

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

TUESDAY, JUNE 8, 1993

SESSION OF 1993

177TH OF THE GENERAL ASSEMBLY

No. 38

### HOUSE OF REPRESENTATIVES

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

#### THE SPEAKER (H. WILLIAM DeWEESE) PRESIDING

#### PRAYER

REV. CLYDE W. ROACH, Chaplain of the House of Representatives, from Harrisburg, Pennsylvania, offered the following prayer:

Let us pray:

Gracious God our Father, bless in a special way every member of this legislature as they work together in this chamber, in their committees, and in their offices. Be Thou with them as they make hard decisions to maintain this Commonwealth.

Give them the light to know the truth and the courage to pursue the truth. Grant that Your still small voice might be heard as they accomplish their tasks and that Your divine presence might overshadow their activities.

May they never fail to do their best, for we realize that when they give to the world the best that they have, the best will come back to them.

Bless especially our Speaker and the leadership of this House on both sides of the aisle.

In Your dear name we pray. 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 Monday, June 7, 1993*, will be postponed until printed. The Chair hears no objection.

#### SENATE MESSAGE

#### ADJOURNMENT RESOLUTION FOR CONCURRENCE

The clerk of the Senate, being introduced, presented the following extract from the *Journal of the Senate*, which was read as follows:

In the Senate  
June 7, 1993

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, June 14, 1993, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Monday, June 14, 1993, unless sooner recalled by the Speaker of the House of Representatives.

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

On the question,

Will the House concur in the resolution of the Senate?

Resolution was concurred in.

Ordered, That the clerk inform the Senate accordingly.

#### COMMUNICATIONS FROM GOVERNOR

#### BILLS SIGNED BY GOVERNOR

The Secretary to the Governor presented the following communications from His Excellency, the Governor:

APPROVAL OF HB's 200 and 438.

Commonwealth of Pennsylvania  
Governor's Office  
Harrisburg

June 7, 1993

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

I have the honor to inform you that I have this day approved and signed House Bill 200, Printer's No. 1550, entitled "AN ACT amending the act of June 24, 1937 (P.L. 2045, No. 397), entitled, as amended, 'An act relating to the support of indigent persons; providing for the support of such persons by certain relatives, and for the recovery of public moneys expended for care and assistance from the property and estates of certain persons; providing for guardians of the person and property of such persons; providing for the arrest and seizure and sale of the property of deserters; and providing procedure,' abolishing CERTAIN liens and providing for the release therefrom."

Robert P. Casey  
Governor

Commonwealth of Pennsylvania  
Governor's Office  
Harrisburg

June 7, 1993

To the Honorable, the House of Representatives

of the Commonwealth of Pennsylvania

I have the honor to inform you that I have this day approved and signed House Bill 438, Printer's No. 1982, entitled "AN ACT amending the act of March 10, 1949 (P.L.30, No.14), entitled 'An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto,' requiring a report of certain racial and ethnic groupings; authorizing the board of school directors of certain school districts to levy different rates of taxation for school purposes on land and on buildings; providing for emergency certificates in certain circumstances; further providing for certain inmates of children's institutions, for transportation and lodging of certain children and for approved private schools and chartered schools; providing for instructional support, for reimbursements for community colleges, for payments to intermediate units and for special education payments to school districts, including special education payment adjustments; creating a fund for audit resolutions for approved private schools; further providing for school district reimbursement definitions, for instruction payments, for payment limitations, for the economic supplement for assistance to small school districts, for temporary special aid, for the low-expenditure, low-wealth supplement and for the low-expenditure poverty supplement; providing for education subsidy base, for an equity supplement, for foundation guarantee payments, for a minimum effort base, for a growth supplement, for a limited revenue sources supplement, for discretionary funds to assist school districts experiencing extreme financial difficulty and for resource data in the foundation-based equity formula; further providing for payments generally and for forfeitures for certain employment practices; and providing for a graduate opportunity fund."

Robert P. Casey  
Governor

### PETITION REFERRED

The SPEAKER. Pursuant to Article VI, section 4, of the Pennsylvania Constitution, I am referring a petition for impeachment submitted by William P. Cunnane, Jr., to the House Judiciary Committee. The committee is authorized to make a preliminary inquiry into the matter and may, if warranted, report their findings to the House.

### LEAVES OF ABSENCE

The SPEAKER. The Chair is about to take leaves of absence.

The Chair recognizes the gentleman, Mr. Steighner, from Butler County.

Mr. STEIGHNER. Thank you, Mr. Speaker.

Mr. Speaker, I would ask for leave for today only for the gentleman from Cambria, Mr. HALUSKA; the gentleman from Luzerne, Mr. TIGUE; and the gentleman from Delaware, Mr. KIRKLAND.

The SPEAKER. The Chair thanks the gentleman.

Mr. Perzel from Philadelphia is recognized.

Mr. PERZEL. Thank you, Mr. Speaker.

I ask for a leave of absence for the gentleman from York, Mr. WAUGH, and a temporary leave of absence for the gentleman from Delaware, Mr. GANNON.

The SPEAKER. The Chair thanks Mr. Perzel.

### MASTER ROLL CALL

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

The following roll call was recorded:

#### PRESENT—198

Acosta	Fajt	Lloyd	Rudy
Adolph	Fargo	Lucyk	Ryan
Allen	Farmer	Lynch	Santoni
Argall	Fee	Maitland	Sather
Armstrong	Fichter	Manderino	Saurman
Baker	Fleagle	Markosek	Saylor
Barley	Flick	Marsico	Scheetz
Battisto	Freeman	Masland	Schuler
Bebko-Jones	Gamble	Mayermik	Scrimenti
Belardi	Geist	McCall	Semmel
Belfanti	George	McGeehan	Serafini
Birmelin	Gerlach	McNally	Smith, B.
Bishop	Gigliotti	Melio	Smith, S. H.
Blaum	Gladeck	Mery	Snyder, D. W.
Boyes	Godshall	Michlovic	Staback
Brown	Gordner	Micozzie	Stairs
Bunt	Gruitza	Mihalich	Steelman
Bush	Gruppo	Miller	Steighner
Butkovitz	Hanna	Mundy	Steil
Buxton	Harley	Murphy	Stern
Caltagirone	Hasay	Nailor	Stetler
Cappabianca	Heckler	Nickol	Stish
Carn	Hennessey	Nyce	Strittmatter
Carone	Herman	O'Brien	Sturla
Cawley	Hershey	O'Donnell	Surra
Cessar	Hess	Olasz	Tangretti
Chadwick	Hughes	Oliver	Taylor, E. Z.
Civiera	Hutchinson	Perzel	Taylor, J.
Clark	Itkin	Pesci	Thomas
Clymer	Jadlowiec	Petrarca	Tomlinson
Cohen, L. I.	James	Petrone	Trello
Cohen, M.	Jarolin	Pettit	Trich
Colaella	Josephs	Phillips	True
Colaizzo	Kaiser	Piccola	Tulli
Cornell	Kasunic	Pistella	Ulijana
Corrigan	Keller	Pitts	Vance
Cowell	Kenney	Platts	Van Horne
Coy	King	Preston	Veon
Curry	Krebs	Raymond	Vitali
Daley	Kukovich	Reber	Williams
DeLuca	LaGrotta	Reinard	Wogan
Dempsey	Laub	Richardson	Wozniak
Dent	Laughlin	Rieger	Wright, D. R.
Dermody	Lawless	Ritter	Wright, M. N.
Donatucci	Lederer	Roberts	Yandrisevits
Druce	Lee	Robinson	Yewcic
Durham	Leh	Roebuck	Zug
Egolf	Lescovitz	Rohrer	
Evans	Levdansky	Rooney	DeWeese,
Fairchild	Linton	Rubley	Speaker

#### ADDITIONS—0

#### NOT VOTING—0

#### EXCUSED—5

Gannon	Kirkland	Tigue	Waugh
Haluska			

#### LEAVES ADDED—2

Rudy Van Horne  
LEAVES CANCELED—3

Gannon Rudy Tigie

**GUESTS INTRODUCED**

The SPEAKER. The Chair would like to acknowledge in the hall of the House guests of Charlie Dent and Karen Ritter, the Allentown Crime Watch folks. The Chair would like to make them welcome here in the hall of the House.

The Chair would also like to welcome a constituent of Representative Tommy Corrigan, Anna Bono Larrisey, presently serving and was elected on both tickets - as a Republican and a Democrat - tax collector in Bristol Borough, Bucks County. Welcome, Anna Bono Larrisey.

Finally, the Chair welcomes the third grade students and their teachers from the Primos School of Upper Darby Township. They are the guests of Representative Nick Micozzie, in the balcony on the right. The Chair welcomes the youngsters to the hall of the House.

**CALENDAR**

**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 1692, PN 1960; and HB 1706, PN 1918.**

**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 52, PN 1919**, entitled:

An Act requiring a transfer from the Realty Transfer Tax Account in the General Fund to the Deferred Maintenance Account.

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—196**

Acosta	Fajt	Lloyd	Rublely
Adolph	Fargo	Lucyk	Rudy
Allen	Farmer	Lynch	Ryan
Argall	Fee	Maitland	Santoni
Armstrong	Fichter	Manderino	Sather
Baker	Fleagle	Markosek	Saurman
Barley	Flick	Marsico	Saylor
Battisto	Freeman	Masland	Scheetz
Bebko-Jones	Gamble	Mayernik	Schuler

Belardi	Geist	McCall	Semmel
Belfanti	George	McGeehan	Serafini
Birmelin	Gerlach	McNally	Smith, B.
Bishop	Gigliotti	Melio	Smith, S. H.
Blaum	Gladeck	Merry	Snyder, D. W.
Boyes	Godshall	Michlovic	Staback
Brown	Gordner	Micozzie	Stairs
Bunt	Gruitza	Mihalich	Steelman
Bush	Gruppo	Miller	Steighner
Butkowitz	Hanna	Mundy	Steil
Buxton	Harley	Murphy	Stern
Caltagirone	Hasay	Nailor	Stetler
Cappabianca	Heckler	Nickol	Stish
Carn	Hennessey	Nyce	Strittmatter
Carone	Herman	O'Brien	Sturla
Cawley	Hershey	O'Donnell	Surra
Cessar	Hess	Olasz	Tangretti
Chadwick	Hughes	Oliver	Taylor, E. Z.
Civera	Hutchinson	Perzel	Taylor, J.
Clark	Itkin	Pesci	Thomas
Clymer	Jadlowiec	Petrarca	Tomlinson
Cohen, L. I.	James	Petrone	Trelfo
Cohen, M.	Jarolin	Pettit	Trich
Colafella	Josephs	Phillips	True
Colaizzo	Kaiser	Piccola	Tulli
Cornell	Kasunic	Pistella	Uliana
Corrigan	Keller	Pitts	Vance
Cowell	Kenney	Platts	Veon
Coy	King	Preston	Vitali
Curry	Krebs	Raymond	Williams
Daley	Kukovich	Reber	Wogan
DeLuca	LaGrotta	Reinard	Wozniak
Dempsey	Laub	Richardson	Wright, D. R.
Dent	Laughlin	Rieger	Wright, M. N.
Dermody	Lawless	Ritter	Yandrisevits
Donatucci	Lederer	Roberts	Yewcic
Druce	Lee	Robinson	Zug
Durham	Leh	Roebuck	
Egolf	Lescovitz	Rohrer	DeWeese,
Evans	Levdansky	Rooney	Speaker
Fairchild	Linton		

**NAYS—1**

Scrimenti

**NOT VOTING—1**

Van Horne

**EXCUSED—5**

Gannon Kirkland Tigie Waugh  
Haluska

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

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

\* \* \*

The House proceeded to third consideration of **HB 351, PN 1829**, entitled:

An Act providing for inclusion in all Commonwealth rules and regulations of flexible provisions designed to benefit small businesses.

On the question,

Will the House agree to the bill on third consideration?

Mr. PESCI offered the following amendments No. A1783:

Amend Sec. 2, page 3, line 3, by inserting after "businesses" and local governments

Amend Sec. 3, page 3, by inserting between lines 22 and 23 "Local government." A county, city, borough, incorporated town, township, school district, vocational school district or county institution district.

Amend Sec. 4, page 4, line 2, by inserting after "businesses" and local governments

Amend Sec. 5, page 4, line 21, by inserting after "businesses"

and local governments

Amend Sec. 5, page 5, line 1, by inserting after "businesses" and local governments

Amend Sec. 5, page 5, line 4, by inserting after "businesses" and local governments

Amend Sec. 5, page 5, line 8, by inserting after "businesses" and local governments

Amend Sec. 5, page 5, line 12, by inserting after "businesses"

and local governments

Amend Sec. 5, page 5, line 18, by inserting after "businesses"

and local governments

Amend Sec. 5, page 5, line 20, by inserting after "businesses"

and local governments

Amend Sec. 5, page 5, line 26, by inserting after "businesses"

and local governments

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes Representative Pesci from Armstrong County.

Mr. PESCI. Mr. Speaker, amendment 1783 would provide flexible provisions of regulations for local governments; that is, providing fewer and simpler requirements of local governments, including flexible standards and regulations designed to meet the needs of local governments.

"Local government" is defined in this amendment as a county, city, borough, incorporated town, township, school district, vocational school district, or county institution district.

I ask my members to vote "yes" on this amendment. Thank you, Mr. Speaker.

The SPEAKER. Thank you, Representative Pesci.

The gentleman, Mr. Lescovitz, from Washington County is recognized.

Mr. LESCOVITZ. Thank you, Mr. Speaker.

Mr. Speaker, I agree with the amendment that we should put in local municipalities along with local businesses in this bill, and I concur that we should vote in favor of it. Thank you.

The SPEAKER. The Chair thanks Mr. Lescovitz and recognizes Mr. Hasay.

Mr. HASAY. Thank you, Mr. Speaker.

Mr. Speaker, as the minority chair of the House Business and Economic Development Committee, the minority concurs and supports the Pesci amendment. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—195

Acosta	Fajt	Linton	Rooney
Adolph	Fargo	Lloyd	Rubley
Allen	Farmer	Lucyk	Rudy
Argall	Fee	Lynch	Ryan
Armstrong	Fichter	Maitland	Santoni
Baker	Fleagle	Manderino	Sather
Barley	Flick	Markosek	Saurman
Battisto	Freeman	Marsico	Saylor
Bebko-Jones	Gamble	Masland	Scheetz
Belardi	Geist	Mayernik	Schuler
Belfanti	George	McCall	Scrimenti
Birmelin	Gerlach	McGeehan	Semmel
Bishop	Gigliotti	McNally	Serafini
Blaum	Gladeck	Melio	Smith, B.
Boyes	Godshall	Mery	Smith, S. H.
Brown	Gordner	Michlovic	Snyder, D. W.
Bunt	Gruitza	Micozzie	Staback
Bush	Gruppo	Mihalich	Stairs
Butkovitz	Hanna	Miller	Steelman
Buxton	Harley	Mundy	Steighner
Caltagirone	Hasay	Murphy	Steil
Cappabianca	Heckler	Nailor	Stern
Carn	Hennessey	Nickol	Stetler
Carone	Herman	Nyce	Stish
Cawley	Hershey	O'Brien	Strittmatter
Cessar	Hess	O'Donnell	Sturla
Chadwick	Hughes	Olasz	Surra
Civera	Hutchinson	Oliver	Tangretti
Clark	Itkin	Perzel	Taylor, E. Z.
Clymer	Jadlowiec	Pesci	Taylor, J.
Cohen, L. I.	James	Petrarca	Thomas
Cohen, M.	Jarolin	Petrone	Tomlinson
Colafella	Josephs	Petit	Trelo
Colaizzo	Kaiser	Phillips	Trich
Cornell	Kasunic	Piccola	True
Corrigan	Keller	Pistella	Uliana
Cowell	Kenney	Pitts	Vance
Coy	King	Platts	Veon
Curry	Krebs	Preston	Williams
Daley	Kukovich	Raymond	Wogan
DeLuca	LaGrotta	Reber	Wozniak
Dempsey	Laub	Reinard	Wright, D. R.
Dent	Laughlin	Richardson	Wright, M. N.
Dermody	Lawless	Rieger	Yandrisevits
Donatucci	Lederer	Ritter	Yewcic
Druce	Lee	Roberts	Zug
Durham	Leh	Robinson	
Egolf	Lescovitz	Roebuck	DeWeese,
Evans	Levdansky	Rohrer	Speaker
Fairchild			

NAYS—1

Vitali

NOT VOTING—2

Tulli

Van Home

EXCUSED—5

Gannon  
Haluska

Kirkland

Tigue

Waugh

The question was determined in the affirmative, and the amendments were agreed to.

On the question,

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

Mr. LESCOVITZ offered the following amendments No. A1795:

Amend Sec. 2, page 2, line 24, by inserting after "THE" Commonwealth's

Amend Sec. 2, page 3, line 4, by inserting after "THE" where it appears the first time

Commonwealth's

Amend Sec. 2, page 3, line 7, by inserting after "THE" where it appears the second time

Commonwealth's

Amend Sec. 4, page 4, line 5, by inserting after "THE"

Commonwealth's

Amend Sec. 5, page 4, line 22, by inserting after "THE"

Commonwealth's

Amend Sec. 5, page 5, line 21, by inserting after "THE" where it appears the third time

Commonwealth's

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes the gentleman from Washington County.

Mr. LESCOVITZ. Thank you, Mr. Speaker.

This is a technical amendment putting the Commonwealth in throughout the bill where it needs to be put in. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—195

Adolph	Fargo	Lloyd	Rudy
Allen	Farmer	Lucyk	Ryan
Argall	Fee	Lynch	Santoni
Armstrong	Fichter	Maitland	Sather
Baker	Fleagle	Manderino	Saurman
Barley	Flick	Markosek	Saylor
Battisto	Freeman	Marsico	Scheetz
Bebko-Jones	Gamble	Masland	Schuler
Belardi	Geist	Mayernik	Scrimenti
Belfanti	George	McCall	Semmel
Birmelin	Gerlach	McGeehan	Serafini
Bishop	Gigliotti	McNally	Smith, B.
Blaum	Gladeck	Melio	Smith, S. H.
Boyes	Godshall	Merry	Snyder, D. W.
Brown	Gordner	Michlovic	Staback
Bunt	Gruitza	Micozzie	Stairs
Bush	Gruppo	Mihalich	Steelman
Butkovitz	Hanna	Miller	Steighner
Buxton	Harley	Mundy	Steil
Caltagirone	Hasay	Murphy	Stern
Cappabianca	Heckler	Nailor	Stetler
Cam	Hennessey	Nickol	Stish
Carone	Herman	Nyce	Strittmatter
Cawley	Hershey	O'Brien	Sturla
Cessar	Hess	Olasz	Surra
Chadwick	Hughes	Oliver	Tangretti

Civera	Hutchinson	Perzel	Taylor, E. Z.
Clark	Itkin	Pesci	Taylor, J.
Clymer	Jadlowiec	Petrarca	Thomas
Cohen, L. I.	James	Petrone	Tomlinson
Cohen, M.	Jarolin	Pettit	Trello
Colafella	Josephs	Phillips	Trich
Colaizzo	Kaiser	Piccola	True
Cornell	Kasunic	Pistella	Tulli
Corrigan	Keller	Pitts	Uliana
Cowell	Kenney	Platts	Van Horne
Coy	King	Preston	Veon
Curry	Krebs	Raymond	Vitali
Daley	Kukovich	Reber	Williams
DeLuca	LaGrotta	Reinard	Wogan
Dempsey	Laub	Richardson	Wozniak
Dent	Laughlin	Rieger	Wright, D. R.
Dermody	Lawless	Ritter	Wright, M. N.
Donatucci	Lederer	Roberts	Yandrisevits
Druce	Lee	Robinson	Yewcic
Durham	Leh	Roebuck	Zug
Egolf	Lescovitz	Rohrer	
Evans	Levdansky	Rooney	DeWeese,
Fairchild	Linton	Rubley	Speaker
Fajt			

NAYS—0

NOT VOTING—3

Acosta	O'Donnell	Vance
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EXCUSED—5

Gannon	Kirkland	Tigue	Waugh
Haluska			

The question was determined in the affirmative, and the amendments were agreed to.

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—197

Acosta	Fajt	Lloyd	Rudy
Adolph	Fargo	Lucyk	Ryan
Allen	Farmer	Lynch	Santoni
Argall	Fee	Maitland	Sather
Armstrong	Fichter	Manderino	Saurman
Baker	Fleagle	Markosek	Saylor
Barley	Flick	Marsico	Scheetz
Battisto	Freeman	Masland	Schuler
Bebko-Jones	Gamble	Mayernik	Scrimenti
Belardi	Geist	McCall	Semmel
Belfanti	George	McGeehan	Serafini
Birmelin	Gerlach	McNally	Smith, B.
Bishop	Gigliotti	Melio	Smith, S. H.
Blaum	Gladeck	Merry	Snyder, D. W.
Boyes	Godshall	Michlovic	Staback
Brown	Gordner	Micozzie	Stairs
Bunt	Gruitza	Mihalich	Steelman

Bush	Gruppo	Miller	Steighner
Butkovitz	Hanna	Mundy	Steil
Buxton	Harley	Murphy	Stern
Caltagirone	Hasay	Nailor	Stetler
Cappabianca	Heckler	Nickol	Stish
Carn	Hennessey	Nyce	Strittmatter
Carone	Herman	O'Brien	Sturla
Cawley	Hershey	O'Donnell	Surra
Cessar	Hess	Olasz	Tangretti
Chadwick	Hughes	Oliver	Taylor, E. Z.
Civera	Hutchinson	Perzel	Taylor, J.
Clark	Itkin	Pesci	Thomas
Clymer	Jadlowiec	Petrarca	Tomlinson
Cohen, L. I.	James	Petrone	Trello
Cohen, M.	Jarolin	Pettit	Trich
Colaella	Josephs	Phillips	True
Colaizzo	Kaiser	Piccola	Tulli
Cornell	Kasunic	Pistella	Uliana
Corrigan	Keller	Pitts	Vance
Cowell	Kenney	Platts	Van Horne
Coy	King	Preston	Veon
Curry	Krebs	Raymond	Williams
Daley	Kukovich	Reber	Wogan
DeLuca	LaGrotta	Reinard	Wozniak
Dempsey	Laub	Richardson	Wright, D. R.
Dent	Laughlin	Rieger	Wright, M. N.
Dermody	Lawless	Ritter	Yandrisevits
Donatucci	Lederer	Roberts	Yewcic
Druce	Lee	Robinson	Zug
Durham	Leh	Roebuck	
Egolf	Lescovitz	Rohrer	DeWeese,
Evans	Levdansky	Rooney	Speaker
Fairchild	Linton	Rubley	

NAYS—1

Vitali

NOT VOTING—0

EXCUSED—5

Gannon	Kirkland	Tigue	Waugh
Haluska			

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.

**“BOOKS CHANGE LIVES”  
COMPETITION WINNERS PRESENTED**

The SPEAKER. We are going to welcome for 2 minutes the students who are here to celebrate our week of attention to books and reading.

From western Pennsylvania, as guests of their own legislators, we would like to welcome Beverlee Lynn Harnett and Nicki Brennehan from the Hollidaysburg Area High School with Representative Jerry Stern.

Also, Calya Louise Hill of the Winchester-Thurston High School in Pittsburgh, a guest of Representative Joe Preston.

There are six of these teams, and the third is Laura Stauffer and Peter Rush from the Warwick High School, and they are the guests of Representative Jere Strittmatter.

Marilyn Holloway from the Solanco High School is a guest of State Representative John Barley.

From southeastern Pennsylvania, Anna Bortnick and Amonda Tatro from the Philadelphia Girls High School, and Daniel Rosen from the Northeast High School. They are the guests of Representative O'Donnell and Representative Tony Williams.

In the tradition of Henry David Thoreau, who called books “the treasured wealth of the world and the fit inheritance of generations and nations,” these students have written compelling works of their own as testament to the fact that books do indeed change lives.

Last month, 63 of us designated books from the Bible to the IRS (Internal Revenue Service) Code that had changed our lives.

In this age of information, in a world of fiber optics and microwaves, of faxes and satellites, these students remind us of the power of books and the important personal experiences that can come with books.

Ladies and gentlemen, we welcome to the hall of the House these youngsters and the Representatives who represent them, and we hope that they will enjoy a lifetime of appreciation for books.

I would like at this time for the members here at the dais to present their students with their citations, and it should be noted for all of us that this celebration will continue later in the day in room 60E with a luncheon to honor these young scholars and bibliophiles. Welcome to the hall of the House.

**SB 474 RECONSIDERED**

The SPEAKER. The Chair recognizes the gentleman, Mr. Itkin, who moves that the vote by which SB 474, PN 1400, was passed on the 28th day of May be reconsidered.

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

The following roll call was recorded:

YEAS—197

Acosta	Fargo	Lucyk	Ryan
Adolph	Farmer	Lynch	Santoni
Allen	Fee	Maitland	Sather
Argall	Fichter	Manderino	Saurman
Armstrong	Fleagle	Markosek	Saylor
Baker	Flick	Marsico	Scheetz
Barley	Freeman	Masland	Schuler
Battisto	Gamble	Mayernik	Scrimenti
Bebko-Jones	Geist	McCall	Semmel
Belardi	George	McGeehan	Serafini
Belfanti	Gerlach	McNally	Smith, B.
Birmelin	Gigliotti	Melio	Smith, S. H.
Bishop	Gladeck	Merry	Snyder, D. W.
Blaum	Godshall	Michlovic	Staback
Boyes	Gordner	Micozzie	Stairs
Brown	Gruitza	Mihalich	Steelman
Bunt	Gruppo	Miller	Steighner
Bush	Hanna	Mundy	Steil
Butkovitz	Harley	Murphy	Stern
Buxton	Hasay	Nailor	Stetler
Caltagirone	Heckler	Nickol	Stish

Cappabianca	Hennessey	Nyce	Strittmatter
Carone	Herman	O'Brien	Sturla
Cawley	Hershey	O'Donnell	Surra
Cessar	Hess	Olasz	Tangretti
Chadwick	Hughes	Oliver	Taylor, E. Z.
Civera	Hutchinson	Perzel	Taylor, J.
Clark	Itkin	Pesci	Thomas
Clymer	Jadlowiec	Petrarca	Tomlinson
Cohen, L. I.	James	Petrone	Trello
Cohen, M.	Jarolin	Pettit	Trich
Colafella	Josephs	Phillips	True
Colaizzo	Kaiser	Piccola	Tulli
Cornell	Kasunic	Pistella	Uliana
Corrigan	Keller	Pitts	Vance
Cowell	Kenney	Platts	Van Horne
Coy	King	Preston	Veon
Curry	Krebs	Raymond	Vitali
Daley	Kukovich	Reber	Williams
DeLuca	LaGrotta	Reinard	Wogan
Dempsey	Laub	Richardson	Wozniak
Dent	Laughlin	Rieger	Wright, D. R.
Dermody	Lawless	Ritter	Wright, M. N.
Donatucci	Lederer	Roberts	Yandrisevits
Druce	Lee	Robinson	Yewcic
Durham	Leh	Roebuck	Zug
Egolf	Lescovitz	Rohrer	
Evans	Levdansky	Rooney	DeWeese,
Fairchild	Iinton	Rubley	Speaker
Fajt	Lloyd	Rudy	

NAYS—0

NOT VOTING—1

Carn

EXCUSED—5

Gannon	Kirkland	Tigue	Waugh
Haluska			

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

On the question recurring,  
Shall the bill pass finally?

**DECISION OF CHAIR RESCINDED**

The SPEAKER. Without objection, the Chair rescinds its statement that SB 474 was agreed to on third consideration as amended.

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

**MOTION TO REVERT TO PRIOR PRINTER'S NUMBER**

The SPEAKER. Mr. Itkin is recognized for the motion to revert to a prior printer's number. The gentleman from Allegheny County, Mr. Itkin, is recognized.

Mr. ITKIN. Mr. Speaker, I would like at this time to make a motion to revert to the prior printer's number on SB 474, PN 746.

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

The SPEAKER. On the motion to revert to prior PN 746, Mr. Perzel is recognized.

Mr. PERZEL. Could we have an explanation of what this is, Mr. Speaker?

The SPEAKER. Will the gentleman, Mr. Itkin, yield for interrogation?

Mr. ITKIN. Mr. Speaker, what we are attempting to do in SB 474 is to remove the amendments that were inserted in the bill in the House so that the bill upon final passage can go directly to the Governor. We found this to be the most expeditious way in talking with the other chamber. We basically have the agreement of the people who had offered the amendments to move those amendments in other bills.

Mr. Speaker, this is the PennSERVE (Governor's Office of Citizen Service) bill.

Mr. PISTELLA. Mr. Speaker?

The SPEAKER. Will the gentleman, Mr. Pistella, yield for the Republican floor leader.

The gentleman, Mr. Ryan, is recognized.

The gentleman, Mr. Pistella, will be recognized in one moment.

Mr. RYAN. Mr. Speaker, yesterday we had a meeting on this particular bill. I am going to call it a printer's error, and then I guess I will take the heat from the printers because they will say it was not our error.

But due to a mishap, an amendment that was offered to this particular bill by one of our members, Representative Miller, was not included in the particular bill. We have it here, and yesterday, with the concurrence of Mrs. Miller, it was agreed that we would not offer or reprint the bill with the Miller amendment in it, but a committee would meet today with Mr. Belfanti's committee and her amendment in bill form would be reported out of committee today, would be voted on within the first 3 legislative days of the legislative session here, and we have agreement from the leaders of the Senate, the majority leaders of the Senate, that Mrs. Miller's bill will be considered by them. So she is satisfied that her amendment, which through some oversight was not included on this bill, is going to be taken care of in a separate bill.

