

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

WEDNESDAY, FEBRUARY 8, 1984

SESSION OF 1984

168TH OF THE GENERAL ASSEMBLY

No. 10

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (K. LEROY IRVIS) IN THE CHAIR

PRAYER

REV. DR. DAVID R. HOOVER, chaplain of the House of Representatives, from McConnellsburg, Pennsylvania, offered the following prayer:

Most vigilant and ever-protective Lord, we know that we cannot stray far from the assurance of Thy love and care. Even in the midst of the troubles and tensions of life, Thou art there. O God, help us to always call upon Thee for the guidance which is Thine to give.

We pause in this hour to reach out to Thee at the beginning of this day's session. We pray for Thy continued blessing and the confidence of Thy love. We beseech Thee to share with us the forgiveness of Thy spirit, and we seek the release from the anxieties and difficulties of life which only Thou canst give. In Thy blest name and for Thy sake, we look to Thee. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Tuesday, February 7, 1984, will be postponed until the Journal is in print. The Chair hears no objection.

JOURNAL APPROVED

The SPEAKER. The Journal of Tuesday, December 13, 1983, is in print, and unless the Chair hears objection, the Journal will be accepted and adopted as printed. The Chair hears no objection.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1900 By Representatives KUKOVICH, MURPHY, COWELL, MANDERINO, IRVIS, ITKIN, O'DONNELL, FATTAH, D. R. WRIGHT and BURNS

An Act creating the Pennsylvania Economic Development Board; providing for the development and implementation of an economic strategy for the Commonwealth; providing for the monitoring of programs established by the implementation of such strategy; and providing for the powers and duties of the board.

Referred to Committee on APPROPRIATIONS, February 8, 1984.

No. 1901 By Representatives WAMBACH, ARTY, RICHARDSON, GALLAGHER, KUKOVICH, SAURMAN, MILLER, LASHINGER, FREEMAN, McHALE, STEWART, LINTON, GREENWOOD, KOSINSKI, BUNT, FLICK and CLYMER

An Act requiring health care insurers to provide coverage for alcohol abuse and dependency.

Referred to Committee on INSURANCE, February 8, 1984.

No. 1902 By Representatives IRVIS, PRESTON, PISTELLA, GAMBLE, PETRONE, TRELLO, DeLUCA, SEVENTY, OLASZ, COWELL, MARKOSEK, CESSAR and ITKIN

An Act making an appropriation to the Lemington Center.

Referred to Committee on APPROPRIATIONS, February 8, 1984.

No. 1903 By Representatives BARBER, IRVIS, OLIVER, WIGGINS, LEVIN, DEAL, LINTON, FATTAH, RICHARDSON, O'DONNELL, RIEGER, DONATUCCI, McMONAGLE, TRUMAN and CARN

An Act making an appropriation to the Stephen Smith Home for the Aged.

Referred to Committee on APPROPRIATIONS, February 8, 1984.

No. 1904 By Representatives NAHILL, EVANS, LINTON, ARTY, PRATT, J. L. WRIGHT, REINARD, DEAL, GREENWOOD, MAIALE, CIVERA, MERRY, RYBAK, PITTS, PETERSON, KUKOVICH, ANGSTADT, NOYE, HALUSKA, SAURMAN, PHILLIPS, E. Z. TAYLOR, BUNT, SEMMEL, O'DONNELL,

COSLETT, SALVATORE, PETRARCA,
LASHINGER, DeLUCA, KOSINSKI,
TRELLO, JOHNSON and HERMAN

An Act amending "The State Fire Marshal Law," approved April 27, 1927 (P. L. 450, No. 291), further providing for the distribution and storage of kerosene.

Referred to Committee on STATE GOVERNMENT, February 8, 1984.

No. 1905 By Representatives MANMILLER,
WAMBACH, DININNI and PICCOLA

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, by providing for a poundage fee for prothonotaries and clerks of court in certain instances.

Referred to Committee on JUDICIARY, February 8, 1984.

No. 1907 By Representatives LAUGHLIN, BURNS,
REBER, KUKOVICH, BUNT, CLARK,
PUNT, MRKONIC, McCALL, STEWART,
RICHARDSON, DUFFY, DAWIDA,
GAMBLE, PRESTON, PISTELLA,
GLADECK, HERSHEY, E. Z. TAYLOR,
FEE, DOMBROWSKI and PRATT

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, extending limitation on consideration of building costs to all public utilities; and making editorial changes.

Referred to Committee on CONSUMER AFFAIRS, February 8, 1984.

No. 1908 By Representatives LAUGHLIN,
PETRARCA, DeLUCA, MAYERNIK,
HALUSKA, BELFANTI, PISTELLA,
GALLAGHER, MORRIS, F. E. TAYLOR,
WILSON, RICHARDSON and McINTYRE

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, prohibiting public utilities from engaging in certain activities.

Referred to Committee on CONSUMER AFFAIRS, February 8, 1984.

No. 1909 By Representatives ALDERETTE,
MANDERINO, PIEVSKY, GALLAGHER,
SEVENTY, KUKOVICH, JAROLIN,
COLAFELLA, LESCOVITZ, SALOOM,
FEE, GEORGE, PRATT, STEIGHNER,
FATTAH, OLASZ, PETRONE,
PETRARCA, COY, McCALL,
D. R. WRIGHT, WACHOB, LAUGHLIN,
DeWEESE, LINTON, RICHARDSON,
CARN, KOSINSKI, COLE, PRESTON,
COHEN, CALTAGIRONE, RAPPAPORT
and DALEY

An Act establishing a program within the Department of Education for upgrading vocational-education equipment; providing for allocations of money; and making a nonlapsing appropriation.

Referred to Committee on APPROPRIATIONS, February 8, 1984.

**HOUSE RESOLUTION
INTRODUCED AND REFERRED**

No. 177 By Representatives GRUITZA, FEE,
MANDERINO, PRATT, ROBBINS and
FARGO

Congratulating the City of Hermitage.

Referred to Committee on RULES, February 8, 1984.

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader, Mr. MANDERINO. Mr. Speaker, I move that the following bills be removed from the tabled calendar and placed on the active calendar:

- HB 381;
- HB 1795;
- HB 1837;
- HB 1848;
- HB 1851;
- SB 928; and
- SB 1134.

On the question,

Will the House agree to the motion?

Motion was agreed to.

MASTER ROLL CALL RECORDED

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

The following roll call was recorded:

PRESENT—199

Afflerbach	Fargo	Lloyd	Rudy
Alderette	Fattah	Lucyk	Ryan
Angstadt	Fee	McCall	Rybak
Armstrong	Fischer	McClatchy	Saloom
Arty	Flick	McHale	Salvatore
Baldwin	Foster, W. W.	McIntyre	Saurman
Barber	Foster, Jr., A.	McMonagle	Scheetz
Battisto	Freeman	McVerry	Schuler
Belardi	Freind	Mackowski	Semmel
Belfanti	Fryer	Madigan	Serafini
Beloff	Gallagher	Maiale	Seventy
Blaum	Gallen	Manderino	Showers
Book	Gamble	Manmiller	Sirjanni
Bowser	Gannon	Markosek	Smith, B.
Boyes	Geist	Mayernik	Smith, L. E.
Broujos	George	Merry	Snyder, D. W.
Bunt	Gladeck	Michlovic	Snyder, G. M.
Burd	Godshall	Micoz/ie	Spencer
Burns	Greenwood	Miller	Spitz
Caltagirone	Grieco	Miscevich	Stairs
Cappabianca	Gruitza	Moehmann	Steighner
Carn	Gruppo	Morris	Stevens
Cawley	Hagarty	Mowery	Stewart
Cessar	Haluska	Mrkonic	Stuban
Cimini	Harper	Murphy	Sweet
Civera	Hasay	Nahill	Swift
Clark	Hayes	Noye	Taylor, E. Z.

Clymer	Herman	O'Brien	Taylor, F. E.
Cohen	Hershey	O'Donnell	Telek
Colafella	Hoefel	Olasz	Tigue
Cole	Honaman	Oliver	Truman
Cordisco	Hutchinson	Perzel	Van Horne
Cornell	Itkin	Peterson	Vroon
Coslett	Jackson	Petrarca	Wachob
Cowell	Jarolin	Petrone	Wambach
Coy	Johnson	Phillips	Wargo
Deluca	Kasunic	Piccola	Wass
DeVerter	Kennedy	Pievsky	Weston
DeWeese	Klingaman	Pistella	Wiggins
Daley	Kosinski	Pitts	Williams
Davies	Kukovich	Pott	Wilson
Dawida	Lashingier	Pratt	Wogan
Deal	Laughlin	Preston	Wozniak
Dietz	Lehr	Punt	Wright, D. R.
Dininni	Lescovitz	Rappaport	Wright, J. L.
Dombrowski	Letterman	Reber	Wright, R. C.
Donatucci	Levi	Reinard	Zwinkl
Dorr	Levin	Richardson	
Duffy	Linton	Rieger	Irvis,
Durham	Livengood	Robbins	Speaker
Evans			

ADDITIONS—0

NOT VOTING—1

Kowalyszyn

EXCUSED—3

Brandt Marmion Trello

LEAVE ADDED—1

Kowalyszyn

ADDITIONS AND DELETIONS OF SPONSORS

The SPEAKER. The Speaker acknowledges the filing by the majority leader of various additions and deletions for sponsorships of bills.

ADDITIONS:

HB 709, Alderette; HB 1740, Hershey, Book, Coy; HB 1852, Harper; HB 1859, Carn; HB 1870, Baldwin, Mayernik; HB 1878, Angstadt, Mackowski, Coslett; HB 1879, Coslett, Mackowski; HB 1889, Linton, Trello; HB 1890, Michlovic, Johnsen, Davies, Baldwin, Perzel, Gamble, Linton, Telek, Trello; HB 1893, R. C. Wright.

DELETIONS:

HB 305, Alderette; HB 1130, Hagarty, E. Z. Taylor, Bowser; HB 1773, Boyes; HB 1777, Showers.

LEAVE OF ABSENCE GRANTED

The SPEAKER. The Chair now turns to leaves of absence.

Are there any requests from the Democratic Party for leaves of absence?

Mr. PIEVSKY. Mr. Speaker, I ask leave for the gentleman from Northampton, Mr. KOWALYSHYN, for today.

The SPEAKER. Without objection, leave will be granted. The Chair hears no objection.

Are there any requests from the Republican Party for leaves of absence? We will return to leaves of absence when the minority whip is on the floor.

REPORT OF COMMITTEE OF CONFERENCE PRESENTED

Mr. SWEET presented the Report of the Committee of Conference on **SB 300, PN 1704**.

SENATE MESSAGE

SENATE ADOPTS REPORT OF COMMITTEE OF CONFERENCE

The clerk of the Senate, being introduced, informed that the Senate has adopted the Report of the Committee of Conference on the subject of the differences existing between the two Houses on **SB 300, PN 1704**.

REMARKS ON VOTE

The SPEAKER. For what purpose does the gentleman from Butler, Mr. Steighner, rise?

Mr. STEIGHNER. Thank you, Mr. Speaker.

Mr. Speaker, a check of the voting record yesterday indicates that I was recorded as not voting on HB 1723, PN 2336. Had my switch been operative, I would have voted in the affirmative.

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

Mr. STEIGHNER. Thank you, Mr. Speaker.

WELCOMES

The SPEAKER. The Chair is delighted to welcome to the hall of the House two friends of the Chair who are here as the guests of the Speaker - Arline Lotman and Peter Clark. Welcome to the hall of the House.

Peter Clark has the unenviable position of being the husband of a newly elected common pleas judge. His wife was elected to the bench in Philadelphia this year. I do not know whether I could stand to have my wife elected to the bench. She already rules the house with an iron hand. I do not know how Peter is doing, but he looks like he is healthy.

The Chair is also welcoming to the hall of the House Mr. Francis Nolan, together with his sister, Jane Feiler. They are here from Quakertown. They are the guests of Representative Paul Clymer.

CALENDAR

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1175, PN 2442**, entitled:

An Act amending "The Local Tax Enabling Act," approved December 31, 1965 (P. L. 1257, No. 511), excluding from the authority to levy realty transfer taxes transfers between brothers and sisters or their spouses.

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

Afflerbach	Fargo	Lucyk	Ryan
Alderette	Fattah	McCall	Rybak
Angstadt	Fee	McClatchy	Saloom
Armstrong	Fischer	McHale	Salvatore
Arty	Flick	McIntyre	Saurman
Baldwin	Foster, W. W.	McMonagle	Scheetz
Barber	Foster, Jr., A.	McVerry	Schuler
Battisto	Freeman	Mackowski	Semmel
Belardi	Freind	Madigan	Serafini
Belfanti	Fryer	Maiale	Seventy
Beloff	Gallagher	Manderino	Showers
Blaum	Gallen	Manmiller	Sirianni
Book	Gamble	Markosek	Smith, B.
Bowser	Gannon	Mayermik	Smith, L. E.
Boyes	Geist	Merry	Snyder, D. W.
Bunt	George	Michlovic	Snyder, G. M.
Burd	Gladeck	Micozzie	Spencer
Burns	Godshall	Miller	Spitz
Caltagirone	Greenwood	Miscevich	Stairs
Cappabianca	Grieco	Moehlmann	Steighner
Carn	Gruitza	Morris	Stevens
Cawley	Gruppo	Mowery	Stewart
Cessar	Hagarty	Mrkonic	Stuban
Cimini	Haluska	Murphy	Sweet
Civera	Harper	Nahill	Swift
Clark	Hasay	Noye	Taylor, E. Z.
Clymer	Hayes	O'Brien	Taylor, F. E.
Cohen	Herman	O'Donnell	Telek
Colafella	Hershey	Olasz	Tigue
Cole	Hoeffel	Oliver	Truman
Cordisco	Honaman	Perzel	Van Horne
Cornell	Itkin	Peterson	Vroon
Coslett	Jackson	Petrarca	Wachob
Cowell	Jarolin	Petrone	Wambach
Coy	Johnson	Phillips	Wargo
Deluca	Kasunic	Piccola	Wass
DeVerter	Kennedy	Pievsky	Weston
DeWeese	Klingaman	Pistella	Wiggins
Daley	Kosinski	Pitts	Williams
Davies	Kukovich	Pott	Wilson
Dawida	Lashingner	Pratt	Wogan
Deal	Laughlin	Preston	Wozniak
Dietz	Lehr	Punt	Wright, D. R.
Dininni	Lescovitz	Rappaport	Wright, J. L.
Dombrowski	Letterman	Reber	Wright, R. C.
Donatucci	Levi	Reinard	Zwinkl
Dorr	Levin	Richardson	
Duffy	Linton	Rieger	Irvis,
Durham	Livengood	Robbins	Speaker
Evans	Lloyd	Rudy	

NAYS—1

Broujos

NOT VOTING—1

Hutchinson

EXCUSED—4

Brandt	Kowalysbyn	Marmion	Trello
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

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

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The House proceeded to third consideration of **HB 1476, PN 2443**, entitled:

An Act amending "The Local Tax Enabling Act," approved December 31, 1965 (P. L. 1257, No. 511), prohibiting the levying of tax on amusement devices.

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—110

Alderette	Dombrowski	McHale	Salvatore
Barber	Donatucci	McIntyre	Seventy
Battisto	Dorr	McMonagle	Showers
Belardi	Evans	Mackowski	Smith, B.
Belfanti	Fattah	Madigan	Spencer
Beloff	Fee	Manderino	Steighner
Blaum	Foster, W. W.	Markosek	Stevens
Book	Freeman	Mayermik	Stewart
Bowser	Gallagher	Michlovic	Stuban
Boyes	George	Miscevich	Sweet
Broujos	Gladeck	Noye	Taylor, F. E.
Burd	Gruitza	O'Brien	Telek
Caltagirone	Gruppo	O'Donnell	Truman
Cappabianca	Harper	Olasz	Van Horne
Carn	Hoeffel	Oliver	Wachob
Clark	Hutchinson	Perzel	Wargo
Cohen	Itkin	Peterson	Wass
Colafella	Jarolin	Petrarca	Weston
Cole	Kasunic	Petrone	Wiggins
Cordisco	Kosinski	Phillips	Williams
Coslett	Kukovich	Pievsky	Wilson
Cowell	Lescovitz	Pistella	Wogan
Coy	Letterman	Pott	Wozniak
Deluca	Levin	Pratt	Wright, D. R.
DeWeese	Linton	Rappaport	Zwinkl
Daley	Lucyk	Richardson	
Deal	McCall	Rieger	Irvis,
Dietz	McClatchy	Saloom	Speaker

NAYS—83

Afflerbach	Flick	Laughlin	Rudy
Angstadt	Foster, Jr., A.	Lehr	Ryan
Armstrong	Freind	Levi	Rybak
Arty	Fryer	Livengood	Saurman
Baldwin	Gallen	Lloyd	Scheetz
Bunt	Gamble	McVerry	Schuler
Burns	Gannon	Manmiller	Semmel
Cawley	Geist	Merry	Serafini
Cessar	Godshall	Micozzie	Sirianni
Cimini	Greenwood	Miller	Smith, L. E.
Civera	Grieco	Moehlmann	Snyder, D. W.
Clymer	Hagarty	Morris	Snyder, G. M.
Cornell	Haluska	Mrkonic	Spitz
DeVerter	Hasay	Murphy	Stairs
Davies	Hayes	Nahill	Swift
Dawida	Herman	Piccola	Tigue
Dininni	Hershey	Pitts	Vroon
Duffy	Honaman	Preston	Wambach
Durham	Jackson	Reber	Wright, J. L.
Fargo	Johnson	Reinard	Wright, R. C.
Fischer	Klingaman	Robbins	

NOT VOTING—6

Kennedy Maiale Punt Taylor, E. Z.
Lashingner Mowery

EXCUSED—4

Brandt Kowalyszyn Marmion Trello

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

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

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The House proceeded to third consideration of **HB 226, PN 2335**, entitled:

An Act amending the "Local Health Administration Law," approved August 24, 1951 (P. L. 1304, No. 315), further providing for State grants to county departments of health and to certain municipalities.

On the question,

Will the House agree to the bill on third consideration?

Mr. MURPHY offered the following amendment No. A0205:

Amend Sec. 1 (Sec. 25), page 2, by inserting between lines 29 and 30

Special grants may include sufficient amounts to county departments of health to insure the solvency of escrow accounts maintained and required pursuant to the act of January 24, 1966 (1965 P.L.1534, No.536), referred to as the City Rent Withholding Act, for rent withheld for dwellings certified as unfit for human habitation. Whenever a county department of health determines that a dwelling is uninhabitable and rent payments are ordered paid into an escrow account it shall be the duty of the Department of Health to monitor the account to determine whether or not payments are being deposited. If inadequate payments are being made the department shall notify the landlord of that event and the tenant shall complete the payments or be held in default and be subject to eviction. If the Department of Health does not notify the landlord of inadequate payment into the escrow account it shall be responsible to the landlord for rents due.

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the gentleman from Allegheny, Mr. Murphy.

Mr. MURPHY. Thank you, Mr. Speaker.

In this appropriation bill to county health departments, my amendment attempts to address what has become an inequity, certainly in Allegheny County and some other areas of the Commonwealth, where health departments enforce the Rent Withholding Act.

What in effect happens is that when a health department certifies a dwelling to be unfit for human habitation and permits an individual to open an escrow account in which to put rents, the health departments do not enforce whether that tenant has actually placed the rents into the escrow account. As very often is the case, the tenant does not place rents in the escrow account and at the same time a landlord is not able,

because of the Rent Withholding Act, to evict a tenant. Consequently, no rents are being paid in the escrow account; the landlord cannot evict the tenant; the tenant eventually moves, and there are no rents to be collected.

What this amendment does is to put an accountability factor to the Department of Health to require them to either notify the landlord that the rents are not being put in escrow and therefore eviction can continue to proceed, or the Health Department, if they do not notify the landlord, will be liable for the rents due to the landlord that were supposed to be put into the escrow account.

Mr. Speaker, it is an accountability on a government agency, and I would urge your support for this amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the gentleman from Allegheny, Mr. Dawida.

Mr. DAWIDA. Mr. Speaker, I urge passage of this amendment. As the prime sponsor of the bill, I worked with the drafter of the amendment to insure that the health departments would be adequately protected, and I urge a "yes" vote.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—190

Alderette	Durham	Livengood	Ryan
Angstadt	Evans	Lloyd	Rybak
Armstrong	Fattah	Lucyk	Saloom
Arty	Fee	McCall	Salvatore
Baldwin	Fischer	McClatchy	Saurman
Barber	Flick	McHale	Scheetz
Battisto	Foster, W. W.	McIntyre	Schuler
Belardi	Foster, Jr., A.	McMonagle	Semmel
Belfanti	Freeman	McVerry	Serafini
Beloff	Freind	Mackowski	Seventy
Blaum	Fryer	Madigan	Showers
Book	Gallagher	Manderino	Sirianni
Bowser	Gallen	Manmiller	Smith, B.
Boyes	Gamble	Markosek	Smith, L. E.
Broujos	Gannon	Mayernik	Snyder, G. M.
Bunt	Geist	Merry	Spencer
Burd	George	Michlovic	Spitz
Burns	Gladeck	Micozzie	Stairs
Caltagirone	Godshall	Miller	Steighner
Cappabianca	Greenwood	Miscevich	Stevens
Carn	Grieco	Moehlmann	Stewart
Cawley	Gruitza	Morris	Stuban
Cessar	Gruppo	Mrkonic	Sweet
Cimini	Hagarty	Murphy	Swift
Civera	Haluska	Nahill	Taylor, E. Z.
Clark	Harper	Noye	Taylor, F. E.
Clymer	Hasay	O'Brien	Telek
Cohen	Hayes	Olasz	Tigue
Colafella	Herman	Perzel	Truman
Cole	Hershey	Peterson	Van Horne
Cordisco	Hoeffel	Petrarca	Vroon
Cornell	Honaman	Petrone	Wachob
Coslett	Hutchinson	Phillips	Wambach
Cowell	Itkin	Piccola	Wargo
Coy	Jackson	Pievsky	Wass
Deluca	Jarolin	Pistella	Weston
DeVerter	Johnson	Pitts	Wiggins
DeWeese	Kasunic	Pott	Williams
Daley	Klingaman	Pratt	Wilson

Davies	Kosinski	Preston	Wogan
Dawida	Kukovich	Punt	Wozniak
Deal	Laughlin	Rappaport	Wright, D. R.
Dietz	Lehr	Reber	Wright, J. L.
Dininni	Lescovitz	Reinard	Wright, R. C.
Dombrowski	Letterman	Richardson	Zwinkl
Donatucci	Levi	Rieger	
Dorr	Levin	Robbins	Irvis,
Duffy	Linton	Rudy	Speaker

NAYS—4

Afflerbach	Fargo	O'Donnell	Snyder, D. W.
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NOT VOTING—5

Kennedy	Maiale	Mowery	Oliver
Lashinger			

EXCUSED—4

Brandt	Kowalyszyn	Marmion	Trello
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The question was determined in the affirmative, and the amendment was agreed to.

