although I may not like that, I want my local control in my local county to be able to shut down a local adult bookstore if we so choose and desire to do so. If you so choose and desire not to do that and allow for 20 adult bookstores to move into your community and your community wants that, so be it. I am not going to visit your community. I want my community to be safeguarded for my kids — my kids. That is where my kids are growing up, and I want that ability. I want the tools to be able to protect my community.

Mr. MAYERNIK. Mr. Speaker, I agree with you 110 percent. I want to protect my community, too. I want to make sure the laws are stringent and we keep those bookstores out and we eliminate those problems and that smut and that corruption and those problems, but at the same time, when I look at the legalese in this legislation that the door can swing the other way, that we can have 20 bookstores, we can have 50 bookstores, and some community can make anything permissive, I am concerned about the pendulum swinging the other way and that there is no prohibition in the language of this legislation that would prohibit that; that somebody could take the existing State standard and exceed that and make it more liberal, more pornographic, more obscene. I am concerned about that.

I would ask for you to address that or to table the bill until you can address that so that the pendulum does not swing this way. I agree with your intent, I agree with your legislation and where you are headed, but I am concerned that there is no safety valve that the water does not flow back and the problem does not flow back to bite us here. So I think it is necessary to address that before you can continue to move this legislation, because if not, the legislation that you put forth today can come back and be used against us tomorrow. I am on your side, and I agree with you, but I am concerned about the language itself, and that is what we have to be concerned about, because this is what the taxpayers talk about — the loopholes that we in the legislature create. We are not trying to create a loophole today, but I think there is a loophole in there.

So I would ask that you would look at addressing that before we move forward, because it can only be problems to us in the future, especially looking to your intent, which I believe is honorable, sincere, and I am in the same position as you, looking to address that. So I would ask that you look at that and take it back to committee and address that issue or table it until you can draft an amendment to address that issue.

Mr. ARMSTRONG. This bill has been on the House calendar for quite some time. We have all been able to take a look at it and to review it. If you feel that a certain restriction has to be added, I would invite you and I to discuss it when it is in the Senate, but I think now is the time to vote this bill, and I would also like to relay to you a situation, if I may, in my own county.

Lancaster County had an adult bookstore, and we were concerned about the effect it was having on our local community, so we took that adult bookstore to court. The judge told that jury that contemporary community standards was to be reviewed as a statewide standard. Our jury did not know what that meant, because there is no definition to what a statewide community standard is. But they looked at this kind of situation and thought that maybe this kind of material was acceptable in Philadelphia, and they ruled in that case to find the defendant not guilty.

Shortly thereafter, in Philadelphia, another case was brought before the court, and the jury found the defendant guilty. Now, I think it is obscene that Philadelphia can shut down an adult bookstore but we cannot do it in rural Pennsylvania because our jurists are confused about what is accepted in Philadelphia, which may not be accepted.

So that is why I am pressing for this bill, and hopefully, all of you can understand why it is needed, to allow our local people to have that control, and I would also state that we are talking about a Miller test here. That has to be violated, and that test can continue to be violated and continue to be tried in our courts after this bill is passed in every community.

Mr. MAYERNIK. Thank you, Mr. Speaker. I appreciate your responding.

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.

YEAS—115

Adolph	Feese	Leh	Santoni
Allen	Fleagle	Lescovitz	Sather
Argall	Gamble	Lloyd	Schroder
Armstrong	Gannon	Lucyk	Schuler
Baker	Geist	Lynch	Scrimenti