Now, the bill that we are reverting back to at this time passed this House 202 to 0, and we are reverting back to that at this time so that it can go to the Governor without further delay. At this point, if there are questions, I would refer them to someone other than myself.

But I think that is the substance of what has taken place here. I know Mrs. Miller yesterday was satisfied with this arrangement. She is the only one whose legislation was affected by it.

The SPEAKER. The House will be at ease momentarily.

Does the gentleman, Mr. Pistella, still want recognized? The gentleman indicates he does not.

**GUESTS INTRODUCED**

The SPEAKER. During the momentary break, the Chair would like to welcome to the hall of the House the Happy Hearts from Corinthian Baptist Church in Philadelphia. This group of senior citizens is active in the community of the 201st Legislative District of the honorable chairman, Representative David Richardson. Please be recognized. They are in the back of the hall of the House.

**TRANSPORTATION COMMITTEE MEETING**

The SPEAKER. For what purpose does the gentleman rise? Mr. PETRARCA. Tomorrow at 9:30 there will be a House Transportation Committee meeting in room 418. I urge all committee members to attend. Thank you.

The SPEAKER. Room 418 of the Capitol Building, tomorrow morning, 9:30, Transportation meeting, 418 Capitol Building. Thank you, Representative Petrarca.

**FINANCE COMMITTEE MEETING**

The SPEAKER. While we are at ease, the gentleman, Mr. Trello, is recognized for the purpose of an announcement.

Mr. TRELLO. Mr. Speaker, I would like to announce a meeting of the House Finance Committee at the call of the recess in room 22 at the Annex. I would urge all members to be present.

The SPEAKER. Room 22, Annex, at the recess, Finance Committee. Thank you, Chairman.

**CONSIDERATION OF SB 474 CONTINUED**

The SPEAKER. The gentleman, Mr. Ryan, has concluded his remarks.

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

The following roll call was recorded:

**YEAS—195**

Acosta	Fajt	Lloyd	Rubley
Adolph	Fargo	Lucyk	Rudy
Allen	Farmer	Lynch	Ryan
Argall	Fee	Maitland	Santoni
Armstrong	Fichter	Manderino	Sather
Baker	Fleagle	Markosek	Saurman
Barley	Flick	Marsico	Saylor
Battisto	Freeman	Masland	Scheetz
Bebko-Jones	Gamble	Mayernik	Schuler
Belardi	Geist	McCall	Scrimenti
Belfanti	George	McGeehan	Semmel
Birmelin	Gerlach	McNally	Serafini
Bishop	Gigliotti	Melio	Smith, B.
Blaum	Gladeck	Merry	Smith, S. H.
Boyes	Godshall	Michlovic	Snyder, D. W.
Brown	Gordner	Micozzie	Staback
Bunt	Gruitza	Mihalich	Stairs
Bush	Gruppo	Miller	Steelman
Butkovitz	Hanna	Mundy	Steighner
Buxton	Harley	Murphy	Steil
Caltagirone	Hasay	Nailor	Stern

Cappabianca	Hockler	Nickol	Stetler
Cam	Hennessey	Nyce	Stish
Carone	Herman	O'Brien	Strittmatter
Cawley	Hershey	O'Donnell	Sturla
Cessar	Hess	Olasz	Surra
Chadwick	Hughes	Oliver	Tangretti
Civera	Hutchinson	Perzel	Taylor, E. Z.
Clark	Itkin	Pesci	Taylor, J.
Clymer	Jadlowiec	Petrarca	Thomas
Cohen, L. I.	Jarolin	Petrone	Tomlinson
Cohen, M.	Josephs	Pettit	Trello
Colaifella	Kaiser	Phillips	Trich
Colaizzo	Kasunic	Piccola	True
Cornell	Keller	Pistella	Tulli
Corrigan	Kenney	Pitts	Uliana
Cowell	King	Platts	Vance
Coy	Krebs	Preston	Veon
Curry	Kukovich	Raymond	Williams
Daley	LaGrotta	Reber	Wogan
DeLuca	Laub	Reinard	Wozniak
Dempsey	Laughlin	Richardson	Wright, D. R.
Dent	Lawless	Rieger	Wright, M. N.
Dermody	Lederer	Ritter	Yandrisevits
Donatucci	Lee	Roberts	Yewcic
Druce	Leh	Robinson	Zug
Durham	Lescovitz	Roebuck	
Egolf	Levdansky	Rohrer	DeWeese,
Evans	Linton	Rooney	Speaker
Fairchild			

**NAYS—0**

**NOT VOTING—3**

James	Van Horne	Vitali
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**EXCUSED—5**

Gannon	Kirkland	Tigue	Waugh
Haluska			

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

**YEAS—196**

Acosta	Fajt	Lloyd	Rudy
Adolph	Fargo	Lucyk	Ryan
Allen	Farmer	Lynch	Santoni
Argall	Fee	Maitland	Sather
Armstrong	Fichter	Manderino	Saurman
Baker	Fleagle	Markosek	Saylor
Barley	Flick	Marsico	Scheetz
Battisto	Freeman	Masland	Schuler
Bebko-Jones	Gamble	Mayernik	Scrimenti
Belardi	Geist	McCall	Semmel
Belfanti	George	McGeehan	Serafini
Birmelin	Gerlach	McNally	Smith, B.





**LEAVES OF ABSENCE**

The SPEAKER. The Chair would like to add the names to the leave of absence list of Representative VAN HORNE and Representative RUDY for the remainder of the day.

**HOUSE BILL  
INTRODUCED AND REFERRED**

**No. 1767** By Representatives FEE, PETRARCA, GEORGE, PESCI, OLASZ, CESSAR, McCALL, ROONEY, LYNCH, RAYMOND, GEIST, PETRONE, TRELLO, D. R. WRIGHT and BELFANTI

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for certain restrictions on trucks registered in Class 10 or higher.

Referred to Committee on TRANSPORTATION, June 8, 1993.

**SENATE BILLS FOR CONCURRENCE**

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

**SB 395, PN 1348**

Referred to Committee on TRANSPORTATION, June 8, 1993.

**SB 970, PN 1247**

Referred to Committee on TRANSPORTATION, June 8, 1993.

**CALENDAR CONTINUED****BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **SB 181, PN 1340**, entitled:

An Act providing for environmental education programs; providing for further duties of the Department of Education and the Department of Environmental Resources; creating the Environmental Education Fund; and providing for the disposition of a portion of certain fines and penalties.

On the question,

Will the House agree to the bill on third consideration?

Mr. B. SMITH offered the following amendments No. A2206:

Amend Sec. 7, page 6, lines 1 through 8, by striking out all of said lines and inserting members as follows:

- (1) the Secretary of Education or his designee;
- (2) the Secretary of Environmental Resources or his designee;
- (3) the Secretary of Agriculture or his designee; and
- (4) ten members appointed as follows:
  - (i) Three members representing Statewide or regional environmental organizations appointed by the Secretary of Environmental Resources.

(ii) Two members representing Statewide or regional business, industry or landowners' organizations appointed by the Secretary of Commerce.

(iii) Three members representing basic education appointed by the Secretary of Education, one of which is a vocational agricultural teacher appointed by the Secretary of Education.

(iv) One member representing higher education appointed by the Chancellor of the State System of Higher Education.

(v) One member representing a Statewide or regional general agricultural organization appointed by the Secretary of Agriculture.

Amend Sec. 7, page 6, line 9, by striking out "13" and inserting

ten

On the question,

Will the House agree to the amendments?

The SPEAKER. On the amendment, Mr. Smith is recognized.

Mr. B. SMITH. Thank you, Mr. Speaker.

This amendment deals with the Advisory Council on Environmental Education and deals with the makeup of the advisory council.

I think if you study the amendment, it allows for diversity yet plenty of leeway. It has more specific qualifications for the members of the advisory council, and very important also, it has a balance of power by appointment.

I urge adoption of the amendment, Mr. Speaker. Thank you.

The SPEAKER. The Chair recognizes Representative Mundy on the amendment.

Ms. MUNDY. Mr. Speaker, would the gentleman, Mr. Smith, please stand for a brief period of interrogation?

The SPEAKER. The gentleman, Mr. Smith, indicates he will stand for interrogation, and the gentlelady may proceed.

Ms. MUNDY. Mr. Speaker, did you check with the prime sponsor of this bill in the Senate as to whether he would support this amendment?

Mr. B. SMITH. I did not personally, but Representative Freeman just informed me that he had checked with them and they are not in support of this amendment.

Ms. MUNDY. They are not in support of the amendment.

Would you please— I have not had time to read the amendment, and I am wondering if you could explain to us the change in what you represent as a balance of power.

Mr. B. SMITH. If you will look on page 6 of the bill itself, the amendment specifies how the persons are appointed and the qualifications of the individuals appointed. In studying the bill, I was quite bothered by the fact of the last three sentences concerning the people who are on the advisory council. It simply states, they "...shall represent a diversity of backgrounds, including basic and higher education, industry, resource management, citizens and public interest organizations."

It is my belief that we would be better with this advisory council if we specified, as my amendment does, that they have specific qualifications and thereby we are more certain that

they are qualified to be on the council, and that is what I meant by, we will have a balance of power by appointment. It will not just be a limited number of people as chosen by those designated to appoint. This gives diversity to the board, and I think that is very important to this board.

Ms. MUNDY. Thank you.

May I speak to the amendment, Mr. Speaker?

The SPEAKER. The Representative is in order and may proceed.

Ms. MUNDY. Mr. Speaker, in the House Education Committee we carefully looked at SB 181, and we were very pleased with the makeup of the board. I cannot see that Mr. Smith has specified actual qualifications for these board members. They are still appointees of different groups.

Given the fact that we have already carefully reviewed the makeup of the board and the prime sponsor is not in favor of the amendment, I would urge that we defeat the amendment. Thank you.

The SPEAKER. The Chair thanks the lady and recognizes the gentleman from Lehigh County—Northampton—Mr. Freeman.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, it is Northampton County in fact.

The SPEAKER. In the Lehigh Valley.

Mr. FREEMAN. That is correct. Thank you.

Mr. Speaker, I rise to oppose the Smith amendment.

As the lady, Ms. Mundy, has pointed out, the prime sponsor of this legislation—and the gentleman, Mr. Smith, has pointed out—the prime sponsor of this legislation in the Senate is opposed to this amendment. It is my understanding the department as well is opposed to this amendment.

Far from giving the appointees certain qualifications, as the gentleman, Mr. Smith, says this amendment will do, on the contrary, I think it curtails the flexibility of those who will be required to appoint the members of this advisory board to choose from a broader range of individuals. Under Mr. Smith's amendment, it is quite clear in a number of cases that you would have to belong to a particular organization, not a named organization but at least belong to an organization that is listed, in order to be appointed to this advisory board.

I think it is inappropriate for us to carve out for such advisory boards seats for special interest groups. I think it is much more appropriate to let those in a position to appoint these individuals, who have that authority, to give them the flexibility they will need to insure that the individuals they choose for this advisory panel will be appropriate to the tasks assigned to it.

Under the Smith amendment, if there was an individual who was extremely well qualified in environmental education, maybe an expert in the field, but does not happen to belong to any of the organizations that are alluded to in the amendment, they would not be able to serve on the board, and I think it is important that we do not prohibit such potentially well-informed individuals from having a good advisory role on this board.

In light of the department's objections to this amendment and in light of the prime sponsor's objection, I would urge the House to defeat the Smith amendment.

The SPEAKER. The Chair thanks the gentleman.

### LEAVE OF ABSENCE CANCELED

The SPEAKER. The clerk will please add the name of Representative Tom Tigue to the master roll call for the remainder of today's session and take him off leave.

### CONSIDERATION OF SB 181 CONTINUED

The SPEAKER. Does the gentleman, Mr. Cowell, seek recognition? The gentleman from Allegheny is recognized.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I join Representative Freeman in asking for a negative vote on this amendment.

This amendment is opposed by Senator Musto, who has worked on this legislation for the last couple of years. It is also opposed by the Department of Environmental Resources that has been very active with this issue and very supportive of our efforts to pass legislation in this regard.

When this bill was considered by the Education Committee, we did approve an amendment to broaden the representation on this particular council. We broadened it by insuring that the Secretary of Commerce would have appointive powers. This amendment would go beyond that though. It would go beyond the point of broadening representation and instead seeks to guarantee some kind of representation on this council for certain kinds of special interest groups. It would have us take away the discretionary authority that is given to the several Secretaries and effectively tie their hands in terms of the individuals who could be appointed. And although the legislation and the language appears to be somewhat broadly stated, it is prescriptive, and because it is prescriptive, it could have the effect, as Representative Freeman suggested, of making it impossible for other very interested and very competent and very relevant individuals or organizations to be represented on this council.

For those reasons I would urge that we defeat this amendment. The intent of the Smith amendment can still be achieved. All of the individuals who might serve as prescribed by his amendment would still have the opportunity to serve under the current language of the bill. But as I suggested, the effect of the amendment could be to make it impossible for other equally qualified, equally relevant, equally interested individuals and their organizations to be represented. Therefore, I urge us to defeat the amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes Representative Birmelin.

Mr. BIRMEIN. Thank you, Mr. Speaker.

I think some of the previous speakers went to the Bill Clinton school of special interests. They are having a hard time distinguishing between special interests they like and special interests they do not like.

I would call your attention to subsection (4) of the amendment that says three members on this committee will represent statewide or regional environmental organizations. They are not special interests? Oh, I think they are. Should not landowners and people from industry and commerce be represented because they are special interests, too? Certainly.

Special interests should be recognized, but not one to the advantage of the other, and as we stand here today, we all know that there are certain members of different environmental organizations who are antibusiness, antilandowner, and if their interests are not represented here, then special interests will be, but not in balance. The Smith amendment puts it in balance. It gives you the opportunity to say, hey, we have got opposite ends of a spectrum here on some issues; let us get both voices in there, give them both the opportunity to do that.

One other point. Whether or not Senator Musto is in favor of this amendment has never been the principle that has guided us before in amending bills. Have we always said before, well, the prime sponsor is opposed to it; I guess we cannot amend it? You know that is a disingenuous argument; it should not even be used on this floor. We as a body are responsible for what goes in this legislation whether we vote for it or not. This is a good balancing amendment and ought to be passed. Thank you.

The SPEAKER. The gentleman, Mr. Freeman, for the second time.

Mr. FREEMAN. Thank you, Mr. Speaker.

I think it would be helpful on this floor if members such as the gentleman, Mr. Birmelin, would read the legislation. Perhaps if he did that, he would find that the legislation already speaks to the need to make sure that there is a balance on the appointments. It speaks to the fact that there should be individuals from basic and higher education, from industry, from resource management, and citizens in various public interest groups that have had a long history, obviously, of involvement with this issue.

The problem with the Smith amendment as it stands is that you would have to be connected to a special group or organization in order to serve on this board, and I do not think we should be disqualifying capable individuals who may have an expertise in the field, whether they be the president of a Fortune 500 corporation or whether they be an individual who, on their own, has become well versed in the field of study of environmental education. I do not think we should cater to special interest groups of either left or right in terms of making appointments to a citizen advisory panel, and that is what the Smith amendment does. It calls upon us to draw solely from organizations.

Let us let that decision up to the executive. Let us pick the best qualified individual, regardless of whether they belong to a lobbying group or not. That is what we need to provide for a good quality environmental education program. I urge a "no" vote.

The SPEAKER. The gentleman, Mr. Barley, is recognized.

Mr. BARLEY. Thank you, Mr. Speaker.

I rise in support of the Smith amendment, and as I looked at the criteria that is set forth in the Smith amendment, I think it is criteria that really brings balance to the bill and to the individuals that would serve on this committee.

And as it relates to special interests, well, I suppose that some of the individuals that would be on the board certainly would be representing special interests, but we all have special interests. We all have interests that we have more expertise in than others, and I think that the amendment brings a good balance of those kinds of individuals together. That is what Representative Smith is trying to accomplish, and I think it will improve the bill by voting for this amendment and making it part of the bill.

The SPEAKER. The gentleman, Mr. Smith, is recognized for the second time.

Mr. B. SMITH. Thank you, Mr. Speaker.

I would like to point out several things in closing.

The bill has already been amended in committee so that it must go back to the Senate anyhow.

I would also respectfully ask you to check and you will see that the amendment has, as part of the wording, the Secretary of Education, the Secretary of DER (Department of Environmental Resources), and the Secretary of Agriculture as 3 of the 13 members of the advisory council. In addition, of the 13 members of the council, you will notice that a total of 3 are appointed by the Secretary of DER, 2 by the Secretary of Commerce, and 3 by the Secretary of Education. I have confidence in those Secretaries that they can come up with people who meet the criteria who are the best qualified.

I submit to you that it will not tie the hands of anyone. I think that they can work cooperatively, and I think it will be the best amendment for this particular bill. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

#### YEAS—109

Adolph	Fichter	Markosek	Sather
Allen	Fleagle	Marsico	Saurman
Argall	Flick	Masland	Saylor
Armstrong	Gamble	Mayemik	Scheetz
Baker	Geist	McCall	Schuler
Barley	Gerlach	Mery	Scrimenti
Birmelin	Gladeck	Micozzie	Semmel
Boyes	Godshall	Mihalich	Serafini
Bunt	Gruppo	Miller	Smith, B.
Bush	Hanna	Nailor	Smith, S. H.
Buxton	Harley	Nickol	Snyder, D. W.
Carone	Hasay	Nyce	Stairs
Cessar	Hennessey	O'Brien	Steil
Chadwick	Herman	Perzel	Stern
Civera	Hershey	Pesci	Stetler
Clark	Hess	Pettit	Stish
Clymer	Hutchinson	Phillips	Stittmatter
Cohen, L. I.	Jadlowiec	Piccola	Taylor, E. Z.
Cornell	Kenney	Pitts	Taylor, J.
Coy	King	Raymond	Tomlinson
Daley	Krebs	Reber	True
Dempsey	Laub	Reinard	Tulli

Dent	Lawless	Robinson	Uliana
Druce	Lee	Rohrer	Vance
Durham	Leh	Rooney	Wogan
Egolf	Lynch	Rublely	Wright, M. N.
Fargo	Maitland	Ryan	Zug
Farmer			

NAYS—88

Acosta	Fairchild	Linton	Roebuck
Battisto	Fajt	Lloyd	Santoni
Bebko-Jones	Fee	Lucyk	Staback
Belardi	Freeman	Manderino	Steelman
Belfanti	George	McGeehan	Steighner
Bishop	Gigliotti	McNally	Sturla
Blaum	Gordner	Melio	Surra
Brown	Gruitza	Michlovic	Tangretti
Butkowitz	Heckler	Mundy	Thomas
Caltagirone	Hughes	Murphy	Tigue
Cappabianca	Itkin	O'Donnell	Trello
Cam	James	Olasz	Trich
Cawley	Jarolin	Oliver	Veon
Cohen, M.	Josephs	Petrarca	Vitali
Colafigella	Kaiscr	Petrone	Williams
Colaizzo	Kasunic	Pistella	Wozniak
Corrigan	Keller	Platts	Wright, D. R.
Cowell	Kukovich	Preston	Yandrisevits
Curry	LaGrotta	Richardson	Yewcic
DeLuca	Laughlin	Rieger	
Dermody	Lederer	Ritter	DeWeese,
Donatucci	Lescovitz	Roberts	Speaker
Evans	Levdansky		

NOT VOTING—0

EXCUSED—6

Gannon	Kirkland	Van Horne	Waugh
Haluska	Rudy		

The question was determined in the affirmative, and the amendments were agreed to.

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—190

Acosta	Fairchild	Linton	Ryan
Adolph	Fajt	Lloyd	Santoni
Allen	Fargo	Lucyk	Sather
Argall	Farmer	Lynch	Saurman
Armstrong	Fee	Maitland	Saylor
Baker	Fichter	Manderino	Scheetz
Barley	Fleagle	Markosek	Schuler
Battisto	Flick	Marsico	Scrimenti
Bebko-Jones	Freeman	Masland	Semmel
Belardi	Gamble	Mayermik	Serafini
Belfanti	Geist	McCall	Smith, B.
Birmelin	George	McGeehan	Smith, S. H.
Bishop	Gerlach	McNally	Snyder, D. W.

Blaum	Gigliotti	Melio	Staback
Boyes	Gladeck	Merry	Stairs
Brown	Godshall	Michlovic	Steelman
Bunt	Gordner	Micozzie	Steighner
Bush	Gruitza	Mihalich	Steil
Butkowitz	Gruppo	Miller	Stern
Buxton	Hanna	Mundy	Stetler
Caltagirone	Harley	Murphy	Strittmatter
Cappabianca	Hasay	Nailor	Sturla
Carone	Heckler	Nickol	Surra
Cawley	Hennessey	Nyce	Tangretti
Cessar	Herman	O'Brien	Taylor, E. Z.
Chadwick	Hershey	O'Donnell	Taylor, J.
Civera	Hess	Olasz	Thomas
Clark	Hughes	Oliver	Tigue
Clymer	Hutchinson	Perzel	Tomlinson
Cohen, L. I.	Itkin	Pesci	Trello
Cohen, M.	Jadlowiec	Petrarca	Trich
Colafigella	James	Petrona	True
Colaizzo	Jarolin	Pettit	Tulli
Cornell	Josephs	Phillips	Uliana
Corrigan	Kaiser	Piccola	Vance
Cowell	Kasunic	Pistella	Veon
Coy	Keller	Pitts	Vitali
Curry	Kenney	Platts	Williams
Daley	King	Preston	Wogan
DeLuca	Krebs	Reber	Wozniak
Dent	Kukovich	Reinard	Wright, D. R.
Dermody	LaGrotta	Richardson	Wright, M. N.
Donatucci	Laub	Rieger	Yandrisevits
Druce	Laughlin	Ritter	Yewcic
Durham	Lawless	Robinson	Zug
Egolf	Lederer	Roebuck	
Evans	Lescovitz	Rooney	DeWeese,
	Levdansky	Rublely	Speaker

NAYS—6

Dempsey	Leh	Rohrer	Stish
Lec	Raymond		

NOT VOTING—1

Roberts

EXCUSED—6

Gannon	Kirkland	Van Horne	Waugh
Haluska	Rudy		

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

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

\* \* \*

The House proceeded to third consideration of **HB 437, PN 1881**, entitled:

An Act amending the act of July 7, 1947 (P.L.1368, No.542), known as the Real Estate Tax Sale Law, further providing for the entry, extension and discharge of tax claims; and making repeals.

On the question,

Will the House agree to the bill on third consideration?

Mr. SAURMAN offered the following amendments No. A2166:

Amend Title, page 1, line 29, by inserting after "claims;" imposing a limitation on penalties for delinquent taxes owed by certain taxpayers; and providing for reimbursement by the Commonwealth through the Department of Revenue for loss of revenue occasioned by the limitation;

Amend Bill, page 2, by inserting between lines 2 and 3

Section 1. Section 102 of the act of July 7, 1947 (P.L.1368, No.542), known as the Real Estate Tax Sale Law, is amended by adding a definition to read:

Section 102. Definitions.—As used in this act, the following words shall be construed as herein defined, unless the context clearly indicates otherwise:

\* \* \*

"Household income," shall mean all income received by a taxpayer and the taxpayer's spouse, if any, including, but not limited to, salaries, wages, bonuses, commissions, income from self-employment, alimony, support money, cash public assistance and relief, the gross amount of any pensions or annuities including railroad retirement benefits, all benefits received under the Social Security Act (49 Stat. 620, 42 U.S.C. § 301 et seq.), except Medicare benefits, all benefits received under State unemployment insurance laws and veterans' disability payments, all interest received from the Federal or any State government, or any instrumentality or political subdivision thereof, realized capital gains, rentals, workers' compensation and the gross amount of loss of time insurance benefits, life insurance benefits and proceeds (except the first five thousand dollars of the total of death benefit payments), and gifts of cash or property (other than transfers by gift between members of a household) in excess of a total value of three hundred dollars, but shall not include surplus food or other relief in kind supplied by a governmental agency or property tax or rent rebate or inflation dividend.

\* \* \*

Amend Bill, page 2, lines 3 through 5, by striking out all of said lines and inserting

Section 2. Section 308 of the act, reenacted October 31, 1989 (P.L.587, No.63) and amended August 5, 1991

Amend Bill, page 4, by inserting between lines 16 and 17

Section 3. The act is amended by adding a section to read:

Section 316. Reduction of Penalty.—The penalty under section 10 of the act of May 25, 1945 (P.L.1050, No.394), known as the "Local Tax Collection Law," charged against a taxpayer whose annual household income is fifteen thousand dollars (\$15,000) or less shall not exceed two per centum (2%). The penalty charged under section 11 of the "Local Tax Collection Law" against a taxpayer whose annual household income is fifteen thousand dollars (\$15,000) or less for each delinquent installment shall not exceed two per centum (2%). The Department of Revenue shall reimburse taxing districts for revenue losses occasioned by the limitation on penalties imposed by this section from funds appropriated for such purpose by the General Assembly or from moneys in the General Fund that are available and may lawfully be used for such purpose.

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

4

Amend Sec. 3, page 4, line 18, by striking out "3" and inserting

5

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

6

Amend Sec. 5, page 4, line 25, by striking out "5" and inserting

7

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

8

Amend Sec. 7, page 6, line 29, by striking out "7. This" and inserting

9. The amendment, addition or repeal of sections 308, 502, 502.1, 503, 503.1, 505 and 506 of the

Amend Bill, page 6, by inserting between lines 29 and 30

Section 10. The addition of section 316 of the act shall apply prospectively to affect taxes that become due in a fiscal year which begins not less than six months after the effective date of this act.

Section 11. Sections 10 and 11 of the act of May 25, 1945 (P.L.1050, No.394), known as the Local Tax Collection Law, are repealed insofar as they are inconsistent with this act.

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

12

On the question,

Will the House agree to the amendments?

The SPEAKER. On the amendment, the Chair recognizes Representative George Saurman.

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, several years ago when interest rates were considerably higher and investments were yielding around 15 percent, we recognized that local taxes were not being paid by people because it was far to their advantage to keep that money invested. At that time there was a 2-percent penalty for nonpayment at the end of the normal payment period. There was a 2-percent rebate if you paid early; then there was a net period; then there was a 2-percent period from there on. We changed that penalty for a late payment from 2 percent to 10 percent, and that 10 percent, obviously, was somewhat of a deterrent to keep those people who had money to pay their taxes and kept it invested instead of paying their taxes from actually doing that. However, for those persons—and I think this should be of interest to all of us—for those persons among our constituency, particularly the senior citizens who have so vigorously complained about the property tax burden on their backs, if they were not able to make their payments in a timely fashion, they were penalized 10 percent.

I think that that is wrong. I think that we need to do something about it. This legislation would say that for those persons whose income is under \$15,000, which is what we allow for a tax rebate, they would only have to pay a 2-percent penalty rather than the 10 percent that is prescribed to keep the people from keeping their money invested.

It is a different population. These are people who are definitely hurting financially, and I think this is one way that we can offer some opportunity for their relief. I would ask you to support this amendment. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Cohen, indicates he would like recognition. The gentleman is recognized.

Mr. COHEN. Thank you.

Mr. Speaker, on behalf of the chairman of the Appropriations Committee, who is off the floor right now, I would like to oppose this amendment.

The problem with this amendment is it creates incentives for people not to pay their local property taxes and it requires that the State of Pennsylvania will pay the difference for

anybody who takes advantage of the incentives. Limiting the penalty to 2 percent for people with incomes under \$15,000 a year, no matter how high their assets might be — a person could have assets of \$200,000, \$300,000 and still have incomes of \$15,000 or less — limiting the penalty to 2 percent creates an incentive for those people not to pay the property taxes.

You do not have to be a brilliant investor, you do not have to be Donald Trump or Jean Paul Getty or some brilliant Wall Street wizard to figure out that you can go to any savings bank in Pennsylvania and get a lot more than 2 percent on a passbook savings account, and if the penalty for not paying is only going to be 2 percent, then what we are saying to the people is, if you are really smart, what you do is you just put your money in the bank and earn whatever they are paying, and then you only have to pay local government 2 percent, and we are sending that message to them. And then we are sending a message to local governments. We are sending the message to local governments that it is okay for them to charge up to 10 percent and the State of Pennsylvania will make up the difference, and we are letting local governments basically acquisition State funds. We are also telling the local governments that you do not have to try to collect because it is the State that has to pay the bill, not you. So what we are doing is we are creating a very, very ineffective system for collecting property taxes.

Though I can understand, the people do not like to pay them; we do not like to pay our taxes; everybody does not like to pay taxes. It is a very, very frustrating experience for anybody paying taxes. However, we cannot create a system in which everybody has incentives not to pay taxes. The Saurman bill gives senior citizens, whatever their assets, no matter how high they are, as long as they have incomes of \$15,000 a year or less, they have an incentive not to pay the taxes. The local governments have the incentive not to be vigorous in collecting the taxes because the State will make up the difference. The result is that it is going to cost us at least several million dollars a year, and if everybody gets wise and realizes what a tremendous incentive we are creating for people not to pay taxes, the cost is going to go far above the couple million dollars a year. On current figures estimated by the Appropriations Committee, this could easily cost \$10, \$20 million a year or more.

This amendment is fiscally irresponsible, and I seriously urge everybody to defeat it.

The SPEAKER. The gentleman, Mr. Saurman, for the second time.

Mr. SAURMAN. Thank you, Mr. Speaker.

I appreciate the fact that I am being fiscally irresponsible, particularly in this chamber when so often I have had the opportunity to point out just exactly what fiscal irresponsibility is.