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—195

Afflerbach	Evans	Livengood	Ryan
Alderette	Fargo	Lloyd	Rybak
Angstadt	Fattah	Lucyk	Saloom
Armstrong	Fee	McCall	Salvatore
Arty	Fischer	McClatchy	Saurman
Baldwin	Flick	McHale	Scheetz
Barber	Foster, W. W.	McIntyre	Schuler
Battisto	Foster, Jr., A.	McMonagle	Semmel
Belardi	Freeman	McVerry	Serafini
Belfanti	Freind	Mackowski	Seventy
Beloff	Fryer	Manderino	Showers
Blaum	Gallagher	Manmiller	Sirianni
Book	Gallen	Markosek	Smith, B.
Bowser	Gamble	Mayernik	Smith, L. E.
Boyes	Gannon	Michlovic	Snyder, D. W.
Broujos	Geist	Micozzie	Snyder, G. M.
Bunt	George	Miller	Spencer
Burd	Gladeck	Miscevich	Spitz
Burns	Godshall	Moehlmann	Stairs
Caltagirone	Greenwood	Morris	Steighner
Cappabianca	Grieco	Mowery	Stevens
Carn	Gruitza	Mrkonic	Stewart
Cawley	Gruppo	Murphy	Stuban
Cessar	Hagarty	Nahill	Sweet
Cimini	Harper	Noye	Swift
Civera	Hasay	O'Brien	Taylor, E. Z.
Clark	Hayes	O'Donnell	Taylor, F. E.
Clymer	Herman	Olasz	Telek
Cohen	Hershey	Oliver	Tigue
Colafella	Hoeffel	Perzel	Truman
Cole	Honaman	Peterson	Van Horne
Cordisco	Hutchinson	Petrarca	Vroon
Cornell	Itkin	Petrone	Wachob
Coslett	Jackson	Phillips	Wambach
Cowell	Jarolin	Piccola	Wargo
Coy	Johnson	Pievsky	Wass
Deluca	Kasunic	Pistella	Weston
DeVerter	Kennedy	Pitts	Wiggins

DeWeese	Klingaman	Pott	Williams
Daley	Kosinski	Pratt	Wilson
Davies	Kukovich	Preston	Wogan
Dawida	Lashinger	Punt	Wozniak
Deal	Laughlin	Rappaport	Wright, D. R.
Dietz	Lehr	Reber	Wright, J. L.
Dininni	Lescovitz	Reinard	Wright, R. C.
Dombrowski	Letterman	Richardson	Zwinkl
Donatucci	Levi	Rieger	
Dorr	Levin	Robbins	Irvis,
Duffy	Linton	Rudy	Speaker
Durham			

NAYS—0

NOT VOTING—4

Haluska	Madigan	Maiale	Merry
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EXCUSED—4

Brandt	Kowalyszyn	Marmion	Trello
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

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

The SPEAKER. The Chair recognizes the gentleman from Centre, Mr. Letterman.

Mr. LETTERMAN. Mr. Speaker, could you recognize me to make an announcement now or at a later time when it suits you, please?

The SPEAKER. At a later time the Chair will recognize you.

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the gentleman from Cambria, Mr. Haluska.

Mr. HALUSKA. Mr. Speaker, I failed to vote on HB 226. I would like to be recorded in the affirmative.

The SPEAKER. The gentleman's remarks will be spread upon the record.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 1359, PN 2422**, entitled:

An Act requiring written agreements between municipalities and volunteer providers.

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

Afflerbach	Evans	Livengood	Ryan
Alderette	Fargo	Lloyd	Rybak
Angstadt	Fattah	Lucyk	Saloom
Armstrong	Fee	McCall	Salvatore
Arty	Fischer	McClatchy	Saurman
Baldwin	Flick	McHale	Scheetz
Barber	Foster, W. W.	McIntyre	Schuler
Battisto	Foster, Jr., A.	McMonagle	Semmel
Belardi	Freeman	McVerry	Serafini
Belfanti	Freind	Mackowski	Seventy
Beloff	Fryer	Madigan	Showers
Blaum	Gallagher	Manmiller	Sirianni
Book	Gallen	Markosek	Smith, B.
Bowser	Gamble	Mayernik	Smith, L. E.
Boyes	Gannon	Merry	Snyder, D. W.
Broujos	Geist	Michlovic	Snyder, G. M.
Bunt	George	Micozzie	Spencer
Burd	Gladeck	Miscevich	Spitz
Burns	Godshall	Moehlmann	Stairs
Caltagirone	Greenwood	Morris	Steighner
Cappabianca	Grieco	Mowery	Stevens
Carn	Gruitza	Mrkonic	Stewart
Cawley	Gruppo	Murphy	Stuban
Cessar	Hagarty	Nahill	Sweet
Cimini	Haluska	Noye	Swift
Civera	Harper	O'Brien	Taylor, E. Z.
Clark	Hasay	O'Donnell	Taylor, F. E.
Clymer	Hayes	Olasz	Telek
Cohen	Herman	Oliver	Tigue
Colafella	Hershey	Perzel	Truman
Cole	Hoeffel	Peterson	Van Horne
Cordisco	Honaman	Petrarca	Vroon
Cornell	Hutchinson	Petrone	Wachob
Coslett	Itkin	Phillips	Wambach
Cowell	Jackson	Piccola	Wargo
Coy	Jarolin	Pievsky	Wass
Deluca	Johnson	Pistella	Weston
DeVerter	Kasunic	Pitts	Wiggins
DeWeese	Kennedy	Pott	Williams
Daley	Klingaman	Pratt	Wilson
Davies	Kosinski	Preston	Wogan
Dawida	Kukovich	Punt	Wozniak
Deal	Lashinger	Rappaport	Wright, D. R.
Dietz	Laughlin	Reber	Wright, J. L.
Dininni	Lehr	Reinard	Wright, R. C.
Dombrowski	Lescovitz	Richardson	Zwikl
Donatucci	Letterman	Rieger	
Dorr	Levi	Robbins	Irvis,
Duffy	Levin	Rudy	Speaker
Durham	Linton		

NAYS—0

NOT VOTING—3

Maiale Manderino Miller

EXCUSED—4

Brandt Kowalshyn Marmion Trello

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

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

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, on the last bill we voted, HB 1359, I think I voted too late to be recorded. I would like the record to show that I would have voted in the affirmative.

The SPEAKER. The Chair thanks the gentleman, but the Chair thinks he was recorded. He was not? The Chair apologizes to the majority leader. Normally he checks the leadership vote, and the gentleman, Mr. Manderino's vote will be listed on the record.

STATEMENT BY MR. LETTERMAN

The SPEAKER. The Chair recognizes the gentleman from Centre, Mr. Letterman, to make his announcement.

Mr. LETTERMAN. Thank you, Mr. Speaker.

Mr. Speaker, I have a bill here today that will allow all-terrain vehicles—and this includes the four-wheel, the three-wheel, and the track machines—to be used on snowmobile trails and State forest roads so designated.

As you know, this has become a very big sport, and the economy of Pennsylvania depends a lot on the recreation vehicles that are being sold. Unless we approve this, these people are riding on these roads illegally, and I think it is something we have to do now and get it done this year.

Anybody who would like to sign this, I will have it on the desk right here beside me. Thank you.

The SPEAKER. The Chair thanks the gentleman.

DEMOCRATIC CAUCUS

The SPEAKER. Does the gentleman from Allegheny, Mr. Itkin, wish a caucus at this time? The Chair recognizes the gentleman, Mr. Itkin.

Mr. ITKIN. Mr. Speaker, the majority leader would like to address the Democratic Caucus this afternoon. Because of his time constraints, I am going to call the caucus for 1:30. The caucus will discuss no-fault and a couple of other legislative issues, and then we will hear from the majority leader. I would then urge that we take lunch now and go to the Democratic caucus at 1:30.

The SPEAKER. The Chair thanks the gentleman.

REPUBLICAN CAUCUS

The SPEAKER. Does the gentleman from Perry, Mr. Noye, wish to announce a caucus?

Mr. NOYE. Thank you, Mr. Speaker.

We will follow suit and have ours at 1:30 also in the minority caucus room. I ask all members to be there promptly.

The SPEAKER. The Chair thanks the gentleman.

Republican caucus at 1:30; Democratic caucus at 1:30.

RECESS

The SPEAKER. This House stands in recess until 2:30.

RECESS EXTENDED

The time of recess was extended until 2:45 p.m.

AFTER RECESS

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

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 704, PN 786 By Rep. PETRARCA

An Act amending the "Pennsylvania Bituminous Coal Mine Act," approved July 17, 1961 (P. L. 659, No. 339), removing a provision relating to steam locomotives; and prohibiting the use of internal combustion engines in underground coal mines.

MINES AND ENERGY MANAGEMENT.

HB 705, PN 787 By Rep. PETRARCA

An Act amending the "Pennsylvania Anthracite Coal Mine Act," approved November 10, 1965 (P. L. 721, No. 346), prohibiting the use of internal combustion engines in underground coal mines.

MINES AND ENERGY MANAGEMENT.

HB 1858, PN 2504 (Amended) By Rep. PETRARCA

An Act amending the act of August 23, 1961 (P. L. 1068, No. 484), entitled, as reenacted and amended, "An act to provide for the creation and administration of a Coal and Clay Mine Subsidence Insurance Fund within the Department of Environmental Resources for the insurance of compensation for damages to subscribers thereto; declaring false oaths by the subscribers to be misdemeanors; providing penalties for the violation thereof; and making an appropriation," providing for applications for additional insurance; providing for automatic increases for inflation; and providing insurance availability for structures under construction.

MINES AND ENERGY MANAGEMENT.

SB 447, PN 487 By Rep. PETRARCA

An Act amending the act of October 4, 1978 (P. L. 864, No. 167), entitled "Storm Water Management Act," further providing for grants and reimbursements.

MINES AND ENERGY MANAGEMENT.

SENATE MESSAGE

RESOLUTION RECALLING SB 547

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

Recalling Senate Bill No. 547, Printer's No. 1559, from the House of Representatives for further consideration.

RESOLVED, (the House of Representatives concurring), That Senate Bill No. 547, Printer's No. 1559, entitled "An act authorizing the indebtedness, with the approval of the electors, of \$90,000,000 for the repair, rehabilitation, development and acquisition of land and facilities for community services, public recreational purposes and public zoos," be recalled from the House of Representatives for the purpose of further consideration; and be it further

RESOLVED, That the action of the President of the Senate in signing the bill be rescinded.

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.

HB 1476 RECONSIDERED

The SPEAKER. The Chair is in receipt of a motion for reconsideration. It has been moved by the gentleman from Indiana, Mr. Wass, that the vote by which HB 1476, PN 2443, was passed on the 8th day of February be reconsidered.

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

The following roll call was recorded:

YEAS—194

Afflerbach	Fattah	Lucyk	Rudy
Alderette	Fee	McCall	Ryan
Angstadt	Fischer	McClatchy	Rybak
Armstrong	Flick	McHale	Saloom
Baldwin	Foster, W. W.	McIntyre	Salvatore
Barber	Foster, Jr., A.	McMonagle	Saurman
Battisto	Freeman	McVerry	Scheetz
Belardi	Freind	Mackowski	Schuler
Belfanti	Fryer	Madigan	Semmel
Beloff	Gallagher	Maiale	Serafini
Blaum	Gallen	Manderino	Seventy
Book	Gamble	Manmiller	Showers
Bowser	Gannon	Markosek	Sirianni
Boyes	Geist	Mayernik	Smith, B.
Broujos	George	Merry	Smith, L. E.
Bunt	Gladeck	Michlovic	Snyder, D. W.
Burd	Godshall	Micozzie	Snyder, G. M.
Burns	Greenwood	Miller	Spencer
Caltagirone	Grieco	Miscevich	Spitz
Cappabianca	Gruitza	Moehlmann	Stairs
Carn	Gruppo	Morris	Steighner
Cawley	Hagarty	Mowery	Stevens
Cessar	Haluska	Mrkonic	Stewart
Cimini	Harper	Murphy	Stuban
Civera	Hasay	Nahill	Sweet
Clark	Hayes	Noye	Swift
Clymer	Herman	O'Brien	Taylor, F. E.
Cohen	Hoeffel	O'Donnell	Telek
Colafella	Honaman	Olasz	Tigue
Cole	Hutchinson	Oliver	Truman
Cordisco	Itkin	Perzel	Van Horne
Cornell	Jackson	Peterson	Vroon
Coslett	Jarolin	Petrarca	Wachob
Cowell	Johnson	Petrone	Wambach
Coy	Kasunic	Phillips	Wargo
Deluca	Kennedy	Piccola	Wass
DeVerter	Klingaman	Pievsky	Weston
DeWeese	Kosinski	Pistella	Wiggins
Daley	Kukovich	Pitts	Williams
Dawida	Lashingier	Pott	Wilson
Deal	Laughlin	Pratt	Wogan
Dietz	Lehr	Preston	Wozniak
Dininni	Lescovitz	Punt	Wright, D. R.
Dombrowski	Letterman	Rappaport	Wright, J. L.
Donatucci	Levi	Reber	Wright, R. C.
Dorr	Levin	Reinard	Zwilk
Duffy	Linton	Richardson	
Evans	Livengood	Rieger	Irvis,
Fargo	Lloyd	Robbins	Speaker

NAYS—2

Arty Durham

NOT VOTING—3

Davies Hershey Taylor, E. Z.

EXCUSED—4

Brandt Kowalyszyn Marmion Trello

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

On the question recurring,
Shall the bill pass finally?

BILL PLACED ON FINAL PASSAGE POSTPONED CALENDAR

The SPEAKER. The Chair recognizes the majority leader.
Mr. MANDERINO. Mr. Speaker, I move that HB 1476, PN 2443, be placed on the final passage postponed calendar.

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

FILMING PERMISSION GRANTED

The SPEAKER. The Chair has given permission for PPTN to begin videotaping the debate following the reading of supplemental calendar A.

SUPPLEMENTAL CALENDAR A REPORT OF COMMITTEE OF CONFERENCE CONSIDERED

Mr. SWEET called up for consideration the following Report of the Committee of Conference on SB 300, PN 1704, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further defining "local authorities" to include *airport authorities which are not located within counties of the first class or counties of the second class*; further providing for financial responsibility; providing for notice relating to chemical tests and driving under the influence; further providing for motor carriers road tax identification markers and axle tax; and making repeals.

On the question,
Will the House adopt the report of the committee of conference?

The SPEAKER. The Chair recognizes the gentleman from Washington, Mr. Sweet.

Mr. SWEET. Thank you, Mr. Speaker.

Mr. Speaker, the Conference Committee Report on SB 300, among other things, is a compromise which is intended to meet some of the concerns that Governor Thornburgh had about SB 942, which passed both this House and the Senate by rather overwhelming margins.

On January 30 the Governor sent a letter to the majority leader as well as the chairman of the Insurance Committee which indicated a number of things which the Governor felt ought to be addressed and should be addressed by this General Assembly before he would agree not to veto SB 942. The conference committee report before you addresses in almost exact fashion the points raised by Governor Thornburgh and, I believe, rectifies the deficiencies he perceived in SB 942.

For example, the \$5,000 medical coverage in SB 942 has been raised to \$10,000. There is a mandatory wage-loss provision and a mandatory funeral benefit provision also added. Legal liability limits which were to be raised by SB 942 have been returned to current law, which, under our present insurance law, is \$15,000 and \$30,000.

The Governor, as well as a number of members of this chamber, was concerned about the file-and-use provision in SB 942. The Conference Committee Report on SB 300 provides that there will be competitive ratemaking and does require review by the Insurance Commissioner to the degree that any filing will not be effective for 45 days, and during that 45-day period, the Insurance Commissioner may reject any filing made by an insurance company. This provides protection for the consumer and will not mean that there will be automatic rates imposed upon filing by the Insurance Department. I think it is an important step in this conference committee report.

Governor Thornburgh was concerned about the 3-year cap on the \$5 to be paid into the Catastrophic Fund. Because of his objections, the conference committee decided to make that \$5 fee a 1-year fee, and the board, which will be authorized to review this entire project, will be permitted, when actuarially required, to raise that fee.

The Governor was concerned about the makeup of the board, and so the conference committee provided that there will be four members appointed by the various leaders of the House and the Senate, four members appointed by the Governor, and the board will be chaired by the Insurance Commissioner.

Those are the major provisions that were provided in Governor Thornburgh's January 30 letter, and I believe that the conference committee report does address those objections. The conference committee report was signed by all the conferees, both House and Senate, both Democratic and Republican.

There were also some transportation matters in that conference committee report, primarily to deal with inequities faced by certain repair facilities which had contracts with trucks that were from out of Pennsylvania. This conference committee report provides an exemption on trucks coming into Pennsylvania for the pure purpose of receiving maintenance and repairs. The exemption is from both the axle tax and the motor carriers tax.

Mr. Speaker, I would ask for an affirmative vote on the Conference Committee Report on SB 300.

The SPEAKER. The Chair thanks the gentleman.

May the Chair advise the members of the House, and the Chair is going to ask the help of the House, a debate on this subject matter could go on forever. Sometimes those of us who are members tend to drift away from the subject matter. The Chair would remind those people who intend to debate it, and not merely the ones who are presently standing but all debaters, the Chair will expect you to adhere to the rules of the House which require that you debate only that which is in front of you. If you seem to be drifting from what is in front of you, the Chair may ask you to justify your debate by pointing out the section of the committee of conference report which you are debating.

With that admonition, the Chair recognizes the gentleman from Mifflin, Mr. DeVerter.

Mr. DeVERTER. Boy, that cuts it down pretty fine, does it not, Mr. Speaker?

Thank you, Mr. Speaker, and you are exactly correct, sir. I do not expect at this point in time that anything that anyone says on this floor is going to have a very great or dramatic impact on changing any member's mind in this chamber.

I would just like to point to a couple of comments that were made by one company in this State and one by the Governor relative to sections of the conference committee report which I feel are going to have a less than dramatic impact. The one the Governor most wanted, I think, more than anything else was something to do with the threshold, and we have completely eliminated that. And he says although he is willing to accept it without those improvements, he feels "...compelled to note that we cannot earnestly say that we have comprehensively addressed the entire matter of insurance reform, until an adequate monetary or, preferably, verbal threshold is adopted," and that is what we are about today. I think it was best expressed by the company that wrote the letter to the Governor in which it said, "...at a minimum," this "will reduce the value of insurance to the consumer by increasing the proportion of the premium which is consumed by the operation of a 100% tort oriented system which will now require contingent fees and defense costs to be applied to specific medical, wage loss and other economic expense."

What we are basically doing today is trying to put together a hodgepodge of insurance. I recall back in 1972, when I first campaigned for this office, how important no-fault auto insurance was in this State. It was then being hyped by Commissioner Denenberg. Since that time we have tried on numerous occasions to improve on no-fault. We have failed to do so. Today, after having passed SB 942, we are about to embark on Conference Committee Report 300, and having been through that debate in the 1973-74 session on no-fault, I can assure you that this will not be the final battle on auto insurance in this State. This legislation that is now contained in the Conference Committee Report on SB 300 is far from being perfect, not that anything we ever do is. But I can assure you of this: If you are going to vote for this measure today feeling that premiums are going to decrease to your constituents, forget it. If you are going to vote for this measure today

and you feel that they are going to have increased benefits, forget it, because they will be significantly decreased.

I could probably talk on for hours, Mr. Speaker, and pick out specific areas of this legislation which are, to say the least, not very well drafted, do not really impact the way they ought to impact to cause a stabilization, at least, of auto insurance rates. And I for one am not going to stand here today and put a green light on that board and go back and tell the people in my district that we have given them something good.

This bill was put together over the last couple of weeks, I understand. It was passed in the Senate last night. It is 38 pages long. And I have to be honest with you; I am not sure of what all is in it, and I do not think many of you on this floor today know what is contained in this conference committee report. But yet, once again, to get the issue out of the way, to be able to go back home and say we repealed no-fault seems to be the main thought. Well, I wish you all well, and I can say this, that when the constituents start calling a year or year and a half down the road, after they have been involved in a traumatic automobile accident and why they are going to have to fight to get their medical coverage— Yes, that is after election; it may well be, Mr. Speaker, but it still is going to come back to haunt all of us.

The rapidity with which we address these kinds of issues, I feel, is unconscionable. And further, to let special interests outside this chamber draft the legislation and say, here it is; it meets everybody's agreement, is sheer folly. I do not think there is anything that I have done in the 12 years that I have been in this General Assembly I feel more strongly about, and I guess the reason I do is because I was suckered in 1974 into voting for a piece of legislation that did nothing, did nothing, to really benefit the people of this State. And here we are again today, 10 years later, about to commit the same error. Mr. Speaker, although I know it will not do any good, I would appeal, yes, plead with the members to vote "no" on Conference Committee SB 300 in the negative. Thank you.

The SPEAKER. The Chair thanks the gentleman.

MOTION TO TABLE

The SPEAKER. On the question, the Chair recognizes the gentleman from Berks, Mr. Gallen.

Mr. GALLEN. Mr. Speaker, I saw this bill a couple of hours ago for the first time. It is 38 pages long. It affects the pocketbooks, indeed all the assets of our constituents, and, Mr. Speaker, I think we are acting entirely too hastily in moving on this bill now. Mr. Speaker, I move that this bill be placed on the final passage postponed calendar.

The SPEAKER. The motion is not possible. This is not a bill; it is a committee of conference report.

Mr. GALLEN. Mr. Speaker, then I move that the bill be laid upon the table until next week.

The SPEAKER. I am advised by the Parliamentarian that we have to delay because that may not be a correct motion inasmuch as this is a Senate report. We may not be able to accept that motion.

The House will stand at ease.

The Chair reads from Mason's Legislative Manual, quote, "It is unparliamentary, but within the power of a house, to indefinitely postpone the consideration of a report of the committee on conference." Therefore, the Chair will accept the motion of the gentleman, Mr. Gallen, to place the committee of conference report on the table.

On the question,

Will the House agree to the motion?

The SPEAKER. For what purpose does the gentleman from Berks, Mr. Davies, rise?

Mr. DAVIES. No; I will hold my parliamentary inquiry until after the question. Thank you.

The SPEAKER. The Chair recognizes the majority leader on the motion.

Mr. MANDERINO. Mr. Speaker, in an attempt not to be unparliamentary, I would urge the members to vote in the negative.

The SPEAKER. Those in favor of placing the Committee of Conference Report on SB 300 on the table will vote "aye"; those opposed will vote "no."

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—63

Armstrong	Foster, W. W.	Klingaman	Pott
Book	Foster, Jr., A.	Lehr	Punt
Bowser	Freeman	Levi	Robbins
Broujos	Fryer	Lloyd	Saurman
Burd	Gallen	McHale	Scheetz
Cawley	Gamble	McIntyre	Schuler
Cessar	Geist	Mackowski	Semmel
Cimini	Godshall	Miller	Smith, B.
Cohen	Greenwood	Miscevich	Smith, L. E.
Coslett	Grieco	Moehlmann	Snyder, D. W.
DeVerter	Hasay	Mowery	Stewart
Davies	Hayes	Mrkonic	Swift
Dietz	Herman	Murphy	Taylor, E. Z.
Donatucci	Honaman	Noye	Wass
Dorr	Itkin	Peterson	Wright, J. L.
Fargo	Jackson	Pitts	

NAYS—133

Afflerbach	Evans	Madigan	Serafini
Alderette	Fattah	Maiale	Seventy
Angstadt	Fee	Manderino	Showers
Arty	Fischer	Manmiller	Sirianni
Baldwin	Flick	Markosek	Snyder, G. M.
Barber	Freind	Mayernik	Spencer
Battisto	Gallagher	Merry	Spitz
Belardi	Gannon	Michlovic	Stairs
Belfanti	George	Micozzie	Steighner
Beloff	Gladeck	Morris	Stevens
Blaum	Gruitza	Nahill	Stuban
Boyes	Gruppo	O'Brien	Sweet
Bunt	Hagarty	O'Donnell	Taylor, F. E.
Burns	Haluska	Olasz	Telek
Caltagirone	Hershey	Oliver	Tigue
Cappabianca	Hoeffel	Perzel	Truman
Carn	Jarolin	Petrarca	Van Horne
Civera	Johnson	Petrone	Vroon
Clark	Kasunic	Phillips	Wachob
Clymer	Kennedy	Piccola	Wambach
Colafella	Kosinski	Pievsky	Wargo
Cole	Kukovich	Pistella	Weston

Cordisco	Lashinger	Pratt	Wiggins
Cornell	Laughlin	Preston	Williams
Cowell	Lescovitz	Rappaport	Wilson
Coy	Letterman	Reber	Wogan
Deluca	Levin	Reinard	Wozniak
Daley	Linton	Richardson	Wright, D. R.
Dawida	Livengood	Rieger	Wright, R. C.
Deal	Lucyk	Rudy	Zwikl
Dininni	McCall	Ryan	
Dombrowski	McClatchy	Rybak	Irvis,
Duffy	McMonagle	Saloom	Speaker
Durham	McVerry	Salvatore	

NOT VOTING—3

DeWeese	Harper	Hutchinson
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EXCUSED—4

Brandt	Kowalshyn	Marmion	Trello
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The question was determined in the negative, and the motion was not agreed to.