Barley	George	Maitland	Semmel
Battisto	Gigliotti	Major	Serafini
Belardi	Gladeck	Marsico	Shaner
Birmelin	Godshall	McCall	Staback
Blaum	Gordner	McGeehan	Stern
Brown	Gruitza	Melio	Strittmatter
Butkovitz	Gruppo	Merry	Sturla
Buxton	Habay	Micozzie	Surra
Caltagirone	Haluska	Miller	Tangretti
Cawley	Hanna	O'Brien	Taylor, J.
Chadwick	Hennessey	Olasz	Tigue
Clark	Hertman	Perzel	Trello
Clymer	Hershey	Pesci	Trich
Colafella	Hess	Petrarca	True
Colaizzo	Hutchinson	Petrone	Tulli
Coy	Jarolin	Petit	Wogan
Daley	Kaiser	Phillips	Wozniak
DeLuca	Keller	Pistella	Wright, M. N.
Dempsey	Kenney	Pitts	Yewcic
DiGirolamo	King	Readshaw	Zimmerman
Egolf	LaGrotta	Rohrer	Zug
Fairchild	Laughlin	Rubley	
Fajt	Lawless	Rudy	Ryan,
Fargo	Lederer	Sainato	Speaker
Farmer			

NAYS-77

Bard	Dermody	Michlovic	Smith, S. H.
Bebko-Jones	DeWeese	Mundy	Snyder, D. W.
Belfanti	Donatucci	Myers	Stairs
Bishop	Druce	Nailor	Steelman
Boscola	Durham	Nickol	Steil
Boyes	Fichter	Nyce	Stetler
Browne	Harhart	Oliver	Stish
Bunt	Horsey	Platts	Thomas
Cappabianca	Itkin	Preston	Travaglio
Carn	Jadlowiec	Ramos	Vance
Carone	Josephs	Reber	Van Horne
Cohen, L. I.	Kirkland	Reinard	Veon
Cohen, M.	Krebs	Rieger	Vitali
Conti	Kukovich	Roberts	Walko
Cornell	Levdansky	Robinson	Washington
Corpora	Manderino	Roebuck	Waugh
Corrigan	Masland	Saylor	Williams
Cowell	Mayernik	Sheehan	Wright, D. R.
Curry	McGill	Smith, B.	Youngblood
Dent			

NOT VOTING-6

Civera	James	Raymond	Taylor, E. Z.
Flick	Markosek		

EXCUSED-4

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

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

The SPEAKER. For what purpose does the gentleman rise?
Mr. ARMSTRONG. Just unanimous consent.

I know it is a tough vote, but I want to express my appreciation for all those who supported it. Thank you.

The SPEAKER. The Chair thanks the gentleman.

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS AS AMENDED**

The House proceeded to consideration of concurrence in Senate amendments to the following **HB 1238, PN 2850**, as further amended by the House Rules Committee:

An Act amending Titles 24 (Education) and 71 (State Government) of the *Pennsylvania Consolidated Statutes*, amending and adding certain definitions; amending and adding provisions regarding the annual compensation limit and other matters under the Internal Revenue Code of 1986 applicable to the system which affect member and school employer contributions to the Public School Employees' Retirement Fund and the State Employees' Retirement Fund; revising provisions relating to annuitants of the Public School Employees' Retirement System or the State Employees' Retirement System who return to school service or State service; making conforming amendments; providing for other purposes; and making a repeal.

On the question,
Will the House concur in Senate amendments as amended by the Rules Committee?

RULES SUSPENDED

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

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, there is a provision in this bill which was added in the Rules Committee which has raised some concern about whether we would be giving the retirement boards discretion to make future changes in the law in response to Federal law changes without coming back to the legislature. Mr. Speaker, counsel for the State Employees' Retirement System has suggested some language which would avoid that problem by shifting the authorization to use regulations to comply with the tax law out of the retirement codes themselves and into the boilerplate at the end of this bill.

Mr. Speaker, in order to consider that language proposed by the Retirement System, a suspension of the rules is necessary, and I move to suspend the rules for the consideration of amendment A6484.

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

The SPEAKER. On the question of suspension of the rules to permit the offering of amendment A6484, the gentleman, Mr. Clymer.

Mr. CLYMER. Mr. Speaker, Representative Lloyd has articulated quite well the need to have this particular amendment placed into HB 1238, and therefore, I would ask members to support a suspension of the rules at this time for this amendment.