I said that this would help our senior citizens, and I certainly meant that. It is not restricted to senior citizens. The point is that people who cannot afford to pay their taxes on time are being penalized by a system that we put in to keep the rich from being able to keep their dollars invested.

I do not know where Mr. Cohen goes to, what savings and loan, but I wish he would let me know which one that offers such lucrative investment at this moment when the figures that I saw from Meridian were about 3.25 for a passbook savings account.

If people have all of this money in the bank, Mr. Speaker, they are not going to not pay their taxes because their income is under \$15,000 and they are going to play games. I think that is an absurd argument. I think the only valid argument that has been made is that the State is the one who is going to pay the difference, and I doubt very much—I would argue the fiscal note, but I am not allowed to do that—I do not think that it will affect that many people. If it does, Mr. Speaker, we are talking about a crisis for our people of low income, and I have heard over and over and over again what we have to do for our welfare people, what we have to do in terms of removing liens. I am talking about taking off an unjust penalty for our low-income citizens.

Mr. Speaker, I think anyone who looks at this recognizes that this penalty that is put on is unfair and should be adjusted. I would ask for your support of this amendment.

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

The following roll call was recorded:

YEAS—91

Adolph	Fichter	Markosek	Ryan
Allen	Fleagle	Marsico	Saurman
Argall	Flick	Masland	Scheetz
Armstrong	Gamble	Mayernik	Schuler
Baker	Geist	Merry	Semmel
Barley	Gerlach	Micozzie	Serafini
Boyes	Gladeck	Miller	Smith, B.
Brown	Godshall	Murphy	Snyder, D. W.
Bunt	Gruppo	Nyce	Stairs
Bush	Harley	O'Brien	Steil
Cawley	Hasay	Perzel	Strittmatter
Cessar	Heckler	Petrone	Taylor, E. Z.
Chadwick	Hennessey	Pettit	Taylor, J.
Civera	Hertman	Phillips	Tomlinson
Clymer	Hershey	Piccola	Trello
Cohen, L. I.	Hess	Pitts	True
Cornell	Jarolin	Preston	Tulli
Dempsey	Kaiser	Raymond	Uliana
Dent	Kenney	Reber	Vance
Durham	King	Reinard	Wogan
Egolf	Krebs	Roberts	Wright, M. N.
Fajt	Laub	Rohrer	Zug
Farmer	Lawless	Rubley	

NAYS—105

Acosta	Evans	Lucyk	Sather
Battisto	Fairchild	Lynch	Saylor
Bebko-Jones	Fargo	Maitland	Scrimenti
Belardi	Fee	Manderino	Smith, S. H.
Belfanti	Freeman	McCall	Staback
Birmelin	George	McGeehan	Steelman
Bishop	Gigliotti	McNally	Steighner
Blaum	Gordner	Melio	Stern
Butkovitz	Gruitza	Michlovic	Stetler
Buxton	Hanna	Mihalich	Stish
Caltagirone	Hughes	Mundy	Sturla

Cappabianca	Hutchinson	Nailor	Surra
Carn	Itkin	Nickol	Tangretti
Carone	Jadlowiec	O'Donnell	Thomas
Clark	Josephs	Olasz	Tigue
Cohen, M.	Kasunic	Oliver	Trich
Colaafella	Keller	Pesci	Veon
Colaizzo	Kukovich	Petrarca	Vitali
Corrigan	LaGrotta	Pistella	Williams
Cowell	Laughlin	Platts	Wozniak
Coy	Lederer	Richardson	Wright, D. R.
Curry	Lee	Rieger	Yandrisevits
Daley	Leh	Ritter	Yewcic
DeLuca	Lescovitz	Robinson	
Dermody	Levdansky	Roebuck	DeWeese,
Donatucci	Linton	Rooney	Speaker
Druce	Lloyd	Santoni	

NOT VOTING—1

James

EXCUSED—6

Gannon	Kirkland	Van Horne	Waugh
Haluska	Rudy		

The question was determined in the negative, and the amendments were not agreed to.

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?

On the question, the Chair recognizes Representative Laughlin.

Mrs. LAUGHLIN. Thank you, Mr. Speaker.

Mr. Speaker, this is a reenactment of several bills that have been passed over the last 10 years, and this gives a 12-month extension to anyone that has been delinquent in paying their real estate taxes and who has been sick for long periods of time or on unemployment.

I ask for an affirmative vote. 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—195

Acosta	Fargo	Lloyd	Ryan
Adolph	Farmer	Lucyk	Santoni
Allen	Fee	Lynch	Sather
Argall	Fichter	Maitland	Saurman
Armstrong	Fleagle	Manderino	Saylor
Baker	Flick	Markosek	Scheetz
Barley	Freeman	Marsico	Schuler
Battisto	Gamble	Masland	Serimenti
Bebko-Jones	Geist	Mayernik	Semmel
Belardi	George	McCall	Serafini
Birmelin	Gerlach	McGeehan	Smith, B.
Bishop	Gigliotti	McNally	Smith, S. H.
Blaum	Gladeck	Melio	Snyder, D. W.

Boyes	Godshall	Merry	Staback
Brown	Gordner	Michlovic	Stairs
Bunt	Gruitza	Micozzie	Steelman
Bush	Gruppo	Mihalich	Steighner
Butkovitz	Hanna	Miller	Steil
Buxton	Harley	Mundy	Stern
Caltagirone	Hasay	Nailor	Stetler
Cappabianca	Heckler	Nickol	Stish
Carn	Hennessey	Nyce	Strittmatter
Carone	Herman	O'Brien	Sturla
Cawley	Hershey	O'Donnell	Surra
Cessar	Hess	Olasz	Tangretti
Chadwick	Hughes	Oliver	Taylor, E. Z.
Civera	Hutchinson	Perzel	Taylor, J.
Clark	Itkin	Pesci	Thomas
Clymer	Jadlowiec	Petrarca	Tigue
Cohen, L. I.	James	Petrone	Tomlinson
Cohen, M.	Jarolin	Pettit	Trello
Colaafella	Josephs	Phillips	Trich
Colaizzo	Kaiser	Piccola	True
Cornell	Kasunic	Pistella	Tulli
Corrigan	Keller	Pitts	Uliana
Cowell	Kenney	Platts	Vance
Coy	King	Preston	Veon
Curry	Krebs	Raymond	Vitali
Daley	Kukovich	Reber	Williams
DeLuca	LaGrotta	Reinard	Wogan
Dempsey	Laub	Richardson	Wozniak
Dent	Laughlin	Rieger	Wright, D. R.
Dermody	Lawless	Ritter	Wright, M. N.
Donatucci	Lederer	Roberts	Yandrisevits
Druce	Lee	Robinson	Yewcic
Durham	Leh	Roebuck	Zug
Egolf	Lescovitz	Rohrer	
Evans	Levdansky	Rooney	DeWeese,
Fairchild	Linton	Rubley	Speaker
Fajt			

NAYS—0

NOT VOTING—2

Belfanti	Murphy
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EXCUSED—6

Gannon	Kirkland	Van Horne	Waugh
Haluska	Rudy		

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.

HOUSE BILL  
INTRODUCED AND REFERRED

No. 1780 By Representatives MILLER, BELFANTI, RYAN, ITKIN and GLADECK

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, imposing restrictions on the utilization of PennSERVE moneys for certain compensation; and making a repeal.

Referred to Committee on LABOR RELATIONS, June 8, 1993.



**BILLS ON THIRD  
CONSIDERATION CONTINUED**

The House proceeded to third consideration of **HB 1009, PN 1551**, entitled:

An Act amending the act of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act, further providing for the State Board of Osteopathic Medicine and for penalties; and regulating the practice of respiratory care practitioners.

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—196**

Acosta	Fajt	Lucyk	Ryan
Adolph	Fargo	Lynch	Santoni
Allen	Farmer	Maitland	Sather
Argall	Fee	Manderino	Saurman
Armstrong	Fichter	Markosek	Saylor
Baker	Fleagle	Marsico	Scheetz
Barley	Flick	Masland	Schuler
Battisto	Freeman	Mayernik	Scrimenti
Bebko-Jones	Gamble	McCall	Semmel
Belardi	Geist	McGeehan	Serafini
Belfanti	George	McNally	Smith, B.
Birmelin	Gerlach	Melio	Smith, S. H.
Bishop	Gigliotti	Merry	Snyder, D. W.
Blaum	Gladeck	Michlovic	Staback
Boyes	Godshall	Micozzie	Stairs
Brown	Gordner	Mihalich	Steelman
Bunt	Gruitza	Miller	Steighner
Bush	Gruppo	Mundy	Steil
Butkovitz	Hanna	Murphy	Stern
Buxton	Harley	Nailor	Stetler
Caltagirone	Hasay	Nickol	Stish
Cappabianca	Heckler	Nyce	Strittmatter
Carn	Hennessey	O'Brien	Sturla
Carone	Herman	O'Donnell	Surra
Cawley	Hershey	Olasz	Tangretti
Cessar	Hess	Oliver	Taylor, E. Z.
Chadwick	Hughes	Perzel	Taylor, J.
Civera	Hutchinson	Pesci	Thomas
Clark	Itkin	Petrarca	Tigue
Clymer	Jadlowiec	Petrone	Tomlinson
Cohen, L. I.	James	Pettit	Trello
Cohen, M.	Jarolin	Phillips	Trich
Colafella	Josephs	Piccola	True
Colaizzo	Kaiser	Pistella	Tulli
Cornell	Kasunic	Pitts	Uliana
Corrigan	Keller	Platts	Vance
Cowell	Kenney	Preston	Veon
Coy	King	Raymond	Vitali
Curry	Krebs	Reber	Williams
Daley	Kukovich	Reinard	Wogan
DeLuca	Laub	Richardson	Wozniak
Dempsey	Laughlin	Rieger	Wright, D. R.
Dent	Lawless	Ritter	Wright, M. N.
Dermody	Lederer	Roberts	Yandrisevits
Donatucci	Lee	Robinson	Yewcic
Druce	Leh	Roebuck	Zug

Durham	Lescovitz	Rohrer	
Egolf	Levdansky	Rooney	DeWeese, Speaker
Evans	Linton	Rubley	
Fairchild	Lloyd		

**NAYS—0**

**NOT VOTING—1**

LaGrotta

**EXCUSED—6**

Gannon	Kirkland	Van Horne	Waugh
Haluska	Rudy		

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

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

\* \* \*

The House proceeded to third consideration of **HB 1010, PN 1552**, entitled:

An Act amending the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, further providing for the State Board of Medicine; and regulating the practice of respiratory care practitioners.

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—196**

Acosta	Fajt	Lloyd	Ryan
Adolph	Fargo	Lucyk	Santoni
Allen	Farmer	Lynch	Sather
Argall	Fee	Maitland	Saurman
Armstrong	Fichter	Markosek	Saylor
Baker	Fleagle	Marsico	Scheetz
Barley	Flick	Masland	Schuler
Battisto	Freeman	Mayernik	Scrimenti
Bebko-Jones	Gamble	McCall	Semmel
Belardi	Geist	McGeehan	Serafini
Belfanti	George	McNally	Smith, B.
Birmelin	Gerlach	Melio	Smith, S. H.
Bishop	Gigliotti	Merry	Snyder, D. W.
Blaum	Gladeck	Michlovic	Staback
Boyes	Godshall	Micozzie	Stairs
Brown	Gordner	Mihalich	Steelman
Bunt	Gruitza	Miller	Steighner
Bush	Gruppo	Mundy	Steil
Butkovitz	Hanna	Murphy	Stern
Buxton	Harley	Nailor	Stetler
Caltagirone	Hasay	Nickol	Stish
Cappabianca	Heckler	Nyce	Strittmatter
Carn	Hennessey	O'Brien	Sturla
Carone	Herman	O'Donnell	Surra
Cawley	Hershey	Olasz	Tangretti

Cessar	Hess	Oliver	Taylor, E. Z.
Chadwick	Hughes	Perzel	Taylor, J.
Civera	Hutchinson	Pesci	Thomas
Clark	Itkin	Petrarca	Tigue
Clymer	Jadlowiec	Petrone	Tomlinson
Cohen, L. I.	James	Pettit	Trello
Cohen, M.	Jarolin	Phillips	Trich
Colaella	Josephs	Piccola	True
Colaizzo	Kaiser	Pistella	Tulli
Cornell	Kasunic	Pitts	Uhana
Corrigan	Keller	Platts	Vance
Cowell	Kenney	Preston	Veon
Coy	King	Raymond	Vitali
Curry	Krebs	Reber	Williams
Daley	Kukovich	Reinard	Wogan
DeLuca	LaGrotta	Richardson	Wozniak
Dempsey	Laub	Rieger	Wright, D. R.
Dent	Laughlin	Ritter	Wright, M. N.
Dermody	Lawless	Roberts	Yandrisevits
Donatucci	Lederer	Robinson	Yewcic
Druce	Lee	Roebuck	Zug
Durham	Leh	Rohrer	
Egolf	Lescovitz	Rooney	DeWeese,
Evans	Levdansky	Rubley	Speaker
Fairchild	Linton		

NAYS—0

NOT VOTING—1

Manderino

EXCUSED—6

Gannon	Kirkland	Van Horne	Waugh
Haluska	Rudy		

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

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

\* \* \*

The House proceeded to third consideration of **HB 1416, PN 1882**, entitled:

An Act providing for the eligibility of certain persons for licensure to practice chiropractic and for colleges' notice as to accreditation; and making a repeal.

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

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

The question is, shall the bill pass finally?

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

YEAS—196

Acosta	Fajt	Lucyk	Ryan
Adolph	Fargo	Lynch	Santoni
Allen	Farmer	Maitland	Sather
Argall	Fee	Manderino	Saurman
Armstrong	Fichter	Markosek	Saylor

Baker	Fleagle	Marsico	Scheetz
Barley	Flick	Masland	Schuler
Battisto	Freeman	Mayernik	Scrimenti
Bebko-Jones	Gamble	McCall	Semmel
Belardi	Geist	McGeehan	Serafini
Belfanti	George	McNally	Smith, B.
Birmelin	Gerlach	Melio	Smith, S. H.
Bishop	Gigliotti	Merry	Snyder, D. W.
Blaum	Gladeck	Michlovic	Staback
Boyes	Godshall	Micozzie	Stairs
Brown	Gordner	Mihalich	Steelman
Bunt	Gruitza	Miller	Steighner
Bush	Gruppo	Mundy	Steil
Butkovitz	Hanna	Murphy	Stern
Buxton	Harley	Nailor	Steller
Caltagirone	Hasay	Nicol	Stish
Cappabianca	Heckler	Nyce	Strittmatter
Carn	Hennessey	O'Brien	Sturla
Carone	Herman	O'Donnell	Surra
Cawley	Hershey	Olasz	Tangretti
Cessar	Hess	Oliver	Taylor, E. Z.
Chadwick	Hutchinson	Perzel	Taylor, J.
Civera	Itkin	Pesci	Thomas
Clark	Jadlowiec	Petrarca	Tigue
Clymer	James	Petrone	Tomlinson
Cohen, L. I.	Jarolin	Pettit	Trello
Cohen, M.	Josephs	Phillips	Trich
Colaella	Kaiser	Piccola	True
Colaizzo	Kasunic	Pistella	Tulli
Cornell	Keller	Pitts	Uhana
Corrigan	Kenney	Platts	Vance
Cowell	King	Preston	Veon
Coy	Krebs	Raymond	Vitali
Curry	Kukovich	Reber	Williams
Daley	LaGrotta	Reinard	Wogan
DeLuca	Laub	Richardson	Wozniak
Dempsey	Laughlin	Rieger	Wright, D. R.
Dent	Lawless	Ritter	Wright, M. N.
Dermody	Lederer	Roberts	Yandrisevits
Donatucci	Lee	Robinson	Yewcic
Druce	Leh	Roebuck	Zug
Durham	Lescovitz	Rohrer	
Egolf	Levdansky	Rooney	DeWeese,
Evans	Linton	Rubley	Speaker
Fairchild	Lloyd		

NAYS—0

NOT VOTING—1

Hughes

EXCUSED—6

Gannon	Kirkland	Van Horne	Waugh
Haluska	Rudy		

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

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

\* \* \*

The House proceeded to third consideration of **HB 82, PN 11**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for absentee voting.

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

Acosta	Fajt	Lloyd	Ryan
Adolph	Fargo	Lucyk	Santoni
Allen	Farmer	Lynch	Sather
Argall	Fee	Maitland	Saurman
Armstrong	Fichter	Manderino	Saylor
Baker	Fleagle	Markosek	Scheetz
Barley	Flick	Marsico	Schuler
Battisto	Freeman	Masland	Scriminti
Bebko-Jones	Gamble	Mayernik	Semmel
Belardi	Geist	McCall	Serafini
Belfanti	George	McGeehan	Smith, B.
Birmelin	Gerlach	McNally	Smith, S. H.
Bishop	Gigliotti	Melio	Snyder, D. W.
Blaum	Gladeck	Merry	Staback
Boyes	Godshall	Michlovic	Stairs
Brown	Gordner	Micozzie	Steelman
Bunt	Gruitza	Mihalich	Steighner
Bush	Gruppo	Miller	Steil
Butkovitz	Hanna	Mundy	Stern
Buxton	Harley	Murphy	Stetler
Caltagirone	Hasay	Nailor	Stish
Cappabianca	Heckler	Nickol	Strittmatter
Carn	Hennessey	Nyce	Sturla
Carone	Herman	O'Brien	Surra
Cawley	Hershey	O'Donnell	Tangretti
Cessar	Hess	Olasz	Taylor, E. Z.
Chadwick	Hughes	Oliver	Taylor, J.
Civera	Hutchinson	Perzel	Thomas
Clark	Itkin	Pesci	Tigue
Clymer	Jadlowiec	Petrarca	Tomlinson
Cohen, L. I.	James	Petrone	Trello
Cohen, M.	Jarolin	Pettit	Trich
Colafranca	Josephs	Phillips	True
Colaizzo	Kaiser	Piccola	Tulli
Cornell	Kasunic	Pistella	Uliana
Corrigan	Keller	Pitts	Vance
Cowell	Kenney	Platts	Veon
Coy	King	Preston	Vitali
Curry	Krebs	Raymond	Williams
Daley	Kukovich	Reber	Wogan
DeLuca	LaGrotta	Reinard	Wozniak
Dempsey	Laub	Richardson	Wright, D. R.
Dent	Laughlin	Rieger	Wright, M. N.
Dermody	Lawless	Ritter	Yandrisevits
Donatucci	Lederer	Roberts	Yewcic
Druce	Lee	Robinson	Zug
Durham	Leh	Roebuck	
Egolf	Lescovitz	Rohrer	DeWeese,
Evans	Levdansky	Rooney	Speaker

Fairchild Linton Rubley

NAYS—0

NOT VOTING—0

EXCUSED—6

Gannon Kirkland Van Home Waugh  
Haluska Rudy

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

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

\* \* \*

The House proceeded to third consideration of **HB 1090, PN 1184**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the *Public School Code of 1949*, providing for voter registration forms to be given to high school graduates.

On the question,  
Will the House agree to the bill on third consideration?  
Mr. NICKOL offered the following amendment No. A1909:

Amend Sec. 1 (Sec. 1613), page 2, line 18, by inserting after "graduation."  
This subsection shall not apply to pupils in schools operated by a bona fide church or other religious body which has at any time filed an objection in writing with the Secretary of Education on the basis of a strong moral or ethical conviction constituting or similar to a religious belief.

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

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

Mr. NICKOL. Thank you, Mr. Speaker.

This Commonwealth was founded on religious freedom. Some of our religious groups in this Commonwealth elect to remain apart from direct participation in the political process, and many of these groups operate their own religious schools. What my amendment would do is simply allow a recourse for these bodies to excuse themselves from the provisions of HB 1090.

I ask for your support. Thank you.

The **SPEAKER**. On the amendment, the Chair recognizes Robert Freeman.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, this is an agreed-to amendment. I urge the House to vote "yes."

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

The following roll call was recorded:

YEAS—197

Acosta	Fajt	Lloyd	Ryan
Adolph	Fargo	Lucyk	Santoni
Allen	Farmer	Lynch	Sather
Argall	Fee	Maitland	Saurman
Armstrong	Fichter	Manderino	Saylor
Baker	Fleagle	Markosek	Scheetz
Barley	Flick	Marsico	Schuler
Battisto	Freeman	Masland	Scrimenti
Bebko-Jones	Gamble	Mayernik	Semmel
Belardi	Geist	McCall	Serafini
Belfanti	George	McGeehan	Smith, B.
Birmelin	Gerlach	McNally	Smith, S. H.
Bishop	Gigliotti	Metio	Snyder, D. W.
Blaum	Gladeck	Merry	Staback
Boyes	Godshall	Michlovic	Stairs
Brown	Gordner	Micozzie	Steelman
Bunt	Gruitta	Mihalich	Steighner
Bush	Gruppo	Miller	Steil
Butkovitz	Hanna	Mundy	Stem
Buxton	Harley	Murphy	Stetler
Caltagirone	Hasay	Nailor	Stish
Cappabianca	Heckler	Nickol	Strittmatter
Cam	Hennessey	Nyce	Sturla
Carone	Herman	O'Brien	Surra
Cawley	Hershey	O'Donnell	Tangretti
Cessar	Hess	Olasz	Taylor, E. Z.
Chadwick	Hughes	Oliver	Taylor, J.
Civera	Hutchinson	Perzel	Thomas
Clark	Itkin	Pesci	Tigue
Clymer	Jadlowiec	Petrarca	Tomlinson
Cohen, L. I.	James	Petrone	Trello
Cohen, M.	Jarolin	Pettit	Trich
Colafrilla	Josephs	Phillips	True
Colaizzo	Kaiser	Piccola	Tulli
Cornell	Kasunic	Pistella	Uliana
Corrigan	Keller	Pitts	Vance
Cowell	Kenney	Platts	Veon
Coy	King	Preston	Vitali
Curry	Krebs	Raymond	Williams
Daley	Kukovich	Reber	Wogan
DeLuca	LaGrotta	Reinard	Wozniak
Dempsey	Laub	Richardson	Wright, D. R.
Dent	Laughlin	Rieger	Wright, M. N.
Dermody	Lawless	Ritter	Yandrisevits
Donatucci	Lederer	Roberts	Yewcic
Druce	Lee	Robinson	Zug
Durham	Leh	Roebuck	
Egolf	Lescovitz	Rohrer	DeWeese,
Evans	Levdansky	Rooney	Speaker
Fairchild	Linton	Rubley	

NAYS—0

NOT VOTING—0

EXCUSED—6

Gannon	Kirkland	Van Horne	Waugh
Haluska	Rudy		

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

On the question,

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

The SPEAKER. On that question, the Chair recognizes Representative Freeman for amendment A1924, which the clerk will read.

Mr. Freeman is recognized.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, in light of the passage of the Nickol amendment, I will withdraw my amendment at this time.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

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

Mr. SAURMAN offered the following amendments No. A1910:

Amend Title, page 1, line 5, by striking out "providing" and inserting

further providing for the termination of contracts, for causes for suspension, for salaries, for sabbatical leave and for exceptional children; and providing for curriculum and regulatory relief and

Amend Bill, page 1, lines 9 and 10, by striking out all of said lines and inserting

Section 1. Section 1122 of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, amended July 26, 1961 (P.L.891, No.383), is amended to read:

Section 1122. Causes for Termination of Contract.—[The only valid causes for termination of a contract heretofore or hereafter entered into with a professional employe shall be immorality, incompetency, intemperance, cruelty, persistent negligence, mental derangement, advocacy of or participating in un-American or subversive doctrines, persistent and wilful violation of the school laws of this Commonwealth on the part of the professional employe: Provided, That boards of school directors may terminate the service of any professional employe who has attained to the age of sixty-two except a professional employe who is a member of the old age and survivors insurance system pursuant to the provisions of the act, approved the first day of June, one thousand nine hundred fifty-six (Pamphlet Laws 1973). In such case the board may terminate the service of any such professional employe at the age of sixty-five or at the age at which the employe becomes eligible to receive full benefits under the Federal Social Security Act.] (a) Valid causes for terminating a contract of a professional employe shall be provided exclusively within the written collective bargaining agreement between the employer and the employe organizations as defined in the act of July 23, 1970 (P.L.563, No.195), known as the "Public Employe Relations Act."

(b) Nothing within the foregoing enumeration of causes, shall be interpreted to conflict with the retirement of professional employes upon proper evidence of disability, or the election by professional employes to retire during the period of voluntary retirement, or the authority of the board of school directors to require professional employes to retire during said period of voluntary retirement, or the compulsion on the part of professional employes to retire at the attainment of age seventy.

Section 2. Section 1124 of the act, amended August 8, 1963 (P.L.564, No.299), is amended to read:

Section 1124. Causes for Suspension.—[Any board of school directors may suspend the necessary number of professional employes, for any of the causes hereinafter enumerated:

(1) Substantial decrease in pupil enrollment in the school district;

(2) Curtailment or alteration of the educational program on recommendation of the superintendent, concurred in by the board of school directors, approved by the Department of Public Instruction, as a result of substantial decline in class or course enrollments or to conform with standards of organization or educational activities required by law or recommended by the Department of Public Instruction;

(3) Consolidation of schools, whether within a single district, through a merger of districts, or as a result of joint board agreements, when such consolidation makes it unnecessary to retain the full staff of professional employees.

(4) When new school districts are established as the result of reorganization of school districts pursuant to Article II., subdivision (j) of this act, and when such reorganization makes it unnecessary to retain the full staff of professional employees.] The board of school directors may, at its discretion, suspend professional employees provided the district fulfills the requirements for the instruction of students established by statute, the regulations of the State Board of Education and the standards of the Department of Education.

Section 3. Sections 1141, 1142, 1142.1, 1144, 1144.1, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1154.1 and 1155 of the act are repealed.

Section 4. The act is amended by adding a section to read:

Section 1156. Salaries and Increments.—Salaries, sick leave and increments for temporary and professional employees represented by an employe organization as defined under the act of July 23, 1970 (P.L.563, No.195), known as the "Public Employe Relations Act," shall be established in the written collective bargaining agreement of said act. Salaries, sick leave and increments of other employes shall be established through existing statutory authority where applicable, or by resolution of the board of directors.

Section 5. Sections 1166, 1167, 1168, 1169, 1170 and 1171 of the act are repealed.

Section 6. The act is amended by adding a section to read:

Section 1172. Sabbatical Leave.—Provisions for sabbatical leave for professional employes represented by an employe organization as defined under the act of July 23, 1970 (P.L.563, No.195), known as the "Public Employe Relations Act," shall be negotiated in the written collective bargaining agreement provided for in said act. Sabbatical leave provisions for other employes may be established by resolution of the board of directors.

Section 7. Section 1371(1) of the act, amended January 14, 1970 (1969 P.L.468, No.192), is amended to read:

Section 1371. Definition of Exceptional Children; Reports; Examination.—(1) The term "exceptional children" shall mean children of school age who [deviate from the] are not above average in physical, mental, emotional or social characteristics to such an extent that they require special educational facilities or services and shall include all children in detention homes.

\* \* \*

Section 8. The act is amended by adding an article to read:

#### ARTICLE XV-A.

##### CURRICULUM AND REGULATORY RELIEF.

Section 1501-A. Curriculum.—(a) (1) School districts meeting the criteria set forth in paragraphs (2) and (3) shall only be required to meet curriculum and other requirements imposed by statute or regulations as specified in subsection (b).

(2) A district annually documenting to the department that eighty per centum (80%) of its students, in the aggregate, scored above the seventy-fifth (75th) percentile for their grade level as demonstrated on nationally accepted achievement tests in the previous year.

(3) A district which receives less than one-third of its actual instructional expenditures from the Equalized Subsidy for Basic Education in the previous school year.

(b) (1) A district shall not be required to provide one hundred eighty (180) days of instruction but may utilize a school calendar that provides for a minimum of nine hundred (900) hours of instruction at the elementary level and nine hundred ninety (990) hours at the secondary level for the school year. The district shall document the hours of instruction to the department. The department shall have no authority to reject the modified calendar.

(2) A district shall not be required to have curriculum changes approved by the department.

(3) A district shall not be required to meet hourly or specific time requirements for planned courses of instruction as provided by regulation or statute.

Section 1502-A. Certification.—Certification requirements established by statute and regulations of the State Board of Education shall apply only to classroom teaching and assistant principal and principal positions.

Section 9. Section 1613 of the act,

Amend Bill, page 2, by inserting between lines 18 and 19

Section 10. All acts and parts of acts, the regulations of the State Board of Education and the standards of the Department of Education are repealed insofar as they are inconsistent with this act.

Section 11. (a) The amendment or addition of sections 1122, 1156 and 1172 of the act shall apply to the collective bargaining agreements of school districts at such time as these agreements may be entered into or reserved, next following the effective date of this act.

(b) In those districts not having a collective bargaining agreement, the provisions of subdivisions (d) and (e) of Article XI of the act shall apply, notwithstanding the repeal of sections 1141, 1142, 1142.1, 1144, 1144.1, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1154.1, 1155, 1166, 1167, 1168, 1169, 1170 and 1171 of the act.

Amend Bill, page 2, line 19, by striking out all of said line and inserting

Section 12. This act shall take effect as follows:

(1) The amendment of section 1613 of the act and this section shall take effect immediately.

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

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes George Saurman.

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, this amendment offers a great deal of relief to our school districts in regard to the mandates that they currently are burdened by. I attended a meeting when one of the superintendents in a school in my district unfurled a sheet of shelf paper to which 8 1/2-by-11 sheets were attached and it rolled from one side of the auditorium to the other.