On the question recurring,

Will the House adopt the report of the committee of conference?

PARLIAMENTARY INQUIRY

The SPEAKER. Does the gentleman from Berks, Mr. Davies, wish to be recognized on the question?

Mr. DAVIES. Yes, Mr. Speaker. The matter of the parliamentary inquiry is one—

The SPEAKER. Will the gentleman state the question.

Mr. DAVIES. Yes. Mr. Speaker, in placing a question of interrogation to the floor and to the gentleman who is going to manage the legislation, would it be possible to get more than one response to an interrogation? The reason I ask that is because in the previous discussion of this before this meeting, I interjected a question about what is a reasonable legal fee and I never got an answer to that question, and if I place it, I have now interrogated several members of the legal profession individually on that and I have different answers from each one. How can I get clarification, or how can I achieve clarification on that very issue before this body and be able to make an intelligent decision?

The SPEAKER. The Chair would advise the gentleman that he will have to use his own judgment as to how reasonable the definitions of "reasonable" would be. The Chair has been an attorney for now over 30 years and has never known two attorneys who have agreed on what is reasonable, but the Chair wishes the gentleman luck. He may be able to succeed where the Chair never has.

Mr. DAVIES. Yes, Mr. Speaker, that is my very concern, because I am afraid if I just make it to the manager of the legislation, I would get one answer, but that may not coincide with any that I have received so far so that I would still be in the dark on that very subject. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

FILMING PERMISSION GRANTED

The SPEAKER. Jim Bowman of WPXI, Pittsburgh, has asked for permission to film for 10 minutes on the floor. That permission is granted.

Mr. Bowman, are you ready now or do you want us to wait for a few moments? Let us know when you are ready and we will let you go.

CONSIDERATION OF SB 300 CONTINUED

The SPEAKER. On the basic question, shall the House adopt the committee of conference report, the Chair recognizes the gentleman from Allegheny, Mr. Murphy.

Mr. MURPHY. Thank you, Mr. Speaker.

I will be very brief, but I cannot pass up this opportunity. It is a rare opportunity that one gets to be a prophet, and to be a prophet with such assurance. I am willing to make a friendly wager with all my colleagues who deem fit to vote for this bill, and I think the proof of the pudding of what we have done and what we did a few weeks ago will be in a couple of years, and my predictions are these: That in 2 or 3 years from now there will be more uninsured motorists in Pennsylvania, they will be paying higher insurance rates, and that the State-run Catastrophic Insurance Fund will be inefficient, expensive, and we will have before us legislation to either overhaul that or do something about it because of the cries of constituents who have had serious automobile accidents and have not been able to get medical reimbursement or adequate rehabilitation or proper care.

This legislation now before us suggests that it improves legislation that many of us voted for a couple of weeks ago on the argument that it was just what we needed to improve the no-fault system. Ironically, less than 2 weeks later we look at legislation to improve that legislation. This legislation does no better. It does not address the question of the uninsured motorist. What it does is encourage people not to buy insurance. It does not address the question of increasing rates, and in fact, by statements from the insurance industry, the financial responsibility rates will increase.

And worst of all, I believe, and the real charade on our constituents is the suggestion that the State can run a catastrophic accident fund better than the private insurance companies. I would think that my colleagues would know better. Look to the examples of the Crime Victims Compensation Fund, or the LCB (Liquor Control Board) for that matter, which we will take up later on, or any number of other agencies that we have asked State Government to run. The argument is heard time and time again that the private enterprise system can work better and more efficiently, so why today do we then pass legislation that will put the State in the insurance business and in fact in that part of the insurance business that is the most risky and most unpredictable, the catastrophic accident? I think that is just ludicrous and very inconsistent thinking.

The bottom line on all this—and I believe this strongly—I believe we are committing a real travesty with this legislation, because we will ultimately be hurting hundreds if not

thousands of people in this Commonwealth, people who will have assumed that they had insurance coverage, or will not assume they have had insurance coverage because they will not ever think they will have a serious automobile accident. But people will have serious automobile accidents. Fifty thousand or 100,000 people in this Commonwealth will have serious automobile accidents, and many of them will not have the protection they think they have and they now in fact have today and that you are going to give away by supporting this bill. Remember that. Remember, when people come to you in years in the future and say, what am I going to do with this \$30,000 insurance bill or medical bill that I do not have any coverage for, remember that you voted for this bill today. Thank you, Mr. Speaker. I urge your opposition for this amendment.

The SPEAKER. The Chair thanks the gentleman.

On the question, the Chair recognizes the gentleman from Allegheny, Mr. Michlovic.

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Mr. Speaker, I fought with the gentleman, Mr. Murphy, vigorously in opposition to SB 942 some weeks ago. I was just as strongly convinced as he was that the repeal of the No-fault Act was a mistake for this House of Representatives. I still feel that way today, but I am going to vote for SB 300. The reason I am going to do that is because it improves, although it be slightly, SB 942, and I think that that is the issue before us.

Essentially, the improvement, as I see it, is in two areas - the increase of medical coverage from \$5,000 to \$10,000 and the determination of rates by the Insurance Department rather than by the insurance companies. I think that those are two critical deficiencies in SB 942 that will be closed up somewhat by SB 300. Still, SB 942 and SB 300 do not make a totally good bill or a total package that I could support, but the issue before me is SB 300 and not the two of them combined.

I want to also make it very clear that the issue of subrogation for municipalities with taxpayers' dollars is not addressed in either SB 942 or SB 300, and I want to declare my disappointment and many of my colleagues' disappointment that those issues were not addressed in this insurance bill as well.

I do not know what each and every one of you is going to do, and I in this case do not presuppose to ask you to either support or oppose it. I think that there is just a logical explanation for supporting this bill, and I wanted to make it public for everybody to know. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman from Lehigh, Mr. Snyder, is recognized on the final question.

Mr. D. W. SNYDER. Thank you, Mr. Speaker. I will be brief, because I know we have a heavy schedule this afternoon yet.

However, I would like to go on the record to explain the reason for the position I will take on SB 300, the conference committee report. As previous speakers have noted, the conference committee report was just issued yesterday and voted on by the Senate last night. The debate on the floor today

really has not even touched on what the particulars of the conference committee report are. In our caucus we spent approximately an hour listening to various speakers trying to disagree as to what the bill itself is saying and what the provisions of the conference committee report are. The only thing they could agree on is that there are various interpretations of the report.

I did support SB 942. I feel there is a need for change in the State's automobile insurance law. However, I do not believe that SB 300, due to its impact on almost every constituent in our legislative districts, should be treated so lightly as we are this afternoon. I feel the bill needs to at least be analyzed and the information disseminated to the members so that we have an opportunity to make an intelligent vote due to the long-term impact of this legislation. I therefore am opposing SB 300 today due to the fact that we have not given due consideration to its report. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the final question, the gentleman from Berks, Mr. Davies, is recognized.

Mr. DAVIES. Mr. Speaker, rather than pursue the question about what reasonable legal fees would be or the potential limitation, I would ask of the sponsor, if I, as an insured motorist within the parameters of the \$10,000 range and below, have an accident head on with an uninsured, unlicensed driver, 50 percent negligence on both drivers, and it does go into the catastrophic range for both, who participates in that catastrophic coverage under SB 300?

The SPEAKER. The gentleman, Mr. Sweet, has agreed to answer the question. The gentleman may proceed.

Mr. SWEET. Mr. Speaker, you have posed, I think, at least two or three hypothetical circumstances in one comment, and I am not quite sure how to respond. As I understand it, what you are asking is, if you were driving along the road and you had purchased insurance and you were involved in an accident with an uninsured motorist and your medical bills were over \$100,000, how would you recover. The quick answer to that is you would recover—

Mr. DAVIES. Excuse me. You forgot to limit my coverage at the minimal amount of \$10,000. Now, what happens to my recovery between that range and \$100,000, and who participates in the catastrophic coverage?

Mr. SWEET. Mr. Speaker, I do not want to get into asking you questions to elicit further information about your hypothetical. I think the easy answer is that if you also paid the \$5, your injury would go into the Catastrophic Fund category, and the Cat Fund would pay your medical bills.

Mr. DAVIES. Now, the amount between the \$10,000 and the \$100,000, I assume that myself? I assume that responsibility myself?

Mr. SWEET. If you had no other insurance, that is one thing, but first of all you have the \$10,000 that you were required to pay, and then you presumably have purchased other insurance—

Mr. DAVIES. No; I have no other insurance. I have that insurance; I am at the minimum of \$10,000. The \$10,000 to

\$100,000 then, I have no recovery other than that I am going after an unlicensed, uninsured driver for the recovery of that, and then I kick in at the \$100,000 catastrophic again. Is that correct?

Mr. SWEET. Well, put most simply, Mr. Speaker, if you purchased no insurance, you would get no benefit. Now, if you paid the \$5 into the Cat Fund, your expenses over \$100,000 would come out of the Catastrophic Fund. But if you purchased no insurance between that period, then you would not get a recovery. That is correct. But a prudent person, by the way, Mr. Speaker, would not do that.

Mr. DAVIES. All right. Then, Mr. Speaker, what would be the limit, or under your understanding of it—I will only venture this one rather than carry it out with anyone else—if the settlement would be from \$100,000 and I would recover another \$100,000, what would be the reasonable legal fees that I could be expected to pay on that recovery from the \$100,000 to the \$200,000?

Mr. SWEET. Mr. Speaker, I think you were wise before in indicating that to get into the morass of what is a reasonable legal fee will be a difficult discussion.

Suffice it to say there is case law, particularly dealing with civil rights actions, on what a reasonable fee is. Courts look primarily to the hours that are worked and the customary rate of compensation an attorney of that caliber receives. But if you would like, Mr. Speaker, for your future reference, I could have staff look into the case law on that and get you a substantial number of citations for your own research.

Mr. DAVIES. Thank you, Mr. Speaker.

May I make a comment, Mr. Speaker?

The SPEAKER. The gentleman is in order and may make his comment.

Mr. DAVIES. I have the fifth different answer now on what is a reasonable fee, and, of course, you had already cautioned me about that.

With the lack of the input or direction that I could sustain with my own coverage, let alone that of another 60,000 constituents, I would have to have some grave concerns about the provision of this piece of legislation and just how it would cover my constituents. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes, on the question, the gentleman from Indiana, Mr. Wass.

Mr. WASS. Mr. Speaker, may I interrogate Representative Sweet?

The SPEAKER. If you promise to be brief.

Mr. WASS. Brief.

Mr. Speaker, there is some confusion in my mind, and forgive me, inasmuch as I do not know whether I am talking about the previous bill we passed or the conference report, but in the area of funding the Cat Fund, is it my understanding—please explain to me—that if I must buy an insurance policy, they will assess me \$5 on my policy? Is that right?

Mr. SWEET. What you will do, Mr. Speaker, is you will have to pay an additional \$5. If you are insured, the insurance company will serve as the agent for collection of that \$5, and

they will convey it to whatever private enterprise operation has been hired by the Cat Board to manage the Catastrophic Fund.

Mr. WASS. All right. Thank you for that.

Now tell me, if I use security as my coverage and not an insurance policy, how do we go about the \$5?

Mr. SWEET. There is a provision in the conference committee report for the Cat Board to designate some other agency or vehicle for the receipt of that money.

Mr. WASS. Could it be possible, Mr. Speaker, that it would be the Department of Transportation through an assessment on my automobile registration? Could that be possible?

Mr. SWEET. No, Mr. Speaker. The Pennsylvania Department of Transportation is not going to be involved in this at all.

Mr. WASS. And the method has not been announced on how they will collect that? Is that your answer?

Mr. SWEET. Mr. Speaker, we have granted to the Catastrophic Fund Board the power to designate some other board, agency, or private entity to collect that money.

Mr. WASS. Thank you very much.

Mr. SWEET. Might I add, Mr. Speaker, that there will be very, very, very, very few individuals, the average-driver types, who will be self-insuring and going through that mechanism.

Mr. WASS. One more quick question, if I may, Mr. Speaker. Would I, as a State Representative, be mandated to carry work-loss insurance coverage?

Mr. SWEET. I believe under the requirement, really under the request which Governor Thornburgh made to us, that some mandatory work-loss coverage be provided, that in this report there is work-loss coverage, excuse me, wage loss, of \$5,000.

Mr. WASS. Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

On the final question, the Chair recognizes the gentleman from McKean, Mr. Mackowski.

Mr. MACKOWSKI. Mr. Speaker, I would like to interrogate Representative Sweet.

The SPEAKER. The gentleman, Mr. Sweet, says he will stand for interrogation. The gentleman, Mr. Mackowski, is in order and he may proceed.

Mr. MACKOWSKI. Mr. Speaker, as I understand this bill, you have really done nothing more than take away any type of threshold for my medical expenses, and what you are doing is really imposing upon all citizens of Pennsylvania compulsory insurance, which the biggest problem has been in the enforcement of it. Now, if I have a claim due to some uninsured motorist in violation of the law, where am I going to recover my claim money? In addition, not only am I going to have to wait until that goes through the court, but also the provider.

Now, if the provider is going to have to wait for his money, do you not think that this will further escalate medical costs in the hospitals, the doctors' offices, and so on? So, all in all, under compulsory insurance we are going to pay more pre-

miums; we are going to have less protection; and our hospital costs conceivably could go up. Is that not true?

Mr. SWEET. Mr. Speaker, in all fairness, I do not think that is the kind of rhetorical question that gets a yes or no answer. Almost everything you said runs to SB 942 and not to this conference committee report.

The purpose of this conference committee report was to address those very limited questions which Governor Thornburgh raised and which we reacted to. As an aside, my answer to your question is "no."

Mr. MACKOWSKI. All right. Now, when you say this answers some of the questions that Governor Thornburgh asked, I understood he was quite upset that there was no threshold in this, and this bill does not address a threshold problem.

Mr. SWEET. Mr. Speaker, I would refer you to the January 30, 1984, letter which Governor Thornburgh sent to the majority leader, at which time he detailed a number of things he was interested in. He commented upon the threshold but did not indicate that that was an absolute nonnegotiable topic, and he also indicated in that letter that he did not believe, based on information he had received, that the climate in the General Assembly was such that a threshold could be retained.

Mr. MACKOWSKI. Thank you, Mr. Speaker.

May I speak on the conference report?

The SPEAKER. The gentleman is in order and may speak on final passage of the conference committee report.

Mr. MACKOWSKI. I appreciate your answer to my question, sir, but I must state that I do not think we are being realistic as to exactly what is happening to the insured. We have not had an opportunity, really, to talk to the insured or to the insurance agent as to how best this serves our people and our taxpayers, and now we are also going to add the burden of administering that other fund, which is going to be a burden to taxpayers. We are going to hit the taxpayers with an increase in administrative costs; we are going to hit the taxpayers with escalating hospital and medical care costs, and we have nothing more than a volume of business through compulsory insurance to the benefit of the insurance companies and the trial lawyers. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House adopt the report of the committee of conference?

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

YEAS—147

Afflerbach	Fee	McMonagle	Ryan
Alderette	Fischer	McVerry	Rybak
Angstadt	Flick	Madigan	Saloom
Arty	Freind	Maiale	Salvatore
Barber	Gallagher	Manderino	Saurman
Battisto	Gannon	Manmiller	Semmel
Beloff	George	Markosek	Serafini
Blaum	Gladeck	Mayernik	Sirianni
Boyes	Greenwood	Merry	Spencer
Broujos	Gruitza	Michlovic	Spitz
Bunt	Gruppo	Micozzie	Stairs

Burns	Hagarty	Moehlmann	Steighner
Caltagirone	Haluska	Morris	Stevens
Cappabianca	Harper	Mowery	Stewart
Carn	Hayes	Mrkonic	Stuban
Civera	Hershey	Nahill	Sweet
Clark	Hoeffel	O'Brien	Swift
Clymer	Hutchinson	O'Donnell	Taylor, E. Z.
Colafella	Jackson	Olasz	Taylor, F. E.
Cole	Jarolin	Oliver	Telek
Cordisco	Johnson	Perzel	Tigue
Cornell	Kasunic	Peterson	Truman
Coslett	Kennedy	Petrarca	Van Horne
Cowell	Kosinski	Petrone	Vroon
Coy	Kukovich	Phillips	Wachob
Deluca	Lashingier	Piccola	Wambach
DeWeese	Laughlin	Pievsky	Weston
Daley	Lescovitz	Pistella	Wiggins
Dawida	Letterman	Pott	Williams
Deal	Levin	Pratt	Wogan
Dietz	Linton	Preston	Wozniak
Dininni	Livengood	Rappaport	Wright, D. R.
Dombrowski	Lloyd	Reber	Wright, R. C.
Donatucci	Lucyk	Reinard	Zwinkl
Duffy	McClatchy	Richardson	
Durham	McHale	Rieger	Irvis,
Evans	McIntyre	Rudy	Speaker
Fattah			

NAYS—52

Armstrong	Dorr	Honaman	Robbins
Baldwin	Fargo	Itkin	Scheetz
Belardi	Foster, W. W.	Klingaman	Schuler
Belfanti	Foster, Jr., A.	Lehr	Seventy
Book	Freeman	Levi	Showers
Bowser	Fryer	McCall	Smith, B.
Burd	Gallen	Mackowski	Smith, L. E.
Cawley	Gamble	Miller	Snyder, D. W.
Cessar	Geist	Miscevich	Snyder, G. M.
Cimini	Godshall	Murphy	Wargo
Cohen	Grieco	Noye	Wass
DeVerter	Hasay	Pitts	Wilson
Davies	Herman	Punt	Wright, J. L.

NOT VOTING—0

EXCUSED—4

Brandt	Kowalshyn	Marmion	Trello
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the committee of conference was adopted.

Ordered, That the clerk inform the Senate accordingly.

STATEMENT BY MR. ZWIKL

The SPEAKER. The Chair recognizes the gentleman from Lehigh, Mr. Zwinkl. For what purpose does the gentleman rise?

Mr. ZWIKL. I would like to make some comments about the introduction of a bill.

The SPEAKER. The Chair recognizes the gentleman. The gentleman may proceed.

Mr. ZWIKL. Mr. Speaker, I will be introducing a bill today to provide a supplemental appropriation to the State System of Higher Education. I know many members of the House have been contacted by representatives in this system, and I will be leaving it at the desk for the remainder of the day for additional cosponsors. Thank you.

The SPEAKER. The Chair thanks the gentleman.

**CALENDAR CONTINUED
BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 728, PN 2482**, entitled:

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, further defining "superannuation or normal retirement age"; authorizing the board to establish the valuation interests used in actuaries' annual valuations; and further providing for a cost-of-living increase to annuitants and for certain investments by the board.

On the question,

Will the House agree to the bill on third consideration?

Mr. COWELL offered the following amendments No. A0417:

Amend Title, page 1, line 2, by inserting after "Statutes," reenacting the definition of "basic contribution rate";

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

Section 1. The definition of "basic contribution rate" in section 8102 of Title 24 of the Pennsylvania Consolidated Statutes, amended July 22, 1983 (P.L.104, No.31), is reenacted and the definitions of "superannuation or normal retirement age" and "valuation interest" in section 8102 are amended to read:

Amend Sec. 1 (Sec. 8102), page 1, by inserting between lines 17 and 18

"Basic contribution rate." The rate of 6 1/4%.

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

Section 7. The provisions of this act insofar as it relates to the reenactment of "basic contributions rate"; the amendment of "superannuation or normal retirement age" in section 1 and section 5 are nonseverable. If any provision of such sections or its application to any person or circumstances is held invalid, the remaining provisions or applications of those sections are void.

Amend Sec. 7, page 6, line 30, by striking out "7. (A) SECTION" and inserting

8. As much of section

Amend Sec. 7, page 6, line 30, by striking out "(SEC. 8102"

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

definitions of "basic contribution rate" and

Amend Sec. 7, page 7, line 1, by striking out the parenthesis after "AGE"

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Cowell.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, this is amendment A0417. I mention that because there were two similar amendments which were circulated. This was circulated just about an hour ago.

This amendment deals with that language in HB 728, or that section of the bill, that deals with the question of early retirement. What this amendment would do is provide for an increase of 1 percent in the employee's contribution rate, from 5 1/4 percent to 6 1/4 percent. What we are effectively

doing is reenacting something that we had approved last year but which is now being challenged in the courts and is probably going to be declared unconstitutional, because that increase at that time was not tied to any particular new benefit, and it is very likely that the courts are going to rule that that increase in the employee contribution rate was unconstitutional because it effectively changed the contractual provisions with the employee, providing for an increase in their rate but providing for no new benefit. What we are seeking to do with this amendment is to increase that rate from 5 1/4 to 6 1/4 percent and to do it in a constitutional way by specifically tying it to that language in HB 728 that would provide for early retirement; that is, retirement after 30 years of service by the school employee.

About halfway down the page of the amendment, there is language described as section 7. That language effectively creates a nonseverability clause for this language dealing with the rate increase and that language currently in the bill providing for early retirement after 30 years.

Mr. Speaker, I think everybody recognizes that if in fact we are going to provide for early retirement for school employees, we must be fiscally responsible and provide for a way to cover those additional costs. This amendment would assure that additional revenues would be realized and, in a constitutional fashion, ties those additional revenues specifically to this new or expanded benefit. I urge the adoption of the amendment.

The SPEAKER. The Chair thanks the gentleman.

On the Cowell amendment, the Chair recognizes the gentleman from Philadelphia, Mr. Rappaport.

Mr. RAPPAPORT. Thank you, Mr. Speaker.

First, I thank the Speaker for his kind permission to remove our jackets.

Secondly, will the gentleman stand for interrogation?

The SPEAKER. The Chair will ignore the first thanks and recognize the second question. The gentleman, Mr. Cowell, indicates he will stand for interrogation. The gentleman, Mr. Rappaport, without his jacket, is in order and may proceed.

Mr. RAPPAPORT. Mr. Speaker, could the gentleman inform us as to who is going to pay this additional 1 percent?

Mr. COWELL. The employee, the active employee, would pay the additional 1 percent.

Mr. RAPPAPORT. And if that active employee does not care to pay that 1 percent, will that employee therefore not have the right to retire early?

Mr. COWELL. The language in this amendment and the language that would be in this law would be that they would not have that kind of choice but in fact would pay the additional 1 percent.

Mr. RAPPAPORT. In other words, the gentleman's amendment would have the effect of saying to the employees, you will get this new right to retire early in exchange for another 1 percent.

Mr. COWELL. It says that public school employees would have the right to retire after 30 years of service, and in return, they would now in the future pay 6 1/4 percent of their wages rather than 5 1/4 percent, as currently is the case.

Mr. RAPPAPORT. Could the gentleman inform us how much money it will cost the Commonwealth or the retirement fund for these early retirements on an actuarial basis?

Mr. COWELL. Those figures are in an actuarial note that was circulated to all of the members. I do not have that figure handy, but I believe it was an estimated cost of about \$60 million. There was some question about the accuracy of that figure, because some folks tried to ascertain what kinds of savings would be achieved by school districts where they did have school employees taking advantage of the early retirement.

Mr. RAPPAPORT. That figure of \$60 million that was just given, Mr. Speaker, is that the annual payment for the next 20 years or is that the total cost on a present value basis to the retirement fund?

Mr. COWELL. Mr. Speaker, I believe the actuarial note which we all received indicated that that was the annual cost for the next several years. That was not the net cost or net savings; that was the annual cost up front. Then there was an attempt to calculate into that projected savings that would be accomplished by the school districts.

Mr. RAPPAPORT. Mr. Speaker, could the gentleman inform us as to how much money the extra 1 percent is going to bring in?

Mr. COWELL. \$36 million annually.

Mr. RAPPAPORT. In other words, by tying these together, we are going to get \$36 million in but it is going to cost the Commonwealth \$60 million per year.

Mr. COWELL. Mr. Speaker, if we do not tie them in, the only thing we are certain of is that this bill will cost the Commonwealth \$60 million a year and we will generate no particular additional revenues to pay for any portion of that \$60 million.