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

The following roll call was recorded:

YEAS—196

Adolph	Egolf	Lynch	Schroder
Allen	Fairchild	Maitland	Schuler
Argall	Fajt	Major	Scrimenti
Armstrong	Fargo	Manderino	Semmel
Baker	Farmer	Markosek	Serafini
Bard	Feese	Marsico	Shaner
Barley	Fichter	Masland	Sheehan
Battisto	Fleagle	Mayernik	Smith, B.
Bebko-Jones	Flick	McCall	Smith, S. H.
Belardi	Gamble	McGeehan	Snyder, D. W.
Belfanti	Gannon	McGill	Staback
Birmelin	Geist	Melio	Stairs
Bishop	George	Merry	Steelman
Blaum	Gigliotti	Michlovic	Steil
Boscola	Gladeck	Micozzie	Stern
Boyes	Godshall	Miller	Stetler
Brown	Gordner	Mundy	Stish
Browne	Gruitza	Myers	Strittmatter
Bunt	Gruppo	Nailor	Sturla
Butkovitz	Habay	Nickol	Surra
Buxton	Haluska	Nyce	Tangretti
Caltagirone	Hanna	O'Brien	Taylor, E. Z.
Cappabianca	Harhart	Olasz	Taylor, J.
Carone	Hennessey	Oliver	Thomas
Cawley	Herman	Perzel	Tigue
Chadwick	Hershey	Pesci	Travaglio
Civera	Hess	Petrarca	Trello
Clark	Horsy	Petrone	Trich
Clymer	Hutchinson	Petit	True
Cohen, L. I.	Itkin	Phillips	Tulli
Cohen, M.	Jadlowiec	Pistella	Vance
Colafella	James	Pitts	Van Horne
Colaizzo	Jarolin	Platts	Veon
Conti	Josephs	Preston	Vitali
Cornell	Kaiser	Ramos	Walko
Corpora	Keller	Raymond	Washington
Corrigan	Kenney	Readshaw	Waugh
Cowell	King	Reber	Williams
Coy	Kirkland	Reinard	Wogan
Curry	Krebs	Rieger	Wozniak
Daley	Kukovich	Robinson	Wright, D. R.
DeLuca	LaGrotta	Roebuck	Wright, M. N.
Dempsey	Laughlin	Rohrer	Yewcic
Dent	Lawless	Rubley	Youngblood
Dermody	Lederer	Rudy	Zimmerman
DeWeese	Leh	Saimato	Zug
DiGirolamo	Lescovitz	Santoni	
Donatucci	Levdansky	Sather	Ryan, Speaker
Druce	Lloyd	Saylor	
Durham	Lucyk		

NAYS—0

NOT VOTING—2

Carn	Roberts
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EXCUSED—4

Evans	Hasay	Mihalich	Rooney
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A majority of the members elected to the House 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 concur in Senate amendments as amended by the Rules Committee?

Mr. LLOYD offered the following amendment No. A6484:

Amend Sec. 2, page 5, lines 5 through 23, by striking out all of said lines

Amend Sec. 3, page 5, line 24, by striking out "3" and inserting 2

Amend Sec. 4, page 7, line 26, by striking out "4" and inserting 3

Amend Sec. 5, page 8, line 25, by striking out "5" and inserting 4

Amend Sec. 6, page 20, line 1, by striking out "6" and inserting 5

Amend Sec. 7, page 23, line 5, by striking out "7" and inserting 6

Amend Sec. 8, page 25, line 26, by striking out "8" and inserting 7

Amend Sec. 9, page 26, line 25, by striking out "9" and inserting 8

Amend Bill, page 37, lines 2 through 18, by striking out all of said lines and inserting

Section 9. This act shall be construed and administered in such manner that the Public School Employees' Retirement System will satisfy the requirements necessary to qualify as a qualified pension plan under section 401(a)(8), (a)(17) and (a)(25) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 1 et seq.). The rules, regulations and procedures adopted and promulgated by the Public School Employees' Retirement Board under 24 Pa.C.S. § 8502(h) shall include those necessary to accomplish the purpose of this section.

Section 10. This act shall be construed and administered in such manner that the State Employees' Retirement System will satisfy the requirements necessary to qualify as a qualified pension plan under section 401(a)(8), (a)(17) and (a)(25) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 1 et seq.). The rules, regulations and procedures adopted and promulgated by the State Employees' Retirement Board under 71 Pa.C.S. § 5902(h) shall include those necessary to accomplish the purpose of this section.