These mandates are the causes for the high cost of education in our public schools, and again, for tax relief, when we talk about tax reform, that is one thing, but for tax relief, getting out from under these mandates would enable our school districts to be able to deal with the tax burden or their expense burden in a much more equitable fashion, and I would ask that this amendment be adopted, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes Chairman Ron Cowell.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, the Saurman amendment is an amendment that this House debated last year and overwhelmingly rejected, and I know that the members of this House would not necessarily want to be bound by a decision made by an earlier session of the General Assembly, but I would remind the members of the very reasonable reasons why members voted in overwhelming numbers against this amendment last year and the very thoughtful reasons why the opponents prevailed to such a significant degree.

This amendment has been characterized as one that provides a great deal of relief to school districts from things which have burdened them. We have got to look at the specific

language of this amendment though and look at the specific ideas that are addressed by the Saurman amendment and the specific positions that an affirmative vote would have us take on these various issues.

First of all, Mr. Speaker, as I suggested in last year's debate, to approve the Saurman amendment as it is drafted again today would have every member of this House who votes in favor of this amendment go on record as eliminating the right of school boards to terminate individuals for immorality, incompetence, intemperance, cruelty, persistent negligence, mental derangement, and advocacy of or participating in un-American or subversive doctrines, et cetera, et cetera. You will be on record as voting against the right of school boards to terminate for those reasons, and instead, the Saurman amendment says that school districts are going to have to negotiate all these reasons as part of the collective-bargaining process before they are going to have the right to terminate individuals for immorality or incompetency.

First, I do not want to be on record as saying we are going to take away from school boards' existing authority to terminate employees for these very important reasons, and secondly, I do not want to contribute to school strikes all over this State as we force school boards to engage in a collective-bargaining process to get these rights back that we are suddenly going to terminate. Now, I understand that the hope is that they will somehow negotiate even broader authority, but let us keep in mind, we are wiping the slate clean; we are saying, you have no authority to terminate, and whatever authority you are going to get, you are going to have to maybe pay for it with higher salaries through the collective-bargaining agreement. It makes no sense that we would do that.

Secondly, the Saurman amendment will eliminate those specific provisions of the current law that spell out why school districts may furlough employees. Now, I understand again the intent is to broaden that. In my opinion, this goes to an extreme, because school districts would now have the authority under the Saurman amendment to furlough for any reason. There will be no rules, and they will not have to be negotiated in this case. School districts will simply have the authority at their discretion to furlough professional employees.

Additionally, Mr. Speaker, the Saurman amendment will eliminate that language that we put in the current law only several years ago that says, as a matter of principle, there will be a minimum salary for teachers in this State of \$18,500 per year, and we provided extra money to school districts to bring them up to that level where they were not paying at that level. The Saurman amendment would strike that.

Mr. Speaker, it has just been pointed out to me that some members may have some information before them that is erroneous in its description of the Saurman amendment. We are debating amendment 1910, and it is those provisions that I am discussing in my remarks.

Mr. Speaker, members need to be particularly certain that they are aware that the Saurman amendment would eliminate gifted education in this State. The Saurman amendment would eliminate that language of the current law that says that gifted

education will be treated under the laws of special education in the Commonwealth and that students who are identified as gifted and talented will be afforded those rights and protections of special-needs students in the Commonwealth. The Saurman amendment eliminates that and effectively eliminates gifted education in the Commonwealth.

The Saurman amendment also once again, as it did last year, proposes that we give special treatment to the richest districts in this State. It says that if we are dealing with a district that is exceptionally rich and not so dependent on State moneys to help create that level playing field for all the kids across the Commonwealth, then that school district will not have to live by a lot of the other rules that most school districts will continue to abide by. I would suggest that there is some terribly vague language on page 3 of the amendment at the beginning of section 1501-A that says that school districts that meet these criteria of richness "...shall only be required to meet curriculum and other requirements imposed by statute or regulations as specified in subsection (b)," and subsection (b) deals with 180 days and 990 hours and some curriculum issues, but it does not deal with all the other requirements. I would suggest that there are many solicitors and many ambitious school officials who would interpret the Saurman language to mean that if they happen to be a rich district and they meet the other criteria, none of the other requirements, as well as the curriculum requirements of the code, will apply unless they appear in paragraph (b).

Mr. Speaker, this language, once again, is so bad that it will only surely have the effect of precipitating school strikes all over this State as folks negotiate about what it means and what it does not mean or negotiate to implement some of the provisions. But even more importantly, it will wipe out some of the basic protections that we provide for many of our students, including students who happen to live in richer school districts. It will eliminate the protections and the rights of many of our brightest, most well-challenged, most capable youngsters who are in our programs for the gifted and talented, and it will substantially strike at the heart of many of the protections that this General Assembly has seen fit to put into place for professional employees across this Commonwealth during the last several years.

Finally, Mr. Speaker, I would note that on the issue of certification, the Saurman amendment would effectively eliminate all certification requirements found in regulations or elsewhere in the statutes except for classroom teaching—and I think that is an error; I think it was meant to say classroom teachers—or assistant principal and principal positions, and this would effectively eliminate all certification language in the law that pertains to school nurses, school psychologists, counselors, as well as home-school visitors.

Mr. Speaker, I think that that is a terrible error. It is terribly bad public policy, and for all of these reasons, I would hope that we will reject once again, as we did last year, the Saurman amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes Representative Coy.

Mr. COY. Thank you, Mr. Speaker.

Just for a point of information of members who might be following this pre-session report that is distributed, the explanation of the amendment 1910 which appears in this is not accurate, and members should pay particular attention to the debate because the debate will probably be much more reflective of what is contained in the amendment than this description. Thank you, Mr. Speaker.

### PARLIAMENTARY INQUIRY

#### REQUEST TO DIVIDE AMENDMENTS

The SPEAKER. Mr. Snyder is recognized.

Mr. SNYDER. Mr. Speaker, a question of parliamentary inquiry.

The SPEAKER. For what purpose does the gentleman rise?

Mr. SNYDER. For a question on divisibility of the amendment.

The SPEAKER. Will the gentleman please state his question.

Mr. SNYDER. The question is, Mr. Speaker, the provision at the bottom of page 2 of the amendment which begins "Section 7," dealing with "Section 1371(1) of the act,..." to the top of page 3, preceding "Section 8," is that divisible from the amendment?

The SPEAKER. The Parliamentarian advises that the answer is no.

Mr. SNYDER. Thank you, Mr. Speaker.

Just one quick comment then, if I may.

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

Mr. SNYDER. Mr. Speaker, I am very concerned about this particular part of the amendment. Section 7 would eliminate the program that deals with gifted children in our school districts. It would only provide for the special education programs, and I think those of us who are in favor of public education realize that there are particular needs of students in all ranges of educational learning, and I would certainly hate to have the Commonwealth eliminate this part from our public schools and would ask for objection to the amendment on that ground. Thank you.

#### AMENDMENTS WITHDRAWN

The SPEAKER. Mr. Saurman for the second time.

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, there has been an error in drafting. I had requested that this amendment not include the gifted children. After the debate of last year, this was certainly a major objection, and in my instructions to having this redrafted, that was to have been eliminated.

I would like at this time to withdraw this amendment, and I will offer it at a subsequent time with that correction made. Thank you, Mr. Speaker.

The SPEAKER. The gentleman indicates that he wants to withdraw the amendment and is in order.

Does the gentleman, Mr. Saurman, intend to offer his second amendment?

Mr. SAURMAN. Yes, Mr. Speaker. I do not see that the problem with the first amendment affects the second one, and I would like to offer the second amendment.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

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

Mr. SAURMAN offered the following amendments No. A1911:

Amend Title, page 1, line 5, by inserting after "thereto," abolishing the State Board of Education and transferring its powers and duties to the Department of Education; and

Amend Bill, page 1, lines 9 through 12, by striking out all of said lines and inserting

Section 1. The act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, is amended by adding an article to read:

#### ARTICLE I-A.

##### DEPARTMENT OF EDUCATION.

Section 101-A. Definitions.—When used in this article, the following words and phrases shall have the following meanings: "Department" shall mean the Department of Education of the Commonwealth.

Section 102-A. Powers and Duties of Department.—(a) The department shall have the power to establish standards governing the educational program of the Commonwealth.

(b) The department shall develop an annual operating budget, including projected operating expenses of the Professional Standards and Practices Commission.

(c) The department shall also have the following powers and duties:

(1) To approve or disapprove an application for the creation of a new school district or change in the boundaries of an existing school district.

(2) To establish, whenever deemed advisable, committees of professional and technical advisors to assist it in performing research studies.

(3) To manage and have custody of the State School Fund.

(4) (i) To apply for, receive and administer, subject to any applicable regulations or laws of the Federal Government or any agency thereof, any Federal grants, appropriations, allocations and programs for the development of academic facilities on behalf of the Commonwealth, any of its school districts or any institution of higher education, public or private, within this Commonwealth.

(ii) Subject to any applicable regulations or laws of the Federal Government or any agency thereof, to develop, alter, amend and submit to the Federal Government State plans for participation in Federal grants, appropriations, allocations and programs for the development of academic facilities and to make regulations, criteria, methods, forms, procedures and to do all other things which may be necessary to make possible the participation of the Commonwealth in such Federal grants, appropriations, allocations and programs for the development of academic facilities.

(iii) To hold hearings, issue subpoenas and render decisions as to the priority assigned to any project or as to any other matter or determination affecting any applicant for Federal grants, appropriations, allocations and programs for the development of academic facilities.

(iv) To adopt rules or procedures and prescribe regulations for the submission to it of all matters within its jurisdiction.

(5) To adopt policies for the approval or disapproval of any action of a State-owned university, community college or State-related or State-aided college or university in establishing additional branches or campuses or in discontinuing branches or campuses.

(6) To adopt policies for the approval or disapproval of any action of a State-owned university, community college or State-related or State-aided college or university in establishing new professional schools or upper division programs by two-year institutions.

(7) To adopt policies for the approval or disapproval of applications by two-year institutions to become four-year institutions.

(8) To adopt policies for the approval or disapproval of any request by any private institution of higher education for admission to State-related or State-aided status or for eligibility for other State financial support.

(9) To require the submission of long-range plans from all public and private institutions of higher education at the times and in the form requested by the department.

Section 103-A. Certain Requests by Institutions of Higher Education.—(a) With regard to State-owned institutions, approval or disapproval by the department under the provisions of clauses (5) and (6) of subsection (c) of section 102-A shall not be made until after recommendation by the Board of Governors of the State System of Higher Education, whenever such recommendation is deemed necessary or required by law.

(b) No institution of higher education may proceed with any action unless it has been approved by the department under clauses (5) through (8) of subsection (c) of section 102-A.

(c) With regard to approval by the Secretary of Education under clauses (5) through (8) of subsection (c) of section 102-A, no action to be financed wholly or in part from State appropriations shall be taken by an institution of higher learning (i) prior to the next fiscal year or until the General Assembly approves the Governor's budget for the next fiscal year, and (ii) prior to the Governor and the Secretary of the Budget being provided with written notification of such approval, including projected five-year fiscal analysis and an explanation as to the necessity for the proposed action in relation to the master plan for higher education.

Section 104-A. Master Plan for Higher Education.—Every five years, the department shall adopt a master plan for higher education which shall be for the guidance of the Governor, the General Assembly and all institutions of higher education financed wholly or in part from State appropriations. The master plan shall:

(1) Define the role of each type of institution (State-owned universities, State-related universities, community colleges, private colleges and universities and off-campus centers of any of these and other institutions authorized to grant degrees) in this Commonwealth.

(2) Recommend enrollment levels for each such institution.

(3) Recommend methods for governance.

(4) Recommend methods for the distribution of State funds among the institutions.

(5) Evaluate the status of physical plants and technical equipment and project needs.

(6) Evaluate the status of and projection of manpower needs.

(7) Evaluate enrollment accessibility to institutions of higher learning by the public.

(8) Otherwise provide for an orderly development of institutions of higher education in this Commonwealth.

Section 105-A. Master Plan for Basic Education.—Every five years, the department shall adopt a master plan for basic education which shall be for the guidance of the Governor, the General Assembly and all public school entities. The master plan shall consider and make recommendations on the following areas and any other areas which the department deems appropriate:

(1) School program approval, evaluation and requirements.

(2) School personnel training and certification.

(3) School governance and organization.

(4) Curriculum materials development.

(5) School finance.

(6) School buildings and facilities.

(7) Transportation.

(8) Technical services and support services to local education agencies.

(9) Projected long-range needs of the public school system of this Commonwealth.

Section 106-A. Recommendation to Department.—The department shall request recommendations of the Professional Standards and Practices Commission pertaining to teacher certification, professional practices, accreditation of teacher-education programs and long-range plans affecting these subject areas. When such recommendations are received, the department shall consider and review these recommendations during the development of any statements of policy, guidelines, standards of rules and regulations as they relate to the above subject areas. If such recommendations are not received in a timely fashion, the department may continue to develop and adopt statements of policy, guidelines, standards or rules and regulations in these subject areas.

Section 107-A. Rules and Regulations.—(a) The department shall promulgate all reasonable rules and regulations necessary to effectuate the purposes of this article and carry out all duties placed upon it by law.

(b) The department shall, by regulation, establish a State Board for Vocational Education to carry out the provisions of any Federal and State laws relating to the cooperation of the Federal and State governments for the formulation of plans for the administration of vocational education and to formulate and execute plans for the preparation of teachers of vocational subjects.

Section 2. Section 1613 of the act, amended December 15, 1986 (P.L.1602, No.178), is amended to read:

Amend Bill, page 2, by inserting between lines 18 and 19

Section 3. Article XXVI-B of the act is repealed.

Section 4. (a) The State Board of Education is hereby abolished. All powers, duties and functions of that board are hereby transferred to the Department of Education.

(b) Any reference in any statute to the State Board of Education shall hereafter be deemed to be a reference to the Department of Education.

(c) All personnel, allocations, appropriations, equipment, files, records, contracts, agreements, obligations and other materials which are used, employed or expended in connection with the powers, duties or functions transferred by this act from the State Board of Education to the Department of Education are hereby transferred to the Department of Education with the same force and effect as if the appropriations had been made to and said items had been the property of the Department of Education in the first instance and as if said contracts, agreements and obligations had been incurred or entered into by the Department of Education.

(d) The regulations of the State Board of Education in effect on January 1, 1993, are transferred to the Department of Education. The Department of Education shall have one year to make any revisions necessary to have regulations conform to the provisions of this act.

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

5

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes Mr. Saurman.

Mr. SAURMAN. Mr. Speaker, essentially what this amendment would do is to do away with the State Board of Education and assign its duties to the department. I think that we have witnessed a great deal of arrogance. I think that this board is an example of one of those agencies that is superfluous, and I would just like to see it abandoned and its duties put back into the Department of Education. Thank you, Mr. Speaker.



The SPEAKER. On the amendment, Mr. Freeman is recognized.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the Saurman amendment.

I do not think this House should be taking up such a major shift in policy as a whim of this floor. Perhaps the gentleman, Mr. Saurman's proposal has some merit to it, but that is deserving, I think, of lengthy study and public input before we make such a tremendous shift in the way we organize our educational system.

To be kept in mind also should be the fact that to move from a State Board of Education to simply having the department make the decision does not get at the heart of Mr. Saurman's concerns, which is the way in which the department conducts itself. The bureaucracy will remain. Whether policy is being set by the board or by the Secretary of Education, the bureaucracy that he seems to have concerns about will stay in place. We would be substituting a broader based organization which will reach out to more individuals in the community for a single individual. I do not think that accomplishes his goal.

There is another concern in that by doing away with the State Board of Education, we could very well endanger vocational education funding from the Federal Government. I refer to the Legislative Budget and Finance Committee's sunset audit of the State Board of Education of 1986. In that they pointed out that "The existence of the State Board for Vocational Education is a precondition for the receipt by Pennsylvania of certain Federal vocational education monies." If we abolish this board, as Mr. Saurman's amendment would do today, we would endanger that Federal funding. That is not in the best interest of vocational education. It is not in the best interest of the budget process of this legislature as well.

Finally, let me note that again the Legislative Budget and Finance Committee in their sunset review pointed out that the "...termination of the Board and its educational policy-making and oversight functions would have significant potential for negatively affecting the public health, safety and welfare." I am quoting from the report. "The public and those working in the educational field would lose a forum through which concerns can be voiced and policies can be influenced and the functions of the Board would have to be assumed by another agency." Again they go on to mention the endangerment of funds from the Federal Government for vocational education.

Finally, if there really is a legitimate concern about the board's existence, this will come up again when it comes time to review the sunset of that agency. This is not the time to deal with that issue. My legislation deals with a narrow focus dealing with voter registration of young, eligible teenagers. Let us put this matter off to another day. Let us not endanger those Federal vocational education funds which we would be doing by abolishing the board.

I urge a "no" vote.

## LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair would like to announce that Representative Ruth Rudy is off temporary leave and is now voting on the master roll.

## CONSIDERATION OF HB 1090 CONTINUED

The SPEAKER. The gentleman, Mr. Cowell, is recognized.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I join Representative Freeman in asking for a negative vote on this particular amendment.

I am tempted to read at some length but will not all of the comments that were made during the most recent sunset review process where the State Board was in fact reviewed, and there was lengthy testimony by representatives of a broad range of education organizations, including those that represent school boards and superintendents and teachers and parents, who argued in favor of the State Board of Education and the existence of that check, if you will, on the Department of Education and on the bureaucrats and who argued in favor of that mechanism that is required to have public hearings and does provide an opportunity for the citizens of this Commonwealth to provide input into proposed regulations and other education policies. Mr. Speaker, all of those reasons that were stated so eloquently by a broad range of persons and organizations in this State still remain valid.

This amendment proposed by Representative Saurman would appear to be a godsend for the bureaucrats, because the bureaucrats in the Department of Education do not have to worry about this lay board reviewing their work, reviewing their proposal. The Secretary of Education, under our laws, has the authority to promulgate standards, but right now those standards are subject to review by and approval of the State Board of Education. The effect of the Saurman amendment is to eliminate that creature that this legislature created as a check on the bureaucracy, as a check on the administration and all administrations on important education policy issues.

Mr. Speaker, I understand that there are occasions when the State Board does controversial things. Sometimes they exhibit far more courage than we do. I understand that there are times when we will disagree with what the State Board may do, but in the most recent instances, let us not forget that the work of the State Board was really a product of the Department of Education and most recently the Governor, if we are talking about curriculum regulations. Those things came out of the department and most recently came out of the Governor, and now we would give to those individuals and those agencies even more authority.

Mr. Speaker, let us not stick our head in the sand. We would become the only State in the country without a State Board of Education made up of laypersons as ours is. We would become the only State in the country without at least this kind of check on proposals of the Department of Ed and the Governor on important education policies.

Mr. Speaker, very importantly also, let us keep in mind the effect of some language in the Saurman amendment near the

end of the amendment. Paragraph (d) near the end of the amendment says that those regulations in effect prior to January 1 of 1993 are transferred to the Department of Ed, and the effect is to apparently kill all other regulations that were not in effect prior to January 1 of 1993.

Mr. Speaker, during the past several months, some very important special education regulations have been promulgated and put into effect, and those special education regulations were approved because they were necessary to put this State in compliance with Federal law. At a State Board of Education meeting a couple of months ago where the Secretary argued in favor of their adoption, he emphasized that what was at stake was between \$90 and \$100 million of Federal special education moneys that were to flow to Pennsylvania but would flow to this State only if we had in effect the revised special education regulations.

Mr. Speaker, I would submit—and I know, because we have checked with the department, that it is the department's opinion also—that the approval of the Saurman amendment, if it were to go into law, would put us into great jeopardy with respect to those Federal moneys and potentially cost this State, for the current fiscal year and for the new fiscal year that begins July 1, a substantial amount of special education moneys that this State depends upon and particularly which our school districts are now depending upon.

Let us not play games with such an important issue. Let us rise above a temptation to deal with symbols and messages. Let us stick to meaningful policy, Mr. Speaker. Let us defeat the Saurman amendment. Thank you, Mr. Speaker.

The SPEAKER. The gentleman from Westmoreland, Representative Stairs, is recognized.

Mr. STAIRS. Thank you, Mr. Speaker.

I realize what the maker of this amendment and I see the purpose of what he is trying to do, but certainly I rise to oppose this amendment.

The State Board, in spite of its drawbacks—and I certainly was critical of the recent OBE (outcome-based education) episode recently—but the State Board, I feel, serves a very useful purpose. The State Board is composed of legislators, business leaders, educators, citizens of the Commonwealth, and it certainly offers an extra dimension to education in Pennsylvania. Instead of having issues and items being dictated to us by bureaucrats in the Department of Education, certainly we have another perspective to look at education matters.

I certainly feel that the State Board does serve a very useful purpose, and I think we should continue to have the State Board, if for no other reason, to keep the bureaucrats in check and to help the legislative process of the people of Pennsylvania. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Saurman, for the second time is recognized.

Mr. SAURMAN. Thank you, Mr. Speaker.

I think that this boils down to whether or not we are satisfied to just go along as we always have. I think the arguments that have been offered are met in the amendment. There are provisions for making sure that it complies with

Federal regulations. The question is whether we want to continue to have a dual layer of bureaucracy or whether we want to really pare it down and get to the essentials, to make the department responsible for what it does, not allow it to be able to blame someone else, and I just think that this is the one direction in which we can begin to streamline what we are doing here in the State to cut some of the costs, to cut through some of the redtape in the bureaucracy, and to become more efficient.

I would ask for a "yes" vote.

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

The following roll call was recorded:

#### YEAS—24

Armstrong	Fichter	Lawless	Sather
Barley	Gamble	Leh	Saurman
Civera	Gerlach	Pitts	Snyder, D. W.
Clymer	Hasay	Raymond	Stern
Cornell	Heckler	Rohrer	Taylor, E. Z.
Farmer	Hershey	Rublely	True

#### NAYS—172

Acosta	Fajt	Maitland	Rudy
Adolph	Fargo	Manderino	Ryan
Allen	Fee	Markosek	Santoni
Argall	Fleagle	Marsico	Saylor
Baker	Flick	Masland	Scheetz
Battisto	Freeman	Mayernik	Schuler
Bebko-Jones	Geist	McCall	Scrimenti
Belardi	George	McGeehan	Semmel
Belfanti	Gigliotti	McNally	Serafini
Birmelin	Gladeck	Melio	Smith, B.
Bishop	Godshall	Merry	Smith, S. H.
Blaum	Gordner	Michlovic	Staback
Boyes	Gruitza	Micozzie	Stairs
Brown	Gruppo	Mihalich	Steelman
Bunt	Hanna	Miller	Steighner
Bush	Harley	Mundy	Steil
Butkovitz	Hennessey	Murphy	Stetler
Buxton	Herman	Nailor	Stish
Caltagirone	Hess	Nickol	Sturla
Cappabianca	Hughes	Nyce	Surra
Carn	Hutchinson	O'Brien	Tangretti
Carone	Itkin	O'Donnell	Taylor, J.
Cawley	Jadlowiec	Olasz	Thomas
Cessar	James	Oliver	Tigue
Chadwick	Jarolin	Perzel	Tomlinson
Clark	Josephs	Pesci	Trello
Cohen, L. I.	Kaiser	Petrarca	Trich
Cohen, M.	Kasunic	Petrone	Tulli
Colafella	Keller	Pettit	Uliana
Colaizzo	Kenney	Phillips	Vance
Corrigan	King	Piccola	Veon
Cowell	Krebs	Pistella	Vitali
Coy	Kukovich	Platts	Williams
Curry	LaGrotta	Preston	Wogan
Daley	Laub	Reber	Wozniak
DeLuca	Laughlin	Reinard	Wright, D. R.
Dempsey	Lederer	Richardson	Wright, M. N.
Dent	Lee	Rieger	Yandrisevits
Dermody	Lescovitz	Ritter	Yewcic
Donatucci	Levdansky	Roberts	Zug
Druce	Linton	Robinson	

Egolf	Lloyd	Roebuck	DeWeese,
Evans	Lucyk	Rooney	Speaker
Fairchild	Lynch		

NOT VOTING—2

Durham Strittmatter

EXCUSED—5

Gannon	Kirkland	Van Horne	Waugh
Haluska			

The question was determined in the negative, and the amendments were not agreed to.

On the question recurring,

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

Mr. M. N. WRIGHT offered the following amendment No. A2455:

Amend Sec. 1 (Sec. 1613), page 2, lines 15 through 18, by striking out all of said lines and inserting

(d) Voter registration forms shall be made available to pupils issued certificates under subsection (a).

On the question,

Will the House agree to the amendment?

The SPEAKER. On the amendment, the Chair recognizes Mr. Wright.

Mr. M. N. WRIGHT. Thank you, Mr. Speaker.

We have been contacted by the Pennsylvania School Boards Association to oppose this particular bill, HB 1090. Our local school districts in Bucks County have met with us recently and asked us to oppose this, too. I particularly believe in this bill, but I wanted to try to maybe make it a little more palatable for them.

They specifically brought up a line of reasoning that I am not too sure I fully agree with but I understand where they are coming from, concerning giving out the voter registration forms to graduating students at graduation. Now, I do not think the language in the bill actually says graduation, but it does imply that. They thought it was a little bit ludicrous that when our graduating seniors are coming down the aisle in front of all their parents and the guests, that as they are being handed their certificate, they will also be handed at the same time a voter registration form.

So what I have done in my amendment is just said that instead of actually handing it out at graduation, the school would make the voter registration forms available to all the graduating seniors and let the individual school decide on how to proceed with that. If they want to do it at graduation, fine. If they want to make them available at the office, have them delivered to the homerooms of the kids by memo or something or by mail, that is fine. Let the individual school decide. But what they were afraid of is being forced that on actual graduation night, they would have to stand there in line and hand them out one at a time. This amendment just says that

they will make them available to the graduating seniors. Thank you.

The SPEAKER. The gentleman, Mr. Freeman, is recognized.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the Wright amendment.

The net effect of this amendment will be to gut the legislation. By calling upon the legislation to change from requiring that the voter registration forms be given to graduating seniors and changing that instead to merely making them available, we defeat the purpose of this legislation.

The intent of this legislation is to impress upon young citizens who will be graduating from our schools that as adults they now have a responsibility, a civic responsibility, if you will, to participate in this State's civic life. There is no better way of achieving that than by registering and participating in elections, by becoming a part of the process and by seeking solutions through the political process.

If we water this bill down to the point where all we are doing is making the registration forms available, that means that all a principal of a high school would have to do is keep a couple of packets of registration forms in his office. He would not even have to supply them to anyone. They just have to be available in his office, and that defeats the whole purpose here.

There was a misunderstanding, too, which the gentleman alluded to on the part of some school boards, and I urge the members to look at page 2 of the legislation. There is nothing in this legislation that requires that the voter registration forms have to be handed out during the graduation ceremony, and I put that on the record for legislative intent. All it requires is that the school district will have to make sure that these forms get to the pupils who will be eligible to vote in the next upcoming election.

Graduating from high school is a rite of passage, as I mentioned. It is an entering into the adult world with all its responsibilities. What better time to send a message to our graduating kids in Pennsylvania that they should participate in the political process; that they should register and get out to vote; that they have an obligation as citizens of this community to make sure that public policy is set in accordance with their role as citizens.

I urge defeat of this Wright amendment because all it will do is gut the bill and defeat it and make it impossible for us to impress upon our young voters the importance of voting. Let us not send the wrong message. Let us defeat the Wright amendment.

The SPEAKER. The gentleman, Mr. Wozniak, is recognized.

Mr. WOZNIAK. Let us see if I have this right.

This amendment says that we do not want high school graduates to register to vote. Is that correct, Mr. Speaker?

May I interrogate the maker of the amendment?

The SPEAKER. Does the gentleman intend to interrogate Mr. Wright? Mr. Wright stands for interrogation.

Mr. M. N. WRIGHT. Do you want to ask the question again?

Mr. WOZNIAK. Let me repeat the question.

Under the Freeman language, all seniors will have the opportunity to get a voter's registration so they can vote. This amendment wipes that language out so we do not want young people to participate in the democratic process. Is that what we are attempting to do?

Mr. M. N. WRIGHT. Absolutely not, Mr. Speaker. What this amendment does is it takes away the impression from the school district that they have to hand out the voter registration form, even though it has not clearly stated that, but the impression to them is that they have to hand out this voter registration form on graduation night. What I am saying is, it does not have to be graduation night. It could be at any available time.

Mr. WOZNIAK. Thank you, Mr. Speaker.

I am going to ask the originator of this language, Representative Freeman, if he could answer that question.

The SPEAKER. The gentleman, Mr. Freeman, from Northampton indicates he will stand.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, I think the significant difference here is that Representative Wright's language merely says that the forms have to be made available. It does not clarify how or in what form. A school district could meet the guidelines of Representative Wright's language simply by having a couple of packets of registration forms in the principal's office. That defeats the purpose of this legislation, which is to call upon the young voters of our State to register and to participate in the process. Now, again, for clarification, there is nothing in this legislation which stipulates that the registration forms would have to be given out on graduation day, and I enter that into the record for legislative intent purposes if the language, which is very plain, is not perceived by other members of this House.

All we are saying is that those who will graduate and will be eligible to vote will receive a voter registration form. That impresses upon them the importance of participation in civic society, of registering and participating in the electoral process.

Traditionally, the 18- to 21-year-old group is the worst performing when it comes to elections. They do not register; they do not participate, and this is one way, at a very important time in their life, to impart to them those very important civic values of participation in our electoral process. With the Wright amendment we defeat that by really gutting the bill, by saying we will make them available but we are not going to give them to you.

Let us not water this bill down. It is a good government bill. I urge support of this bill, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Corrigan, from Bucks County is recognized.

Mr. CORRIGAN. Thank you, Mr. Speaker.