Mr. RAPPAPORT. Has the gentleman received any indication, Mr. Speaker, that indeed there will not be a lawsuit for taking away benefits by increasing this by 1 percent?

Mr. COWELL. Mr. Speaker, the gentleman himself is an attorney. I think he knows that some folks are prone to go into court and certainly have the right to do that. None of us could make any kind of guarantee on the floor of this House that there would not be a lawsuit.

Mr. RAPPAPORT. Has the gentleman been informed by any interested organizations that they agree to this and will not take it to court?

Mr. COWELL. Mr. Speaker, I have not checked with any particular organizations to see if they would agree to have their members pay. I would assume that interested organizations would prefer not to have their members pay. Our job, however, is not to check with those organizations to see what they want to do or do not want to do. Our job is to try to make sure that we have a fiscally responsible bill.

Mr. RAPPAPORT. Thank you, Mr. Speaker. I appreciate the gentleman's candor; however, it was not convincing, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question of adopting the Cowell amendment, the Chair recognizes the gentleman from Cumberland, Mr. Mowery.

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

The particular amendment that is being offered is probably an amendment that will help offset a cost that is going to be rather significant for the opportunity for our professional teachers to have a 30-and-out provision in their current retirement program.

I have checked, just as recently as a half hour ago, with the actuary who gave the \$60-million figure to try and come up with what assumptions were used in that particular \$60-million number. He has been unable to get back to me to tell me what the assumptions are, and I understand that I will not know that until tomorrow, which is a day late.

I really feel that there are advantages and disadvantages to this 30-year-out program. The advantages certainly rest with giving the teachers an opportunity to retire early and let young professionals come into the system. There are certainly cost savings to the school districts for at least a period of time if this were to occur. I feel, however, that until we know how many are going to take advantage of the 30-and-out and what the assumptions were that were used by the actuary, it seems to me that it is very proper that a contribution be made to offset this request.

We have been working, for the House's information, on trying to come up with an acceptable 30-and-out program. However, for whatever reasons, we have moved this bill up rather quickly, and therefore, our work was not completed. So I would only like to urge those members who question the need for the 1-percent increase to certainly go along and support this particular amendment.

The SPEAKER. The Chair thanks the gentleman.

On the Cowell amendment, the Chair recognizes the lady from Chester, Mrs. Taylor.

Mrs. TAYLOR. Mr. Speaker, may I interrogate Representative Cowell?

The SPEAKER. The gentleman, Mr. Cowell, indicates he will stand for interrogation by the lady. The lady is in order and may proceed.

Mrs. TAYLOR. Mr. Speaker, since this bill has two very important sections in it, I just would like you to clarify for the record which of the sections—and I am speaking of the early retirement versus the cost-of-living adjustment—does your amendment speak to?

Mr. COWELL. Mr. Speaker, this amendment speaks to the issue of, one, the contribution rate. Secondly, in terms of the nonseverability language that appears about halfway down the sheet—it is identified as section 7—it links nonseverability only to the early retirement language, so that if a court for any reason would rule that the increase in the contribution rate was inappropriate or unconstitutional, the only thing that would be affected would be the early-out. It would not touch any other sections of the legislation.

Mrs. TAYLOR. Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

On the question of the Cowell amendment, the Chair recognizes the gentleman from Lawrence, Mr. Pratt.

Mr. PRATT. Very briefly.

Based upon the maker of the amendment's explanation that if the increase in the contribution section were to become law and be struck down by the courts, that the early-out would also be voided, and even though I do support the concept of increasing the contribution, Mr. Speaker, I would have to oppose Mr. Cowell's amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Westmoreland, Mr. Hutchinson.

Mr. HUTCHINSON. Thank you very much.

I am very much against this amendment because there is a case now in the Supreme Court and nobody knows how they are going to rule. The nonseverability clause in his amendment will screw the whole works, and I would like everybody to vote in the negative.

The SPEAKER. There is one thing which the Chair admires most in the character of Amos Hutchinson - his very delicate subtlety.

The Chair recognizes, for the second time on the Cowell amendment, the gentleman from Cumberland, Mr. Mowery.

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

I would just like to clear the air in regard to this 1 percent as it relates to the 1 percent also that we passed at budget time last year.

One of the problems that the court is considering regarding the former passage of the 1-percent increase was the fact that we asked for more money from our teachers while at the same time not giving them any benefit for that money. Therefore, it would have the impact of "reducing" the benefits that they were now receiving. This particular amendment is tied to an increase in benefits. As a matter of fact, it will be a substantial increase in benefits to those who participate in the 30-and-out program.

I do not think that any of us here need to be concerned about the court's ruling in this particular situation. Remember, it is entirely different. It is tied to an increased benefit, whereas the former 1 percent was giving no benefit for that 1-percent increase. Thank you.

The SPEAKER. The Chair thanks the gentleman.

For the second time on the amendment, the Chair recognizes the maker of the amendment, Mr. Cowell.

Mr. COWELL. Mr. Speaker, I would only reiterate that if we are going to give a benefit away that is going to have substantial costs, it is absolutely phony for the members of this chamber or this legislature collectively not to provide for a means of paying for that new benefit.

Only last summer a majority in this legislature saw fit to provide for a 1-percent increase in the contribution rate without tying it to any particular new cost or new benefit, if you will, from the employee perspective. A majority thought that the additional revenue was needed even at that time. What we are saying with this amendment is that we can insure

that that increase is in fact constitutional if we tie it to the particular new benefit that is provided in this particular legislation, HB 728. That is an approach that is not deemed unreasonable by anybody who cares about responsible government or about the actuarial soundness of our pension programs, and it is not deemed to be unreasonable even by the employees themselves.

I would remind the members of this legislature who deem these things to be important that it was the House of Delegates of the Pennsylvania State Education Association just last year that acknowledged in formal action that it might be necessary in fact to contribute more than they have been contributing in the past, and it might in fact be necessary to contribute more to get the 30-and-out or the early retirement provision. Their position, however, was that they wanted to make sure that they did in fact get an additional substantial benefit if they were going to be asked to pay more. They sued the Commonwealth over last year's legislation because it was not tied to a benefit. This legislation would tie together the increased rate, the increased contribution, the increased revenues with a very substantial, lucrative, important benefit. I think that is reasonable; I think that is fiscally responsible, and I would hope that we would adopt the amendment today.

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—106

Afflerbach	Freind	Lloyd	Rieger
Armstrong	Fryer	McClatchy	Robbins
Battisto	Gallen	McHale	Rudy
Belardi	Gamble	McIntyre	Ryan
Beloff	Gannon	McVerry	Rybak
Blaum	Geist	Mackowski	Salvatore
Book	Gladeck	Madigan	Saurman
Broujos	Godshall	Mayernik	Scheetz
Bunt	Greenwood	Merry	Schuler
Burd	Grieco	Michlovic	Semmel
Cawley	Gruppo	Miller	Seventy
Cessar	Hagarty	Miscevich	Showers
Cimini	Haluska	Moehlmann	Sirianni
Cohen	Harper	Morris	Smith, B.
Cornell	Hasay	Mowery	Smith, L. E.
Cowell	Hayes	Mrkonic	Snyder, D. W.
Deluca	Herman	Murphy	Spencer
DeVerter	Hershey	Nahill	Spitz
Davies	Honaman	Noye	Swift
Dawida	Itkin	O'Brien	Taylor, E. Z.
Donatucci	Jackson	Perzel	Tigue
Duffy	Jarolin	Peterson	Truman
Fargo	Johnson	Phillips	Vroon
Flick	Kennedy	Pistella	Weston
Foster, W. W.	Klingaman	Pitts	Wilson
Foster, Jr., A.	Levi	Pott	Zwilk
Freeman	Levin		

NAYS—90

Alderette	Dietz	Lucyk	Stairs
Angstadt	Dininni	McCall	Steighner
Arty	Dombrowski	McMonagle	Stevens
Baldwin	Dorr	Manderino	Stewart
Barber	Durham	Manmiller	Stuban
Belfanti	Evans	Markosek	Sweet
Bowser	Fee	Micozzie	Taylor, F. E.
Boyes	Fischer	O'Donnell	Telek

Burns	Gallagher	Olasz	Van Horne
Caltagirone	George	Oliver	Wachob
Cappabianca	Gruitza	Petrarca	Wambach
Carn	Hoeffel	Piccola	Wargo
Civera	Hutchinson	Pievsky	Wass
Clark	Kasunic	Pratt	Wiggins
Clymer	Kosinski	Preston	Williams
Colafella	Kukovich	Punt	Wogan
Cole	Lashingner	Rappaport	Wozniak
Cordisco	Laughlin	Reber	Wright, D. R.
Coslett	Lehr	Reinard	Wright, J. L.
Coy	Lescovitz	Richardson	Wright, R. C.
DeWeese	Letterman	Saloom	
Daley	Linton	Serafini	Iris,
Deal	Livengood	Snyder, G. M.	Speaker

NOT VOTING—3

Fattah	Maiale	Petrone
		EXCUSED—4

Brandt	Kowalyshyn	Marmion	Trello
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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. BROUJOS offered the following amendments No. A0380:

Amend Title, page 1, lines 2 and 3, by striking out "FURTHER DEFINING "SUPERANNUATION OR NORMAL RETIREMENT AGE";"

Amend Title, page 1, line 5, by inserting a period after "annuitants"

Amend Title, page 1, line 6, by striking out all of said line

Amend Bill, page 1, lines 9 through 18; pages 2 through 6, line 1 through 30; and page 7, lines 1 through 3, by striking out all of said lines on said pages and inserting

Section 1. The definition of "valuation interest" in section 8102 of Title 24 of the Pennsylvania Consolidated Statutes, amended July 22, 1983 (P.L.104, No.31), is amended to read:

§ 8102. Definitions.

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

"Valuation interest." [Interest at 5 1/2% per annum, compounded annually and applied to all accounts other than the members' savings account.] Interest at such percentage rate to be compounded annually as adopted from time to time by the board under the advice of the actuary taking into consideration the actual interest earnings of the system for preceding years and the probable earnings of the system in the future.

Section 2. Section 8328(b) and (d) of Title 24 are amended to read:

§ 8328. Actuarial cost method.

(b) Normal contribution rate.—The normal contribution rate shall be determined after each actuarial valuation. Until all accrued liability contributions have been completed, the normal contribution rate shall be determined, on the basis of [an annual 5 1/2%] the valuation interest rate and such mortality and other tables as shall be adopted by the board, as a level percentage of the compensation of the average new active member, which percentage, if contributed on the basis of his prospective compensation through the entire period of active school service, would be sufficient to fund the liability for any prospective benefit payable

to him, in excess of that portion funded by his prospective member contributions. After all accrued liability contributions have been completed, the normal contribution rate shall be determined by deducting from the present value of the liabilities for all prospective benefits of active members, the sum of the total assets in the fund on the valuation date, excluding the balance in the annuity reserve account, and the present value of prospective member contributions, and dividing the remainder by the present value of the future compensation of all active members.

(d) Supplemental annuity contribution rate.—Contributions from the Commonwealth and other employers required to provide for the payment of supplemental annuities to annuitants as provided in section 8348 (relating to supplemental annuities) shall be determined as a percentage of the total compensation of all active members during the period for which the amount is certified as sufficient to fund the liabilities of the supplemental retirement allowance account as a level percentage over a period of 30 years from July 1, 1967. In the event that annuities are increased by legislation enacted subsequent to July 1, 1974, the additional liability for the increase in benefits to annuitants shall be funded similarly as a level percentage over a period of 20 years from the first day of July coincident with or next following the effective date of such legislation. Notwithstanding the foregoing, the additional liability on account of any increase in annuities which is effective July 1, 1979 shall be funded by level annual payments over a period of 20 years beginning July 1, 1980 and the additional liability on account of any increase in annuities which is effective July 1, 1983 shall be funded by level annual payments over a period of 20 years beginning July 1, 1983.

Section 3. Title 24 is amended by adding a section to read:
 § 8348.1. Additional supplemental annuities.

(a) General rule.—Every annuitant who has received a superannuation, withdrawal or disability annuity shall continue to receive the annuity and, beginning July 1, 1983, any annuitant who retired on or prior to July 1, 1982 shall receive a cost-of-living supplement determined as a percentage applied to the retirement annuity as of December 31, 1982. The cost-of-living supplement shall be payable under the same terms and conditions as provided under the option plan in effect as of December 31, 1982.

(b) Cost-of-living adjustment factors.—The percentage which is to be applied in the determination of the cost-of-living supplements shall be determined on the basis of the effective date of retirement payable on the first \$15,000 of annuity received per year. Included in the amount of the annuity for this purpose shall be any other supplements previously authorized. The applicable percentage factors are:

Effective date of retirement	Percentage factor
After July 1, 1981 through July 1, 1982	3%
After July 1, 1980 through July 1, 1981	8%
After July 1, 1979 through July 1, 1980	15%
After July 1, 1978 through July 1, 1979	21%
On or prior to July 1, 1978	24%

Section 4. Section 8521(b) of Title 24 is amended to read:
 § 8521. Management of fund and accounts.

(b) Crediting of interest.—The board annually shall allow statutory interest to the credit of the members' savings account on the mean amount of the accumulated deductions of all members for whom interest is payable for the preceding year and valuation interest on the mean amount of the annuity reserve account for the preceding year to the credit of that account. The board annually shall allow valuation interest calculated on the mean amount for the preceding year of the balance in the State accumulation account excluding any earnings of the fund credited to the account during that year. In the event the total

earnings for the year do not exceed [5 1/2%] that percentage of the mean amount for the preceding year of the total assets of the fund less earnings credited to the fund during that year plus the administrative expenses of the board represented by interest at the valuation rate, the difference required to be appropriated from the General Fund shall be credited to the State accumulation account.

Section 5. This act shall take effect July 1, 1984.

On the question,

Will the House agree to the amendments?

The SPEAKER. On the question, the Chair now recognizes the gentleman from Cumberland, Mr. Broujos.

Mr. BROUJOS. Mr. Speaker, HB 728 originally provided for a cost-of-living increase for teachers. HB 382 provided for a reduction from 35 to 30 of the age for voluntary retirement. Although they are both related to retirement, they are different, in philosophy, in questions, in policy, in objectives. They should be discussed separately and voted on separately, and I ask for an affirmative vote on this amendment. The amendment is intended to extract from HB 728 the provisions of the original HB 382 providing for 30-and-out, and that is all it does.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Somerset, Mr. Lloyd, on the Broujos amendment.

Mr. LLOYD. Thank you, Mr. Speaker.

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

Mr. BROUJOS. Yes, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Broujos, indicates that he will stand for interrogation. He will so stand, and the gentleman, Mr. Lloyd, is in order and may proceed.

Mr. LLOYD. Mr. Speaker, in the explanation of this amendment, it was stated that all this amendment does is to take the 30-and-out section out of the bill. However, as I read the amendment, it appears also to take out the venture capital language. I am wondering, Mr. Speaker, if the maker of the amendment would explain whether my understanding of the amendment is correct.

Mr. BROUJOS. Well, I did not hear everything you said, but it is intended to remove that portion of HB 728 which contains the reduction from 35 to 30 of the voluntary age for retirement.

Mr. LLOYD. Well, Mr. Speaker, I am correct though that it also removes the language which would authorize the venture capital investments, am I not?

Mr. BROUJOS. The Cowell amendment or—

Mr. LLOYD. No. Your amendment, Mr. Speaker.

Mr. BROUJOS. Does what? I cannot understand your question.

Mr. LLOYD. Your amendment guts the bill and puts back into the bill the COLA (cost-of-living adjustment) and the change in the interest rate assumption, but it does not appear to put back into the bill the venture capital mechanism.

Mr. BROUJOS. It may not be in there. I do not know whether HB 728 still has the venture capital.

Mr. LLOYD. Well, it did before your amendment, and if your amendment passes, Mr. Speaker, I do not believe that it would.

Mr. BROUJOS. Well, I do not think it takes it out. I do not see that it takes it out.

Mr. LLOYD. Mr. Speaker, may I be recognized on the amendment?

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

Mr. LLOYD. Mr. Speaker, as I understand the amendment, if it is A0380, it guts the bill and puts certain things back in, and everything which is put back in is printed on those four pages of the amendment, and I see nothing there which puts back in the venture capital language. And so it seems to me that this amendment does not just take the 30-and-out provision out of this bill, but it also takes out the venture capital. Since I think the venture capital idea is an idea whose time has come, and the Governor endorsed that yesterday, for that reason I would oppose the amendment.

The SPEAKER. The Chair thanks the gentleman.

On the Broujos amendment, the Chair recognizes the gentleman from Lawrence, Mr. Pratt.

Mr. PRATT. Thank you, Mr. Speaker.

I agree 100 percent with the previous speaker. The amendment does in fact strike the venture capital provisions, and for that reason alone I would urge this House to vote down the amendment. 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—7

Broujos	McClatchy	Rieger	Vroon
Fryer	McIntyre	Scheetz	

NAYS—191

Afflerbach	Evans	Linton	Robbins
Alderette	Fargo	Livengood	Rudy
Angstadt	Fattah	Lloyd	Ryan
Armstrong	Fee	Lucyk	Rybak
Arty	Fischer	McCall	Saloom
Baldwin	Flick	McHale	Salvatore
Barber	Foster, W. W.	McMonagle	Saurman
Battisto	Foster, Jr., A.	McVerry	Schuler
Belardi	Freeman	Mackowski	Semmel
Belfanti	Freind	Madigan	Serafini
Beloff	Gallagher	Maiale	Seventy
Blaum	Gallen	Manderino	Showers
Book	Gamble	Manmiller	Sirianni
Bowser	Gannon	Markosek	Smith, B.
Boyes	Geist	Mayernik	Smith, L. E.
Bunt	George	Merry	Snyder, D. W.
Burd	Gladeck	Michlovic	Snyder, G. M.
Burns	Godshall	Micoozie	Spencer
Caltagirone	Greenwood	Miller	Spitz
Cappabianca	Grieco	Miscevich	Stairs
Carn	Gruitza	Moehlmann	Steighner
Cawley	Gruppo	Morris	Stevens
Cessar	Hagarty	Mowery	Stewart
Cimini	Haluska	Mrkonic	Stuban
Civera	Harper	Murphy	Sweet
Clark	Hasay	Nahill	Swift
Clymer	Hayes	Noye	Taylor, E. Z.
Cohen	Herman	O'Brien	Taylor, F. E.

Colafella	Hershey	O'Donnell	Telek
Cole	Hoefel	Olasz	Tigue
Cordisco	Honaman	Oliver	Truman
Cornell	Hutchinson	Perzel	Van Horne
Coslett	Itkin	Peterson	Wachob
Cowell	Jackson	Petrarca	Wambach
Coy	Jarolin	Petrone	Wargo
Deluca	Johnson	Phillips	Wass
DeVerter	Kasunic	Piccola	Weston
DeWeese	Kennedy	Pievsky	Wiggins
Daley	Klingaman	Pistella	Williams
Davies	Kosinski	Pitts	Wogan
Dawida	Kukovich	Pott	Wozniak
Deal	Lashingier	Pratt	Wright, D. R.
Dietz	Laughlin	Preston	Wright, J. L.
Dininni	Lehr	Punt	Wright, R. C.
Dombrowski	Lescovitz	Rappaport	Zwikl
Donatucci	Letterman	Reber	
Dorr	Levi	Reinard	Irvis,
Duffy	Levin	Richardson	Speaker
Durham			

NOT VOTING—1

Wilson

EXCUSED—4

Brandt	Kowalshyn	Marmion	Trello
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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?

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, just as you called the bill up on final passage, I was talking to Mr. Mowery, who I know intended to debate the bill on final passage.

The SPEAKER. I apologize. I did not see the gentleman, Mr. Mowery.

On final passage, the Chair recognizes the gentleman from Cumberland, Mr. Mowery.

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

I stand here with mixed emotions in making my comments, but I feel it is very proper that I do so. I have had the opportunity in the past couple of years to serve on the Pension Study Commission that was passed and created by the vote of this House, and there are a couple of parts to the bill that I would like to go on record for for the benefit of everybody here, particularly on page 6, section 6.

Whoever prepared this bill saw fit to put in that this would not need the actuarial work done by the Study Commission. I would like to clear the air that this is not circumventing the Study Commission as it was designed, because this bill is made up, as you know, of three parts. The first is a cost-of-living portion, the other is the 30-and-out, and both those bills independently, before being combined into this one bill, were given actuarial notes. So there was no need, obviously, to get another one at this point in time when the chairman and the leadership were already aware of the cost.

As far as the cost is concerned on the part of HB 728 that relates to the cost-of-living increase for retirees, I would just like to comment that I am very much in favor of giving a cost-of-living increase, particularly to those who have been retired for many years and who are certainly on very meager pensions.

One of the areas, however, that I am disappointed in is that we have been working on a committee to try and come up with a responsible cost-of-living program for these retirees. This plan as it is now written will cost \$69 million a year for the retirees; the teachers alone, \$69 million. This will be over a period of 20 years, not a 1-year cost. In addition to that, as we all know, there will shortly be coming another bill to give the same increase to the State employees. That has an actuarial note of \$31 million. So by the passage of this bill, we are talking about a potential \$100 million for COLA's for our employees.

I would only like to make an observation that I cannot in good conscience vote for that, because I am concerned about what will happen as far as their perception is concerned. They will think that they will be receiving a cost-of-living increase along this line of expenditure and benefit. You know the Governor's budget allowed some \$42 million for this purpose, and I feel it is wrong to vote something through and give the expectations of these kinds of benefits when we know that, probably, they will not be received. You know, it is almost like the mortgage foreclosure bill that we voted some time ago and did not properly fund. And when you looked at the television and saw the banks of girls receiving phone calls for help and having to say we did not have the money yet, I think is deceitful and wrong, and I do not feel that in this regard we are doing the right thing, even though maybe it will be corrected in the Senate.

As far as the other part of the bill is concerned, the area that relates to the investment, a venture capital out of the pension funds of approximately 1 percent given 3 years in which to accomplish this goal, I really have no problems with that. I think the economic conditions of Pennsylvania are such that we have to look for sources of money to help build business and to allow people to be highly employed, and for that reason, I think this portion of the bill is okay, and I think it will do a lot to help get people back to work again in Pennsylvania.

Finally, as far as the 30-and-out is concerned, I think that that, too, has many merits. Unfortunately, the work that has been done by us to try and make this happen was short-circuited by, again, bringing this bill up for an early vote. So I would just like to say that as far as my own particular situation goes, I am in favor of this entire bill, just not in the way it has been put together and the benefits at this time that are provided in an affordable fashion that you and I both know is so important to making it really happen as part of legislation for these people. Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On final passage, the Chair recognizes the gentleman from Cumberland, Mr. Kennedy.

Mr. KENNEDY. Thank you, Mr. Speaker.

I stand in support of my senior member of the Cumberland County delegation on a couple of points. Number one, I was not here in 1970 when we had, I am told, about \$700 million in our UC (Unemployment Compensation) Fund, and 9 years later we are \$1,300,000,000 in the hole. I just caution you that I believe the philosophy along those 7 or 8 years was, let us tap from the excess moneys we have and fund welfare and other programs.

I caution you on the philosophy and the expectations of this proposal. What we are doing is falling into a trap as the Federal Government has. I will only speak for 60 seconds, but I will remind you that the Federal Pension Fund that has the built-in COLA's, for every 60 seconds that the clock ticks in America, that fund sinks \$70,000 in the hole. That is \$70,000 per minute. It is the largest internal financial drain on our Federal Treasury. So what we are doing here now is establishing the expectation for the retirees that they will be taken care of. If this State gets in worse financial stead, they will still have a built-in cost to the taxpayers of over \$2 billion in 20 years.

There are a lot of provisions within the bill, if you strip them out individually and address them in separate pieces of legislation, that John Kennedy could support. But as you package it together, I, like my colleague, Mr. Mowery, who in fact— And I remind you, and I ask you to listen to this: This is a highly political vote. We all know that, but I challenge any member in this House to check their record to see if anyone has any more existing State employees, retired State employees, and potentially retired State employees within their legislative district. So what we are telling the people who vote for us—some do and some do not—is that we are asking you to understand why we both are taking individual positions and collective positions.