Section 11. Except as may be otherwise specifically provided, references in this act to provisions of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 1 et seq.), including for this purpose administrative regulations promulgated thereunder, are intended to include such laws and regulations as in effect on the effective date of this section and as they may hereafter be amended or supplemented or supplanted by successor provisions.

Amend Sec. 11, page 37, line 19, by striking out "11" and inserting 12

Amend Sec. 12, page 38, line 4, by striking out "12" and inserting 13

Amend Sec. 13, page 41, line 8, by striking out "13" and inserting 14

Amend Sec. 14, page 41, line 11, by striking out "14" and inserting 15

Amend Sec. 15, page 42, line 20, by striking out "15" and inserting 16

Amend Sec. 15, page 42, line 27, by striking out "THE ADDITION OF 24 PA.C.S. § 8103(C)" and inserting

Section 9 of this act

Amend Sec. 15, page 43, line 15, by striking out "THE ADDITION OF 71 PA.C.S. § 5953.5" and inserting

Section 10 of this act

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

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

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, as I indicated in discussing the motion to suspend, this is designed to move some language from the retirement codes themselves into the boilerplate sections at the end of the bill. The purpose of that is to make this added flexibility which we are giving to the retirement systems applicable only to the changes which we are approving today. The concern is that without this amendment, if the Federal Government were to decide some future question, that the retirement boards might think that they had the power to implement that without coming back to the General Assembly.

Mr. Speaker, this amendment was drafted by the deputy chief counsel of the State Employees' Retirement System, and I ask for its support.

The SPEAKER. The gentleman, Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I support this amendment and would ask members on both sides of the aisle to give support to it. Thank you.

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

The following roll call was recorded:

YEAS-197

Adolph	Egolf	Lynch	Schroder
Allen	Fairchild	Maitland	Schuler
Argall	Fajt	Major	Scrimenti
Armstrong	Fargo	Manderino	Semmel
Baker	Farmer	Markosek	Serafini
Bard	Feese	Marsico	Shaner
Barley	Fichter	Masland	Sheehan
Battisto	Fleagle	Mayernik	Smith, B.
Bebko-Jones	Flick	McCall	Smith, S. H.
Belardi	Gamble	McGeehan	Snyder, D. W.
Belfanti	Gannon	McGill	Staback
Birmelin	Geist	Melio	Stairs
Bishop	George	Merry	Steelman
Blaum	Gigliotti	Michlovic	Steil
Boscola	Gladeck	Micozzie	Stern
Boyes	Godshall	Miller	Stetler
Brown	Gordner	Mundy	Stish
Browne	Gruitza	Myers	Strittmatter
Bunt	Gruppo	Nailor	Sturfa
Butkovitz	Habay	Nickol	Surra
Buxton	Haluska	Nyce	Tangretti
Caltagirone	Hanna	O'Brien	Taylor, E. Z.
Cappabianca	Harhart	Olasz	Taylor, J.
Carone	Hennessey	Oliver	Thomas
Cawley	Herman	Perzel	Tigue
Chadwick	Hershey	Pesci	Travaglio
Civera	Hess	Petrarca	Trello
Clark	Horsey	Petrone	Trich
Clymer	Hutchinson	Pettit	True
Cohen, L. I.	Itkin	Phillips	Tulli
Cohen, M.	Jadlowiec	Pistella	Vance
Colafella	James	Pitts	Van Horne
Colaizzo	Jarolin	Platts	Veon
Conti	Josephs	Preston	Vitali
Cornell	Kaiser	Ramos	Walko
Corpora	Keller	Raymond	Washington
Corrigan	Kenney	Readshaw	Waugh
Cowell	King	Reber	Williams
Coy	Kirkland	Reinard	Wogan
Curry	Krebs	Rieger	Wozniak

Daley	Kukovich	Roberts	Wright, D. R.
DeLuca	LaGrotta	Robinson	Wright, M. N.
Dempsey	Laughlin	Roebuck	Yewcic
Dent	Lawless	Rohrer	Youngblood
Dermody	Lederer	Rubley	Zimmerman
DeWeese	Leh	Rudy	Zug
DiGirofamo	Lescovitz	Sainato	
Donatucci	Levdansky	Santoni	Ryan,
Druce	Lloyd	Sather	Speaker
Durham	Lucyk	Saylor	

NAYS-0

NOT VOTING-1

Carn

EXCUSED-4

Evans	Hasay	Mihalich	Rooney
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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 concur in Senate amendments as amended?