Mr. Speaker, I find it very, very troubling to hear that school superintendents and school personnel do not have the time or the desire to hand out a registration form to a young

man or a young lady getting ready to graduate from high school.

I think it is a basic right that that child has to be exposed to the process. For an organized group, such as school superintendents, to present an amendment here today in opposition to this bill, I find that very, very troubling, and I find that part of the problem in our public school system today. These people are opposed to the basic right of students to get out and be involved in the public process.

I rise to oppose the Wright amendment. I think the spirit of the amendment is wrong. I think the people that are being represented in this amendment ought to be taken to task. I think they ought to get their act together. I do not know a school district in Bucks County that does not have enough personnel to hand out a simple voter registration form. The only thing they lack on that level is the desire to do it. I think there is something wrong with this system when we support an amendment like this. Thank you, Mr. Speaker.

The SPEAKER. Representative Snyder is recognized.

Mr. SNYDER. Thank you, Mr. Speaker.

Mr. Speaker, may I have permission to interrogate the legislative sponsor of HB 1090?

The SPEAKER. The gentleman indicates he will stand for interrogation. You may proceed.

Mr. SNYDER. Mr. Speaker, both of us have been in this legislature for quite some time now and we have seen in the past where we take something that seems to be a rather simple legislative requirement that serves a good purpose be later interpreted, by either a department or agency of the Commonwealth, into something that becomes very complicated to administer.

My question to you is, Mr. Speaker, I would assume that since this would become a State mandate if enacted into law, that the Department of Education or somebody would be responsible in auditing the school districts to make sure that they are in compliance with this mandate as they are with other requirements under the code. For the legislative record, Mr. Speaker, I am just curious, how would you foresee verification that every student who was supposed to be issued a graduation certificate actually received a voter registration form?

Mr. FREEMAN. Since we are talking about providing a certificate, I guess there is the same way in which they would know that they got their diploma. The same requirement which calls upon a school district to issue a diploma and to guarantee that would have the same provisions as far as providing a voter registration form in that regard. I think also the Department of State has made a pledge to carry out the spirit of the entire voter registration legislative package, and since graduations are very public affairs, it would be quite easy to ascertain whether in fact students did receive a voter registration form.

Mr. SNYDER. Mr. Speaker, it is my understanding, and correct me if I am wrong, that, first of all, the diplomas are issued in each individual's name and I am sure copies of those are kept in their record.

Second of all, I believe that when a student receives the diploma, he or she must sign to verify that they did receive that diploma.

Mr. FREEMAN. I cannot speak to that. I am not sure that is the case in all school districts, to tell you the truth. But I think, you know, the point here, Mr. Speaker, is the fact that we are making this a requirement; it is not burdensome in any way, shape, or form. If the gentleman wants to draft an amendment to impose penalties for not carrying out the spirit of this intent, he is welcome to do so. I do not think that is necessary. I think the school districts will abide by the direction we are giving them in this legislation.

Mr. SNYDER. Thank you, Mr. Speaker.

I would like to make a comment.

The SPEAKER. The gentleman is in order.

Mr. SNYDER. Mr. Speaker, I think the sponsor of the amendment is trying to address a concern that our school boards and our particular school superintendents report back to us on almost a regular basis; that is, Mr. Speaker, with good intentions and with the spirit of trying to improve citizenship and the quality of education in our community, we as a legislature enact requirements that are imposed upon the school districts. However, Mr. Speaker, somewhere between the legislative mandate and implementation of it, there seem to be administrative requirements in order to verify that these mandates are being met.

### POINT OF ORDER

Mr. FREEMAN. Mr. Speaker?

The SPEAKER. Mr. Freeman.

Mr. FREEMAN. A point of order, Mr. Speaker.

I do not mean to cut off the gentleman, and I think his comments can obviously be made on final passage. My concern is that I do not think we are speaking to the text of the bill at this time; we are speaking to the Wright amendment, which I had opposed, and I would urge the gentleman at this time to make his remarks towards the amendment at hand.

Mr. SNYDER. Mr. Speaker, if the sponsor of the legislation was listening to the debate, I am specifically noting that the amendment is introduced to address the concern that I raised through interrogation and that the amendment is being drafted in order to provide for an easier means of compliance with the State mandate, because, Mr. Speaker, as the legislation is currently written, it would be a mandate that each student who receives a certificate would have to receive a voter registration form. As simple as that sounds, Mr. Speaker, there would be questions raised — how do you comply with this particular requirement unless you have each student sign that they did receive a voter registration form or you send certified mail to these students or some other measure to make sure that every student received it? Mr. Wright's amendment is a means of providing a less stringent requirement but still meeting what I think is the intent of this legislature — to make sure that the students receive voter registration forms.

I ask for support of the amendment.

The SPEAKER. Mr. Wright is recognized for the second time.

Mr. M. N. WRIGHT. Mr. Speaker, could I interrogate the original sponsor of the bill?

The SPEAKER. The gentleman indicates he will stand for interrogation.

Mr. M. N. WRIGHT. Mr. Speaker, are there some school districts across the State that actually are located in more than one county?

Mr. FREEMAN. I believe that is the case, yes. In some districts, very few, but I am sure there are one or two.

Mr. M. N. WRIGHT. Then would it be in such case that the administration would have to determine which county the child actually was from for the basis of the application?

Mr. FREEMAN. That is already in their files and information. You know, when they have to deal with any kind of communication with parents or simply have it on the students' records, they know what county they reside in, what street they live on, for that matter.

Mr. M. N. WRIGHT. So in a sense there is some administrative effort that has to be put forth on that basis.

Mr. FREEMAN. Nil.

Mr. M. N. WRIGHT. Okay. And is it also in your bill—and I realize I am addressing the bill in a sense—will students that are 17 but would not turn 18 prior to the next election, would they also be required to receive a voter registration form?

Mr. FREEMAN. No, Mr. Speaker, they would not be required because they would not be eligible to vote in the next election, and to prevent confusion, that is why we did not stipulate they were required to. Nevertheless, there would be nothing that would prohibit a school district from giving them the forms as well if that would prove to be an easier process for them to carry out the intent of this legislation.

Mr. M. N. WRIGHT. But to carry out the intent, they should actually keep track of who is going to be 18 and who is going to be 17, and that would in turn have some administrative effort on their part.

Mr. FREEMAN. Well, again, that administrative effort would be next to nil, but actually, they could carry out the intent by just giving the forms out to every graduating pupil. We only stipulated in the legislation that it should go to those who will be of age because those are the ones who obviously should register and can participate in the election. But there is nothing at all in this legislation—and I direct the gentleman to page 2 of the bill—which would prohibit a school district from giving them out to every pupil graduating from school, so therefore, the administrative impact would be, again, nil.

Mr. M. N. WRIGHT. Thank you.

That finishes my interrogation. I just want to make some comments.

Mr. Speaker, the intent here was not to gut the bill. The intent here was based on the request from the School Boards Association and at a meeting where all of our school districts in Bucks County joined together with the Representatives from Bucks County and asked us to oppose this bill.

I do not agree with the opposition of the bill and the intent of the bill, but I wanted to make this a little more palatable, a little more easy for them to administer it. This is not intended to gut it, but it is to make it easier by allowing them to offer the voter registration at their convenience whenever they feel it is necessary. If it is graduation night, which from the correspondence we have had from the School Boards Association, they are inferring that that is when it should be given out. They may not be correct, but that is debatable, but they are inferring that that is when they would be responsible to issue these.

What they would like to do is be relieved from graduation night and to be able to issue them out at their convenience at a flexible time. It could be during the day; it could be the week prior; it could be sent to their home; it could be distributed in the homeroom; it could be in at the office. Now, this amendment does not relieve them of not giving them out; it just says it does not have to be done at a specific time, and I just would hope that the members would understand my intent here and vote for this amendment. Thank you.

The SPEAKER. The gentleman, Mr. Serafini.

Mr. SERAFINI. Mr. Speaker, could I question the sponsor of the bill? Thank you.

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

Mr. SERAFINI. Mr. Speaker, how long would it take for a person's name to be purged from the voter registration list?

Mr. FREEMAN. I believe under current law it is required at a 2-year interval, and it is my understanding in some board of election offices, it is done whenever they come across obituaries or death certificates as well.

Mr. SERAFINI. I am having trouble hearing you, but I think you said 2 years?

Mr. FREEMAN. Under current— Well, this really does not speak to the legislation before us, either the amendment or my bill, but to answer the gentleman's question, under current law, purging is done at a 2-year interval, and it is my understanding in some board of election offices, they do also scan the obituaries and look at death certificates to purge those who have passed away.

Mr. SERAFINI. Well, Mr. Speaker, then if a person were given a registration form, registered, and they did not vote for 2 years, then they would not be a registered voter anyway, would they? Their name would be purged from the voter registration list.

Mr. FREEMAN. Well, the gentleman is not quite correct. Obviously, the person would have to be registered first, and then if they did not vote within 2 years, they, under current law, would be purged.

Mr. SERAFINI. Thank you, Mr. Speaker.

My only point is that when registrations are handed out indiscriminately and people just do not want to participate in their right to vote, they would, by statute, be eliminated from the voter registration rolls in 2 years anyway. I do not see a problem with this legislation — giving the option primarily to

the individual as opposed to being forced on him. But I appreciate the answer to my question. Thank you.

The SPEAKER. Mr. Freeman for the second time.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, not to labor over the matter but in terms of addressing this issue, let me note that the Wright amendment which we have before us is a diluting of the bill. It would in effect gut the intent of this legislation, which is to call upon those young individuals who will be eligible to vote in the next election to obtain a voter registration form.

Graduation is a rite of passage into the adult world. It should carry with it certain civic responsibilities. The 18- to 21-year-old age group notoriously votes in the lowest numbers, participates in the lowest numbers. Apathy is rampant.

I think it is incumbent upon us as public servants to try and impart to this age group the importance of participating in the electoral process. Under my legislation we would not mandate that the forms have to be done on graduation night, only that those graduating would receive a form.

Under Mr. Wright's amendment which we have before us now, we dilute that process and say, as long as those forms are made available. That could mean something as simple as just having some forms in the principal's office, which means that the age group that we are trying to target, that we are trying to get involved and interested in the affairs of public life and in the direction of their communities, will not be involved, will not be registered, will not have the message sent to them that we should be sending that, yes, voting and participating in the electoral process is an important responsibility of citizenship.

If we want to send a message to these young people that they should be participating in this electoral process, that their birthright as Americans can be threatened when people do not get involved, we should make sure that they get the registration forms in hand. But if the message we want to send them is that we do not care if you register, it is up to you; who cares if you get involved, that is what the Matthew Wright amendment will do. It will send an apathetic message.

Let us not water this down. Let us not destroy the ability we have here today to call upon the young people we are trying to target to register and to vote. This is a simple requirement. It puts no burden of any great significance on anyone, but it will send a very valuable and important message to the young people of Pennsylvania that we want you to participate in civic life; we want you to be involved; we want you to be registered; you have a lot at stake in this community. Let us send that message.

Let us defeat the Wright amendment and let us pass this bill. I urge a "no" vote on the Wright amendment.

The SPEAKER. Mr. Perzel from Philadelphia is recognized.

Mr. PERZEL. Thank you, Mr. Speaker.

I would like to ask my colleagues to support the Wright amendment.

In the city of Philadelphia, only one-half of the children that start ninth grade graduate 4 years later. So the only opportunity they have of registering to vote is to go down to

the principal's office, get one of those registration forms, and fill it out, and I do not think it is really right to deprive them of that opportunity.

Number two, Mr. Speaker, I do not know what you have been doing on your side of the aisle. On our side of the aisle we encourage our members to get the yearbooks and mail them all registration forms so they can register to vote. We have been doing that for years. We also encourage our members to have their committeemen go to their houses and register them to vote.

So, Mr. Speaker, we have been doing a pretty good job on our side. So we really encourage you all to vote for Mr. Wright's amendment. Thanks.

The SPEAKER. Does Mr. Corrigan seek recognition?

Mr. CORRIGAN. Thank you, Mr. Speaker.

The SPEAKER. The gentleman from Bucks is recognized.

Mr. CORRIGAN. Mr. Speaker, very, very briefly.

Mr. Speaker, the Commonwealth of Pennsylvania sends to the school superintendents in Pennsylvania approximately \$5 billion a year. Why do we not send them a little note and ask them to pass out the forms and not give everybody all of this craziness that is going on here today. For \$5 billion I think we can ask them to do that. Let us put this thing to rest.

I ask for a "no" vote on the Wright amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-93

Adolph	Fichter	Maitland	Scheetz
Allen	Fleagle	Marsico	Schuler
Armstrong	Flick	Masland	Scrimenti
Baker	Geist	Merry	Semmel
Barley	Gerlach	Micozzie	Serafini
Birmelin	Gladeck	Miller	Smith, B.
Boyes	Godshall	Nailor	Smith, S. H.
Brown	Gruppo	Nyce	Snyder, D. W.
Bunt	Hasay	O'Brien	Stairs
Bush	Heckler	Perzel	Steil
Cessar	Hennessey	Pettit	Stern
Chadwick	Herman	Phillips	Stish
Civera	Hershey	Piccola	Strittmatter
Clark	Hess	Pitts	Taylor, E. Z.
Clymer	Hutchinson	Raymond	Taylor, J.
Cohen, L. I.	Jadlowiec	Reber	Tigue
Cornell	Kenney	Reinard	Tomlinson
Dempsey	King	Rohrer	True
Druce	Laub	Rubleby	Tulli
Durham	Lawless	Ryan	Vance
Egolf	Lee	Sather	Wogan
Fairchild	Leh	Saurman	Wright, M. N.
Fargo	Lynch	Saylor	Zug
Farmer			

NAYS-104

Acosta	Evans	Lucyk	Robinson
Argall	Fajt	Manderino	Roebuck
Battisto	Fee	Markosek	Rooney
Bebko-Jones	Freeman	Mayermik	Rudy
Belardi	Gamble	McCall	Santoni
Belfanti	George	McGeehan	Staback
Bishop	Gigliotti	McNally	Steelman

Blaum	Gordner	Melio	Steighner
Butkowitz	Gruitza	Michlovic	Steller
Buxton	Hanna	Mihalich	Sturla
Caltagirone	Hughes	Mundy	Surra
Cappabianca	Itkin	Murphy	Tangretti
Cam	James	Nickol	Thomas
Carone	Jarolin	O'Donnell	Trello
Cawley	Josephs	Olasz	Trich
Cohen, M.	Kaiser	Oliver	Uliana
Colafrilla	Kasunic	Pesci	Veon
Colaizzo	Keller	Petrarca	Vitali
Corrigan	Krebs	Petrone	Williams
Cowell	Kukovich	Pistella	Wozniak
Coy	LaGrotta	Platts	Wright, D. R.
Curry	Laughlin	Preston	Yandrissevit
Daley	Lederer	Richardson	Yewcic
DeLuca	Lescovitz	Rieger	
Dent	Levdansky	Ritter	DeWeese,
Dermody	Linton	Roberts	Speaker
Donatucci	Lloyd		

NOT VOTING-1

Harley

EXCUSED-5

Gannon	Kirkland	Van Horne	Waugh
Haluska			

The question was determined in the negative, and the amendment was not agreed to.

On the question recurring,

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

Bill as amended was agreed to.

The SPEAKER. 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?

LEAVE OF ABSENCE CANCELED

The SPEAKER. The gentleman, Mr. Gannon's name will be added to the master roll. His name will be taken off leave.

CONSIDERATION OF HB 1090 CONTINUED

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-193

Acosta	Farmer	Lucyk	Santoni
Adolph	Fee	Lynch	Sather
Allen	Fichter	Maitland	Saurman
Argall	Fleagle	Manderino	Saylor
Armstrong	Flick	Marsico	Scheetz
Baker	Freeman	Masland	Schuler
Barley	Gamble	Mayernik	Scrimenti
Battisto	Gannon	McCall	Semmel
Bebko-Jones	Geist	McGeehan	Serafini
Belardi	George	McNally	Smith, B.
Belfanti	Gerlach	Melio	Smith, S. H.
Birmelin	Gigliotti	Merry	Snyder, D. W.

Bishop	Gladeck	Michlovic	Staback
Blaum	Godshall	Micozzie	Stairs
Boyes	Gordner	Mihalich	Steelman
Brown	Gruitza	Miller	Steighner
Bunt	Gruppo	Mundy	Steil
Bush	Hanna	Murphy	Stern
Butkovitz	Harley	Nailor	Stetler
Buxton	Hasay	Nickol	Stish
Cappabianca	Heckler	Nyce	Strittmatter
Carn	Hennessey	O'Brien	Sturla
Carone	Herman	O'Donnell	Surra
Cawley	Hershey	Olasz	Tangretti
Cessar	Hess	Oliver	Taylor, E. Z.
Chadwick	Hughes	Perzel	Taylor, J.
Civera	Hutchinson	Pesci	Thomas
Clark	Itkin	Petrarca	Tigue
Clymer	Jadlowiec	Petrone	Tomlinson
Cohen, M.	James	Pettit	Trello
Colafella	Jarolin	Phillips	Trich
Colaizzo	Josephs	Piccola	True
Cornell	Kaiser	Pistella	Tulli
Corrigan	Kasunic	Pitts	Uliana
Cowell	Keller	Platts	Vance
Coy	Kenney	Preston	Veon
Curry	King	Raymond	Vitali
Daley	Krebs	Reber	Williams
DeLuca	Kukovich	Richardson	Wogan
Dempsey	LaGrotta	Rieger	Wozniak
Dent	Laughlin	Ritter	Wright, D. R.
Dermodoy	Lawless	Roberts	Wright, M. N.
Donatucci	Lederer	Robinson	Yandrisevits
Druce	Lee	Roebuck	Yewcic
Durham	Leh	Rohrer	Zug
Evans	Lescovitz	Rooney	
Fairchild	Levdansky	Rubley	DeWeese,
Fajt	Linton	Rudy	Speaker
Fargo	Lloyd	Ryan	

**NAYS—4**

Cohen, L. I.	Egolf	Laub	Reinard
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**NOT VOTING—2**

Callagirone	Markosek
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**EXCUSED—4**

Haluska	Kirkland	Van Home	Waugh
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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.

**GUESTS INTRODUCED**

The SPEAKER. The Chair would like to welcome to the hall of the House the father of Freddie Belardi, Freddie Belardi from Scranton, Pennsylvania.

With Fred are his friend, Helen Zatorsky, and one of his best friends, the couple, Frank and Ann Tamburelli. Frank is a former lifelong Teamster. The Teamsters have many friends in the hall of the House on both sides of the aisle, Mr. Tamburelli.

**BILLS ON THIRD  
CONSIDERATION CONTINUED**

The House proceeded to third consideration of **HB 1098, PN 1192**, entitled:

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for rules for determining residence for purposes of registering to vote or voting.

On the question,

Will the House agree to the bill on third consideration?

Mr. LAWLESS offered the following amendments No. A2488:

Amend Title, page 1, line 12, by removing the period after "voting" and inserting

; and requiring district justices to have attained 21 years of age.

Amend Bill, page 2, by inserting between lines 19 and 20 Section 2. The act is amended by adding a section to read:

Section 924. Qualification of District Justices.—No person may take the oath of office of a district justice unless he shall have attained twenty-one (21) years of age.

Amend Sec. 2, page 2, line 20, by striking out "2" and inserting

3

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes Representative John Lawless.

Mr. LAWLESS. Thank you, Mr. Speaker.

Mr. Speaker, current law does not stipulate an age requirement for the office of district justice. In Montgomery County we recently experienced an attempt by a minor to run for this office. Mr. Speaker, this case was challenged up to the State Supreme Court and the court ruled in favor of placing the young man on the ballot.

This amendment would place a minimum age requirement of 21 years of age to take the office of district justice. I have talked to Chairman Oliver as well as Chairman Clymer of the State Government Committee and they are in agreement with this amendment. Thank you.

The SPEAKER. Mr. Kukovich is recognized.

Mr. KUKOVICH. One point of interrogation.

I looked at the earlier amendment of the author, 1844, which said 18 years. I do not have this one handy. Did you raise it to 21 years in 2488?

Mr. LAWLESS. Yes, Mr. Speaker. There are two amendments. The first one I had originally intended to have 18 years, and then my colleagues had come to me and asked that that requirement be placed at 21 years of age. So I have it at 21, and if the House floor decides that it should be 18, then I am prepared to offer the second amendment.

Mr. KUKOVICH. Thank you.

That is all the questions I have, Mr. Speaker. One comment.

The SPEAKER. The gentleman may proceed.



Mr. KUKOVICH. I know there have been a couple of problems with very young people running for office. I have no problem with the concept behind this amendment, so I would go along with an affirmative vote.

Mr. LAWLESS. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—195

Acosta	Fajt	Lloyd	Rubley
Adolph	Fargo	Lucyk	Rudy
Allen	Farmer	Lynch	Ryan
Argall	Fee	Maitland	Sather
Armstrong	Fichter	Manderino	Saurman
Baker	Fleagle	Markosek	Saylor
Barley	Flick	Marsico	Scheetz
Battisto	Freeman	Masland	Schuler
Bebko-Jones	Gamble	Mayernik	Scrimenti
Belardi	Gannon	McCall	Semmel
Belfanti	Geist	McGeehan	Serafini
Birmelin	George	McNally	Smith, B.
Bishop	Gerlach	Melio	Smith, S. H.
Blaum	Gigliotti	Merry	Snyder, D. W.
Boyes	Gladeck	Michlovic	Staback
Brown	Godshall	Micozzie	Stairs
Bunt	Gordner	Mihalich	Steelman
Bush	Gruitza	Miller	Steighner
Butkovitz	Gruppo	Mundy	Steil
Buxton	Hanna	Murphy	Stern
Caltagirone	Harley	Nailor	Stish
Cappabianca	Hasay	Nickol	Strittmatter
Carn	Heckler	Nyce	Sturla
Carone	Herman	O'Brien	Surra
Cawley	Hershey	O'Donnell	Tangretti
Cessar	Hess	Olasz	Taylor, E. Z.
Chadwick	Hughes	Oliver	Taylor, J.
Civera	Hutchinson	Perzel	Thomas
Clark	Itkin	Pesci	Tigue
Clymer	Jadlowiec	Petrarca	Tomlinson
Cohen, L. I.	James	Petrone	Trello
Cohen, M.	Jarolin	Pettit	Trich
Colafella	Josephs	Phillips	True
Colaizzo	Kaiser	Piccola	Tulli
Cornell	Kasunic	Pistella	Uliana
Corrigan	Kenney	Pitts	Vance
Cowell	King	Platts	Veon
Coy	Krebs	Preston	Vitali
Curry	Kukovich	Raymond	Williams
Daley	LaGrotta	Reber	Wogan
DeLuca	Laub	Reinard	Wozniak
Dempsey	Laughlin	Richardson	Wright, D. R.
Dent	Lawless	Rieger	Wright, M. N.
Dermody	Lederer	Ritter	Yandrisevits
Donatucci	Lee	Roberts	Yewcic
Druce	Leh	Robinson	Zug
Durham	Lescovitz	Roebuck	
Egolf	Levdansky	Rohrer	DeWeese,
Evans	Linton	Rooney	Speaker
Fairchild			

NAYS—2

Hennessey	Santoni
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NOT VOTING—2

Keller	Stetler
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EXCUSED—4

Haluska	Kirkland	Van Horne	Waugh
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The question was determined in the affirmative, and the amendments were agreed to.

On the question,

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

Mr. CLYMER offered the following amendments No. A1901:

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

a subsection

Amend Sec. 1 (Sec. 704), page 2, lines 13 through 19, by striking out all of said lines

On the question,

Will the House agree to the amendments?

The SPEAKER. The gentleman, Mr. Clymer, is recognized.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, in HB 1098 on page 2, my amendment would take out the category of homeless, and let me tell you why I am proposing this amendment.

Mr. Speaker, in conversations with the various county boards of elections throughout the State, they have advised that this would be very hard for them to determine, which they must do by State law, a 30-day residency for individuals who live on park benches, who live on sidewalks and in other areas. And of course, we understand that these very unfortunate people, we are trying to make things better for them, but the reality is, for the county boards of elections, this would be a very difficult thing for them to do, and that is one of the reasons I am placing this amendment before the General Assembly.

Number two is the integrity of the system. I think that we all recognize that we have in these United States of America a wonderful election process, and yet I think there would be some compromise of the integrity if this bill were to be enacted in its present form.

Finally, Mr. Speaker, individuals, and the homeless in particular, can reside in a shelter, and in a shelter they have the ability, they can qualify to vote because that is a residency, and I think that has been established by law.

So, Mr. Speaker, for those reasons, those very thoughtful reasons, I would ask the General Assembly to consider my amendment in the affirmative and help me with this vote. Thank you very much.

The SPEAKER. The gentleman, Mr. Kukovich, is recognized on the Clymer amendment.

Mr. KUKOVICH. Thank you, Mr. Speaker.

I am asking for a "no" vote.

This bill embodies and codifies two concepts that have been operating for some period of time. Amendment 1901 cuts out part of that concept that has been working in Allegheny County by administrative order since 1988. Since that time, there has been no reported instance of any kind of fraud or abuse. The system has worked adequately.

What is important about this legislation is that we are trying to codify existing law — in one case, a court case that has been in operation since 1984; in another, an Allegheny County administrative order which has been in operation since 1988.

Looking at what other States have started to do, this is the very least that we can do in Pennsylvania to allow people who have been disenfranchised for no adequate reason to have a chance to participate in the democratic process. We are using this as one of the ways because it has been operating and operating successfully without fraud for an extended period of time.

For that reason I would ask for a “no” vote on the amendment.

The SPEAKER. Does Mr. Strittmatter seek recognition? The gentleman is recognized and may proceed.

Mr. STRITTMATTER. Thank you, Mr. Speaker.

I would like to speak on behalf of passage of this amendment. This bill goes further than what the court cases have delineated in Allegheny County in the fact of setting up park benches or street corners for proper mailing addresses, and I would ask that we support Representative Clymer in this amendment. Thank you.

The SPEAKER. The gentleman from Allegheny County, Mr. Preston, is recognized.

Mr. PRESTON. Thank you, Mr. Speaker.

I cannot believe that anybody who has any form of civil thought, that believes in the right of a religion, that believes in the right of an individual to be entitled to be able to be an American and a Pennsylvanian, would vote for this amendment. What we are simply saying is that if someone is unfortunate or for reasons of security does not feel comfortable being in the shelter and that has no other place to live, whether they have a family or not, would not be entitled to be able to vote. In our good conscience, for someone whom we talk about having a family, a person of character and a person who is willing to, unfortunately, be caught up in a circumstance of not being able to have a permanent address, for us to say that we do not care about them and to take away a right. A person who unfortunately is in prison may not be able to vote, but here we are saying someone who is willing to stay within a particular area to try to get their life together does not have a right to be able to vote is unconscionable, is uncaring, and I cannot believe we would be able to support this type of an amendment.

It is unfortunate that someone has to be living in a place where they cannot have a permanent address, but this amendment really does not do justice at all. We cannot support this type of thing. I do not believe that this legislature would be that uncaring.

I would ask for a “no” vote on the Clymer amendment.

The SPEAKER. The gentleman from Washington County, Mr. Daley, Esq.

Mr. DALEY. Not yet, Mr. Speaker, but thank you.

Would the gentleman stand for a brief interrogation?

Mr. CLYMER. Yes, Mr. Speaker.

The SPEAKER. Mr. Clymer indicates he will.

Mr. DALEY. Thank you, Mr. Speaker.

Can you inform the membership how many citizens would be disenfranchised by your amendment?

Mr. CLYMER. To my understanding— Mr. Speaker, was the question how many people would be disenfranchised by my amendment?

Mr. DALEY. Yes.

Mr. CLYMER. Okay. There would be none, because all they would have to do, and I said this in my opening remarks, is to establish a relationship with a shelter. As I said before, that has been acknowledged as a place that has a proper address, and people in shelters, people who have a relationship with a shelter, are qualified to vote.

Mr. DALEY. Mr. Speaker, then let me ask you the question this way: How many people would be impacted by this legislation if they fail to determine a shelter, which is usually temporary, Mr. Speaker, at least 30 days at the maximum for a shelter for residents. How many people would be impacted if they do not determine a shelter as being their residence?

Mr. CLYMER. Mr. Speaker, I do not have the figures statewide as to the number of homeless people that there are, but they have run from 50,000 to 200,000. Those would be estimates. I do not have the count, but perhaps someone in the General Assembly does have a count on those people. But as we will develop in the course of this dialogue, there are indeed many, and that is one of the problems we have, because you have to establish a 30-day residency to vote. That is the State law; that is the State law, and as I said before, you are putting at risk the county boards of elections in trying to determine where many of these people are going to be located.

Mr. DALEY. Could I ask you another question, Mr. Speaker, while you get to your headset? My next question is, have you any proof that there have been any abuses anywhere in Pennsylvania by homeless individuals that have moved into an area and have voted either individually or en masse to determine that there was some abuse by any individuals, Mr. Speaker?

Mr. CLYMER. Mr. Speaker, your question assumes that the homeless are voting. I am not aware of that.

Mr. DALEY. No; my question is, something must have precipitated your legislation, your amendment. All I am asking is, have you had any instances of abuse that there has been some sort of problem that needs to be corrected somewhere in Pennsylvania?

Mr. CLYMER. Mr. Speaker, I did not hear that last question. But what we are saying here is that we have regulations, the State has regulations, and that is the point that I am making. The problem is, how do you establish a 30-day

residency and should we make an exception? I think your question is that we should make an exception; the law should be bent; the law should be maybe expanded for this group of people. And certainly we all recognize the unfortunate circumstances which surround them and we feel badly about that, but at the same time, I think that, you know, the law should prevail.