I saw a lot of green lights on the board and only one red one. We probably will have three on final passage, but I am just warning and trying to remind you that I hope that 8 or 9 years from now some soul from Clarion or Pittsburgh sitting in this House does not say the same thing I just said with regard to the old UC Fund. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On final passage, the Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, I would like to interrogate someone with respect to the fiscal implications of the bill, and I do not really know whom to ask.

The SPEAKER. Mr. Pratt is the prime sponsor. Will he stand for interrogation? Mr. Pratt indicates he will stand for interrogation. The minority leader is in order and may proceed.

Mr. RYAN. Thank you, Mr. Speaker.

Mr. Speaker, I am sure some of this has been mentioned, but I would like it reviewed. What is the fiscal impact on the Commonwealth with the bill as introduced today and as unamended by Mr. Cowell?

Mr. PRATT. Mr. Speaker, I believe it is approximately \$60 million annually over a period of 20 years.

Mr. RYAN. And what fiscal implications are attached to the local school districts with this bill as unamended?

Mr. PRATT. As I understand it, Mr. Speaker, it is 50-50, approximately.

Mr. RYAN. Is it 50-50 of the \$60 million or is it \$60 million and \$60 million?

Mr. PRATT. No. It is approximately \$35 million State and the remainder local.

Mr. RYAN. It is \$35 million to the State and some \$25 million to the local school districts?

Mr. PRATT. That is correct, Mr. Speaker.

Mr. RYAN. As a result of the Cowell amendment, which has a requirement of an additional contribution of 1 point on the teacher contribution end of it, how does that affect the net revenues to the fund? I do not know if I have stated that question correctly.

Mr. PRATT. Mr. Speaker, you are asking with the Cowell amendment, how does that affect the fiscal impact of the COLA?

Mr. RYAN. Yes.

My understanding, Mr. Speaker, is, from your explanation, prior to the Cowell amendment the bill would cost the State \$35 million, plus or minus; it would cost the school districts \$25 million, plus or minus a little bit. Now, Mr. Cowell has put in an amendment that is going to bring additional revenues into the fund. My question to you is, how much money is going to come into the fund by reason of the Cowell amendment?

Mr. PRATT. Could I have a minute, Mr. Speaker?

The SPEAKER. Certainly.

Mr. RYAN. Mr. Speaker, if Mr. Pratt would listen to me for a moment, I believe I very well may have misled him.

It is my understanding, Mr. Speaker, that today the 1 percent that was enacted last year, which is now under attack, so to speak, in the courts, brings in approximately \$30 million.

Mr. PRATT. About \$36 million.

Mr. RYAN. Thirty-six million dollars.

I happen to believe that that court suit will be won by the teachers and that \$35 million is going to disappear. Is the net result, assuming that the amendment of Mr. Cowell's sticks and is not found to be unconstitutional in some way, is it your statement that the net cost to the Commonwealth of this bill, with the Cowell amendment in it, is \$35 million? The Commonwealth now, not the school districts.

Mr. PRATT. It would be \$35 million less \$18 million or one-half of what would be saved with the Cowell amendment. The other half would be saved by the school district, as I understand it.

Mr. RYAN. Are you saying then that the net cost is \$18 million a year?

The SPEAKER. Is the gentleman, Mr. Pratt, ready to try and answer the question?

The gentleman, Mr. Ryan, the gentleman, Mr. Pratt, is now going to answer the question or attempt to answer the question for you.

Mr. PRATT. Mr. Speaker, if we can segregate two cost factors here, one which would be for the COLA, the cost-of-living increase; the other would be the early-out provision. If we are talking about solely the COLA, the cost-of-living increase, that would cost approximately \$69 million annually for 20 years, amortised over 20 years. Now, the Cowell amendment would deduct from that figure \$36 million for the early-out. So you would have no net decrease for the COLA with the Cowell amendment.

Mr. RYAN. The information I have—and I am not so sure that I am interpreting it properly—is that COLA costs approximately \$70 million, \$69.5 million.

Mr. PRATT. Right.

Mr. RYAN. Early retirement costs \$64.5 million.

Mr. PRATT. Sixty million, we think.

Mr. RYAN. All right. For approximately \$130 million to \$134 million grand total.

Mr. PRATT. About \$130 million. Right.

Mr. RYAN. Now, take me from that \$130 million or \$135 million down to where you said that the State was only going to have to pay out some \$30 million or \$35 million. This is where I am losing you.

Mr. PRATT. Mr. Speaker, could I yield to the expert on this, Representative Cowell?

The SPEAKER. The gentleman may certainly yield and does yield to the gentleman, Mr. Cowell.

Mr. COWELL. Mr. Speaker, I am not an expert on this, but I will just share the numbers we were working with.

You have to segregate two costs that were in this bill. One is the COLA cost, which was \$69.5 million. That stays at \$69.5 million after my amendment. The other cost was approximately \$60 million as a cost of the early retirement, and that new cost of \$60 million was to be shared equally by the two sides on the employers side of the equation, the State and the school districts, so they would each pick up about \$30 million of that \$60 million. The amendment that I offered would pull into the fund from another source - the employees - \$36 million.

Mr. RYAN. Stop.

That \$36 million that you are making reference to that you would pull into the fund, we are already getting into the fund now. Your amendment simply assures us that we will continue to get it, as I understand it.

Mr. COWELL. I am told that that money, in fact, is not in the fund. It has been my understanding that the court has stayed that. In any event, you and I agreed about 3 minutes ago that we both believed that the court is going to throw out that increase and that in fact we will lose it. The purpose of my amendment was to make sure that we can keep it and keep it by tying it to a specific benefit.

So I guess the debate at this point is whether that \$36 million that is generated by this 1-percent increase should be deemed to be new money or something we are already getting as a result of the law we passed a year ago. We can debate that back and forth, but as long as we both understand, that is that extra 1 percent between 5 1/4 percent and 6 1/4 percent. That is where that \$36 million comes from.

Mr. RYAN. All right. Mr. Speaker, granted that the 1-percent increase that we put on our teachers last year is in issue, it is my understanding that we are still collecting that money. It is my understanding that the fiscal notes all reflect that we are collecting that money and that the effect of your amendment is simply to assure all of us that that 1 percent will continue to come in. So it is not new money that should be deducted from the total cost. Now, am I wrong about that?

Mr. COWELL. Well, that is one way of interpreting it. The other way that we interpret it is to start from the assumption that we are going to lose that source of revenue, that the court is going to throw that out, and that that source of revenue is not going to be available in future years.

Mr. RYAN. I am told, Mr. Speaker, that if we go on the assumption that we never put the 1 percent on last year, or that the court had already knocked it out, that the numbers we should be working from would be \$69.5 million for COLA—

Mr. COWELL. Right.

Mr. RYAN. —and \$96 million—

Mr. COWELL. That is inaccurate.

Mr. RYAN. That is inaccurate.

Mr. COWELL. That is inaccurate.

Mr. RYAN. Mr. Speaker, could I have a moment to have a sidebar so we could really get the experts talking for a moment?

The SPEAKER. The House will stand at ease.

WELCOME

The SPEAKER. The Chair is glad to welcome to the hall of the House Timothy Polka, Bill Wacker, and Howard Mumma. They are with United States Steel in Vandergrift and belong to Local 1346. They are here as the guests of the gentleman, Mr. Petrarca. They are in the balcony, and we welcome them to the hall of the House.

COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Franklin, Mr. Coy, who wishes to make an announcement of a meeting.

Mr. COY. Mr. Speaker, thank you.

The committee appointed by you pursuant to HR 169 to study the avian influenza problem will meet next Wednesday morning, February 15, at 9:30 a.m.

The SPEAKER. The Chair thanks the gentleman.

The House will stand at ease.

CONSIDERATION OF HB 728 CONTINUED

The SPEAKER. The House will return to order.

The Chair recognizes the minority leader. What hath the conference of experts wrought?

Mr. RYAN. Mr. Speaker, do not ask me to explain how they got to the number, but I think when we broke we agreed that the numbers that Mr. Pratt should have given me were

approximately \$50 million it will cost the State and \$50 million it will cost local school districts. To be perfectly honest, I believe it was \$49 million or \$48 million, but it was approaching \$50 million for both the school districts' contribution and the State's contribution. It was an \$18-million number that was on both sides of that equation that we subtracted, and I really do not know yet why, because at one point I thought we had an agreement that it was going to cost us each \$68 million.

This bill is going to pass; you know it and I know it. I think it is passing in a state of confusion, and I do not like that. I really do not believe anyone knows what it is going to cost, although we can generalize that it is somewhere between \$35 million and \$70 million to the State, \$35 million to \$70 million to the school districts.

Anyone who votes against this is politically stupid. I am politically stupid and I am voting "no," but I am not encouraging anyone to join with me. I believe that there should be a cost-of-living increase. The Governor proposed it; I do not quite understand yet that proposal. Like Mr. Mowery, I believe there will be a cost-of-living increase for our retirees. The 30-and-out, honestly, Mr. Speaker, I do not understand enough of the fiscal implications of that bill. I am told that a lot of teachers will retire early, which is going to save our school districts a lot of money. It seems to me we opened the window here 1 year or 2 years ago and we allowed some early-out with teachers, and I have not had an opportunity to find out just how cost effective that was. There is some suggestion that it was not cost effective at all, but I do not know that.

I think my "no" vote, Mr. Speaker, is really one in lieu of a motion to hold this bill over so that we can get the information we want. I agree, the funds should be made available for venture capital. I agree, there should be a cost-of-living increase. I am not sure whether I agree there should or should not be a 30-and-out provision, because I honestly do not understand that right now. I am voting "no" and I am saying to my members, you are probably foolish if you follow me because it would be a politically dumb thing to do. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Speaker is well aware that the learned gentleman is neither politically nor personally stupid, so we will not agree that his vote negative indicates any part of stupidity, whether it be personal or political.

Mr. MANDERINO. That is your story.

The SPEAKER. All dissents will be noted.

On final passage, the Chair recognizes the gentleman from Allegheny, Mr. Cowell.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, just to clarify a couple of points. First of all, I think there are very few experts in this House on insurance and even fewer on pensions, if we have any experts on pensions. Those confusing numbers that we have been wrestling with did not come from members of this House nor even from staff members. They came from the actuarial experts, the actuaries who are employed to come up with numbers and to

advise us with respect to these things, because they do have the expertise. Those are the numbers that we have been working with.

I think that Representative Ryan was on target when he used those numbers of \$48 million in terms of net cost to each the State and to the school district after consideration of the Cowell amendment, which this legislature approved earlier. The impact of that amendment was to save money for the State and to save money for the school district, because the employer share of the pension costs are shared equally by the State and by the school entity, the school district in this case. And so that \$36 million was saved equally by the State and by the school districts, and that is where the \$18-million figure came from. It was a savings of \$18 million to each the State and the school district. I think that we acted responsibly by addressing at least part of the cost of this legislation by enacting that amendment. It does in fact save the school districts and the Commonwealth money. Basically, bottom line, we are talking about estimated from the actuaries, not from us, not from staff, estimated annual additional costs for all the provisions of this bill totaling about \$48 million for the State and about \$48 million for the school districts.

The SPEAKER. The Chair thanks the gentleman.

On final passage, the Chair recognizes the gentleman from Montgomery, Mr. McClatchy.

Mr. McCLATCHY. Mr. Speaker, I would just reiterate the minority leader's position. I second it. My figures are a combined State and local cost for the 30-and-out at 65 and for retired teachers at 70. I, too, agree that retired teachers do deserve an increase in their pensions, but I think this is more than what the State can afford.

Thirdly, I think we should point out that the venture capital provision in this bill is different than the Governor's program. The Governor's program says we may, as our pension bodies, we may invest from 1 to 2 percent in venture capital. This bill mandates 1 percent and it permits going up to 2 percent.

Mr. Speaker, I would point out that venture capital is risk capital, and what you are doing is putting people's retirement money into risk capital. I think that is wrong, especially wrong if we mandate it that we shall do it. I think if we let the pension systems do a "may" provision, then I think that is a little bit more equitable.

Mr. Speaker, I am going to vote "no" on this bill.

The SPEAKER. The Chair thanks the gentleman.

On final passage, the Chair recognizes the gentleman from Jefferson, Mr. Smith.

Mr. L. E. SMITH. Mr. Speaker, I rise to request an interrogation of Representative Cowell.

The SPEAKER. Is the gentleman, Mr. Cowell, willing to stand for interrogation? He indicates that he is. The gentleman, Mr. Smith, is in order and may proceed.

Mr. L. E. SMITH. Mr. Speaker, in making your estimate or consulting with the actuaries who did, with regard to the 30-and-out, it is my understanding that that figure was done on a worst-case basis. Can you tell us if that is true or not?

Mr. COWELL. Mr. Speaker, I assume that it was done on a worst-case basis. I have been told that it was. I would indicate further that we discussed a \$48-million figure as a cost to the State and to the local school districts. That does not take into consideration savings that will be realized by school districts as a result of the early retirement. So in fact their net cost will probably be less than \$48 million a year. I do not want to begin to guess how many teachers will take advantage of the early retirement. So the worst possible scenario is, I guess, \$48 million, or roughly \$48 million.

Mr. L. E. SMITH. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On final passage, the Chair recognizes the gentleman from Philadelphia, Mr. Rappaport.

Mr. RAPPAPORT. Mr. Speaker, I would like to speak to the venture capital aspects of this bill, which are quite important. The House is confronted with this issue now with regard to the Public School Employes' Retirement Fund, and we will be having legislation involving our own retirement fund, the State Employes' Retirement Fund, in the near future for the same purpose. As the House knows, Representative Freind and myself sit on that board representing this House.

The maximum that can be invested in this venture capital is 2 percent of the assets of the funds. Now, that sounds like a lot of dollars when we talk about \$100 million or \$200 million, but the assets of the State Employes' Retirement Fund are in excess of \$4 billion. I might add that under the stewardship of Representative Freind and myself, these assets in the last 26 months have increased from \$2.9 billion to well over \$4 billion, for which we take a lot of credit. A fiduciary—and we are fiduciaries—can invest a small percentage of the assets of a trust, particularly one of this size, in venture capital; that is, to look for a hit for a large return, and that is what we are doing. As a fiduciary, as your fiduciary, I would not agree to invest any more.

This legislation is needed because of an obscure provision in the Pennsylvania Constitution which has been interpreted even more obscurely by the State Attorney General, and therefore, this language is in there merely to allow us to put this money into MILRITE (Make Industry and Labor Right in Today's Economy). I think it is a good investment, as speculation. We are speculating, but we are speculating with 2 percent, and that is reasonable and responsible in terms of the size of this fund. Therefore, I intend to vote for this, and I think it is a good idea. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,
Shall the bill pass finally?

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

YEAS—192

Afflerbach	Durham	Livengood	Robbins
Alderette	Evans	Lloyd	Rudy
Angstadt	Fargo	Lucyk	Rybak
Armstrong	Fattah	McCall	Saloom
Arty	Fee	McHale	Salvatore
Baldwin	Fischer	McIntyre	Saurman
Barber	Foster, W. W.	McMonagle	Schuler

Battisto	Foster, Jr., A.	McVerry	Semmel
Belardi	Freeman	Mackowski	Serafini
Belfanti	Freind	Madigan	Seventy
Beloff	Fryer	Maiale	Showers
Blaum	Gallagher	Manderino	Sirianni
Book	Gallen	Manmiller	Smith, B.
Bowser	Gamble	Markosek	Smith, L. E.
Boyes	Gannon	Mayernik	Snyder, D. W.
Broujos	Geist	Merry	Snyder, G. M.
Bunt	George	Michlovic	Spencer
Burd	Gladeck	Micozzie	Stairs
Burns	Godshall	Miller	Steighner
Caltagirone	Greenwood	Miscevich	Stevens
Cappabianca	Grieco	Moehlmann	Stewart
Carn	Gruiza	Morris	Stuban
Cawley	Gruppo	Mrkonic	Sweet
Cessar	Hagarty	Murphy	Swift
Cimini	Haluska	Nahill	Taylor, E. Z.
Civera	Harper	Noye	Taylor, F. E.
Clark	Hasay	O'Brien	Telek
Clymer	Hayes	O'Donnell	Tigue
Cohen	Herman	Olasz	Truman
Colafella	Hershey	Oliver	Van Horne
Cole	Hoefel	Perzel	Vroon
Cordisco	Honaman	Peterson	Wachob
Cornell	Hutchinson	Petrarca	Wambach
Coslett	Itkin	Petrone	Wargo
Cowell	Jackson	Phillips	Wass
Coy	Jarolin	Piccola	Weston
Deluca	Johnson	Pievsky	Wiggins
DeVerter	Kasunic	Pistella	Williams
DeWeese	Klingaman	Pitts	Wilson
Daley	Kosinski	Pott	Wogan
Davies	Kukovich	Pratt	Wozniak
Dawida	Lashinger	Preston	Wright, D. R.
Deal	Laughlin	Punt	Wright, J. L.
Dietz	Lehr	Rappaport	Wright, R. C.
Dininni	Lescovitz	Reber	Zwinkl
Dombrowski	Letterman	Reinard	
Donatucci	Levi	Richardson	Irvis,
Dorr	Levin	Rieger	Speaker
Duffy	Linton		

NAYS—6

Flick	McClatchy	Ryan	Scheetz
Kennedy	Mowery		

NOT VOTING—1

Spitz

EXCUSED—4

Brandt	Kowalyszyn	Marmion	Trello
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

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

BILL SIGNED BY SPEAKER

The Chair gave notice that he was about to sign the following bill, which was then signed:

SB 300, PN 1704

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further defining "local authorities" to include airport authorities which are not located within counties of the first class or counties of the second class; further providing for financial responsibility; providing for notice relating to chemical tests and driving under the influence; further providing for motor

carriers road tax identification markers and axle tax; and making repeals.

**HOUSE BILLS
INTRODUCED AND REFERRED**

No. 1919 By Representative PIEVSKY

An Act making appropriations from a restricted revenue account within the General Fund and from Federal augmentation funds to the Public Utility Commission.

Referred to Committee on APPROPRIATIONS, February 8, 1984.

No. 1920 By Representative PIEVSKY

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Consumer Advocate.

Referred to Committee on APPROPRIATIONS, February 8, 1984.

MR. FRYER REQUESTED TO PRESIDE

The SPEAKER. The Speaker turns the gavel over to the Speaker pro tem for the balance of this session.

**THE SPEAKER PRO TEMPORE
(LESTER K. FRYER) IN THE CHAIR**

**BILLS ON THIRD
CONSIDERATION CONTINUED**

The House proceeded to third consideration of **HB 1181, PN 1791**, entitled:

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), providing for mandatory programs; providing for education assessment testing as a prerequisite for receipt of diploma; and making editorial changes.

On the question,

Will the House agree to the bill on third consideration?

Mrs. HARPER offered the following amendments No. A0401:

Amend Title, page 1, lines 6 and 7, by striking out "as a prerequisite for receipt of diploma"

Amend Sec. 3 (Sec. 1511.1), page 5, lines 9 and 10, by striking out "Prerequisite for Receipt of Diploma"

Amend Sec. 3 (Sec. 1511.1), page 5, lines 22 and 23, by striking out "EIGHTH AND ELEVENTH" and inserting and eighth

Amend Sec. 3 (Sec 1511.1), page 5, line 27, by striking out "EIGHTH AND ELEVENTH" and inserting and eighth

Amend Sec. 3 (Sec. 1511.1), page 6, lines 27 through 30; page 7, lines 1 through 17, by striking out all of lines 27 through 30 on page 6, all of lines 1 through 16 and "(d)" in line 17 on page 7 and inserting

(c)

Amend Sec. 3 (Sec. 1511.1), page 7, line 18, by striking out "eighth and eleventh" and inserting and eighth

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

The SPEAKER pro tempore. The Chair recognizes the lady from Philadelphia, Mrs. Harper.

Mrs. HARPER. Thank you, Mr. Speaker.

Mr. Speaker, my amendment to HB 1181 removes the 11th grade test as a prerequisite for receipt of a high school diploma and makes editorial changes in the bill to reflect the elimination of the 11th grade competency test. I agree with the testing for remediation purposes at second, fifth, and eighth grades. Based on the Florida experience and the court suits which followed, I do not believe Pennsylvania should attempt to place into law a competency test for graduation in Pennsylvania.

I quote from an article which appeared in the summer and fall 1978 issue of Compact, an education government journal, written by Assemblyman Greene, who was at the time chairman of the California Assembly Education Committee. The article was on California's competency-test-oriented legislation: "Whether competency laws ultimately benefit students will depend on whether competency standards are reasonable, whether the curriculum matches the standards, and whether students are given appropriate help over time. Competency laws, particularly if they apply a sanction against those who fail, should build in certain protections so that students do not bear sole responsibility for mastering basic skills."

HB 1181, if my amendment fails, will place a stigma on those students who fail the competency tests. Even though a certificate of attendance can be issued, as provided in HB 1181, I believe that if this child applies for a job, a certificate of attendance will reduce the likelihood of his employment. Not all children will be computer whizzes or scientists, but our mission here in the General Assembly is to make sure every child has the opportunity to be all that he or she can be and not penalize the student for not being what we think he should be.

This is a very important amendment. The Governor sent a memo that he is in accord with my amendment, and I ask for your support. Thank you.

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

Mr. SCHULER. Thank you, Mr. Speaker.

I rise in support of the Harper amendment. I have a few different reasons for my support, even though I do agree with Mrs. Harper on this amendment.

My concerns, Mr. Speaker, are the following: First, we are going to allow a commercial testing company to present to us, with the approval of the powers to be, three tests. Now, my concern with that, Mr. Speaker, is that that testing company is going to determine our curriculum here in the State of Pennsylvania. I say that for this reason: You can rest assured as I stand here today that the teachers in this Commonwealth are going to start teaching for that test, because they will be measured on their effectiveness on how well their students do on that test. Therefore, the content of that curriculum is going to be determined by the test. I do not feel that some testing

company should be setting our policy here in the State of Pennsylvania.

My second problem: Most of these tests are going to be constructed either by some type of textbook company or one of their subsidiaries. Therefore, I see some of our schools buying textbooks to match these types of tests. I do not think that has a place in Pennsylvania.

Third, Mr. Speaker, these tests in many cases—and I am speaking here more on social studies, since that is my experience, having just finished 26 years in a classroom—most of these social studies tests can be slanted in one shape or another. It may be slanted to one philosophy of politics; it could be slanted to one philosophy of economics. Is that what we want? I have yet to come across a good social studies test that would not have this in it.

For those reasons, Mr. Speaker, I support the amendment and hope that it is supported by the other members of the House. Thank you, Mr. Speaker.

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

Mr. FREIND. Thank you, Mr. Speaker.

I rise to oppose the Harper amendment. We introduced—and this was a bipartisan effort with the Education Committee—HB 1181, spent literally months drafting it and then additional months in public hearings, and even though it is a concept that we had toyed with for the last 6 or 8 years, it was the direct response to the national report issued by the President's Commission stating in fact that this Nation was in worse shape than ever before in its history with respect to education, that in fact education had continued to decline and that we were in "greater danger"—and that is a quote from the report—because of this lack of education than we have ever been in from any enemy from without our borders.

What we attempted to do was strike a balance between local control and the need for certain standards, and what we felt was that a public school diploma in Pennsylvania had to mean something. Now, we have never said HB 1181 is a panacea and a cure-all and an end-all, but what we said was, in 2d, 5th, and 8th grades there would be criterion reference testing, and for those who did not do well there would be remedial programs, but in 11th grade you would have to take a test and pass the test, which would be a minimum competency test in the basics - the basics, Mr. Speaker.

The problem that we have in education right now—and the losers are the kids—is that every year our students are going through grade after grade, and regardless of their performance they are being promoted, and at the end of 12th grade they are given their diploma and being told, go out into the world, and they are not ready, not only educationally but we have not taught them that in this life there are certain standards you have to meet, and if you do not meet them you are going to get knocked down on your tail. We have artificially promoted them every year and given them a piece of paper which, quite frankly, is not worth the paper that it is printed on. So we are saying that in 11th grade you have to take a test. You can take it as many times as you want, but you have to

pass this minimum competency test before you graduate and receive a diploma.