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I support this bill, but I think that we just ought to remember what we are doing when the time comes when some other groups come and recommend that there be pension cuts. What we are doing with this bill is we are, because of Federal pressure, helping those people at the very, very top of our pension system, people earning over \$150,000 a year or more, of whom there are very, very few. I think we ought to do that, but I think when somebody comes up with a recommendation to cut the pensions for people at the bottom of the pay scale, as happens every once in a while, we ought to remember how we stood up to help the people at the top of the pay scale.

I support this bill, but I urge us to remember what we are doing today. Thank you.

On the question recurring,
Will the House concur in Senate amendments as amended?

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

YEAS-197

Adolph	Egolf	Lynch	Schroder
Allen	Fairchild	Maitland	Schuler
Argall	Fajt	Major	Scrimenti
Armstrong	Fargo	Manderino	Semmel
Baker	Farmer	Markosek	Serafini
Bard	Feese	Marsico	Shaner
Barley	Fichter	Masland	Sheehan
Battisto	Fleagle	Mayernik	Smith, B.
Bebko-Jones	Flick	McCall	Smith, S. H.
Belardi	Gamble	McGeehan	Snyder, D. W.
Belfanti	Gannon	McGill	Staback
Birmelin	Geist	Melio	Stairs
Bishop	George	Merry	Steelman
Blaum	Gigliotti	Michlovic	Steil

Boscola	Gladeck	Micozzie	Stern
Boyes	Godshall	Miller	Stetler
Brown	Gordner	Mundy	Stish
Browne	Gruitza	Myers	Strittmatter
Bunt	Gruppo	Nailor	Sturla
Butkovitz	Habay	Nickol	Surra
Buxton	Haluska	Nyce	Tangretti
Caltagirone	Hanna	O'Brien	Taylor, E. Z.
Cappabianca	Harhart	Olasz	Taylor, J.
Carone	Hennessey	Oliver	Thomas
Cawley	Herman	Perzel	Tigue
Chadwick	Hershey	Pesci	Travaglio
Civera	Hess	Petrarca	Trello
Clark	Horshey	Petrone	Trich
Clymer	Hutchinson	Pettit	True
Cohen, L. I.	Itkin	Phillips	Tulli
Cohen, M.	Jadlowiec	Pistella	Vance
Colafrilla	James	Pitts	Van Horne
Colaizzo	Jarolin	Platts	Veon
Conti	Josephs	Preston	Vitali
Cornell	Kaiser	Ramos	Walko
Corpora	Keller	Raymond	Washington
Corrigan	Kenney	Readshaw	Waugh
Cowell	King	Reber	Williams
Coy	Kirkland	Reinard	Wogan
Curry	Krebs	Rieger	Wozniak
Daley	Kukovich	Roberts	Wright, D. R.
DeLuca	LaGrotta	Robinson	Wright, M. N.
Dempsey	Laughlin	Roebuck	Yewcic
Dent	Lawless	Rohrer	Youngblood
Dermody	Lederer	Rubley	Zimmerman
DeWeese	Leh	Rudy	Zug
DiGirolamo	Lescovitz	Sainato	Ryan,
Donatucci	Levdansky	Santoni	Speaker
Druce	Lloyd	Sather	
Durham	Lucyk	Saylor	

NAYS-0

NOT VOTING-1

Carn

EXCUSED-4

Evans Hasay Mihalich Rooney

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments as amended were concurred in.

Ordered, That the clerk inform the Senate accordingly.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1922, PN 2821**, entitled:

An Act providing for a voluntary contribution system to aid in the development, construction, maintenance and operation of the Korea/Vietnam Memorial National Education Center and the operation and furtherance of its educational programs.