I do not know if I answered your last question because I really did not hear your last question. If you would like to repeat it.

Mr. DALEY. Well, the last question was simply, do you have any cases in Pennsylvania, any instances where there has been abuse, obviously, that this needs to remedy that problem?

Mr. CLYMER. Well, I think I alluded to that at the very beginning, that there is a possibility of that because this is the purpose of the bill, to allow them to vote.

Mr. DALEY. Then the answer is that there is none. Am I correct?

Mr. CLYMER. To my knowledge, that would be correct, because the assumption is that they have not been allowed to vote.

Mr. DALEY. Thank you, Mr. Speaker.

Mr. Speaker, may I make a comment on the amendment?

The SPEAKER. The gentleman from Washington County is in order.

Mr. DALEY. First of all, Mr. Speaker, I do not think that the maker of the amendment really has an understanding of the impact of this legislation. We in the Commonwealth and in the United States in a democracy have tried to reach out over the last 200 years to embrace more people. At one time you had to be white, you had to be a property owner, and you also had to be the son of a person that owned property to vote in Pennsylvania. We are moving away from that, Mr. Speaker. You do not have to be white; you do not have to be a property owner; you do not have to have money. You have to be a citizen of Pennsylvania. We need to embrace more people to vote, not to disenfranchise, not to divide.

I think this amendment is really basically unconstitutional. I think it stinks. I think we ought to vote "no."

### CONSTITUTIONAL POINT OF ORDER

The SPEAKER. The gentleman, Mr. Kukovich, is recognized.

Mr. KUKOVICH. Thank you, Mr. Speaker.

I did not want to get into a parliamentary motion, but in light of everybody getting up and speaking on this and the remarks of Representative Daley, it is very clear that under the 14th Amendment, you cannot set up separate classes in this way. I would move that this amendment is unconstitutional because it is in violation of the 14th Amendment of the U.S. Constitution.

The SPEAKER. The gentleman, Mr. Kukovich, moves that the Clymer amendment is unconstitutional. Under rule 4, these questions of constitutionality are debatable one time by each member.

On the question,

Will the House sustain the constitutionality of the amendments?

The SPEAKER. Does Mr. Clymer rise to speak on the constitutional question? The gentleman is recognized and may proceed.

Mr. CLYMER. Yes. Thank you, Mr. Speaker.

Mr. Speaker, from the Pennsylvania statutes, let me give you, on page 78, section 2811, the qualifications of electors, point (3): "He or she shall have resided in the election district where he or she shall offer to vote at least thirty days immediately—30 days immediately—"preceding the election..."

Mr. Speaker, in the Election Code in Pennsylvania law, it is very clear that this is not unconstitutional because I have just told you what our law states. So I would ask for a negative vote, that my amendment is constitutional, and I would ask the General Assembly at this time to sustain—

Mr. KUKOVICH. Mr. Speaker, if I could. The discussion should be based on the 14th Amendment to the Constitution, not on the Pennsylvania election law.

The SPEAKER. The gentleman, Mr. Kukovich, is correct. The gentleman, Mr. Clymer, will please keep his remarks to the constitutional question at hand.

Mr. CLYMER. Right.

The SPEAKER. The Chair will monitor the debate more closely.

Mr. CLYMER. Mr. Speaker, if indeed my amendment is unconstitutional, then what we are saying is that the Pennsylvania Election Code is unconstitutional. Is that correct? Is that correct? I mean, because what I am quoting is from the Pennsylvania Election Code.

Mr. KUKOVICH. If this is a form of interrogation, I will respond.

The SPEAKER. Does the gentleman mean to interrogate the gentleman from Westmoreland? Mr. Kukovich, you may respond.

Mr. KUKOVICH. Because at the heart of the constitutionality of this very mean spirited amendment is the fact that you are setting up two different classes. He is leaving in one part of the bill that says that if you can be in a shelter, you may be able to vote; however, if not, then you cannot. So he is setting up two different classes of people within the body of homeless.

And let me elaborate on that, because I have been out there and I have seen homeless people who are more intelligent than a lot of registered voters, who are afraid to go to shelters for whatever reason, who live in a certain area, who are well informed, and who cannot vote, and if we establish amendments like this, we are telling one block of homeless people, under certain circumstances you can vote, and another block, under certain circumstances you cannot. That is not right. What we are trying to do is create a fraud-proof, effective way of allowing disenfranchised people to vote. Under some circumstances, discriminating in that way is okay legally if you want to prevent fraud, for example, but to discriminate arbitrarily is in clear violation of the 14th Amendment to the Constitution.

Mr. CLYMER. May I speak again?

The SPEAKER. The gentleman is in order. He was interrogating, so you may speak.

Mr. CLYMER. Mr. Speaker, my question is this: Is not the purpose of Pennsylvania law to bring about qualifications as to who is eligible and who is not eligible to vote in Pennsylvania elections? I mean, why do we have any laws at all? If these are unconstitutional, why do we have laws? Why do we even have the Pennsylvania Election Code? What is the purpose of a Pennsylvania Election Code?

Mr. KUKOVICH. The purpose of any election law is as you stated, yes. The point of a constitutional inquiry is whether you are arbitrarily and capriciously discriminating against different classes. My suggestion to this chamber was that this amendment does so in an unconstitutional sense.

Mr. CLYMER. But, Mr. Speaker, did I not say earlier in the debate that we are not cutting out this category of homeless; that by establishing a relationship with a shelter they do have the ability to vote? Did I not say that and is that not true?

You are saying that we are arbitrarily—and that has been the response of other speakers—we are removing a segment of the population and I am saying we are not. Did I not say that by establishing a relationship with a shelter they have the ability to vote?

Mr. KUKOVICH. By the nature of your amendment, yes, you are saying that. What we are debating now on the motion of constitutionality is what I am suggesting, and it is up to the members to decide whether or not this amendment arbitrarily and capriciously discriminates one class of homeless against another. My suggestion is that it does. Let us allow the members to vote.

Mr. CLYMER. Mr. Speaker, why do we have an age of 18 years then? Does that not set certain limitations, the 18 years to be eligible to vote? Does that not set limitations?

Mr. KUKOVICH. Yes, but not unconstitutional limitations. As I said before, some discriminations, based on fact, based on experience, based on a number of reasons, some discriminatory practices are legally valid. Again, those that by case law, by precedent, are deemed to be arbitrary and capricious are unconstitutional. I am suggesting the case law is clear in an issue like this.

Mr. CLYMER. It is not, but I end the interrogation at this time.

The SPEAKER. Is the gentleman still commenting on the constitutionality? The gentleman, Mr. Clymer, still has the microphone. The interrogation has ceased, but you are still recognized.

Mr. CLYMER. Thank you.

Mr. Speaker, I have before me a district court case, September 14, 1984, and in it—it was before Judge Joseph S. Lord III, United States district judge—he declared that the residency at a shelter is legal and binding, but nowhere did he say that local entities did not have the ability to investigate other applicants who are seeking to register to vote. In other words, the category of the homeless would not be included in his decision that he handed down. I do not know if you were using that as an instrument in trying to determine my amend-

ment being unconstitutional, but if you were, it speaks the other way.

My question to you is, indeed is this the district court case that you were using in trying to determine unconstitutionality of my amendment?

Mr. KUKOVICH. No; this case has nothing to do with the constitutionality or unconstitutionality of the amendment. This case has something to do with a procedure that has been set up in Philadelphia since 1984. All that court could do was make a determination based on the fact situation before them. What you are trying to do now with this amendment is cut apart another section of how homelessness can be dealt with.

If all of this fact situation could come before the same court, they may rule differently. But to take one court case that has nothing to do with constitutionality and apply it to a statute and trying to cut that statute apart is a separate constitutional question.

Mr. CLYMER. Mr. Speaker, let me read the decision that Judge Lord had handed down on September 14, 1984, and it is important that I read this provision for the sake of the members: "This ORDER and DECREE shall in no way limit the authority of the City Commissioners—"

The SPEAKER. The gentleman will yield.

Mr. Clymer, the gentleman indicated that he had ceased his interrogation and was going to speak on constitutionality. I am only asking, what is the mode that you are presently involved in, interrogation or speaking on the—

Mr. CLYMER. Interrogation.

The SPEAKER. It was the Chair's impression that you had asked to speak on constitutionality and that the interrogation had terminated.

Mr. CLYMER. I will do that. I will speak on constitutionality.

The SPEAKER. Either way is acceptable. The Chair would just like to know which one.

Mr. CLYMER. I think at this point I will cease interrogation and speak on constitutionality.

The SPEAKER. That is your option. You are recognized to speak on constitutionality. The Chair thanks the gentleman.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, let me just read this one paragraph which I feel is very important for this General Assembly, and it was the court case that was heard before Judge Joseph S. Lord. He said this, and let me read it: "This ORDER and DECREE shall in no way limit the authority of the City Commissioners, as set forth in the Code, to conduct investigations or other inquiries into the continuing eligibility of all registered electors within the City, including those electors registering under the procedures set forth in this ORDER and DECREE."

Mr. Speaker, I conclude my remarks at this time.

The SPEAKER. The Chair thanks Mr. Clymer and recognizes the Republican whip, Mr. Perzel, on constitutionality. The gentleman indicates he no longer wishes to speak.

The gentleman, Mr. Strittmatter, is recognized.

Mr. STRITTMATTER. Thank you, Mr. Speaker.

I would rise to point out to the members that Mr. Clymer's amendment will help to assure the integrity of elections. The reason we have rules, laws, is to assure the rights of the minority that many other members seem to be forgetting about. The reason we have all the election laws is to make sure that people do believe, when an election is held and the results are counted, that it is constitutional.

### POINT OF ORDER

Mr. DALEY. Point of order, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Daley, rises for a point of order. The gentleman will state his point.

Mr. DALEY. Mr. Speaker, I thought the debate had to be on the constitutionality and not the maintaining of the integrity of the election.

The SPEAKER. The gentleman is technically correct. The gentleman, Mr. Strittmatter, is requested to keep his remarks on target and on constitutionality.

Mr. STRITTMATTER. The reason that I was speaking on constitutionality was to point out that that is the reason for the amendment; that is the process we have. It is a constitutional system of government that we are under and that for people in the majority to limit the rights of the minority is false and rude and incorrect.

I would state and ask the members to vote for constitutionality. That is what Mr. Clymer's amendment will do. Thank you.

The SPEAKER. On the subject of constitutionality, the gentleman, Mr. Snyder, is recognized.

Mr. SNYDER. Thank you, Mr. Speaker.

First of all, Mr. Speaker, I was standing to speak for the amendment and was not prepared to address the constitutional issue, but I would like to share some thoughts on it.

Mr. Speaker, first of all, it is my understanding that the 14th Amendment has been reviewed and studied by the courts for centuries and that over the years, Mr. Speaker, the courts have given protective status to certain individuals within our society which the judicial branch feels deserve special protections. Mr. Speaker, this includes the prohibition against discriminating against race, gender, age, disability, and religion, but, Mr. Speaker, I am not aware of any court case in this country that has deemed the homeless to be a special protected class under the 14th Amendment.

Mr. Speaker, certainly the maker of the motion makes an argument that we need to protect this class of individuals who are unfortunate in our society to not be able to share in many of the things that the rest of society does, that being a job, a home, and a permanent place of residence, but, Mr. Speaker, the States are permitted to make laws and processes to enforce our rights, and one of those is to set up parameters.

Mr. Speaker, the 14th Amendment certainly does not preclude the consideration of this amendment, Mr. Speaker. This amendment simply is defining what a residence is in terms of someone who does not actually own or rent a particular residence. In other words, Mr. Speaker, this amendment that we are being asked to rule on the constitutionality of

is simply modifying our definition in existing law. It has nothing to do with protecting any protected class.

On another thought, Mr. Speaker, if you vote that this is an unconstitutional amendment and that the homeless are a protected class, then, Mr. Speaker, you are opening up Pandora's box for many other problems. Mr. Speaker, a public bench on a main street could then theoretically be claimed to be the property of a homeless person that would be exempt from loitering laws and other public welfare and safety regulations, because basically the police would not be able to remove a person who might be causing a nuisance or posing a hazard sitting on a public bench because he says, I am a protected class; therefore, Mr. Speaker, you cannot remove me because I am exempt from these things, because if you remove me, I am being discriminated against. It seems rather illogical, Mr. Speaker, but that is exactly what this motion would do if it is ruled to be unconstitutional.

Mr. Speaker, actually, if we rule that this is an unconstitutional amendment, we are actually setting up a separate class of people who do not have a permanent residence, and I feel, Mr. Speaker, that that in itself would be unconstitutional. I would therefore ask for a positive vote, a vote of "aye" on the amendment, that it is a constitutional amendment. Thank you.

The SPEAKER. The Chair recognizes the gentleman, Mr. Daley, on constitutionality.

Mr. DALEY. Thank you, Mr. Speaker.

The last speaker only told you half the truth concerning the 14th Amendment, or at least half the information regarding the 14th Amendment. In cases such as this, the court applies what is known as strict scrutiny tests, and one of two things have to either be involved in the strict scrutiny tests under the 14th Amendment and the equal protection clause, one of which would be when it deals with a suspect class, such as race, and the second would be when you are dealing with a fundamental liberty, such as voting. Now, not only does the State have to apply the rational basis test but it has to have a compelling State interest, and quite honestly, in this situation, Mr. Clymer, the speaker and the maker of this amendment, basically does not have a compelling State interest or a rational basis to preclude or set up a special class of people based upon an economic condition.

I submit to the legislature this indeed is unconstitutional, that it falls under the strict scrutiny standard that deals with a fundamental liberty, and that is voting and depriving someone the right to vote, and it may, and it is debatable and could be argued, that it deals with a suspect class, a class of economic disadvantaged people.

So I say it is the strict scrutiny test; it is unconstitutional. I ask for a "no" vote.

The SPEAKER. Those who believe this measure to be constitutional will vote "aye"; those who believe it to be unconstitutional will vote "no."

On the question recurring,

Will the House sustain the constitutionality of the amendments?

The following roll call was recorded:

YEAS—111

Adolph	Fargo	Lloyd	Saurman
Allen	Farmer	Lynch	Saylor
Argall	Fichter	Maitland	Scheetz
Armstrong	Fleagle	Manderino	Schuler
Baker	Flick	Marsico	Scrimenti
Barley	Gannon	Masland	Semmel
Birmelin	Geist	Merry	Serafini
Boyes	Gerlach	Micozzie	Smith, B.
Brown	Gladeck	Miller	Smith, S. H.
Bunt	Godshall	Nailor	Snyder, D. W.
Bush	Gordner	Nickol	Stairs
Butkovitz	Gruppo	Nyce	Steil
Caltagirone	Harley	O'Brien	Stern
Cawley	Hasay	O'Donnell	Strittmatter
Cessar	Heckler	Perzel	Taylor, E. Z.
Chadwick	Hennessey	Pettit	Taylor, J.
Civera	Herman	Phillips	Tigue
Clark	Hershey	Piccola	Tomlinson
Clymer	Hess	Pitts	True
Cohen, L. I.	Hutchinson	Platts	Tulli
Cornell	Jadlowiec	Raymond	Uliana
DeLuca	Jarolin	Reber	Vance
Dempsey	Kenney	Reinard	Vitali
Dent	King	Roberts	Wogan
Druce	Laub	Rohrer	Wright, M. N.
Durham	Lawless	Rubley	Yewcic
Egolf	Lee	Ryan	Zug
Fairchild	Leh	Sather	

NAYS—88

Acosta	Fee	Markosek	Rooney
Battisto	Freeman	Mayernik	Rudy
Bebko-Jones	Gamble	McCall	Santoni
Belardi	George	McGeehan	Staback
Belfanti	Gigliotti	McNally	Steelman
Bishop	Gruitza	Melio	Steighner
Blaum	Hanna	Michlovic	Stetler
Buxton	Hughes	Mihalich	Stish
Cappabianca	Itkin	Mundy	Sturla
Carn	James	Murphy	Surra
Carone	Josephs	Olasz	Tangretti
Cohen, M.	Kaiser	Oliver	Thomas
Colaifella	Kasunic	Pesci	Trello
Colaizzo	Keller	Petrarca	Trich
Corrigan	Krebs	Petrone	Veon
Cowell	Kukovich	Pistella	Williams
Coy	LaGrotta	Preston	Wozniak
Curry	Laughlin	Richardson	Wright, D. R.
Daley	Lederer	Rieger	Yandrisevits
Dermody	Lescovitz	Ritter	
Donatucci	Levdansky	Robinson	DeWeese,
Evans	Linton	Roebuck	Speaker
Fajt	Lucyk		

NOT VOTING—0

EXCUSED—4

Haluska	Kirkland	Van Home	Waugh
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The majority having voted in the affirmative, the question was determined in the affirmative and the constitutionality of the amendments was sustained.

On the question recurring,

Will the House agree to the amendments?

The SPEAKER. The gentleman, Mr. Clymer, is recognized and may proceed with his debate on the amendment.

Mr. CLYMER. Mr. Speaker, I have already reiterated earlier my position on this amendment, why I feel it deserves the support of the General Assembly, and at this time I ask for an affirmative vote.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—110

Adolph	Farmer	Maitland	Sather
Allen	Fichter	Marsico	Saurman
Argall	Fleagle	Masland	Saylor
Armstrong	Flick	Mayernik	Scheetz
Baker	Gannon	Merry	Schuler
Barley	Geist	Micozzie	Scrimenti
Battisto	Gerlach	Miller	Semmel
Birmelin	Gladeck	Nailor	Serafini
Boyes	Godshall	Nickol	Smith, B.
Brown	Gordner	Nyce	Smith, S. H.
Bunt	Gruppo	O'Brien	Snyder, D. W.
Bush	Harley	O'Donnell	Stairs
Butkovitz	Hasay	Perzel	Steil
Cessar	Heckler	Pettit	Stern
Chadwick	Hennessey	Phillips	Strittmatter
Civera	Herman	Piccola	Taylor, E. Z.
Clark	Hershey	Pitts	Taylor, J.
Clymer	Hess	Platts	Tomlinson
Cohen, L. I.	Hutchinson	Raymond	True
Cornell	Jadlowiec	Reber	Tulli
DeLuca	Kenney	Reinard	Uliana
Dempsey	King	Roberts	Vance
Dent	Laub	Roebuck	Vitali
Druce	Lawless	Rohrer	Wogan
Durham	Lee	Rubley	Wright, M. N.
Egolf	Leh	Ryan	Yewcic
Fairchild	Lloyd	Santoni	Zug
Fargo	Lynch		

NAYS—86

Acosta	Fee	Linton	Rooney
Bebko-Jones	Freeman	Lucyk	Rudy
Belardi	Gamble	Manderino	Staback
Belfanti	George	Markosek	Steelman
Bishop	Gigliotti	McCall	Steighner
Blaum	Gruitza	McGeehan	Stetler
Buxton	Hanna	McNally	Stish
Caltagirone	Hughes	Melio	Sturla
Cappabianca	Itkin	Michlovic	Surra
Carn	James	Mihalich	Tangretti
Carone	Jarolin	Mundy	Thomas
Cawley	Josephs	Murphy	Tigue
Cohen, M.	Kaiser	Olasz	Trello
Colaifella	Kasunic	Oliver	Trich
Colaizzo	Keller	Pesci	Veon
Corrigan	Krebs	Petrarca	Williams
Cowell	Kukovich	Petrone	Wozniak
Coy	LaGrotta	Pistella	Wright, D. R.
Daley	Laughlin	Richardson	Yandrisevits
Dermody	Lederer	Rieger	
Donatucci	Lescovitz	Ritter	DeWeese,
Evans	Levdansky	Robinson	Speaker

NOT VOTING—3

Curry                      Fajt                      Preston

EXCUSED—4

Haluska                      Kirkland                      Van Horne                      Waugh

The question was determined in the affirmative, and the amendments were agreed to.

GUESTS INTRODUCED

The SPEAKER. The Chair would like to momentarily interrupt the proceedings to welcome the guests of one of our very senior members. The gentleman, Rick Cessar, from Allegheny County has two guests here — Mr. and Mrs. Howard Schran. Howard is the former State president of the Benevolent and Protective Order of Elks. Welcome to the hall of the House.

CONSIDERATION OF HB 1098 CONTINUED

On the question recurring,

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

Mr. CLYMER offered the following amendment No. A1902:

Amend Sec. 1 (Sec. 704), page 2, line 6, by inserting after "residence"  
: Provided, however, That the person has established such relationship with the shelter for at least thirty days immediately preceding the election

On the question,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

The SPEAKER. On the amendment, the gentleman from Bucks County is recognized.

Mr. CLYMER. Mr. Speaker, at this time I withdraw the remaining amendments to HB 1098.

The SPEAKER. The gentleman indicates that he withdraws all remaining amendments of his to HB 1098.

On the question recurring,

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

Mr. SAURMAN offered the following amendments No. A1904:

Amend Title, page 1, line 12, by removing the period after "voting" and inserting  
 ; and requiring posting referendum questions at polling places.

Amend Bill, page 2, by inserting between lines 19 and 20 Section 2. The act is amended by adding a section to read:  
Section 1201.3. Referendum Question.—The entire contents of any referendum question to be voted upon at a primary or general election shall be provided and posted in each polling place on election day.

Amend Sec. 2, page 2, line 20, by striking out "2" and inserting

3

On the question,

Will the House agree to the amendments?

The SPEAKER. On the amendment, Mr. Saurman from Montgomery is recognized.

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, recently we had an election on a constitutional amendment, and there was a great deal of concern as to what the actual language was. I had calls to my office asking me what did it say. All of us recognize that the six lines or so that are placed on the ballot are totally inadequate and so is the advertising requirement. Nobody knows when that is going to be in the paper. Nobody knows unless they sit and just scrutinize every newspaper. It is too important an issue when we have a referendum question to just leave it to the imagination or leave it to those six lines which are supposed to summarize it.

My amendment would simply require that there be a copy of the entire language of the question that is being voted at the polls so that voters would have the opportunity to read it if they chose. I think this is good government in terms of informing the public, and I would ask for your support.

The SPEAKER. The gentleman from Westmoreland, Mr. Kukovich, is recognized.

Mr. KUKOVICH. Thank you, Mr. Speaker.

This amendment does not relate to the question of voter registration, but I do not think it is necessarily a bad idea. I do not think it creates any undue costs on the counties, so I would support this amendment and ask for a "yes" vote.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—192

Acosta	Fajt	Lucyk	Santoni
Adolph	Fargo	Lynch	Sather
Allen	Farmer	Maitland	Saurman
Argall	Fee	Manderino	Saylor
Armstrong	Fichter	Markosek	Scheetz
Baker	Fleagle	Marsico	Schuler
Barley	Flick	Masland	Scrimenti
Battisto	Freeman	Mayernik	Semmel
Bebko-Jones	Gamble	McCall	Serafini
Belardi	Gannon	McNally	Smith, B.
Belfanti	Geist	Melio	Smith, S. H.
Birmelin	George	Merry	Snyder, D. W.
Bishop	Gerlach	Michlovic	Staback
Blaum	Gigliotti	Micozzie	Stairs
Boyes	Gladeck	Mihalich	Steelman
Brown	Godshall	Miller	Steighner
Bunt	Gordner	Mundy	Steil
Bush	Gruitza	Murphy	Stern
Butkovitz	Gruppo	Nailor	Stetler
Buxton	Hanna	Nickol	Stish
Caltagirone	Harley	Nyce	Strittmatter
Cappabianca	Hasay	O'Brien	Sturla
Carn	Heckler	O'Donnell	Surra

Carone	Hennessey	Olasz	Tangretti
Cawley	Herman	Perzel	Taylor, E. Z.
Cessar	Hershey	Pesci	Taylor, J.
Chadwick	Hess	Petrarca	Thomas
Civera	Hutchinson	Petrone	Tigue
Clark	Itkin	Pettit	Tomlinson
Clymer	Jadlowiec	Phillips	Trello
Cohen, L. I.	James	Piccola	Trich
Cohen, M.	Jarolin	Pistella	True
Colaella	Josephs	Pitts	Tulli
Colaizzo	Kaiser	Platts	Uliana
Cornell	Kasunic	Preston	Vance
Corrigan	Kenney	Raymond	Veon
Cowell	King	Reber	Vitali
Coy	Krebs	Reinard	Williams
Curry	Kukovich	Rieger	Wogan
Daley	LaGrotta	Ritter	Wozniak
DeLuca	Laub	Roberts	Wright, D. R.
Dempsey	Laughlin	Robinson	Wright, M. N.
Dent	Lawless	Roebuck	Yandrisevits
Dermody	Lee	Rohrer	Yewcic
Druce	Leh	Rooney	Zug
Durham	Lescovitz	Rubley	
Egolf	Levdansky	Rudy	DeWeese,
Evans	Linton	Ryan	Speaker
Fairchild	Lloyd		

NAYS—4

Hughes	Keller	McGeehan	Richardson
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NOT VOTING—3

Donatucci	Lederer	Oliver
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EXCUSED—4

Haluska	Kirkland	Van Horne	Waugh
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The question was determined in the affirmative, and the amendments were agreed to.

On the question recurring,

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

Mr. SAURMAN offered the following amendments No. A2491:

Amend Title, page 1, line 12, by removing the period after "voting" and inserting  
; providing for use of voter registration lists; and making a repeal.

Amend Bill, page 2, by inserting between lines 19 and 20 Section 2. The act is amended by adding a section to read: Section 705. Use of Voter Registration Lists.—Voter registration lists may not be used for jury selection.

Section 3. The provisions of 42 Pa.C.S. § 4521(a) are repealed insofar as they are inconsistent with this act.

Amend Sec. 2, page 2, line 20, by striking out "2" and inserting

4

On the question,

Will the House agree to the amendments?

The SPEAKER. On the amendment, Mr. Saurman is recognized.

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, this is an amendment that I offered in the last session, and it passed, I think, I do not know if it was unanimously but certainly by a great majority.

All of us who campaign run into the problem when we are trying to register people that they say, I am not going to register because I do not want to serve on the jury. All this does is says that the voter registration list cannot be used for jury lists.

Again, we are trying to get people to register. We are going to give them the forms at the schools. We are looking for other ways to distribute it. Here we can offer them an opportunity to go ahead and register, which they are not doing now because they are afraid that the name will be used.

I would ask again for your affirmative vote.

The SPEAKER. Does the gentleman, Mr. Kukovich, request recognition?

Mr. KUKOVICH. Yes, Mr. Speaker.

I would have to ask for a "no" vote.

Many counties rely on appropriate lists such as this for jury selection. It is not as if we are talking about paying taxes or anything like that. Basically we are talking about two concepts embodied in this amendment which are duties of citizenship. I think it is a mistake to try to avoid one duty of citizenship by using another.

I would ask for a "no" vote on this amendment.

The SPEAKER. Mr. Clymer is recognized.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, seldom do I disagree with my good friend from Montgomery County, Representative Saurman, but the right for trial by jury by your peers, I think, is paramount to our democracy. While I understand his motivation in this bill, I think everyone should feel it is their responsibility as a good citizen to serve on juries regardless of how their name may be forwarded to jury selection.

So I at this time would ask for a "no" vote.

The SPEAKER. The gentleman, Mr. McGeehan, from Philadelphia is recognized.

Mr. MCGEEHAN. Thank you, Mr. Speaker.

Mr. Speaker, I do not know how many people got a chance to talk to their county commissioners concerning this amendment. I did. Using other lists besides registered voter lists, the commissioner told me that there was five times the rate of undeliverable mail when they used lists besides voter registration lists to collect a list of potential jurors. There is no other list as large as registered voters as a potential pool for jury selection, and certainly, Mr. Speaker, no other list is as representative of the general population as voter registration lists. We know when we look at automobile registration lists or drivers' licenses, there are certainly less older people represented in those lists than voter registration lists, certainly less poor people represented in those lists than voter registration lists.

Mr. Speaker, just by the very nature of having registered voters, those people are concerned about the process; those people care about their community; those people care about the



general welfare of the community. They, I think, in my opinion, are the best people to be picked as potential jurors.

Mr. Speaker, this would, in Philadelphia, deplete the potential pool of jurors by not using a voter registration list. This is a bad amendment, Mr. Speaker, and I would urge its defeat.

The SPEAKER. The gentleman, Matthew Wright, from Bucks County is recognized.

Mr. M. N. WRIGHT. Thank you, Mr. Speaker.

I know quite often when I go out and do voter registration, I am often asked, oh, no, I do not want to register because I am going to be picked for some jury duty. In Bucks County we do not use voter registration for the jury duty lists; we use your license instead. I have to try to convince everybody that no, no, no; it is okay; you can register to vote; we will not pick you for jury duty.

Now, we were here a little while ago debating about trying to get more people, especially the young people, involved and get them registered to vote. Now we have a whole pool of people out there that are afraid to register to vote because they are going to end up at their county seat someday.

Now, I think this is a perfect amendment to try to defuse a lot of those people that are afraid to sign up to register to vote because someday they are going to be picked for some jury duty, if we just make it clear, we make it statewide that, no, you will not be put on jury duty if you register to vote. I think this is a simple, pretty straightforward amendment, and I definitely approve of it and I support it. Thank you.

The SPEAKER. Mr. Saurman is recognized for the second time.

Mr. SAURMAN. I would just like to say, Mr. Speaker, that I think it is very admirable for us to say we have two rights here that we should be doing — one, voting, and one, serving on jury duty. The fact of the matter is that we still have free choice, and there are those people who do not want to serve on jury duty, and so they will not register to vote because they are afraid.