Now, we are not having—and I think Mr. Schuler is a little bit wrong on this—we are not having a testing company make that decision. What the bill says is that the Department of Education will select a bank, a minimum of three but it can be many more than that, but at least three national commercial tests, and that each school district may pick one of those commercial tests and give that to their students to have them take that test, and that in fact if they pass the test, they are eligible for graduation, but if they do not pass the test, they have to take it again and again until they pass to show they are qualified for at least minimum competency.

We have to make a decision, Mr. Speaker, whether or not our diplomas and our system of education are going to mean something, because if we do not, unless we put a mandate in there, a requirement that you have to pass this before you get a diploma, we are just going to continue to compound the error that we have right now. So I sincerely hope that we reject this amendment, Mr. Speaker. Thank you.

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

Mr. MURPHY. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to this amendment. I represent an urban school district, and I work closely with many of the newly graduated in my district and people who are graduating, and I am appalled at the high percentage of people graduating from the school system who cannot fill out an application for work because they are functionally illiterate. And to give those individuals diplomas without requiring that kind of level of literacy that they can fill out an application for the Department of Transportation or somebody else, and to suggest that they have the ability to be able to function in our society, I think is nothing short of criminal. I think we do them a disservice and we do society a disservice by giving them a diploma when they do not have the minimum skills necessary to survive in our society. It is better to require that test, then to require remedial work, rather than to play a cruel joke on everybody by giving somebody a diploma when they do not have the education and the ability and the knowledge to be able to work. We are only perpetuating a cruel hoax on those individuals and on society, so this kind of testing is important.

While the language in this bill might not be perfect, I think it is important to keep this section in the bill to send a message to the Department of Education and to other people involved in education that we want to see an improvement in our school system and an improvement in the level of competency when we give a diploma. Let us make the high school diploma worth something rather than ignoring its importance and making a joke of the whole thing. Thank you. I urge your opposition to this amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Bucks, Mr. Gallagher.

Mr. GALLAGHER. Thank you, Mr. Speaker.

Mr. Speaker, I join some of my colleagues in opposing Representative Harper's amendment. It is unfortunate that we have to face this kind of issue right now.

The Education Committee, as has been established, put this bill together bipartisanly. Every member is a cosponsor of the bill. It was established that with the report from the Secretary of Education of the United States, the national crisis from the Education Commission of the States, their report on excellence, the reports that we had on the Carnegie Foundation, all indicate that what this whole bill is all about is the critical part of putting education back on the right track. One thing is to set the curriculum right. The other problem and the other important thing is to make sure that when they graduate from high school, they are graduating with an examination that establishes that they have learned in the last 12 years through the examination test. This has been done in many other areas.

Thirty-five States in this Nation have adopted the competency graduation examination testing. What we are doing in Pennsylvania and in many of the other 15 States is just looking at the report cards from the teacher of the homeroom class at what that student has been able to accomplish in his 12th year - what course they have been able to get an A or a B or a 90 or a 70 in - and assembling that together, saying that is enough, they have earned those credits—which in this State right now are a very minimal number of credits—and that is all. They get a diploma saying they have graduated from a public school in Pennsylvania, signed by the Secretary of Education. It really does not get into the meat of the matter of whether or not that 12th grade student really understands what they have been taught for 12 years.

The bill itself gives them three times to take the test and the opportunity to go back and repeat the 12th grade, so we are not trying to cram anything down their throats; we are trying to give them a golden opportunity to graduate with something worthwhile to go out into this world. The effective date of this testing will be in 1989 - 5 years from now - to give the districts enough time to build up the remedial programs which this bill calls for in the elementary and secondary schools and the testing between the 2d, 5th, and 8th grades, so that we know when they get up to 11th grade and when they are getting a test, they will have the opportunity to have observed and utilized the information and education that the teacher was giving to them. So I urge the members to consider this as a very important matter, and we should, unfortunately, vote against Mrs. Harper's amendment. Thank you.

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

Mr. RICHARDSON. Thank you very much, Mr. Speaker. I would like to interrogate Mr. Freind.

The SPEAKER pro tempore. The gentleman, Mr. Freind, indicates he will stand for a period of interrogation. The gentleman, Mr. Richardson, is in order and may proceed.

Mr. RICHARDSON. Mr. Speaker, I would like to know whether or not you can share with the members of this House any statistics of those students who have graduated from public schools that show, after those persons have graduated,

that a competency test would have in fact allowed them the opportunity of being able to know all the work for those 12 years that they have now just been tested on. Is there any such statistic that would show what a competency test shows at this particular time?

Mr. FREIND. Well, since we have never administered the competency test before, there are no statistics, Mr. Speaker. There is, however, common sense, and common sense dictates that if a student is able to at least function on the basic competency - reading and writing and computation and basics in science - clearly he is going to be more successful with respect to finding a job and progressing in life than someone who does not have those minimal competencies.

Mr. RICHARDSON. Okay. So you are saying the answer to my question is that no, you do not have any statistics based on the competency test itself in terms of being able to show whether or not there is any comparison to that child. Is that correct?

Mr. FREIND. As I said, since we have never required a competency test, obviously there are no statistics, just common sense.

Mr. RICHARDSON. Okay, so that is the answer.

My next question would be specifically on CAT scores. That is the California achievement test. If a child passes a California achievement test and ranks in the 99 percentile and that child then is asked to take a competency test and he fails that competency test, then do you feel that that individual child also should be made to be let down because he did not pass the competency test?

Mr. FREIND. In fact, Mr. Speaker, if he took the CAT test, that probably would be the competency test.

The school districts right now, virtually all of them, Mr. Speaker, even though they are not required to give competency tests, the standardized test, about 90 percent of them do. You mentioned the CAT test, and that is one of the more popular ones. What in fact would happen if HB 1181 becomes law is that the CAT test, if it were one of the ones approved by the Department of Education, would in fact become the competency test. There would be no need for any student in any school district, unless a particular school district had a special reason, to take more than one standardized competency test.

Mr. RICHARDSON. Well then, it is your understanding and your feeling now that they already give those same CAT tests that I am talking about? You are saying that they give them now?

Mr. FREIND. Most of the school districts give standardized tests. Some will be the CAT test; I think there is a Stanford test; there is an Illinois test; there are a lot of different types of tests. Most of your school districts—most of them, even though they are not required—give standardized tests. The only difference in HB 1181 is, A, we would be mandating it; and B, in 11th grade you would have to pass it as a condition of graduation.

Mr. RICHARDSON. Now, do they not also give these same CAT tests in second grade and fifth grade and sixth grade and seventh grade?

Mr. FREIND. Whatever grades the districts select.

What we would be doing with HB 1181 is in second, fifth, and eighth grades be requiring what they call criterion reference tests, which are standardized tests but they are geared more to the individual student, so that if a particular student has a weakness in a particular area, that will be highlighted, and the school district can put the student in a remedial program to cure that weakness.

Mr. RICHARDSON. So then why would it be necessary after they get to the 11th grade, after they have gone through all those remedial steps, to then have the same competency test that has been given in the 2d, the 5th, and the 8th grades which would have hopefully remedially put them in a position to make sure that that student will in fact graduate not as a functional illiterate and place themselves in a position of being able to deal with the problem that you have indicated should have been noticed in the 2d, 5th, and 8th grades?

Mr. FREIND. Obviously, Mr. Speaker, a test in 2d grade will not be as difficult as one in 5th; a test in 5th grade will not be as encompassing as one in 8th; and the test in 11th grade will be more encompassing than the 2d, 5th, and 8th grade tests. Certainly we do not want to say that if you pass an eighth grade test, go 4 more years and regardless of what you have accomplished, you can graduate. We would hope that the 11th grade test would be the culmination of those efforts and that that student is going to go out of there with a diploma with a basic minimum competency in the important areas.

Mr. RICHARDSON. Okay. Thank you very much, Mr. Speaker.

Mr. Speaker, I would like to have permission to speak on the amendment.

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

Mr. RICHARDSON. Mr. Speaker, I tried to get at least a rounding of specifically getting to the point of those speakers who are speaking in opposition to the Harper amendment. I rise to support the Harper amendment. I just believe that if you are going to build in this factor towards trying to go after finding where the problem really lies in illiteracy, then it seems to me that we have a greater responsibility at those younger ages in second grade and fifth grade and eighth grade to try to accomplish that.

It is very difficult for me to stand here and hear those individuals be insensitive to the fact that those parents will be putting out money for their child in 12th grade to find out just before they walk down the aisle that they will not be able to walk down the aisle because they have taken a competency test and have failed that competency test. What if they had a bad day on the day that they took that test, and what if it does not really reflect the real efforts of that individual child who, in fact, has really tried all through the years? If there was some showing of remedial help and some help that was necessary for that individual child, we should try to make sure that we speak directly to that point and not then hold them hostage in 11th grade by telling them if they do not pass this compe-

tency test, they cannot get out of school, even though they may have passed all of their grade subjects.

It is a contradiction of fact that would say to me that a teacher can grade a child in the school; give him or her an A or a B; pass them in their subject matter; they take a competency test; fail the competency test, even though they may have passed all of their subject matter. It is a contradiction in fact, and I do not think that people have witnessed or utilized the best thinking in terms of how it affects particularly an urban community, where that does not always necessarily become the rule of thumb for the child or the student inside a classroom.

It seems to me that if we are going to be fair about this matter, then we will also need to make sure that there is a built-in accountability system for the teachers who are in fact teaching the system. It seems to me that we always want to blame the child for not being able to learn, but we do not say anything about the instructors who are supposed to be in fact teaching those students that subject matter and that information in order to get to the point that they are supposed to get at. I think it is a two-way street. Unfortunately, I do not hear that in this conversation, and even in asking about the CAT scores or whatever the name of the standardized test may be in your county, I do not find it at all one of those situations where the persons and the people involved can deal with that problem.

You have students today on a daily basis who graduate as functional illiterates who cannot read and cannot write. At the same time, the remedial classes that are being set up now are what should be instituted, and then maybe before they get to the 11th grade they will know exactly where those children need some support, some help, and some assistance. But I do not hear that coming out of those who are in opposition to the Harper amendment.

I just wanted to clarify that my support for the Harper amendment speaks more directly to the humanness of this issue and not the problem that has been used over and over again to come up at the 11th hour to knock down those individual students, to knock down those individual persons who have gone to school for 11 years or 12 years, and then when they get right to graduating at the door, tell them because you did not pass a test, now you cannot go out the door. There is always some way, there is always something that comes up that is used against those young people, and it seems to me that it is unfair. If we really want to be sound about the system, then we need to make sure that accountability is built in for the teacher as well as the student in making sure that that youngster does not come out of school as a functional illiterate.

We have some rough times today in the schools and students are much different than they were when we went to school, and I just do not think you can turn an educational system around without making sure that all the components are built in. The teachers are younger, their attitudes are younger, even their methods of teaching are different. So I do not think it is fair to place all of the blame on one test, throw

the marbles up in the air and say, well, that is it, and if you do not pass, that is tough. I think there has to be a way to work on the problem with those individual students who in fact have a problem and you see it early in the game and you work on it and you correct it and you give them the necessary tools to strengthen their position. Thank you very much, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Berks, Mr. Davies.

Mr. DAVIES. May I interrogate Mr. Freind?

The SPEAKER pro tempore. Mr. Freind indicates he will stand for a period of interrogation. The gentleman, Mr. Davies, is in order and may proceed.

Mr. DAVIES. Mr. Speaker, in that long discourse on the public sector, you hold that that testing should be a requirement for both the public sector and the private and parochial sector?

Mr. FREIND. There will be another amendment introduced which will discuss that issue, Mr. Speaker. Yes, the testing should be, but there will be differences, at least in the proposed amendment, which I will explain when we get to that amendment. As of right now, the bill calls for testing for all in 11th grade and also as a graduation requirement for all in 11th grade. But as I say, there has been an amendment that will be discussed shortly which addresses that issue.

Mr. DAVIES. That amendment, Mr. Speaker, would say basically that the public sector is to continue to have the 11th grade test as a prerequisite while the parochial and private sector is not. Is that correct, Mr. Speaker?

Mr. FREIND. Well, Mr. Speaker, if you want to get into another amendment now, fine. But in a nutshell, what it would say is the nonpublics—and this is an agreement that has been worked out after months with the nonpublics—would also take an 11th grade test. It would not be a condition for graduation, but there would be a responsibility that the parents be notified of the results of their children's test. It strikes a balance between the concern of the Commonwealth and the interest of the Commonwealth in educating all students and at the same time takes into consideration the uniqueness and the certain independence of our nonpublic schools. It will, in fact, to the best of my knowledge, go further than any State in the Union in requiring testing for nonpublic schools.

The SPEAKER pro tempore. With the agreement of the gentleman, would it not be possible to go into that dissertation when that amendment is before the House?

Mr. FREIND. My sentiments exactly, Mr. Speaker.

The SPEAKER pro tempore. Would that be agreeable to the gentleman from Berks?

Mr. DAVIES. Yes, Mr. Speaker. The only problem is that we are going to be voting on an issue that affects the public sector, and it would seem to me, Mr. Speaker, that we understand that there may then be a double standard placed upon the requirements statewide in which the public sector would

be required to have the test for graduation while the private and parochial sector would not. Without that information before the group, I do not know whether the group can vote intelligently on the Harper amendment because of the fact that after the fact we would have a double standard created. In addition to that, I do not quite understand why we would have provisions for that when, Mr. Speaker, in fact, for example, in my county in two of the larger parochial schools their SAT (scholastic achievement test) scores were lower than several of the public schools. So therefore, I do not know what use the test would be in the public sector while it would not be given in the private or parochial sector. It would seem to me as if we are using either double standards or two different rules to measure the quality of education, and I think when the President's report was being reported, it was speaking to all of education; it was not segregating out or separating out either the public and the private sectors one from the other.

The other fact, Mr. Speaker, if I might speak to the provision of it, I am going to have drafted a separate amendment that would offer the "may" provision to the public sector—having the benefit now of knowing that we are going to create those double standards—offer an amendment to the bill which would allow a "may" provision in the public sector and also extend my original intent which I have been working on for 10 years on this legislation, and that is that the district may as well develop that test by itself without using a commercially prepared test. I just want to clarify that because I do not want to see 10 years of effort go wasted on something that I think equality of education is something that knows no bounds, whether it be private, parochial or public, and I want that opportunity to be offered to all segments of secondary education in the Commonwealth. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes at this time the gentleman from Indiana, Mr. Wass.

Mr. WASS. Thank you, Mr. Speaker.

If I may, Mr. Speaker, I rise to oppose the Harper amendment.

Mr. Speaker, in following the debate here this afternoon on this issue, one would be led to believe that this is a penalty to the student to test him. But, Mr. Speaker, I would share with you that it is a method of helping the student. If you follow the legislation, it says that a student failing the 11th grade test shall immediately be placed in the appropriate remedial program to enable successful performance on the test. Immediately upon failing it, he will be helped in a remedial program. Following that, he has three opportunities, a minimum of three opportunities, to take this test.

Mr. Speaker, I think it is in the best interest of the student to be tested and, if he fails or if she fails, to receive the helps that are put into this legislation. I ask you to oppose the Harper amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Beaver, Mr. Colafella.

Mr. COLAFELLA. Mr. Speaker, this is a very, very tough issue, and I think a lot of the members do not realize the rami-

fications of implementing what is encompassed in this bill by 11th grade tests. I mean, we have gone along with President Reagan's Commission on Excellence in Education by providing testing in grades 2, 5, and 8. The Governor yesterday proposed \$69 million, or whatever, to help students in remediation. Now what we are saying is we are going to give them a test in 11th grade, and if they do not pass that test—and we are going to give it to them three times—we are going to send them out in the world with a certificate of attendance. We are going to send these people out with a certificate of attendance and we want them to contribute to society, we want them to be positive in their lifestyle, and I do not think they can do it.

I think we are going to make a big mistake by passing this thing. I think that a lot of us are getting on the bandwagon by saying that the Commission on Excellence in Education has criticized our students, but I think we are taking care of it by mandatory testing and remediation in grades 2, 5, and 8. I think we are going to cause more problems for our youngsters in Pennsylvania by not going along with the Harper amendment. I ask you to very seriously consider voting for the Harper amendment. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Cambria, Mr. Haluska.

Mr. HALUSKA. Mr. Speaker, if we pass HB 1181 as it is currently structured, we can anticipate that we are going to have about 25 percent of the students in the public schools of our Commonwealth who are going to be placed with a stigma of not receiving a high school diploma. There is such a thing as a curve of probability. This curve specifically states that 25 percent of the people in our public schools cannot adjust not only to an excellent course called the curriculum but also to an average curriculum course. Therefore, we must recognize this before we start the program.

We hear a lot about remedial training. We have had remedial training for over 30 years with Federal funds. This is not the answer. The answer is to catch these people, to test them before they start and place them in the proper level of instruction. We should structure this to have at least three levels - those of excellence, those of average ability, and those who have a difficult time learning or are indifferent to a learning procedure. I think that it is very hard to come to a parent and tell them that Johnny cannot understand algebra, that Johnny is not smart enough, that Johnny forgets - what he learns today, he forgets tomorrow. I am sure that all the people who are in the government's Basic Education Council and also those in the Carnegie Foundation should fully realize that this is a reality, because we know that when these people come in and they are put into average classes, they are not going to succeed.

Therefore, I would suggest that we support this amendment and we try to structure a curriculum that would serve the purpose of all the people, because there is a definite need to challenge those who have the ability to serve industry, to serve government, and serve their community, and just having a test that would just meet a lukewarm standard is not the answer. I think this bill is only a cosmetic attack on the educa-

tional program in Pennsylvania. I ask for an affirmative vote on this amendment. Thank you.

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

Mr. LINTON. Mr. Speaker, I just want to rise in support of the Harper amendment. I just want to inform my colleagues that I have right now in my district a program to test youngsters in grades 3, 5, and 8. That program has worked very well in terms of measuring where youngsters have deficiencies and developing the appropriate programs to deal with those deficiencies.

I also agree in concept with the idea of measuring youngsters' ability to graduate with quality education. However, Mr. Speaker, I think that the kind of reform that we really want in education in the State of Pennsylvania will not necessarily be served by keeping HB 1181 in its current format, and when we think about comprehensive reform, we also must think about making sure that we have the proper dollars to go to our school systems in the long run to make sure that youngsters have the quality education we want them to have. I do not think by voting against the Harper amendment we are going to do what we want to do for quality education in the Commonwealth of Pennsylvania.

I want us to support the Harper amendment. I think it is a good amendment, and I rise in support of the Harper amendment. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—67

Afflerbach	Durham	McIntyre	Schuler
Alderette	Evans	McMonagle	Showers
Angstadt	Fattah	Manderino	Smith, B.
Armstrong	Flick	Morris	Snyder, G. M.
Baldwin	Freeman	O'Donnell	Stewart
Barber	Gruitza	Oliver	Stuban
Battisto	Haluska	Petrarca	Taylor, F. E.
Beloff	Harper	Petrone	Truman
Caltagirone	Honaman	Pievsky	Wambach
Carr	Kasunic	Preston	Wargo
Cohen	Kosinski	Rappaport	Wiggins
Colafranca	Kukovich	Richardson	Williams
DeWeese	Laughlin	Rieger	Wozniak
Daley	Levin	Rudy	Zwikl
Dawida	Linton	Rybak	
Deal	Lucyk	Saloom	Irvis,
Donatucci	McHale	Scheetz	Speaker
Duffy			

NAYS—131

Arty	Fischer	Levi	Reber
Belardi	Foster, W. W.	Livengood	Reinard
Belfanti	Foster, Jr., A.	Lloyd	Robbins
Blaum	Freind	McCall	Ryan
Book	Fryer	McClatchy	Salvatore
Bowser	Gallagher	McVerry	Saurman
Boyes	Gallen	Mackowski	Semmel
Broujos	Gamble	Madigan	Serafini
Bunt	Gannon	Manmiller	Seventy
Burd	Geist	Markosek	Sirianni
Burns	George	Mayernik	Smith, L. E.
Cappabianca	Gladeck	Merry	Snyder, D. W.
Cawley	Godshall	Michlovic	Spencer
Cessar	Greenwood	Micozzie	Spitz

Cimini	Grieco	Miller	Stairs
Civera	Gruppo	Miscevich	Steighner
Clark	Hagarty	Moehlmann	Stevens
Clymer	Hasay	Mowery	Sweet
Cole	Hayes	Mrkonic	Swift
Cordisco	Herman	Murphy	Taylor, E. Z.
Cornell	Hershey	Nahill	Telek
Coslett	Hoefel	Noye	Tigue
Cowell	Hutchinson	O'Brien	Van Horne
Coy	Itkin	Olasz	Vroon
Deluca	Jackson	Perzel	Wachob
DeVerter	Jarolin	Peterson	Wass
Davies	Johnson	Phillips	Weston
Dietz	Kennedy	Piccola	Wilson
Dininni	Klingaman	Pistella	Wogan
Dombrowski	Lashinger	Pitts	Wright, D. R.
Dorr	Lehr	Pott	Wright, J. L.
Fargo	Lescovitz	Pratt	Wright, R. C.
Fee	Letterman	Punt	

NOT VOTING—1

Maiale

EXCUSED—4

Brandt	Kowalyszyn	Marmion	Trello
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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?

Mr. GALLAGHER offered the following amendments No. A0372:

Amend Sec. 2 (Sec. 1511), page 2, line 23, by inserting after "Study"

in Public Schools

Amend Sec. 2 (Sec. 1511), page 4, line 8, by inserting after "levels."

Physical education shall be taught to every student every year at the elementary and secondary levels. Physical education programs shall be adapted for students unable to participate in a regular program.

Amend Sec. 2 (Sec. 1511), page 4, lines 13 through 22, by striking out all of said lines and inserting

- (i) English, four (4) years (four (4) units of credit).
- (ii) Mathematics, three (3) years (three (3) units of credit).
- (iii) Science, three (3) years (three (3) units of credit).
- (iv) Social studies, three (3) years (three (3) units of credit).
- (v) Physical education, one (1) year (one (1) unit of credit).

The phrase "unit of credit" as used in this section shall be defined in regulations of the State Board of Education.

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

The SPEAKER pro tempore. The Chair recognizes the gentleman from Bucks, Mr. Gallagher.

Mr. GALLAGHER. Thank you, Mr. Speaker.

This amendment is to clarify the sections on page 4 of what is required for graduation and what it means. It speaks first that phys ed shall be taught but not for those who are handicapped, and the program shall be adjusted for the handicapped students, and they shall be in the regular program adaptable for the students.

Secondly, it establishes that English shall be for 4 years, which means four units of credit; math shall be 3 years, three units of credit; science, 3 years, three units of credit; social

studies, 3 years, three units of credit; phys ed, 1 year, one unit of credit, and the phrase "unit of credit" as used in this section shall be defined and is defined now in the State Board of Education. That is what it does; it takes out the graduation requirement in the original bill for computer competency and literacy as being part of the graduation requirements. The amendment provides that it shall be taught, but it shall not be mandated as a graduation requirement.

That is all the amendment does, is clean it up a little bit so that everybody understands it. I urge the members to support this amendment.

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

Mr. FREIND. Thank you, Mr. Speaker.

I support this amendment. It is a good one, and it is part of the amendment that we worked out during the Education Committee's hearings in working on this bill. I would ask for an affirmative vote.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Dauphin, Mr. Wambach.

Mr. WAMBACH. Thank you, Mr. Speaker.

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

The SPEAKER pro tempore. The gentleman, Mr. Gallagher, indicates he will stand for a period of interrogation. The gentleman is in order and may proceed.

Mr. WAMBACH. Thank you, Mr. Speaker.

In the first part of the amendment, Mr. Speaker, you refer to the phrase to be inserted after "Study," "in Public Schools." Why do you create the double standard?

Mr. GALLAGHER. Pardon me. Would you repeat the last part? I could not hear that last part.

Mr. WAMBACH. Why do you create the double standard in only referring to "in Public Schools"?