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

The SPEAKER. The gentleman, Mr. Lucyk, we are advised you have an amendment to HB 1922. You have withdrawn that.

On the question recurring,
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.

YEAS-198

Adolph	Durham	Lucyk	Saylor
Allen	Egolf	Lynch	Schroder
Argall	Fairchild	Maitland	Schuler
Armstrong	Fajt	Major	Scrimenti
Baker	Fargo	Manderino	Semmel
Bard	Farmer	Markosek	Serafini
Barley	Feese	Marsico	Shaner
Battisto	Fichter	Masland	Sheehan
Bebko-Jones	Fleagle	Mayernik	Smith, B.
Belardi	Flick	McCall	Smith, S. H.
Belfanti	Gamble	McGeehan	Snyder, D. W.
Birmelin	Gannon	McGill	Staback
Bishop	Geist	Melio	Stairs
Blaum	George	Merry	Steelman
Boscola	Gigliotti	Michlovic	Steil
Boyes	Gladeck	Micozzie	Stern
Brown	Godshall	Miller	Stetler
Browne	Gordner	Mundy	Stish
Bunt	Gruitza	Myers	Strittmatter
Butkovitz	Gruppo	Nailor	Sturla
Buxton	Habay	Nickol	Surra
Caltagirone	Haluska	Nyce	Tangretti
Cappabianca	Hanna	O'Brien	Taylor, E. Z.
Carn	Harhart	Olasz	Taylor, J.
Carone	Hennessey	Oliver	Thomas
Cawley	Herman	Perzel	Tigue
Chadwick	Hershey	Pesci	Travaglio
Civera	Hess	Petrarca	Trello
Clark	Horshey	Petrone	Trich
Clymer	Hutchinson	Pettit	True
Cohen, L. I.	Itkin	Phillips	Tulli
Cohen, M.	Jadlowiec	Pistella	Vance
Colafrilla	James	Pitts	Van Horne
Colaizzo	Jarolin	Platts	Veon
Conti	Josephs	Preston	Vitali
Cornell	Kaiser	Ramos	Walko
Corpora	Keller	Raymond	Washington
Corrigan	Kenney	Readshaw	Waugh
Cowell	King	Reber	Williams
Coy	Kirkland	Reinard	Wogan
Curry	Krebs	Rieger	Wozniak
Daley	Kukovich	Roberts	Wright, D. R.
DeLuca	LaGrotta	Robinson	Wright, M. N.
Dempsey	Laughlin	Roebuck	Yewcic
Dent	Lawless	Rohrer	Youngblood
Dermody	Lederer	Rubley	Zimmerman
DeWeese	Leh	Rudy	Zug
DiGirolamo	Lescovitz	Sainato	Ryan,
Donatucci	Levdansky	Santoni	Speaker
Druce	Lloyd	Sather	

NAYS-0

NOT VOTING-0

EXCUSED—4

Evans Hasay Mihalich Rooney

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

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

The SPEAKER. There will be no further votes.

REPUBLICAN CAUCUS

The SPEAKER. The gentleman, Mr. Fargo.

Mr. FARGO. Thank you, Mr. Speaker.

There will be a Republican caucus tomorrow morning at 10 o'clock; 10 o'clock caucus tomorrow morning in the majority caucus room.

The SPEAKER. Mr. Cohen, do you have any announcements of caucus? The gentleman, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, in our caucus today we finished all the business that we were able to finish, so there will be no need for a 10:30 a.m. caucus tomorrow. I expect though that there will be caucuses during the day that we will work out at a mutually acceptable time.

The SPEAKER. The Chair thanks the gentleman.

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

The SPEAKER. Are there any other announcements, corrections of the record?

Do the Republican or Democratic floor leaders have any further business?

Hearing none, the Chair recognizes the gentleman from Montgomery County, Mr. McGill.

Mr. MCGILL. Mr. Speaker, I move that this House do now adjourn until Tuesday, December 12, 1995, at 11 a.m., e.s.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 5:52 p.m., e.s.t., the House adjourned.