Now, I think that that is really using our authority to keep people from participating in the voting process, and I think this amendment allows— Certainly there are other lists that are equally as accurate. Other places have utilized a series of lists, but where people are not assured and even in some areas where counties do not do it and you would like to be able to say, no, we do not use it, they do not believe it because in the past it has been used. We need a law that says it cannot be used, and then these people can in fact participate. Who knows, maybe if they get into voting, they might actually want to volunteer to try and get on that jury list so that they can then perform another duty that they maybe have not been taking care of. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Melio.

Mr. MELIO. Mr. Speaker, thank you.

I agree with my colleagues, Matt Wright and Mr. Saurman. It is very difficult to get people to register to vote in many occasions, and one of the biggest excuses they have is that

they do not want to serve on jury duty. I think this is a good amendment, and I urge my colleagues to vote for it. Thank you.

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

The following roll call was recorded:

YEAS—98

Adolph	Fichter	Masland	Sather
Allen	Fleagle	Melio	Saurman
Argall	Flick	Merry	Saylor
Baker	Geist	Michlovic	Scheetz
Barley	Gerlach	Micozzie	Schuler
Boyes	Gigliotti	Miller	Semmel
Brown	Gladeck	Nailor	Serafini
Bunt	Godshall	Nickol	Smith, S. H.
Bush	Gruppo	Nyce	Snyder, D. W.
Cessar	Harley	Olasz	Stairs
Chadwick	Hasay	Perzel	Steil
Civera	Heckler	Petrarca	Stern
Clark	Herman	Petrone	Stish
Cohen, L. I.	Hess	Pettit	Strittmatter
Cornell	Hutchinson	Phillips	Surra
Corrigan	Jadlowiec	Piccola	Tangretti
Curry	Kaiser	Pitts	Taylor, E. Z.
DeLuca	King	Platts	Tomlinson
Dempey	Laub	Raymond	Tulli
Dent	Lawless	Reber	Uliana
Durham	Lee	Reinard	Vance
Egolf	Levdansky	Roberts	Wright, D. R.
Fairchild	Lynch	Rubley	Wright, M. N.
Fargo	Markosek	Ryan	Zug
Farmer	Marsico		

NAYS—100

Acosta	Evans	Linton	Rudy
Armstrong	Fajt	Lloyd	Santoni
Battisto	Fee	Lucyk	Scrimenti
Bebko-Jones	Freeman	Maitland	Smith, B.
Belardi	Gamble	Manderino	Staback
Belfanti	Gannon	Mayernik	Steelman
Birmelin	George	McCall	Steighner
Bishop	Gordner	McGeehan	Stetler
Bjaum	Gruitza	McNally	Sturla
Butkovitz	Hanna	Mihalich	Taylor, J.
Buxton	Hennessey	Mundy	Thomas
Caltagirone	Hershey	Murphy	Tigue
Cappabianca	Hughes	O'Brien	Trello
Carn	Itkin	O'Donnell	Trich
Carone	Jarolin	Oliver	True
Cawley	Josephs	Pesci	Veon
Clymer	Kasunic	Pistella	Vitali
Cohen, M.	Keller	Preston	Williams
Colafrella	Kenney	Richardson	Wogan
Colaizzo	Krebs	Rieger	Wozniak
Cowell	Kukovich	Ritter	Yandrisevits
Coy	LaGrotta	Robinson	Yewcic
Daley	Laughlin	Roebuck	
Dermody	Lederer	Rohrer	DeWeese,
Donatucci	Leh	Rooney	Speaker
Druce	Lescovitz		

NOT VOTING—1

James

EXCUSED—4

Haluska Kirkland Van Horne Waugh

The question was determined in the negative, and the amendments were not agreed to.

On the question recurring,

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

Mr. DRUCE offered the following amendments No. A1905:

Amend Title, page 1, line 11, by inserting after "providing" for special elections for senators and representatives in the General Assembly and

Amend Bill, page 1, lines 15 through 17, by striking out all of said lines and inserting

Section 1. Section 628 of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, amended August 13, 1963 (P.L.707, No.379), is amended to read:

Section 628. Special Elections for Senator and Representative in the General Assembly.—Whenever a vacancy shall occur in either house of the General Assembly whether or not it then be in session, the presiding officer of such house shall, within ten (10) days after the happening of the vacancy, issue a writ of election to the proper county board or boards of election and to the Secretary of the Commonwealth, for a special election to fill said vacancy, which election shall be held [on a date named in the writ, which shall be not less than sixty (60) days after the issuance of said writ. The presiding officer may fix, in such writ of election, the date of the next ensuing primary, municipal or general election as the date for holding any such special election] at the next ensuing primary, municipal or general election scheduled at least sixty (60) days after the issuance of the writ or such other earlier date which is at least sixty (60) days following the issuance of the writ as the presiding officer may deem appropriate: Provided, however, That should the Governor after the issuance of the said writ of election advise the presiding officer that the General Assembly will be called into extraordinary session prior to the date set for such special election, the presiding officer may countermand the writ theretofore issued and shall issue a new writ of election, fixing therein such earlier date therefor as is deemed expedient, but which shall not be less than sixty (60) days after the issuance of said writ[.]; Provided further, That if the vacancy shall occur less than five months prior to the expiration of the term, a special election shall be held only if, in the opinion of the presiding officer, the election is in the public interest.

Section 2. Section 704 of the act is amended by adding subsections to read:

Amend Sec. 2, page 2, line 20, by striking out "2" and inserting

3

On the question,

Will the House agree to the amendments?

#### AMENDMENTS WITHDRAWN

The SPEAKER. On the amendment, Mr. Druce is recognized.

Mr. DRUCE. Mr. Speaker, in a previous conversation, I committed to Mr. Kukovich that I would withdraw my amendment, and I am going to maintain that commitment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

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

Mr. TULLI offered the following amendments No. A1906:

Amend Title, page 1, line 11, by inserting after "for" where it appears the first time

powers and duties of the Secretary of the Commonwealth and for

Amend Bill, page 1, lines 15 through 17, by striking out all of said lines and inserting

Section 1. Section 201 of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, is amended to read:

Section 201. Powers and Duties of the Secretary of the Commonwealth.—The Secretary of the Commonwealth shall exercise in the manner provided by this act all powers granted to him by this act, and shall perform all the duties imposed upon him by this act, which shall include the following:

(a) To determine, in accordance with the provisions of this act, the forms of nomination petitions and papers, expense accounts and all other forms and records, the form of which he is required to determine under the provisions of this act. The form of nomination petitions and papers shall require a statement as to whether the candidate has ever been convicted of, or pleaded guilty or no contest to, an offense graded higher than a misdemeanor of the first degree.

(b) To examine and reexamine voting machines, and to approve or disapprove them for use in this State, in accordance with the provisions of this act.

(c) To certify to county boards of elections for primaries and elections the names of the candidates for President and Vice-President of the United States, presidential electors, United States senators, representatives in Congress and all State offices, including senators, representatives, and judges of all courts of record, and delegates and alternate delegates to National Conventions, and members of State committees, and the form and wording of constitutional amendments or other questions to be submitted to the electors of the State at large.

(d) To receive and determine, as hereinafter provided, the sufficiency of nomination petitions, certificates and papers of candidates for President of the United States, presidential electors, United States senators, representatives in Congress and all State offices, including senators, representatives and judges of all courts of record, and delegates and alternate delegates to National Conventions and members of State committees.

(e) To receive such reports from county boards of elections as are required by this act, and to demand such additional reports on special matters as he may deem necessary.

(f) To receive from county boards of elections the returns of primaries and elections, to canvass and compute the votes cast for candidates and upon questions as required by the provisions of this act; to proclaim the results of such primaries and elections, and to issue certificates of election to the successful candidates at such elections, except in cases where that duty is imposed by law on another officer or board.

(g) To perform such other duties as may be prescribed by law.

Section 2. Section 704 of the act is amended by adding subsections to read:

Amend Bill, page 2, by inserting between lines 19 and 20

Section 3. The amendment of section 201(a) of the act shall apply to filings made after the new forms are established by the Secretary of the Commonwealth.

Amend Sec. 2, page 2, line 20, by striking out "2" and inserting

4

On the question,

Will the House agree to the amendments?

The SPEAKER. On the amendment, Mr. Tulli from Hershey is recognized.

Mr. TULLI. Thank you, Mr. Speaker.

This amendment addresses candidates for public office. It is a matter that was brought to us by the constituents of the Commonwealth, and they felt that they needed to know if people running for school boards, local townships, cities and boroughs, Governor, State legislature, if they had a criminal record or not. This amendment would have each candidate for public office, in filing their affidavit, indicate "yes" or "no" if they have a felony conviction in their past.

Now, this would not prohibit anyone from running for office or serving in office, but it would give public disclosure so that the voters would be informed in their selection. Thank you.

The SPEAKER. Mr. Cohen from Philadelphia is recognized.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, this amendment is overbroad in its drafting. It not only includes the offices that Mr. Tulli has enumerated but it also includes Democratic committee people, Republican committee people, judges of elections, majority inspectors, minority inspectors, and while it includes the majority inspectors and minority inspectors and all sorts of people who have only the most marginal connection with State government, it does not include, say, the executive director of the Democratic State Committee, the executive director of the Republican State Committee. It does not include any member of the Governor's Cabinet. It does not include the Governor's personnel director, who is in charge of ruling on the qualifications of all employees in State government. It does not include anybody at all in the executive branch by the nature of the amendment. I think it rather arbitrarily draws categories and it rather arbitrarily changes the nature of the election process.

I have committeemen in my district who are 85 years old. I would hope that every single committeeman in my district who is in their seventies or eighties has never ever violated any law at any time, but this goes back to when they were teenagers, when they were in their twenties. You know, it occurs to me that it is possible that people have violated laws, and the idea that somebody has to be inherently beaten over the head for a law violation decades after they committed the law violation seems to me to be overkill. It is overkill to go into these minor offices, and it totally exceeds the Federal rules. When you are a witness in a Federal court, you cannot be questioned on any criminal conviction that is more than 10 years old, and this is no date — any criminal conviction ever.

This is a very, very minimal form of disclosure. You do not get asked in this form what the criminal conviction was. You do not get asked, was the criminal conviction ever expunged? You do not get asked, was the criminal conviction ever overturned? You do not get asked whether it was ever pardoned or not. There is an awful lot of material that is never asked in this. It is totally arbitrary what is asked. It is totally arbitrary whom this applies to. It applies to a whole lot of

people whom it should not. There are a whole lot of people whom it should apply to whom it does not.

### CONSTITUTIONAL POINT OF ORDER

Mr. COHEN. I think therefore it violates the 14th Amendment, and I move that this amendment be declared unconstitutional.

The SPEAKER. The gentleman has raised the point of constitutionality. Members are allowed to debate the issue one time only.

On the question,

Will the House sustain the constitutionality of the amendments?

The SPEAKER. Does the gentleman, Mr. Tulli, wish to debate the constitutionality of the amendment? The gentleman is recognized.

Mr. TULLI. Thank you, Mr. Speaker.

This does not take anyone's rights away from them. A person may still run for office, a person may be elected, and a person may serve. All this does is disclose a criminal conviction, a felony conviction, in that candidate's past. It is simply a matter of information for the voters, and it does nothing to take away any of that person's rights. He may run; she may run; she may serve; they may be elected, and it does nothing to take away their rights. If there is any specific right to be a candidate, I am not sure that this disturbs that in any way. Thank you, Mr. Speaker.

The SPEAKER. Mr. Piccola from Dauphin County is recognized.

Mr. PICCOLA. Thank you, Mr. Speaker.

With all due respect to my friend, Mr. Cohen, I would respectfully suggest that he might want to pull out his constitutional law book that he acquired during his recent tenure in law school—and I congratulate him on his graduation recently—and suggest to him that he will find there nothing in that book that would indicate that this amendment is in any way violative of the 14th Amendment, and I believe that is the amendment he cited.

There is absolutely no equal protection requirement that would preclude us from requiring that certain information about an individual be revealed on a nominating paper, particularly since the nominating paper is being filed to obtain the right to seek a public office. That public office, if that person is elected to it, is responsible for either administering or making or interpreting the laws of this State and other governmental entities. We are requiring simply that that person set forth a simple statement that they were convicted of a serious violation of that law, a serious violation of that law. That is something, I think, the voters have the right to know. It has absolutely nothing to do with equal protection or due process. It is simply a right-to-know issue.

When Mr. Cohen and I served jointly on the Labor Relations Committee and Mr. Cohen was the chairman, he very ably and forthrightly advocated a citizen's right to know,

a worker's right to know, about hazardous products in the workplace. This is simply a right-to-know issue. It has nothing to do with the Constitution, and I would suggest that this amendment offered by Mr. Tulli is constitutional and that the members vote in the affirmative.

The SPEAKER. The gentleman, Mr. Murphy, is recognized.

Mr. MURPHY. Mr. Speaker, I would like to ask a question of the maker of the amendment.

The SPEAKER. The gentleman may proceed.

Mr. MURPHY. Mr. Speaker, it has been the case that people that have had convictions in years past have had their records expunged. Your amendment is silent on the fact that they no longer now have a record, their records have been expunged, they have been pardoned of their crime, but they had been in the past convicted of that crime. You do not seem to take that into account in your amendment. How would you treat that situation?

Mr. TULLI. Are you saying that felonies are expunged?

Mr. MURPHY. Right.

Mr. TULLI. I do not understand how that is a question of constitutionality on here.

Mr. MURPHY. Well, it seems to me once their crimes have been expunged and they are on the record now no longer convicted felons, you are still requiring them to reveal information that is not—

Mr. TULLI. If the felony has been expunged, there is no conviction then.

Mr. MURPHY. Mr. Speaker, you indicate that if they pled guilty or no contest, they might have done that and the record could have been expunged. Both the one and the same would have existed.

Mr. TULLI. Mr. Speaker, the expungement would take care of that. There would be no conviction.

Mr. MURPHY. So in that particular case, they would not have to reveal that they had pled guilty or were convicted—

Mr. TULLI. That is correct.

Mr. MURPHY. —or that they pled no contest?

Mr. TULLI. That is correct.

Mr. MURPHY. Thank you, Mr. Speaker.

The SPEAKER. Does Mr. Williams seek recognition?

Mr. WILLIAMS. No, Mr. Speaker, not on the motion of constitutionality.

The SPEAKER. The Chair thanks the gentleman.

Those who believe this measure to be constitutional will vote "aye"; those opposed will vote "no."

On the question recurring,

Will the House sustain the constitutionality of the amendments?

The following roll call was recorded:

YEAS—129

Adolph	Farmer	Maitland	Ryan
Allen	Fichter	Manderino	Santoni
Argall	Fleagle	Marsico	Sather
Armstrong	Flick	Masland	Saurman

Baker	Gannon	McCall	Saylor
Barley	Geist	McGeehan	Scheetz
Battisto	Gerlach	Merry	Schuler
Birmelin	Gladeck	Micozzie	Scrimenti
Blaum	Godshall	Miller	Semmel
Boyes	Gordner	Mundy	Serafini
Brown	Gruitza	Nailor	Smith, B.
Bunt	Gruppo	Nickol	Smith, S. H.
Bush	Hanna	Nyce	Snyder, D. W.
Butkovitz	Harley	O'Brien	Stairs
Buxton	Hasay	O'Donnell	Steil
Cappabianca	Heckler	Perzel	Stern
Carone	Hennessey	Pesci	Stetler
Cawley	Herman	Pettit	Strittmatter
Cessar	Hershey	Phillips	Sturla
Chadwick	Hess	Piccola	Taylor, E. Z.
Civera	Hutchinson	Pistella	Taylor, J.
Clark	Jadlowiec	Pitts	Tigue
Clymer	Jarolin	Platts	Tomlinson
Cohen, L. I.	Kenney	Raymond	True
Cornell	King	Reber	Tulli
Cowell	Krebs	Reinard	Uliana
Dempsey	Laub	Ritter	Vance
Dent	Lawless	Roberts	Wogan
Druce	Lee	Rohrer	Wright, M. N.
Durham	Leh	Rooney	Yandrisevits
Egolf	Lloyd	Rublely	Yewcic
Fairchild	Lynch	Rudy	Zug
Fargo			

NAYS—69

Acosta	Fajt	Levdansky	Staback
Bebko-Jones	Fee	Linton	Steelman
Belardi	Freeman	Lucyk	Steighner
Belfanti	Gamble	Markosek	Stish
Bishop	George	McNally	Surra
Caltagirone	Gigliotti	Melio	Tangretti
Carn	Hughes	Michlovic	Thomas
Cohen, M.	Itkin	Mihalich	Trello
Colafella	James	Murphy	Trich
Colaizzo	Josephs	Olasz	Veon
Corrigan	Kaiser	Oliver	Vitali
Coy	Kasunic	Petrarca	Williams
Curry	Keller	Petrone	Wozniak
Daley	Kukovich	Preston	Wright, D. R.
DeLuca	LaGrotta	Richardson	
Dermody	Laughlin	Rieger	DeWeese,
Donatucci	Lederer	Robinson	Speaker
Evans	Lescovitz	Roebuck	

NOT VOTING—1

Mayernik

EXCUSED—4

Haluska	Kirkland	Van Horne	Waugh
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The majority having voted in the affirmative, the question was determined in the affirmative and the constitutionality of the amendments was sustained.

On the question recurring,

Will the House agree to the amendments?

The SPEAKER. Is the gentleman, Mr. Tulli, continuing his commentaries?

The gentleman, Mr. Williams, is recognized.

Mr. WILLIAMS. Thank you, Mr. Speaker.

Mr. Speaker, I would like to interrogate the maker of the amendment.

The SPEAKER. Representative Tulli indicates he will stand for interrogation.

Mr. WILLIAMS. Thank you, Mr. Speaker.

Mr. Speaker, I would simply like to know the objective of the amendment or the intent.

Mr. TULLI. The intent is to inform the voters if a candidate for public office has any criminal background, and if that would make any difference in their decision, they would have that information at hand. The background to it is a gentleman was elected to a local board of commissioners, and while he was serving, the citizenry found out that he had been convicted of several felonies that were serious and they were outraged. They contacted my office and several other legislators' offices wanting to know how we could allow the people of Pennsylvania to go to the polls without having this information available to them.

Looking into the law, I saw that they were correct that candidates could run for the highest offices in Pennsylvania, as well as that of commissioner, school board, and whatever, and not reveal a criminal background. So this is an attempt to disclose criminal background for the information of the voting public to make them a more informed and better prepared electorate.

Mr. WILLIAMS. Mr. Speaker, I believe the maker of the amendment is aware that certain felons are already disqualified from running for public office because of their conviction anyway, such as if you were convicted of murder, you would no longer be allowed to run for public office.

So I would like to know the nature of the gentleman's or whoever the person was, what those convictions were.

Mr. TULLI. Well, that particular case, the gentleman was found guilty of stabbing his wife three times.

Mr. WILLIAMS. Mr. Speaker?

The SPEAKER. The Chair recognizes Mr. Williams.

Mr. WILLIAMS. I would like to thank the gentleman for his brief period of interrogation, and then I would like to conclude.

The SPEAKER. The gentleman is in order.

Mr. WILLIAMS. Certainly the situation in which Representative Tulli and, I guess, his constituents were confronted certainly is a compelling one, but I would also suggest that this is a chilling effect, not just to people in his district but, frankly, to the manner in which we conduct ourselves as citizens of this country, not just citizens of the Commonwealth of Pennsylvania.

Frankly, if we decide to pass this type of an amendment, I think we are sending exactly the wrong message to our society. There is balance and there is justice for all of us in our society. Those of us who have made mistakes earlier in life would like to be considered, after our punishment, to be recognized as changed individuals and given a second chance, and in fact, this country was founded upon those principles.

When immigrants came to this country and were looking for a second chance at the shores of this country, they were

welcomed. They were welcomed and their past was not considered; their religious background was not interrogated; their credit check was not interrogated, and certainly whether they were criminals in a foreign country, because they were considered criminals in a foreign country, criminals in a foreign country, that did not follow them to this country.

I would suggest that even though there are isolated incidents, which we would certainly hope not to have happen, I think that, frankly, this kind of amendment smacks of the worst of a society; it frankly confronts us with building walls around us and protecting, again, pointing to them versus us, and I get so tired of coming to this mike and standing up and saying them versus us.

I would hope that we could deal with individuals in an isolated situation, that that gentleman would no longer be elected, and frankly, if they chose to impeach him, there are certainly methods in this country and methods within his particular district and methods within the Commonwealth of Pennsylvania for us to remove people from office when we discover that we do not like something about their background. But to throw the baby out with the bathwater seems to be a bit absurd and certainly extreme.

So therefore, Mr. Speaker, I stand in opposition to this particular amendment. Thank you, Mr. Speaker.

The SPEAKER. On the amendment, Mr. Cohen.

Mr. COHEN. Thank you.

Will the gentleman, Mr. Tulli, consent to interrogation?

Mr. TULLI. Yes.

Mr. COHEN. Mr. Speaker, will the gentleman please explain why a majority inspector or a minority inspector must be required to answer this question?

Mr. TULLI. Mr. Speaker, for almost any job or position in America, you are required, in an application form, to indicate whether or not you have had a criminal background. In some cases it is not just a felony background but any kind of misdemeanor.

To provide the integrity of the electoral process, elected officials are similarly, in this legislation, being asked to provide information if they have a criminal background. If I were to go for a job at McDonald's or if you were to apply for a job as a teacher, they would not only look at and ask you about your criminal background, they would assign a State policeman as a teacher to see if you have a criminal background. So the elected officials of our Commonwealth, who must maintain the highest standards of integrity and are expected to do so, should be similarly checked on or asked that question.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, the difference between the job— I have no further questions for the gentleman.

The difference between the job of majority inspector or minority inspector or Democratic committeeman or a job at McDonald's is that the amount of money a person working at the minimum wage at McDonald's part-time would earn is far in excess of what a majority inspector would earn, what a minority inspector would earn, what a Democratic committee-

man or Republican committeeman would get as election day expenses. These people get really trivial amounts of money.

Another difference is that there would only be one or two or three people at a McDonald's restaurant who would have access to this information, and they would make a decision, but the general community would have access; the media would have access.

If this amendment passes, there are going to be stories in the newspaper. I am sure some enterprising reporter will look at all the people who have filed nominating petitions for majority or minority inspector, all people who have filed nominating petitions for Democratic and Republican committeemen, and he is going to count. There are going to be stories that on the Dauphin County Republican Committee, seven people admit that they have had a criminal conviction, and that is going to be on the front page of the Harrisburg Patriot, and the same situation is going to obtain throughout the State. You can say you are not telling people they cannot run, but you are holding people who engage in voluntary political activity up to public censure, public ridicule for something they did, which may be decades ago.

I really see this amendment extends far too broadly; it reaches far too many people; it goes back in time far too long. Ever is a very, very long time, and it gives people far too little information. This amendment does not say, please disclose the crime. Somebody who has been convicted of manslaughter will merely check the box, yes, he has been criminally convicted, and somebody who has been convicted of shoplifting 50 years ago will fill out the same check and say, yes, he, too, has been convicted, and there is no disclosure of when the conviction took place, there is no disclosure of what the crime was, and there is no reason why we have to disclose this material on people who are basically engaging in voluntary activity.

I strongly urge the defeat of this amendment.

### THE SPEAKER PRO TEMPORE (FRED A. TRELLO) PRESIDING

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

Mr. WILLIAMS. Thank you, Mr. Speaker.

I would like to once again interrogate the maker of the amendment.

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

Mr. WILLIAMS. Thank you, Mr. Speaker.

On the point of disclosure, because it was one that I forgot to discuss, how is that item dealt with in terms of your particular amendment, in terms of disclosing what the crime is?

Mr. TULLI. On the candidate's affidavit, there would be a line which asks, have you ever been convicted of a felony offense, which shoplifting is not, and you would answer yes or no, and that would be on your filing for nomination to be on the ballot.

Mr. WILLIAMS. This particular amendment only deals with felonies?

Mr. TULLI. Yes.

Mr. WILLIAMS. So in the area of, for instance—and I am sure you are familiar with this—people who were participants in the unions, say, in the forties and were convicted of not only protests but, frankly, were convicted of aggravated assault and probably, you know, more crimes, they would also be required to disclose this, would they not?

Mr. TULLI. If it is a felony, they would be obligated to answer yes.

Mr. WILLIAMS. And people who were involved in the senior citizens movement and now, I guess, they fall under that reputable umbrella of AARP (American Association of Retired Persons) but were not under such a reputable umbrella, say, in the fifties and the sixties would also be required to disclose those kinds of protests, would they not?

Mr. TULLI. Were they convicted of a felony in your example?

Mr. WILLIAMS. Some people were.

Mr. TULLI. In that case their answer would be yes.

Mr. WILLIAMS. And certainly those rabble-rousers such as civil rights organizers who were also convicted under certain situations in different States as felons would also be required to do that also. Correct?

Mr. TULLI. I think they would proudly announce that.

Mr. WILLIAMS. I am not sure that they would proudly announce it, but I am sure if someone asked them the question, they would be happy to respond. I am not sure that they would particularly care for somebody intruding into their past in such an unclarified manner. But in terms of your amendment, I am not sure how that would be articulated other than it would be, I was, yes, convicted of aggravated assault, but would it say because of a worthy cause?

Mr. TULLI. The affidavit would not, but I think in the candidate's communication to the public, the candidate would want the public to know what were the surrounding circumstances, and in the cases you indicated, they might be very well proud of what they did.

Mr. WILLIAMS. So we are going to provide moneys for folks that have to disclose this, and a candidate that has more money to say he was a criminal is going to always get— I mean, the guy who has less money is going to get public dollars so he can clarify the fact that it was for a good cause?

Mr. TULLI. I am not talking about public dollars here at all.

Mr. WILLIAMS. I did not think so.

So therefore, when you tell me that when somebody takes from someone's form that they were convicted of something that was righteous but because they do not have a lot of campaign money to put out literature saying, yeah, but it was for a righteous cause, the only thing that the public is going to actually see is what you are suggesting that they disclose. Correct?

Mr. TULLI. That is a possibility, yes.

Mr. WILLIAMS. Thank you, Mr. Speaker.

I would like to close my period of interrogation.

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

Mr. WILLIAMS. Mr. Speaker, I think it is obvious from the comments from the own maker of the amendment that the amendment may have been well intended but certainly not well thought out. For those folks of meager means, it is certainly not equal. For those folks who have come to this hall or are raising meager amounts of campaign dollars for their name to be smeared because they were involved in something reputable—I am not talking about shoplifting; I am talking about people who have participated in civil disobedience—to change the construct of the Constitution of this country, would have their name smeared, and because they cannot raise the campaign dollars that someone else can raise, they are denied equal access at the polls. That is ridiculous; that is wrong; that is immoral.

Mr. Speaker, I would affirm again that we oppose this kind of an amendment. Thank you, Mr. Speaker.

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

The Chair recognizes the gentleman from Allegheny County, Mr. McNally.

Mr. McNALLY. Mr. Speaker, I rise to oppose this amendment, 1906. I think that there are a number of arguments that really require that we oppose it and that we defeat it.

First is that I think that when a person is convicted of a crime or pleads guilty or no contest to a crime, whether it be a crime that is graded as a felony or a misdemeanor or a summary offense, we in the General Assembly have established sentences, punishments for those crimes, and it seems to me that in establishing those punishments and those sentences, we have said that when a person finally satisfies that particular sentence, whether it be a sentence of incarceration or probation or fines, that that satisfies that individual's debt to society. The whole purpose of establishing a system of punishments for crimes is to say to those individuals who have committed offenses against society what it is they have to do to pay back for those actions.

What this amendment does is say that all of those sentences that we have established, all of the forms of punishments that have been imposed are not enough. You still have to pay for the rest of your life. I do not think it is fair, and I do not think it is right. I mean, if we are going to establish a system of sentencing, if we are going to establish punishments for crimes, then we ought to do it specifically and include in those sentences a system where we say you are disqualified from holding public office or that you are required to inform people for the rest of your life, if you should hold yourself out as a candidate, that you have been convicted of a crime.

I think it is also important to point out that it does not require everyone to inform the public that they have been convicted of a crime. It only requires that individuals who have been convicted of felonies report that kind of a background. It does not require, for example, that people convicted of drunk driving have to put that offense on their nomination petitions. It does not require that individuals who have been convicted of

a misdemeanor or a summary offense for endangering the welfare of a child, they do not have to inform the public.

You know, there are a whole number of criminal offenses which I think the public would be very interested to know or at least equally interested to know about, and the gentleman, in this amendment, does not require that that information be provided on the nomination petitions.

Finally, Mr. Speaker, I think it is important to point out that a political election, an election for public officials or party officials, is, in the final analysis, part of the free marketplace of ideas. People have the right to vote against candidates for any reason they choose, whether it be a criminal background or criminal history or otherwise.

Now, I think that we have to trust the voters of Pennsylvania and trust the candidates of Pennsylvania. God knows that certainly in this body no stone is left unturned in trying to find out the dirt about a particular opponent's background. I think that the electoral system works fine the way it is. We do not need this amendment. It is a solution in search of a problem, and I ask that we defeat the amendment. Thank you.

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

The Chair recognizes Mr. Roebuck.

Mr. ROEBUCK. Thank you, Mr. Speaker.

Will the gentleman, Mr. Tulli, agree to a period of interrogation?

The SPEAKER *pro tempore*. The gentleman agrees that he will.

Mr. ROEBUCK. Thank you, Mr. Speaker.

I wonder, Mr. Speaker, if you might tell me when in fact, if you are convicted of a crime, you fulfill your obligation in terms of that crime? When do you move beyond that crime and clean your record?