Mr. GALLAGHER. Mr. Speaker, we are not creating a dual standard. What we are establishing is that it shall apply to the public schools, and there is another bill that is on the tabled calendar which has a curriculum for the private and parochial schools.

Mr. WAMBACH. Mr. Speaker, I understand this bill does amend the act of 1949, which includes certain provisions applicable as well to private and parochial schools.

Mr. GALLAGHER. That is right. Pardon me, Mr. Speaker. This amendment and the bill— If you go on page 2, that is where we put in the words "in Public Schools"; the "Programs or Courses of Study in Public Schools," and then the words go on, "The mandatory required programs or courses of study to be offered are as follows."

Mr. WAMBACH. Mr. Speaker, if I can stop you there, why does that not apply to all schools, public, private, and parochial, as suggested in the title?

Mr. GALLAGHER. Well, Mr. Speaker, it will not apply to the private schools, and the reasoning for it is that we have HB 1293 on the tabled calendar, which will be brought up for consideration next week, we hope, that will address that issue. What we do in the new bill, HB 1293, is provide almost identi-

cally the mandated requirements, and it just leaves out some of the remedial programs and the phys ed, some of the small items that have nothing much to do with the educational system. It will not degrade from one set of curriculum to the other; it will make both systems able to provide the education required for the students who go to the private schools.

Mr. WAMBACH. Well, Mr. Speaker, would it not then be wise for us as a body here in the General Assembly to consider both HB 1181 and the referenced bill that you referred to on the table—I think it is HB 1293—together on the same day?

Mr. GALLAGHER. We wish we could be doing it the same day, but we cannot. The main reason is because of the word "mandatory." In the present system now, the private schools operate under the same school code. Everything is not mandated; everything in the curriculum is not mandated in the present law. What we are establishing is similar to the present law, and at the same time, later on in the legislative process, we are going to provide separate mandates for the private schools so that they will not be demeaning in the curriculum that they will be offering to the students whom they enroll.

Mr. WAMBACH. Thank you, Mr. Speaker.

REQUEST TO DIVIDE AMENDMENTS

Mr. WAMBACH. Mr. Speaker, I would like to inquire of the Chair if the amendment is divisible? I would like to divide the amendment after the words "in Public Schools."

The SPEAKER pro tempore. The Chair cannot find the term "Public Schools" in the amendment.

Mr. WAMBACH. It is in the first section: "Amend Sec. 2 (Sec. 1511)...."

The SPEAKER pro tempore. The Chair notes it now. Thank you.

Mr. WAMBACH. Okay.

The SPEAKER pro tempore. In the opinion of the Parliamentarian, the amendment can be divided at that point.

AMENDMENTS DIVIDED

Mr. WAMBACH. Mr. Speaker, I would like to move that the amendment be divided at that point, and I would like to offer the second part of the amendment first. Thank you, Mr. Speaker.

The SPEAKER pro tempore. Beginning with "Amend Sec. 2 (Sec. 1511)..."?

Mr. WAMBACH. Page 4.

The SPEAKER pro tempore. Yes. At that point?

Mr. WAMBACH. That is the start of the second part of the amendment.

The SPEAKER pro tempore. Yes.

Mr. WAMBACH. Okay. Yes.

The SPEAKER pro tempore. Since the gentleman, Mr. Gallagher, has proposed the amendment, it is his option as to which one he would care to vote upon first.

Mr. GALLAGHER. Thank you, Mr. Speaker.

I would prefer that we vote on the amendment as I presented it.

The SPEAKER pro tempore. The gentleman does not have that option, and he well knows it. Is the gentleman in disagreement with the motion made by the gentleman?

Mr. GALLAGHER. Mr. Speaker, I disagree with the gentleman on the division of the amendment, but the Speaker has ruled that the amendment is divisible, so the proper thing to do would be to handle his motion first, because it is the first item on my amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the motion offered by the gentleman, Mr. Wambach, we would be voting on the second portion of the amendment. We would begin with "Amend Sec. 2 (Sec. 1511), page 4, line 8, by inserting after 'levels.'" and the rest of the amendment.

The question before the House is, will the House agree to the amendment as divided by the gentleman, Mr. Wambach? We are voting on the second portion of that amendment. Are there any questions?

Mr. GALLAGHER. Yes, Mr. Speaker.

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

Mr. GALLAGHER. Mr. Speaker, you are raising the vote on the remainder of the amendment, and you are calling it the second section of the amendment?

The SPEAKER pro tempore. This is what the gentleman, Mr. Wambach, stated.

Mr. WAMBACH. Mr. Speaker?

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

Mr. WAMBACH. Thank you, Mr. Speaker.

Not to confuse the members of the House, I will take the amendments as divided in the order in which they appear on the amendment sheet. So we will consider the first part of the amendment first at the divisible area; in other words, the first section of the amendment that amends section 2 (section 1511), page 2, line 23, and ends with the words "in Public Schools." I would like to take that part of the amendment first and encourage the members to vote against that amendment.

On the question,

Will the House agree to Part I of the amendments?

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

Mr. FREIND. Thank you, Mr. Speaker.

I would ask for an affirmative vote on this amendment.

HB 1181, as introduced and all through the hearings, related to public education, with the exception of one section later on in the bill dealing with the 11th grade test. There are two companion bills - HB 1181 and HB 1293. If in fact we defeat this amendment, we do not accomplish what Mr. Wambach wants to accomplish anyway; all we do is create confusion. If you look at HB 1181, it amends a section that only deals with your public schools anyway.

No one has ever made an argument in the whole history of the Commonwealth that the curriculum for both nonpublic and public schools must be the same. We have in fact, as Mr. Gallagher discussed, addressed this issue in a separate bill, going farther than any other State in the Union, which we hope will be discussed next week. But for now, HB 1181 is, as

it has always been, a curriculum bill with the legislature setting up curriculum - the elected officials of the legislature - for our public schools. We would hope it would remain that, and for that reason I hope that we will vote "yes" on this amendment.

On the question recurring,

Will the House agree to Part I of the amendments?

The following roll call was recorded:

YEAS—167

Alderette	Fee	Lucyk	Rieger
Armstrong	Fischer	McCall	Robbins
Arty	Flick	McClatchy	Rudy
Baldwin	Foster, W. W.	McHale	Ryan
Battisto	Foster, Jr., A.	McIntyre	Saloom
Belfanti	Freind	McVerry	Salvatore
Beloff	Fryer	Mackowski	Saurman
Blaum	Gallagher	Madigan	Semmel
Book	Gallen	Manderino	Serafini
Bowser	Gamble	Manmiller	Seventy
Boyes	Gannon	Markosek	Sirianni
Broujos	Geist	Mayernik	Smith, B.
Bunt	George	Merry	Smith, L. E.
Burd	Gladeck	Michlovic	Snyder, D. W.
Burns	Godshall	Micozzie	Snyder, G. M.
Caltagirone	Greenwood	Miller	Spencer
Cappabianca	Grieco	Miscevich	Spitz
Cessar	Gruitza	Moehlmann	Stairs
Cimini	Gruppo	Morris	Steighner
Civera	Hagarty	Mowery	Stevens
Clark	Hasay	Mrkonic	Stewart
Clymer	Hayes	Murphy	Stuban
Cohen	Herman	Nahill	Sweet
Colafella	Hershey	Noye	Swift
Cole	Hoeffel	O'Brien	Taylor, E. Z.
Cordisco	Honaman	O'Donnell	Taylor, F. E.
Cornell	Hutchinson	Olasz	Telek
Coslett	Jackson	Perzel	Van Horne
Cowell	Jarolin	Peterson	Vroon
Coy	Johnson	Petrarca	Wachob
Deluca	Kasunic	Petrone	Wargo
DeVerter	Kennedy	Phillips	Wass
DeWeese	Klingaman	Piccola	Weston
Daley	Kukovich	Pievsky	Wilson
Dawida	Lashinger	Pistella	Wogan
Dietz	Laughlin	Pitts	Wright, D. R.
Dininni	Lescovitz	Pott	Wright, J. L.
Dombrowski	Letterman	Pratt	Wright, R. C.
Donatucci	Levi	Punt	Zwinkl
Dorr	Levin	Rappaport	
Duffy	Livengood	Reber	Irvis,
Durham	Lloyd	Reinard	Speaker
Fargo			

NAYS—29

Afflerbach	Evans	McMonagle	Showers
Angstadt	Fattah	Oliver	Tigue
Barber	Freeman	Preston	Truman
Belardi	Harper	Richardson	Wambach
Carn	Itkin	Rybak	Wiggins
Cawley	Kosinski	Scheetz	Williams
Davies	Linton	Schuler	Wozniak
Deal			

NOT VOTING—3

Haluska	Lehr	Maiale
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EXCUSED—4

Brandt	Kowalyshyn	Marmion	Trello
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The question was determined in the affirmative, and Part I of the amendments was agreed to.

REMARKS ON VOTE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Cambria, Mr. Haluska.

Mr. HALUSKA. My vote did not record. I want to be recorded in the affirmative on Part I of amendment A372 to HB 1181, please.

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

CONSIDERATION OF HB 1181 CONTINUED

On the question,

Will the House agree to Part II of the amendments?

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

Mr. TIGUE. Thank you, Mr. Speaker.

Am I in order to make a statement about the second part of this amendment?

The SPEAKER pro tempore. Yes. The second portion of the amendment is now before us. The gentleman, Mr. Tigue, is in order.

Mr. TIGUE. Thank you, Mr. Speaker.

I think one thing that has not been brought to the front on this particular part of the amendment is, it does in fact change the guidelines for graduation. One of the things it does eliminate is the requirement of half a credit of computer literacy or computer science.

Now, we sit here on the floor and time after time in hearings we are, as we heard yesterday, going to expend millions of dollars on computers for schools, et cetera. We are always harping about the Ben Franklin Partnership, high tech, but if this part of the amendment passes, we will eliminate that requirement for computer science, which at least my constituents have indicated they want as part of their children's education.

So I am suggesting that you oppose this part of Mr. Gallagher's amendment to keep a half a credit of computer science as a requirement for graduation. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Bucks, Mr. Gallagher.

Mr. GALLAGHER. Mr. Speaker, we only deleted it for graduation purposes. It was half a credit, half a semester. We do, in the rest of the bill, on page 3 provide that computer literacy and computer science may be taught as part of the elementary or secondary mandatory required program or course and school districts are urged to provide instruction in computer literacy and computer science to all students. So we are not walking away from that issue. We are just saying that at this time we are not going to make it a mandatory graduation requirement for all school districts who do not have the equip-

ment or do not have the expertise in the teaching field to provide the expertise for the students to graduate with half a credit for computer science and literacy. We think that later on when we provide the funds to the school districts for the purchases of the equipment, then we could put it back in for graduation requirements. We are not walking away from the issue; we are asking in the rest of the bill that it be taught to the students in the elementary and the secondary. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes, for the second time, the gentleman from Luzerne, Mr. Tigue.

Mr. TIGUE. Thank you, Mr. Speaker.

The former speaker is correct when he says it is still in the bill. But if you look at it and you read it and listen to what he says, it is a "may" provision which does not guarantee that any school district is going to teach it. If it is in the bill as a graduation requirement, they will in fact have to teach it. It is the only way mandated in this bill as it sits now.

By adopting the second part of this amendment, it will not be mandated; it will be a "may" provision, and if you have a frugal school board who will use every possible argument not to institute this, your students will not receive any computer courses. It is that simple. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes, for the second time on the issue, the gentleman from Bucks, Mr. Gallagher.

Mr. GALLAGHER. Mr. Speaker, we do mandate in the secondary level that they shall teach literacy or computer science, and beyond that I spoke to you about page 3, line 27, section (5), where we say that it may be taught as part of the elementary or secondary, but in the secondary level, we mandate that it be taught. So we are not trying to kid anybody; we are not trying to walk away from it; we are just trying to have it be taught at least in the secondary mandatorily. In the elementary, they may do it, but they will not require it for graduation for one-half a credit. That is what we are after. Thank you, Mr. Speaker.

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

Mr. RICHARDSON. I just have a question for the speaker, Mr. Gallagher.

The SPEAKER pro tempore. Will the gentleman, Mr. Gallagher, stand for a period of interrogation? The gentleman indicates that he will. The gentleman, Mr. Richardson, is in order and may proceed.

Mr. RICHARDSON. If we are not trying to snow those individual persons into believing that half a credit should not mean anything, then why do we not just put it in this amendment so we can make sure that we are doing the same thing throughout the entire bill?

Mr. GALLAGHER. Yes, Mr. Speaker. That is the only place that it appears, on page 4, line 17, and that was in the mandatory requirements for graduation. That is the only place that it appears now. With this amendment being adopted, it comes out, but the mandated courses will still remain on page 3 in the secondary level, and on page 3, the

option for the school districts. They may provide it in the elementary and secondary, but never anywhere else in the bill does it reappear as a mandatory requirement for graduation.

Mr. RICHARDSON. Okay, Mr. Speaker. I do not have any further questions. I would like to speak on the amendment.

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

Mr. RICHARDSON. I rise in opposition to the amendment. If we are going to make it clear that we are talking about a half-year credit, regardless of where it appears in the book, and we are talking about mandating English, math, science, social studies, physical education, then we also should make sure that the computer literacy is also included. I oppose the amendment.

On the question recurring,

Will the House agree to Part II of the amendments?

The following roll call was recorded:

YEAS—156

Alderette	Flick	McHale	Robbins
Armstrong	Foster, W. W.	McIntyre	Rudy
Arty	Foster, Jr., A.	McVerry	Ryan
Battisto	Freeman	Mackowski	Rybak
Belfanti	Freind	Madigan	Saloom
Beloff	Gallagher	Manderino	Salvatore
Book	Gallen	Manmiller	Saurman
Bowser	Gamble	Markosek	Scheetz
Boyes	Gannon	Mayernik	Schuler
Bunt	Geist	Merry	Serafini
Burd	George	Michlovic	Seventy
Burns	Gladeck	Micozzie	Siriami
Caltagirone	Godshall	Miller	Smith, B.
Cappabianca	Greenwood	Miscevich	Smith, L. E.
Cessar	Grieco	Morris	Snyder, G. M.
Cimini	Gruitza	Mowery	Spencer
Civera	Gruppo	Mrkonic	Spitz
Clark	Hagarty	Nahill	Stairs
Clymer	Haluska	Noye	Steighner
Colafella	Hasay	O'Brien	Stevens
Cole	Hayes	O'Donnell	Stewart
Cordisco	Herman	Olasz	Suban
Coslett	Hershey	Perzel	Sweet
Cowell	Honaman	Peterson	Swift
Coy	Hutchinson	Petrarca	Taylor, E. Z.
Deluca	Jarolin	Petrone	Taylor, F. E.
DeVerter	Johnson	Phillips	Telek
DeWeese	Kasunic	Piccola	Van Horne
Daley	Kennedy	Pievsky	Vroon
Dawida	Klingaman	Pistella	Wachob
Dietz	Kukovich	Pitts	Wass
Dininni	Lashingier	Pott	Weston
Dombrowski	Laughlin	Pratt	Wilson
Donatucci	Lehr	Preston	Wogan
Dorr	Lescovitz	Punt	Wright, D. R.
Duffy	Letterman	Rappaport	Wright, J. L.
Durham	Levin	Reber	
Fargo	Livengood	Reinard	Irvis,
Fee	McCall	Rieger	Speaker
Fischer	McClatchy		

NAYS—42

Afflerbach	Davies	Linton	Snyder, D. W.
Angstadt	Deal	Lloyd	Tigue
Baldwin	Evans	Lucyk	Truman
Barber	Fattah	McMonagle	Wambach
Belardi	Fryer	Moehlmann	Wargo
Blaum	Harper	Murphy	Wiggins
Broujos	Hoefel	Oliver	Williams

Carn	Itkin	Richardson	Wozniak
Cawley	Jackson	Semmel	Wright, R. C.
Cohen	Kosinski	Showers	Zwicl
Cornell	Levi		

NOT VOTING—1

Maiale

EXCUSED—4

Brandt	Kowalyshyn	Marmion	Trello
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The question was determined in the affirmative, and Part II of the amendments was agreed to.

On the question,

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

Mr. FREIND offered the following amendments No. A0347:

Amend Sec. 3 (Sec. 1511.1), page 5, line 26, by inserting after "INCURRED"

by school districts

Amend Sec. 3 (Sec. 1511.1), page 5, line 28, by removing the period after "GRADES" and inserting unless the services are provided to nonpublic schools under sections 921-A, 922.1-A and 923-A of the act of March 8, 1949 (P.L.30, No.14), known as the Public School Code of 1949.

Amend Sec. 3 (Sec. 1511.1), page 6, by inserting between lines 7 and 8

(b) Private and parochial schools shall be exempt from the provisions of subsection (a). The schools shall be required to administer in the eleventh grade a commercially nationally developed test of their choice, not disapproved by the department, that is designed to measure objectively cognitive development and educational performance. Private and parochial schools shall notify and provide the department with a brief description of the test the school selects prior to the beginning of the school year. The department shall have thirty (30) days to reject the test. Disapproval of the test by the department shall occur only if the test is deficient in measuring student achievement in reading, grammar, word usage and arithmetic or mathematics. Private and parochial schools shall notify parents or guardians of the results of the test. Satisfactory performance on the test shall not be a prerequisite for receiving a high school diploma unless such a requirement is established by the private or parochial school.

Amend Sec. 3 (Sec. 1511.1), page 6, line 8, by striking out "(b)" and inserting

(c)

Amend Sec. 3 (Sec. 1511.1), page 6, line 27, by striking out "(c)" and inserting

(d)

Amend Sec. 3 (Sec. 1511.1), page 7, line 16, by inserting after "1371."

Students attending private and parochial schools shall be exempt from the provisions of this subsection.

Amend Sec. 3 (Sec. 1511.1), page 7, line 17, by striking out "(d)" and inserting

(e)

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. On the question, the Chair recognizes the gentleman from Delaware, Mr. Freind.

Mr. FREIND. Thank you, Mr. Speaker.

A number of members have contacted me concerning contacts they have received from parents and representatives of Christian schools, in particular, in opposition to HB 1181, because of the mandate with respect to the graduation test.

This amendment represents a compromise which has been agreed to by the representatives of all the Christian schools—in fact, of all of the nonpublic schools - the Catholic Conference, the Christian schools, all of the nonpublic schools. What it does is strike a balance between two things: number one, the interest that the Commonwealth has in the education of all of our students; and secondly, the consideration of the uniqueness of our nonpublic schools. This amendment will go farther with respect to nonpublic schools than any State in the Union.

At present right now, approximately 35 States require mandatory competency testing for their public schools. None, none require mandatory testing for their nonpublic schools. This amendment in fact requires mandatory testing for the nonpublic schools, and the way it works is this: A nonpublic school will be required to give to their 11th grade students a standardized test. It has to be a test approved by the Department of Education. The Department of Education's sole criterion for disapproving it will be the fact that it is deficient in testing for a basic competency in math, grammar, word usage, and reading. It will not be a requirement for graduation unless the nonpublic school desires it to be a requirement for graduation, but the nonpublic school will be mandated to advise the parents of the students of the results of their children's test.

We feel that this strikes an adequate balance between the competing interests. As I say, it is agreed to by the representatives of all of the nonpublic schools.

There was a fear that if this amendment was not drafted, that he who controls the test in fact controls the curriculum. For that reason, we deleted in this competency test social studies and science, because the questions in those two subjects can be extremely value laden and judgmental. Many of the nonpublic schools have a particular point of view, and the parents opt to send their children to those schools because they want certain values taught or certain values omitted. This certainly is not a watering down for our nonpublic schools.

I have to again emphasize that we will be the only State in the Union requiring testing for the nonpublic schools, and I ought to also emphasize this will resolve any problems that any of you have received from people from nonpublic schools opposing HB 1181. It has been agreed to by all those representatives. I urge your support for this amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Bucks, Mr. Gallagher.

Mr. GALLAGHER. Thank you, Mr. Speaker.

I, too, rise to support Representative Freind's amendment. It is an amendment that is needed to put together the proper perspective of what this Education Committee is doing, and we are trying to meet the needs that were expressed throughout the many months that we have been at the working table of putting the bill together and meeting with many other

people who have this great interest in educating our students of the Commonwealth. We feel that it is an amendment that is necessary to keep everybody on the same track, and I urge the members on each side to vote in favor of Representative Freind's amendment. Thank you.

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

Mr. LEVIN. Would Mr. Freind stand for interrogation, please?

The SPEAKER pro tempore. The gentleman indicates he will stand for a period of interrogation. The gentleman, Mr. Levin, is in order and may proceed.

Mr. LEVIN. Mr. Speaker, after the test is given, will it be a requirement for graduation?

Mr. FREIND. As I indicated, Mr. Speaker, no, it will not be, and it is right in the amendment that it is not a requirement for graduation unless that nonpublic school opts to make it a requirement for graduation.

Mr. LEVIN. All right. Maybe I am missing something. Did you not just lead the charge against the Ruth Harper amendment, which required an 11th grade test that had to be passed for graduation, and are you not asking for exactly the opposite in this situation?

Mr. FREIND. Yes, Mr. Speaker, I am.

Mr. LEVIN. Well, why do you not tell us the logic for why it should be required for the public schools and not for the Catholic schools?

Mr. FREIND. Many of the representatives of the nonpublic schools are seriously concerned that always is preserved, as we always have done in law before, the difference between our public and nonpublic schools, that in fact there certainly is a State interest in the education of all students but that we have always recognized that nonpublic schools in fact are different from public schools. Parents in fact make a decision to send their students to the nonpublic schools. They in fact pay tuition, and, as a matter of fact, if in those nonpublic schools those students do not fare well and bomb out on their test, that nonpublic school is not going to be around very long. Public schools are uniquely different. They are mandated by the Constitution, and they are paid for by the taxpayers.

I cannot emphasize enough that we go farther than any State in the Union. If we pass this bill, we will be the only State in the Union that requires any mandatory testing for nonpublic schools - a significant step forward.

Mr. LEVIN. Thank you.

May I speak on the amendment?

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

Mr. LEVIN. I support the amendment, but I find the reasoning of the offerer of the amendment bizarre. The same circumstances should have dictated that we adopt the Harper amendment. I am voting for this amendment because I think it is correct, just as I thought the Harper amendment was correct.

The SPEAKER pro tempore. The Chair recognizes the gentleman from York, Mr. Foster.

Mr. A. C. FOSTER. Thank you, Mr. Speaker.

I, likewise, strongly support the Freind amendment. I think as we look at the system of religious schools throughout the State, we see that they are indeed different, and the approach here in this compromise amendment is one that answers the necessity of that uniqueness. The fact that parents are willing to make great sacrifices to send their sons and daughters to these religious schools indicates the great degree of care that they have for them and the high regard they have for them. I strongly support the Freind amendment and ask its adoption.

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

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support the Freind amendment. He has put the issue in proper perspective, and I would respectfully request the members on both sides of the aisle to support this amendment. Thank you.

AMENDMENTS DIVIDED

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

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, I would ask that the amendment be divided.

The SPEAKER pro tempore. Where does the gentleman seek to divide the amendment?

Mr. TIGUE. The division would occur after the line that reads, "... (P.L. 30, No. 14), known as the Public School Code of 1949." That would be the first part.

The SPEAKER pro tempore. That would be deleted? Do you want to divide at that point?

Mr. TIGUE. Yes; that would be the first part. The first part would end there at that "1949."

The SPEAKER pro tempore. Is your starting point, then, "Amend Sec. 3 (Sec. 1511.1), page 6...?"

Mr. TIGUE. Page 6 would be the second; right, Mr. Speaker. Page 6 would be the second part of the amendment.

The SPEAKER pro tempore. Yes; this can be divided. You would be voting on the first portion?

Mr. TIGUE. Yes, Mr. Speaker.

PARLIAMENTARY INQUIRY

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

Mr. FREIND. A point of parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his point of parliamentary inquiry.