Mr. TULLI. Mr. Speaker, I would say that when you have fulfilled the terms of the court, in terms of the punishment they have indicated, whether it is probation, years in jail, whatever it may be, I think you have satisfied the terms of that crime.

Mr. ROEBUCK. And at that point do you not then have a clean record?

Mr. TULLI. You have a record.

Mr. ROEBUCK. Do you not have, having done— You have served your time, fulfilled your probation. Do you not then have a clean record? Do you not start anew?

Mr. TULLI. Well, I would say yes, in a philosophical sense, but you do have a criminal record.

Mr. ROEBUCK. In other words, the fact that you once committed a crime should be something that is ever with you? There is no way you ever get beyond that, Mr. Speaker?

Mr. TULLI. When you go to McDonald's to seek a job, they will ask you that about your record, and whether you have served your time completely or not, you need to indicate truthfully to them that you have.

Mr. ROEBUCK. So, Mr. Speaker, it is your opinion then that no matter what you do, no matter how long you serve in jail, no matter how long you are on probation, no matter how much of a fine you pay, whatever, you are always a criminal.

Mr. TULLI. There are circumstances, Mr. Speaker, where you can get an order to expunge the record, and they are limited circumstances, of course, but the record is there, the official record is there and can be part of your past, part of yourself.

Mr. ROEBUCK. Thank you, Mr. Speaker.  
May I speak to the amendment?

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

Mr. ROEBUCK. Thank you.

Mr. Speaker, I oppose this amendment.

I am somehow reminded of the hero in "Les Miserables" who once stole a loaf of bread and for the rest of his life was hounded as a criminal because he stole a loaf of bread, and that is exactly what this amendment does. It says that if at one point in your life you did something that was illegal, something that was wrong, you should be hounded for the rest of your life for that fact. It does not matter that you served your time in jail; it does not matter that you were on probation; it does not matter if you paid your fine, you should be held off as an example of being a criminal.

Now, if there are questions about a person running for office, then those questions ought to be raised in public forums. We have the right as citizens to ask candidates about their background, to question them, to probe, and that is what we should do for anyone who seeks public office. But to do this kind of thing that says that you should forever wear a "C" or an "A" or something that brandishes you as a criminal is wrong, and we ought not, in this legislative body, to do that, and we ought to say that if you make a mistake and you serve your time, then that is behind you and you start anew.

Mr. Speaker, I urge that this amendment be defeated.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes Mr. Strittmatter from Lancaster.

Mr. STRITTMATTER. Thank you, Mr. Speaker.

I rise in support of the amendment.

I would like to remind the members that we are talking about protecting the public, allowing them the need to know. With the previous gentleman's observation, I point out that the people will be discerning, the public will be discerning in understanding whether they feel a person has repaid their debt to society and whether they should be held accountable for that any longer. I believe that we can trust the public to know that.

What we have found, as one of the other previous speakers has said that they believe it is a myth, they are deluding themselves if they think that this does not happen. We have concrete examples of why we need this amendment.

The myth is the fact that this does not exist. It does exist. We have problems. We need to know and the public needs to know, and then they will decide in the best interest who should serve and who should not serve.

For instance, a child molester. Right now we would like to know if they should be a child-care provider. Why should we not know if a school board member is a former child molester? I think that the analogy holds true the same as stabbing victims

need to be protected from putting these people into higher office; the same thing, a child molester should not be rewarded by becoming a school board member without the people knowing.

I believe that it is wrong for the members to be standing up and criticizing this amendment and protecting felons. We should be protecting our citizens and voting for this amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Allegheny County, Representative Kaiser.

Mr. KAISER. Mr. Speaker, I would like to interrogate the maker of this amendment.

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

Mr. KAISER. If an individual signs the statement that he did not commit a crime, is there a background check, say, for example, the sheriff's department of that county?

Mr. TULLI. No. There are provisions in the Election Code that provide penalties for lying on the affidavit.

Mr. KAISER. What happens if an individual who has a criminal background says that he does not on the petition? What is that penalty?

Mr. TULLI. If I may read that to you:

False Affidavits of Candidates.—Any candidate for State, county, city, borough, incorporated town, township or school district office or for the office of United States Senator or Representative in Congress or any other elective public office who knowingly makes a false statement regarding his eligibility or qualifications for such office in his candidate's affidavit shall, in litigation which results in the removal of the candidate from the ballot, be liable for court costs, including filing fees, attorney fees, investigation fees and similar costs, in an amount up to ten thousand (\$10,000) dollars.

Mr. KAISER. Thank you, Mr. Speaker.

That is the end of my interrogation.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—145

Adolph	Fee	Maitland	Sather
Allen	Fichter	Markosek	Saurman
Argall	Fleagle	Marsico	Saylor
Armstrong	Flick	Masland	Scheetz
Baker	Gannon	Mayernik	Schuler
Barley	Geist	McCall	Scrimenti
Battisto	George	McGeehan	Sennel
Belardi	Gerlach	Melio	Serafini
Belfanti	Gladeck	Merry	Smith, B.
Blaum	Godshall	Micozzie	Smith, S. H.
Boyes	Gordner	Miller	Snyder, D. W.
Brown	Gruppo	Mundy	Staback



Bunt	Hanna	Nailor	Stairs
Bush	Harley	Nickol	Steelman
Butkovitz	Hasay	Nyce	Steighner
Buxton	Heckler	O'Brien	Steil
Carone	Hennessey	O'Donnell	Stern
Cawley	Herman	Perzel	Stetler
Cessar	Hershey	Petrarca	Strittmatter
Chadwick	Hess	Pettit	Sturla
Civera	Hutchinson	Phillips	Surra
Clark	Jadlowiec	Piccola	Tangretti
Clymer	Keller	Pistella	Taylor, E. Z.
Colafella	Kenney	Pitts	Taylor, J.
Colaizzo	King	Platts	Tigue
Cornell	Krebs	Raymond	Tomlinson
Corrigan	LaGrotta	Reber	True
Cowell	Laub	Reinard	Tulli
Coy	Laughlin	Ritter	Uliana
Dent	Lawless	Roberts	Vance
Druce	Lee	Rohrer	Wogan
Durham	Leh	Rooney	Wozniak
Egolf	Lescovitz	Rublely	Wright, M. N.
Fairchild	Levdansky	Rudy	Yandrisevits
Fajt	Lloyd	Ryan	Yewcic
Fargo	Lynch	Santoni	Zug
Farmer			

NAYS—53

Acosta	Donatucci	Lederer	Rieger
Bebko-Jones	Evans	Linton	Robinson
Birmelin	Freeman	Lucyk	Roebuck
Bishop	Gamble	Manderino	Stish
Caltagirone	Gigliotti	McNally	Thomas
Cappabianca	Gruitza	Michlovic	Trello
Carn	Hughes	Mihalich	Trich
Cohen, L. I.	Itkin	Murphy	Veon
Cohen, M.	James	Olasz	Vitali
Curry	Jarolin	Oliver	Williams
Daley	Josephs	Pesci	
DeLuca	Kaiser	Petrone	DeWeese,
Dempsey	Kasunic	Preston	Speaker
Dermody	Kukovich	Richardson	

NOT VOTING—1

Wright, D. R.

EXCUSED—4

Haluska	Kirkland	Van Home	Waugh
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The question was determined in the affirmative, and the amendments were agreed to.

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

PARLIAMENTARY INQUIRY

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

Mr. LEH. Thank you, Mr. Speaker.

May I make an inquiry of the Chair, please?

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

Mr. LEH. Is the Chair knowledgeable of the intent of the majority leader to run HB 1099? I know I do have it on the calendar here. It is marked to be voted upon.

The reason I ask, sir, is that the language of my amendment to HB 1098 has been amended into HB 1099 in committee, and if it is the intent of the majority leader to run HB 1099, I will very happily withdraw my amendment.

The SPEAKER pro tempore. To answer the gentleman's question, HB 1099 will be acted on today.

Mr. LEH. I will accept that in good faith, sir. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

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

Mr. CHADWICK offered the following amendments No. A1908:

Amend Title, page 1, line 12, by removing the period after "voting" and inserting

and for applications for absentee ballots.

Amend Bill, page 2, by inserting between lines 19 and 20 Section 2. Section 1302(e.1) of the act, amended May 5, 1986 (P.L.150, No.47), is amended to read:

Section 1302. Applications for Official Absentee Ballots.—\*

\* \* \*  
(e.1) Any qualified registered elector, including any qualified bedridden or hospitalized veteran, who is unable because of illness or physical disability to attend his polling place on the day of any primary or election or operate a voting machine and state distinctly and audibly that he is unable to do so as required by section 1218 of this act [may,] shall, upon application and with the certification by his attending physician that he is permanently disabled, and physically unable to attend the polls or operate a voting machine and make the distinct and audible statement required by section 1218 appended to the application hereinbefore required, be placed on a permanently disabled absentee ballot list file. An absentee ballot application shall be mailed to every such person for each primary or election so long as he does not lose his voting rights by failure to vote as otherwise required by this act. Such person shall not be required to file a physician's certificate of disability with each application as required in subsection (e) of this section but such person must submit a written statement asserting continuing disability every four years in order to maintain his eligibility to vote under the provisions of this subsection. Should any such person lose his disability he shall inform the county board of elections of the county of his residence. No person shall be placed on a permanently disabled absentee ballot list file without express voluntary authorization by the person permitting the county board of elections to do so. Further, persons placed on a permanently disabled absentee ballot list file may require the county board of elections to remove their names from such list at any time without condition by submitting a written statement to the county board of elections requesting such action. No person shall be placed on a permanently disabled absentee ballot list file solely based on the accessibility, inaccessibility or physical condition of polling places in the county in which the person is registered to vote.

\* \* \*  
Amend Sec. 2, page 2, line 20, by striking out "2" and inserting

3

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

## AMENDMENTS WITHDRAWN

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

Mr. CHADWICK. Thank you, Mr. Speaker.

Mr. Speaker, I have drafted the same amendment to HB 1099. I think HB 1099 is the more appropriate vehicle for my legislation, so at this time I am going to withdraw this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

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

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

Mr. PERZEL. I would like to withdraw the first amendment, Mr. Speaker, A2016.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Do you have another amendment?

Mr. PERZEL. Yes; A2017, Mr. Speaker.

The SPEAKER pro tempore. The clerk will read the amendment.

On the question recurring,

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

Mr. PERZEL offered the following amendments No. A2017:

Amend Sec. 1 (Sec. 704), page 2, line 6, by inserting after "residence" and his or her proper mailing address for delivery of his or her voter identification card, which shall include in this instance his or her Social Security number

Amend Sec. 1 (Sec. 704), page 2, line 19, by inserting after "card"

, which shall include in this instance his or her Social Security number

On the question,

Will the House agree to the amendments?

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

Mr. PERZEL. Mr. Speaker, this amendment will put the Social Security number on the voter registration form itself.

Mr. Speaker, 1427 South Sixth Street — what does this have in common with Amos and Andy, Milton Shapp, and Nikita Khrushchev? They all voted at that address, Mr. Speaker, in the 48th ward, 9th division, in the past. As a matter of fact, there were 159 fictitious people in that precinct alone, Mr. Speaker. The purpose of my amendment is only to have an identifier so that we can check to make sure that two people are not registered at the same time. That is the purpose, Mr. Speaker.

Incidentally, Mr. Speaker, the member that did that did go to jail.

The SPEAKER pro tempore. The Chair thanks the gentleman, and I will let Amos and Andy know about that, too.

The Chair recognizes the gentleman, Mr. Mark Cohen.

Mr. COHEN. Thank you.

Mr. Speaker, Amos and Andy and Nikita Khrushchev to the contrary, this amendment invades the privacy of all Pennsylvanians. Our Social Security numbers can be used to access tremendous amounts of information. They can be used to access State records; they can be used to access credit card information.

Our Social Security numbers are private. They ought to be private numbers. We have to use them for a lot of forms. They should not just be generally available so that anybody could walk in— The voter registration information is public. We could all walk in to the voter registration departments of any county in the State and get all of the information that is there. We could find out somebody's date of birth, we could find out their race, and we could find out their voting history, and all this information is of at least some relevance to the electoral process. The case for relevance to the electoral process of the Social Security number is extremely limited. Making a Social Security number a public document, which is what Representative Perzel is doing, will totally take away privacy rights for all Pennsylvanians.

It is a serious mistake. This issue goes far, far beyond voter registration requirements. The House of Representatives had voted against this when it was suggested in a prior session. I would strongly urge that we vote against it today.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Kukovich.

Mr. KUKOVICH. Thank you, Mr. Speaker.

I strongly urge a "no" vote for two reasons. One, it is highly unseemly to try to create a separate class to allow people to vote. Secondly, especially since the maker of the amendment has complained in the past about mandates on local government and mandates on counties, by passing this amendment we would create a very costly and unreasonable mandate on counties and their respective boards of elections.

So for both of those reasons, I strongly urge a negative vote.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Williams.

Mr. WILLIAMS. Thank you, Mr. Speaker.

I would like the maker of the amendment to stand for a brief period of interrogation.

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

Mr. WILLIAMS. The previous gentleman frankly raised the question I had at hand, but I believe, Mr. Speaker, the maker of the amendment could probably verify whether he in fact checked the cost for his particular county.

Mr. PERZEL. If you are asking if I have a fiscal note, Mr. Speaker, I do.

Mr. WILLIAMS. No, no, not a fiscal note. I am just curious. Well, I am assuming that the county would carry the burden of cost with these new registration forms, or would it be the State?

Mr. PERZEL. Mr. Speaker, when they print up a new batch of registration forms, all they would have to do is add the Social Security number on.

Mr. WILLIAMS. There would be two distinct types of sets. I mean, there would be those of us who would require— I mean, let me get it clear. I am looking at amendment 2017—correct?—and that is the one in which citizens who are claiming a shelter are the ones who are going to be required to use their Social Security numbers. Correct?

Mr. PERZEL. My intent, Mr. Speaker, was to have the number on all voter registration cards.

Mr. WILLIAMS. On all?

Mr. PERZEL. All.

Mr. WILLIAMS. Well, the amendment here, Mr. Speaker, does indicate that this amendment would require voter identification cards to include the registrant's Social Security number if such registrant is claiming a shelter as his or her place of residence.

Mr. PERZEL. Mr. Speaker, that is amendment 2017.

Mr. WILLIAMS. Maybe I am incorrect, Mr. Speaker. I am sorry. It may be that the analysis says this, and I am reading from the analysis; I am not reading from the amendment. So maybe I am incorrect with regard to that. But at any rate, you are suggesting that the intent is to apply to all citizens. Correct, Mr. Speaker? The intent for the Social Security number is for all citizens. Okay. So it is not about a choice between those who are less fortunate.

Mr. PERZEL. It is my mistake, Mr. Speaker. This amendment does only deal with the homeless.

Mr. WILLIAMS. Okay; that is what I thought. So in fact we are talking about two groupings of people or citizens.

Mr. Speaker, I am just trying to get confirmation on my question. So you are talking about treating the general citizenry, certain populations, differently than other populations. Correct?

Mr. PERZEL. We have another amendment that complies to everybody else, Mr. Speaker.

Mr. WILLIAMS. Well, that amendment has not been seen nor has it been voted upon nor has it been passed. So at this point in time, your amendment does divide populations. Correct?

Mr. PERZEL. Yes, Mr. Speaker.

Mr. WILLIAMS. And therefore, my original question, because I have not gotten to the issue of how we separate our society, but therefore, if this amendment stood by itself, there would be an additional cost because we would be printing two different types of registration forms. Correct?

Mr. PERZEL. We have an amendment to another bill, Mr. Speaker, that would address the entire population. At this point in time, you are correct that it would deal only with the homeless, and they would have to print up two different types of forms at this point in time.

Mr. WILLIAMS. All right. And in that regard, has anyone investigated the cost of the process, and who would bear the cost? Would it be the county or would it be the State?

Mr. PERZEL. Check the fiscal note, Mr. Speaker. That was sent around. Representative Evans' office did that.

Mr. WILLIAMS. I do not have the fiscal note, so I am asking the maker of the amendment if he could give us the answer.

#### AMENDMENTS WITHDRAWN

Mr. PERZEL. Mr. Speaker, we cannot find the fiscal note. At this point in time, I will withdraw my amendment.

Mr. WILLIAMS. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

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

The SPEAKER pro tempore. Does the gentleman, Mr. Perzel, have a further amendment?

Mr. PERZEL. I am withdrawing that amendment, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

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

Mrs. TRUE offered the following amendments No. A2417:

Amend Title, page 1, line 11, by inserting after "for" where it appears the first time

powers and duties of the Secretary of the Commonwealth and for

Amend Bill, page 1, lines 15 through 17, by striking out all of said lines and inserting

Section 1. Section 201 of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, is amended to read:

Section 201. Powers and Duties of the Secretary of the Commonwealth.—The Secretary of the Commonwealth shall exercise in the manner provided by this act all powers granted to him by this act, and shall perform all the duties imposed upon him by this act, which shall include the following:

(a) To determine, in accordance with the provisions of this act, the forms of nomination petitions and papers, expense accounts and all other forms and records, the form of which he is required to determine under the provisions of this act. The form of nomination petitions and papers shall require a statement as to whether the candidate has ever been convicted of, or pleaded guilty or no contest to any felony or any misdemeanor of the first degree under Pennsylvania statutes or the laws of another state.

(b) To examine and reexamine voting machines, and to approve or disapprove them for use in this State, in accordance with the provisions of this act.

(c) To certify to county boards of elections for primaries and elections the names of the candidates for President and Vice-President of the United States, presidential electors, United States senators, representatives in Congress and all State offices, including senators, representatives, and judges of all courts of record, and delegates and alternate delegates to National Conventions, and members of State committees, and the form and

wording of constitutional amendments or other questions to be submitted to the electors of the State at large.

(d) To receive and determine, as hereinafter provided, the sufficiency of nomination petitions, certificates and papers of candidates for President of the United States, presidential electors, United States senators, representatives in Congress and all State offices, including senators, representatives and judges of all courts of record, and delegates and alternate delegates to National Conventions and members of State committees.

(e) To receive such reports from county boards of elections as are required by this act, and to demand such additional reports on special matters as he may deem necessary.

(f) To receive from county boards of elections the returns of primaries and elections, to canvass and compute the votes cast for candidates and upon questions as required by the provisions of this act; to proclaim the results of such primaries and elections, and to issue certificates of election to the successful candidates at such elections, except in cases where that duty is imposed by law on another officer or board.

(g) To perform such other duties as may be prescribed by law.

Section 2. Section 704 of the act is amended by adding subsections to read:

Amend Bill, page 2, by inserting between lines 19 and 20

Section 3. The amendment of section 201 of the act shall apply to filings made after the new forms are established by the Secretary of the Commonwealth.

Amend Sec. 2, page 2, line 20, by striking out "2" and inserting

4

On the question,

Will the House agree to the amendments?

AMENDMENTS WITHDRAWN

The SPEAKER pro tempore. The lady, Mrs. True, is in order and may proceed.

Mrs. TRUE. I am sorry, Mr. Speaker. I withdraw my amendment.

The SPEAKER pro tempore. The Chair thanks the lady.

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—187

Adolph	Farmer	Lucyk	Ryan
Allen	Fee	Lynch	Santoni
Argall	Fichter	Maitland	Sather
Armstrong	Fleagle	Manderino	Saurman
Baker	Flick	Markosek	Saylor
Barley	Freeman	Marsico	Scheetz
Battisto	Gamble	Masland	Schuler
Bebko-Jones	Gannon	Mayernik	Scrimenti
Belardi	Geist	McCall	Semmel
Belfanti	George	McGeehan	Serafini
Birmelin	Gerlach	McNally	Smith, B.
Bishop	Gigliotti	Melio	Smith, S. H.

Blaum	Gladeck	Merry	Snyder, D. W.
Boyes	Godshall	Michlovic	Staback
Brown	Gordner	Micozzie	Stairs
Bunt	Gruitza	Mihalich	Steelman
Bush	Gruppo	Miller	Steighner
Butkovitz	Hanna	Mundy	Steil
Buxton	Harley	Murphy	Stern
Caltagirone	Hasay	Nailor	Stetler
Cappabianca	Heckler	Nickol	Stish
Carone	Hennessey	Nyce	Strittmatter
Cawley	Herman	O'Brien	Sturla
Cessar	Hershey	O'Donnell	Surra
Chadwick	Hess	Olasz	Tangretti
Civera	Hutchinson	Oliver	Taylor, E. Z.
Clark	Itkin	Perzel	Taylor, J.
Clymer	Jadlowiec	Pesci	Tigue
Cohen, L. I.	Jarolin	Petrarca	Tomlinson
Colafrella	Josephs	Petrone	Trello
Colaizzo	Kaiser	Pettit	Trich
Cornell	Kasunic	Phillips	True
Corrigan	Keller	Piccola	Tulli
Cowell	Kenney	Pistella	Uliana
Coy	King	Pitts	Vance
Curry	Krebs	Platts	Veon
DeLuca	Kukovich	Preston	Vitali
Dempsey	LaGrotta	Raymond	Wogan
Dent	Laub	Reinard	Wozniak
Dermody	Laughlin	Rieger	Wright, D. R.
Donatucci	Lawless	Ritter	Wright, M. N.
Druce	Lederer	Roberts	Yandrisevits
Durham	Lee	Robinson	Yewcic
Egolf	Lescovitz	Rohrer	Zug
Evans	Levdansky	Rooney	
Fairchild	Linton	Rubley	DeWeese,
Fajt	Lloyd	Rudy	Speaker
Fargo			

NAYS—11

Acosta	Daley	Leh	Thomas
Carn	Hughes	Richardson	Williams
Cohen, M.	James	Roebuck	

NOT VOTING—1

Reber

EXCUSED—4

Haluska	Kirkland	Van Horne	Waugh
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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.

**BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND RECOMMITTED TO COMMITTEE ON RULES**

**HB 412, PN 2050 (Amended)**

By Rep. TRELLO

An Act providing for the establishment of a commission to evaluate the structure and system of taxation in Pennsylvania, for the appointment of members, for the powers and duties of the commission and for cooperation by other Commonwealth entities.

## FINANCE.

**HB 1119, PN 1237**

By Rep. TRELLO

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for bakery products in relation to the sales tax; and making an editorial change.

## FINANCE.

**HB 1679, PN 2051 (Amended)**

By Rep. TRELLO

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, further providing for investment of moneys of the Commonwealth.

## FINANCE.

**VOTE CORRECTION**

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

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

I would just like to be recorded in the affirmative on HB 1090.

The SPEAKER pro tempore. The gentleman's remarks will be spread upon the record.

**BILL REPORTED FROM COMMITTEE,  
CONSIDERED FIRST TIME, AND  
RECOMMITTED TO COMMITTEE ON RULES**

**HB 1525, PN 2047 (Amended)**

By Rep. CALTAGIRONE

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for an age qualification for judges and district justices; and further providing for the selection of judicial officers.

## JUDICIARY.

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

**SB 1025, PN 1139**

By Rep. CALTAGIRONE

An Act amending the act of August 6, 1941 (P. L. 861, No. 323), entitled, as amended, "Pennsylvania Board of Probation and Parole Law," further providing for pre-parole drug screening tests.

## JUDICIARY.

**LABOR RELATIONS COMMITTEE MEETING**

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Belfanti, for the purpose of announcing a meeting.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, there will be an immediate meeting of the House Labor Relations Committee that will meet in the House majority caucus room at the conclusion of the session. It will be a very brief meeting, I assure all the members, and I would hope that they would all attend. Thank you.

**DEMOCRATIC CAUCUS**

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

Mr. COY. Thank you, Mr. Speaker.

Mr. Speaker, I would like to call a meeting of the Democratic Caucus tomorrow morning at 10:30. There are a couple of bills that will be considered at tomorrow's session which have not yet been caucused on, also some legislation for Monday's session. So we will have a caucus tomorrow morning at 10:30 a.m. in the majority caucus room.

The SPEAKER pro tempore. The Chair thanks the gentleman.

**VOTE CORRECTIONS**

The SPEAKER pro tempore. The Chair recognizes the lady from Philadelphia, Ms. Bishop.

Ms. BISHOP. Thank you, Mr. Speaker.

I wish to correct the record for June 7.

On amendment No. 1936 I was voted accidentally in the affirmative but wish to be recorded in the negative. And on HB 919 my switch malfunctioned. I was voted in the affirmative and wish to be recorded in the negative. Thank you.

The SPEAKER pro tempore. The lady's remarks will be spread upon the record.

The Chair recognizes the lady from Philadelphia, Ms. Manderino.

Ms. MANDERINO. A correction to the record, Mr. Speaker.

On final passage of HB 1010, I was temporarily out of my seat. I wish to have my vote recorded in the affirmative.

The SPEAKER pro tempore. The lady's remarks will be spread upon the record.

**APPROPRIATIONS COMMITTEE MEETING**

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Linton, for the purpose of announcing an Appropriations meeting.

Mr. LINTON. Thank you, Mr. Speaker.

Mr. Speaker, I would like to announce that there will be an Appropriations meeting at the call of the adjournment in the majority caucus room.

The SPEAKER pro tempore. The Chair thanks the gentleman.

**HEALTH AND WELFARE  
COMMITTEE MEETING**

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

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

Mr. Speaker, I would like to announce a call for a House Health and Welfare Committee meeting tomorrow morning at 9:30 in room 302 of the South Office Building.

The SPEAKER pro tempore. The Chair thanks the gentleman.

**REPUBLICAN CAUCUS**

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

Mr. GEIST. Thank you, Mr. Speaker.

The Republicans will caucus tomorrow morning promptly at 10 a.m. We have a lot to cover in a very short period of time because I know you want to get us out of here tomorrow by lunchtime. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

**VOTE CORRECTIONS**

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

Mrs. BROWN. Thank you, Mr. Speaker.

I wish to correct the record.

On amendment 2206 I was in the negative. I wish to be recorded in the affirmative. Thank you.

The SPEAKER pro tempore. The lady's remarks will be spread upon the record.

For the information of the members, there will be no further votes taken today.

The Chair recognizes the gentleman, Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

Back to corrections of the record.

I would like the record to reflect that I voted in the affirmative on final passage of HB 437, but the roll call indicates no vote. I would like the record to indicate a "yes" vote on final passage of HB 437. Thank you.

The SPEAKER pro tempore. The gentleman's remarks will be spread upon the record.

The Chair recognizes the gentleman, Mr. Roebuck.

Mr. ROEBUCK. Thank you, Mr. Speaker.

I wish to correct the record.

On HB 1098, amendment 1901, my switch malfunctioned. I would like to be recorded in the negative.

The SPEAKER pro tempore. The gentleman's remarks will be spread upon the record.

Are there any further corrections of votes?

The Chair recognizes the gentleman, Mr. Curry.

Mr. CURRY. I would like to correct the record.

I was recorded as not voting on amendment A1901, and I would like to be recorded in the negative.

The SPEAKER pro tempore. The gentleman's remarks will be spread upon the record. Thank you.

Mr. CURRY. Thank you.

**BILLS REMOVED FROM TABLE**

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

Mr. FIKIN. Mr. Speaker, I move that the following bills be taken off the table and placed on the active calendar:

HB 991, PN 1075;  
HB 1195, PN 2029;  
HB 1280, PN 1830; and  
HB 1344, PN 1479.

On the question,

Will the House agree to the motion?

Motion was agreed to.

**BILLS ON SECOND CONSIDERATION**

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

**HB 991, PN 1075; HB 1195, PN 2029; HB 1280, PN 1830; and HB 1344, PN 1479.**

**ADDITIONS AND DELETIONS OF SPONSORS**

The SPEAKER pro tempore. 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.)

**THE SPEAKER (H. WILLIAM DeWEESE)  
PRESIDING****BILLS SIGNED BY SPEAKER**

The Chair gave notice that he was about to sign the following bills, which were then signed:

**SB 474, PN 746**

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," establishing the Governor's Office of Citizen Service (PennSERVE) within the Department of Labor and Industry; creating the Community Service Advisory Board; and providing for coordination of Commonwealth community service programs.

**SB 688, PN 1068**

An Act making appropriations from the Workmen's Compensation Administration Fund to the Department of Labor and Industry to provide for the expenses of administering The Pennsylvania Workmen's Compensation Act and The Pennsylvania Occupational Disease Act for the fiscal year July 1, 1993, to June 30, 1994, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1993.

**BILL REREPORTED FROM COMMITTEE****HB 1709, PN 2033**

By Rep. LINTON

An Act creating the IRC/Ben Franklin Partnership and providing for its powers; establishing the IRC/Ben Franklin Partnership Fund; providing for certification of industrial resource centers, for certification of Ben Franklin technology centers and for certain transfers; and making repeals.

**APPROPRIATIONS.**

**BILL ON SECOND CONSIDERATION**

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

**HB 1709, PN 2033.**

**RECESS**

The SPEAKER. This House stands in recess until the call of the Chair.

**AFTER RECESS**

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

**RULES SUSPENDED**

The SPEAKER. The Chair recognizes the majority leader, Mr. Itkin, from Allegheny County.

Mr. ITKIN. Mr. Speaker, I move that we suspend rule 22 in order that the report from the Labor Relations Committee will be allowed to go to the calendar instead of the Rules Committee.

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

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

**HB 1780, PN 2048** By Rep. BELFANTI

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, imposing restrictions on the utilization of PennSERVE moneys for certain compensation; and making a repeal.

LABOR RELATIONS.

**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. The Chair recognizes the gentleman, Mr. John Gordner.

Mr. GORDNER. Mr. Speaker, I move that this House do now adjourn until Wednesday, June 9, 1993, at 11 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,  
Will the House agree to the motion?  
Motion was agreed to, and at 10:59 p.m., e.d.t., the House adjourned.