Mr. FREIND. If we are going to divide this amendment, I respectfully suggest that we should vote on the second part first. The reason I say that is this: The first part of that amendment states that the State will not pay for the 11th grade testing for the nonpublics. If in fact we keep that in but then defeat the second part of the amendment, we will be mandating our nonpublic schools to take the 11th grade test as a graduation requirement, but, unlike the public schools, we will not be paying for it. So it would seem appropriate to

me that if we are going to divide it—I wish we had not—we ought to take the second part first.

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

Mr. TIGUE. That is fine, Mr. Speaker. I have nothing wrong with that.

The SPEAKER pro tempore. We are considering now the second portion of the amendment. We have divided on the line, and the first portion of it reads, "Amend Sec. 3 (Sec. 1511.1), page 6, by inserting between lines 7 and 8,..." and we are voting on that portion of the amendment.

On the question,

Will the House agree to Part II of the amendments?

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

Mr. TIGUE. Thank you, Mr. Speaker.

The part of Mr. Freind's amendment that we will vote on is designed to eliminate the private and parochial schools from being given the competency test as required under HB 1181 as it currently exists.

Mr. Freind uses the argument that we would be the first in the Nation if we would require private and parochial schools to undergo competency testing. That may be true. It probably is true; I have no reason to refute that it is not. However, we are probably the single most generous State to private and parochial schools in that we subsidize many of the programs and services they receive. I think as a result of this, and also as Mr. Freind has said, that the State has indeed an interest in the education of every student in the Commonwealth, that we should require not only the public schools but each and every student in each and every school to undergo the same competency testing. If we do not, we are hypocritical. We are saying we are requiring public school students to show that they should graduate, but if you go to a private school, it is unnecessary. This is inconsistent.

We constantly hear about the economy of the private schools in our Commonwealth. So be it. But as long as they willingly and actively seek State aid in the form of services and other things, then the State, we as the General Assembly, have a right to mandate certain things. It has been said many times over, money does not come without strings attached. I have graduated from, in fact, a parochial school, but as economic times become more difficult, they seek more and more State and Federal aid. I am suggesting that we as members of the General Assembly, who determine how and to whom the money is spent, suggest we do maintain control over private schools. This is not only a simple solution of saying it is Catholic schools, Christian schools; this is any private school. There is no reason that if private school advocates are saying that their schools are superior—which is questionable—then there is no reason why they should fear a competency test. So I am urging that each one of us vote in the negative against this part of the Freind amendment. Thank you.

The SPEAKER pro tempore. We are on the second portion of the Freind amendment.

The Chair recognizes the gentleman from Berks, Mr. Davies.

Mr. DAVIES. Mr. Speaker, I would very reluctantly have to support Mr. Freind's amendment and Mr. Gallagher's amendment, only because of the fact that I would amend, as I spoke before, it is not the question of equity, because they are not only bizarre, as one of the former members indicated, in their rationale, but they do get away from what is normally the equity that we would seek in all schools by having equal standards. In the light of that and the fact that now in some areas there may be some question as to what school is superior over another school as far as other measurements of tests that are not the competency tests that are listed herein but other standards that are being used now, therefore, if they do not go to this testing program and they do not mandate it, I do not know how they can, of course, speak to that particular equity, no matter how far Mr. Freind insists this State go beyond the requirements of other States in the private and parochial sectors. As I said before, it would be my intent, of course, to then make a "may" provision for the public sector to try to eliminate the inequity that has been established by the Freind-Gallagher offering. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

Mr. PITTS. Thank you, Mr. Speaker.

I rise to support the Freind amendment.

In response to the gentleman, Mr. Tigue, although many nonpublic schools do benefit from services provided through public funds, most of the programs, most of the services provided in these religious schools are paid for by the private and nonpublic funds. In this sense, the Freind amendment recognizes that while nonpublic schools should certainly be required to provide basic academic curricula or subjects, these curricula or subjects should not be identical to those mandated for public schools, which are operated wholly out of public funds.

I think in the minds of the religious schools, the issue here is really course content control. The major experts in the field of testing have said that if you desire to control the content of the curricula, the best way to do it is through testing, and it is because of this concern that they have asked for this amendment.

I would hate to see Pennsylvania, which has a heritage of religious liberty and conscience from its very beginning, insert into its law a bias against religious education. We would be the first State in exerting and go the furthest with this amendment, and I think we should recognize the principle of religious conscience and liberty that they are concerned about and support this amendment. I urge adoption.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Beaver, Mr. Colafella.

Mr. COLAFELLA. Mr. Speaker, I rise to oppose the Freind amendment.

What you have in the State of Pennsylvania is a nonpublic school starting once a week all over this State. What you are finding is that children are leaving our public schools and going to these types of schools, and this State has no idea what kind of educational qualifications faculty members have in this State.

Our State provides \$51 million to nonpublic schools in this State. What we have done 15 minutes ago is to tell our public schools that you had better get tough in this State and you better give a test in the 11th grade, and if these kids do not pass that test a couple of times, we are going to send these kids out in this world as failures with a certificate of attendance. Now, I am going to tell you what I am going to do if I am a parent whose kid cannot pass that test. I am going to send him to a private school. I will send him to a private school and that kid will not have to worry about a test, and that is not fair. Our public schools are being crucified today, and you are not being fair to them by going along with the Freind amendment. I urge you to vote against the Freind amendment. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Blair, Mr. Johnson.

Mr. JOHNSON. Thank you, Mr. Speaker.

I rise in support of the Freind amendment.

Mr. Tigue used the word "control," and that is the very thing that those parents who are sending their children to private schools are concerned about today. They do not want to see the Commonwealth have control of the content of every course in their private schools. That is why they are sending their children to private schools.

We heard the figure mentioned, \$51 million. The parents of those children in private schools are contributing to the \$4.5 billion or \$4 billion which is going to our public schools. I urge that you favorably vote on this fine amendment, which is a good compromise, a good balance for the good of the Commonwealth. Thank you, sir.

The SPEAKER pro tempore. The Chair recognizes the gentleman from York, Mr. Foster.

Mr. A. C. FOSTER. Thank you, Mr. Speaker.

In brief rebuttal to the remarks made by the gentleman from Beaver, Mr. Colafella, I would submit that anyone who questions the quality of education in our religious schools visit some in their respective district. You see an excellent degree of education. Furthermore, Mr. Speaker, I would say this, that if the parents of these students are willing to pay twice for the education of those students, they are entitled to the few distinctions embodied in the Freind amendment. I urge an affirmative vote.

The SPEAKER pro tempore. The Chair recognizes the lady from Philadelphia, Mrs. Harper.

Mrs. HARPER. Thank you, Mr. Speaker.

I certainly see that we are setting a double standard here. And you know, I am going to vote for Mr. Freind's amendment because I believe it is right and I believe you were wrong to vote my amendment down. Thank you.

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

Mrs. TAYLOR. Mr. Speaker, I rise in support of Representative Freind's amendment. A moment ago it was suggested that if you did not pass after the third time in the public school, that you could go down to the nearest private school and probably get a diploma. Mr. Speaker, I suggest that is very, very false, very, very false, and I do not believe that is a good comparable statement and should not be left unchallenged.

On the question recurring,
Will the House agree to Part II of the amendments?

The following roll call was recorded:

YEAS—180

Alderette	Fargo	Livengood	Robbins
Angstadt	Fattah	Lloyd	Rudy
Armstrong	Fee	Lucyk	Ryan
Arty	Fischer	McCall	Rybak
Baldwin	Flick	McClatchy	Saloom
Battisto	Foster, W. W.	McHale	Salvatore
Belardi	Foster, Jr., A.	McIntyre	Saurman
Belfanti	Freeman	McMonagle	Scheetz
Beloff	Freind	McVerry	Schuler
Blaum	Fryer	Mackowski	Semmel
Book	Gallagher	Madigan	Serafini
Bowser	Gamble	Maiale	Seventy
Boyes	Gannon	Manderino	Showers
Broujos	Geist	Manmiller	Sirianni
Bunt	George	Markosek	Smith, B.
Burd	Gladeck	Mayernik	Smith, L. E.
Burns	Godshall	Merry	Snyder, D. W.
Caltagirone	Greenwood	Micozzie	Snyder, G. M.
Cappabianca	Grieco	Miller	Spencer
Cawley	Gruitza	Miscevich	Stairs
Cessar	Gruppo	Moehlmann	Steighner
Cimini	Hagarty	Morris	Stevens
Civera	Haluska	Mowery	Stewart
Clark	Harper	Mrkonic	Stuban
Clymer	Hasay	Nahill	Sweet
Cohen	Hayes	Noye	Swift
Cole	Herman	O'Brien	Taylor, E. Z.
Cordisco	Hershey	O'Donnell	Taylor, F. E.
Cornell	Hoeffel	Olasz	Telek
Coslett	Honaman	Perzel	Van Horne
Cowell	Hutchinson	Peterson	Vroon
Coy	Jackson	Petrarca	Wachob
Deluca	Jarolin	Petrone	Wambach
DeVerter	Johnson	Phillips	Wargo
DeWeese	Kasunic	Piccola	Wass
Daley	Kennedy	Pievsky	Weston
Davies	Klingaman	Pistella	Wiggins
Dawida	Kosinski	Pitts	Wogan
Dietz	Kukovich	Pott	Wozniak
Dininni	Lashinger	Pratt	Wright, D. R.
Dombrowski	Laughlin	Punt	Wright, J. L.
Donatucci	Lehr	Rappaport	Zwinkl
Dorr	Letterman	Reber	
Duffy	Levi	Reinard	Irvis,
Durham	Levin	Rieger	Speaker
Evans	Linton		

NAYS—17

Afflerbach	Gallen	Murphy	Tigue
Barber	Itkin	Oliver	Truman
Carn	Lescovitz	Preston	Williams
Colafella	Michlovic	Richardson	Wright, R. C.
Deal			

NOT VOTING—2

Spitz Wilson

EXCUSED—4

Brandt Kowalyshyn Marmion Trello

The question was determined in the affirmative, and Part II of the amendments was agreed to.

On the question,
Will the House agree to Part I of the amendments?

The following roll call was recorded:

YEAS—185

Alderette	Fattah	Livengood	Robbins
Angstadt	Fee	Lloyd	Rudy
Armstrong	Fischer	Lucyk	Rybak
Arty	Flick	McCall	Saloom
Baldwin	Foster, W. W.	McClatchy	Salvatore
Battisto	Foster, Jr., A.	McHale	Saurman
Belardi	Freeman	McIntyre	Scheetz
Belfanti	Freind	McMonagle	Schuler
Beloff	Fryer	McVerry	Semmel
Blaum	Gallagher	Mackowski	Serafini
Book	Gamble	Madigan	Seventy
Bowser	Gannon	Maiale	Showers
Boyes	Geist	Manderino	Sirianni
Broujos	George	Manmiller	Smith, B.
Bunt	Gladeck	Markosek	Smith, L. E.
Burd	Godshall	Mayernik	Snyder, D. W.
Burns	Greenwood	Merry	Snyder, G. M.
Caltagirone	Grieco	Michlovic	Spencer
Cappabianca	Gruitza	Micozzie	Spitz
Cawley	Gruppo	Miller	Stairs
Cessar	Hagarty	Miscevich	Steighner
Cimini	Haluska	Moehlmann	Stevens
Civera	Harper	Morris	Stewart
Clark	Hasay	Mowery	Stuban
Clymer	Hayes	Mrkonic	Sweet
Cohen	Herman	Nahill	Swift
Colafella	Hershey	Noye	Taylor, E. Z.
Cole	Hoeffel	O'Brien	Taylor, F. E.
Cordisco	Honaman	O'Donnell	Telek
Cornell	Hutchinson	Olasz	Tigue
Coslett	Itkin	Oliver	Van Horne
Cowell	Jackson	Perzel	Vroon
Coy	Jarolin	Peterson	Wachob
Deluca	Johnson	Petrarca	Wambach
DeVerter	Kasunic	Petrone	Wargo
DeWeese	Kennedy	Phillips	Wass
Daley	Klingaman	Piccola	Weston
Davies	Kosinski	Pievsky	Wogan
Dawida	Kukovich	Pistella	Wozniak
Dietz	Lashinger	Pitts	Wright, D. R.
Dininni	Laughlin	Pott	Wright, J. L.
Dombrowski	Lehr	Pratt	Wright, R. C.
Donatucci	Lescovitz	Punt	Zwinkl
Dorr	Letterman	Rappaport	
Duffy	Levi	Reber	Irvis,
Durham	Levin	Reinard	Speaker
Fargo	Linton	Rieger	

NAYS—11

Afflerbach	Deal	Preston	Wiggins
Barber	Gallen	Richardson	Williams
Carn	Murphy	Truman	

NOT VOTING—3

Evans Ryan Wilson

EXCUSED—4

Brandt Kowalyshyn Marmion Trello

The question was determined in the affirmative, and Part I of the amendments was agreed to.

On the question recurring,

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

BILL PASSED OVER

The SPEAKER pro tempore. Without objection, HB 1181 will go over for today's session. The Chair hears no objection.

For what purpose does the gentleman from Bedford, Mr. Dietz, rise?

Mr. DIETZ. Mr. Speaker, I have an amendment to the bill, HB 1181.

The SPEAKER pro tempore. The Chair wishes to inform the gentleman that there are about six other amendments. Would the gentleman care to proceed into the late hours of the evening? The Chair thanks the gentleman.

RESOLUTION REPORTED FROM COMMITTEE

HR 70, PN 909 By Rep. MANDERINO

Urging the Soviet Union to withdraw criminal charges lodged against Father Alfonsas Svarinskas.

RULES.

SUPPLEMENTAL CALENDAR B
RESOLUTION

Mr. LUCYK called up HR 70, PN 909, entitled:

Urging the Soviet Union to withdraw criminal charges lodged against Father Alfonsas Svarinskas.

On the question,

Will the House adopt the resolution?

Mr. LUCYK offered the following amendment No. A0432:

Amend second resolved clause, page 2, line 9, by striking out all of said line and inserting

Department of State of the United States for transmittal to the Soviet Ambassador to the United States.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Schuylkill, Mr. Lucyk.

Mr. LUCYK. Mr. Speaker, all this amendment does is change the language as to the protocol of the transmittal of this resolution.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—194

Afflerbach	Durham	Livengood	Rudy
Alderette	Evans	Lloyd	Ryan
Angstadt	Fargo	Lucyk	Rybak
Armstrong	Fattah	McCall	Saloom
Arty	Fee	McClatchy	Salvatore
Baldwin	Fischer	McHale	Saurman
Barber	Flick	McIntyre	Scheetz
Battisto	Foster, W. W.	McMonagle	Schuler
Belardi	Foster, Jr., A.	McVerry	Semmel
Belfanti	Freeman	Mackowski	Serafini
Beloff	Freind	Madigan	Seventy
Blaum	Fryer	Maiale	Showers
Book	Gallagher	Manderino	Sirianni
Bowser	Gallen	Manmiller	Smith, B.
Boyes	Gamble	Markosek	Smith, L. E.
Broujos	Gannon	Mayernik	Snyder, D. W.
Bunt	Geist	Merry	Snyder, G. M.
Burd	George	Michlovic	Spencer
Burns	Gladeck	Micozzie	Spitz
Caltagirone	Godshall	Miller	Stairs
Cappabianca	Greenwood	Miscevich	Steighner
Carn	Grieco	Moehlmann	Stevens
Cawley	Gruitza	Morris	Stewart
Cessar	Gruppo	Mowery	Stuban
Cimini	Hagarty	Mrkonic	Sweet
Civera	Haluska	Murphy	Swift
Clark	Harper	Nahill	Taylor, E. Z.
Clymer	Hasay	Noye	Taylor, F. E.
Cohen	Hayes	O'Brien	Telek
Colafella	Herman	Olasz	Tigue
Cole	Hershey	Oliver	Truman
Cordisco	Hoeffel	Perzel	Van Horne
Cornell	Honaman	Peterson	Vroon
Coslett	Hutchinson	Petrarca	Wambach
Cowell	Itkin	Petrone	Wargo
Coy	Jackson	Phillips	Wass
Deluca	Jarolin	Piccola	Weston
DeVerter	Kasunic	Pievsky	Wiggins
DeWeese	Kennedy	Pistella	Williams
Daley	Klingaman	Pitts	Wilson
Davies	Kosinski	Pott	Wogan
Dawida	Kukovich	Preston	Wozniak
Deal	Laughlin	Punt	Wright, D. R.
Dietz	Lehr	Rappaport	Wright, J. L.
Dininni	Lescovitz	Reber	Wright, R. C.
Dombrowski	Letterman	Reinard	Zwikl
Donatucci	Levi	Richardson	
Dorr	Levin	Rieger	Irvis,
Duffy	Linton	Robbins	Speaker

NAYS—0

NOT VOTING—5

Johnson O'Donnell Pratt Wachob
Lashinger

EXCUSED—4

Brandt Kowalyshyn Marmion Trello

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

On the question,

Will the House adopt the resolution as amended?

The following roll call was recorded:

YEAS—197

Afflerbach	Evans	Livengood	Robbins
Alderette	Fargo	Lloyd	Rudy
Angstadt	Fattah	Lucyk	Ryan
Armstrong	Fee	McCall	Rybak
Arty	Fischer	McClatchy	Saloom
Baldwin	Flick	McHale	Salvatore

Barber	Foster, W. W.	McIntyre	Saurman
Battisto	Foster, Jr., A.	McMonagle	Scheetz
Belardi	Freeman	McVerry	Schuler
Belfanti	Freind	Mackowski	Semmel
Beloff	Fryer	Madigan	Serafini
Blaum	Gallagher	Maiale	Seventy
Book	Gallen	Manderino	Showers
Bowser	Gamble	Manmiller	Sirianni
Boyes	Gannon	Markosek	Smith, B.
Broujos	Geist	Mayernik	Smith, L. E.
Bunt	George	Merry	Snyder, D. W.
Burd	Gladeck	Michlovic	Snyder, G. M.
Burns	Godshall	Micozzie	Spencer
Caltagirone	Greenwood	Miller	Spitz
Cappabianca	Grieco	Miscevich	Stairs
Carn	Gruitza	Moehlmann	Steighner
Cawley	Gruppo	Morris	Stevens
Cessar	Hagarty	Mowery	Stewart
Cimini	Haluska	Mrkonic	Suban
Civera	Harper	Murphy	Sweet
Clark	Hasay	Nahill	Swift
Clymer	Hayes	Noye	Taylor, E. Z.
Cohen	Herman	O'Brien	Taylor, F. E.
Colafella	Hershey	O'Donnell	Telek
Cole	Hoeffel	Olasz	Tigue
Cordisco	Honaman	Oliver	Truman
Cornell	Hutchinson	Perzel	Vroon
Coslett	Itkin	Peterson	Wachob
Cowell	Jackson	Petrarca	Wambach
Coy	Jarolin	Petrone	Wargo
Deluca	Johnson	Phillips	Wass
DeVerter	Kasunic	Piccola	Weston
DeWeese	Kennedy	Pievsky	Wiggins
Daley	Klingaman	Pistella	Williams
Davies	Kosinski	Pitts	Wogan
Dawida	Kukovich	Pott	Wozniak
Deal	Lashinger	Pratt	Wright, D. R.
Dietz	Laughlin	Preston	Wright, J. L.
Dininni	Lehr	Punt	Wright, R. C.
Dombrowski	Lescovitz	Rappaport	Zwikel
Donatucci	Letterman	Reber	
Dorr	Levi	Reinard	Irvis,
Duffy	Levin	Richardson	Speaker
Durham	Linton	Rieger	

NAYS—0

NOT VOTING—2

Van Horne Wilson

EXCUSED—4

Brandt Kowalyshyn Marmion Trello

The question was determined in the affirmative, and the resolution as amended was adopted.

RULES SUSPENDED

The SPEAKER pro tempore. The Chair recognizes the gentleman from Bedford, Mr. Dietz.

Mr. DIETZ. Mr. Speaker, I move that the rules be suspended for the purpose of the immediate consideration of a resolution.

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

The following roll call was recorded:

YEAS—196

Afflerbach	Evans	Linton	Rieger
Alderette	Fargo	Livengood	Robbins
Angstadt	Fattah	Lloyd	Rudy
Armstrong	Fee	Lucyk	Ryan
Arty	Fischer	McCall	Rybak
Baldwin	Flick	McClatchy	Saloom
Barber	Foster, W. W.	McHale	Salvatore
Battisto	Foster, Jr., A.	McIntyre	Saurman
Belardi	Freeman	McMonagle	Scheetz
Belfanti	Freind	McVerry	Schuler
Beloff	Fryer	Mackowski	Semmel
Blaum	Gallagher	Madigan	Serafini
Book	Gallen	Manderino	Seventy
Bowser	Gamble	Manmiller	Showers
Boyes	Gannon	Markosek	Sirianni
Broujos	Geist	Mayernik	Smith, B.
Bunt	George	Merry	Smith, L. E.
Burd	Gladeck	Michlovic	Snyder, D. W.
Burns	Godshall	Micozzie	Snyder, G. M.
Caltagirone	Greenwood	Miller	Spencer
Carn	Grieco	Miscevich	Spitz
Cawley	Gruitza	Moehlmann	Stairs
Cessar	Gruppo	Morris	Steighner
Cimini	Hagarty	Mowery	Stevens
Civera	Haluska	Mrkonic	Stewart
Clark	Harper	Murphy	Suban
Clymer	Hasay	Nahill	Sweet
Cohen	Hayes	Noye	Swift
Colafella	Herman	O'Brien	Taylor, E. Z.
Cole	Hershey	O'Donnell	Taylor, F. E.
Cordisco	Hoeffel	Olasz	Telek
Cornell	Honaman	Oliver	Tigue
Coslett	Hutchinson	Perzel	Truman
Cowell	Itkin	Peterson	Van Horne
Coy	Jackson	Petrarca	Vroon
Deluca	Jarolin	Petrone	Wachob
DeVerter	Johnson	Phillips	Wambach
DeWeese	Kasunic	Piccola	Wargo
Daley	Kennedy	Pievsky	Wass
Davies	Klingaman	Pistella	Weston
Dawida	Kosinski	Pitts	Wiggins
Deal	Kukovich	Pott	Williams
Dietz	Lashinger	Pratt	Wilson
Dininni	Laughlin	Preston	Wogan
Dombrowski	Lehr	Punt	Wozniak
Donatucci	Lescovitz	Rappaport	Wright, D. R.
Dorr	Letterman	Reber	Wright, J. L.
Duffy	Levi	Reinard	Wright, R. C.
Durham	Levin	Richardson	Zwikel

NAYS—0

NOT VOTING—3

Cappabianca Irvis,
Maiale Speaker

EXCUSED—4

Brandt Kowalyshyn Marmion Trello

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

RESOLUTION ADOPTED

The SPEAKER pro tempore. The Chair recognizes the gentleman from Bedford, Mr. Dietz.

Mr. DIETZ. Mr. Speaker, I offer the following resolution.

The following resolution was read:

House Resolution No. 183

A RESOLUTION

Requesting the Governor to proclaim February 12, 1984 as "National Junior Catholic Daughters of the Americas Day."

The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows:

WHEREAS, The National JCDA Commission of the Catholic Daughters of the Americas has chosen "UNDERSTANDING MY FAMILY THROUGH THE JCDA" as the theme for National Junior Catholic Daughters of the Americas Day, Sunday, February 12, 1984; and

WHEREAS, The theme "UNDERSTANDING MY FAMILY THROUGH THE JCDA" is in keeping with the United States Catholic Bishops' plan of action for this decade of Family Ministry; and

WHEREAS, The Junior Catholic Daughters of the Americas is the youth program of the National Organization of the Catholic Daughters, open to girls 6 through 18 years of age; and

WHEREAS, By striving to understand their own families, their Church as a family and their community as a family, the JCDA is living up to the ideals of its threefold program of "MESSAGE, SERVICE AND COMMUNITY"; therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania request the Governor to proclaim February 12, 1984 as "National Junior Catholic Daughters of the Americas Day"; and be it further

RESOLVED, That a copy of this resolution be transmitted to the Governor.

Clarence E. Dietz
Edward F. Burns, Jr.
William Telek
Edward J. Haluska

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—198

Afflerbach	Evans	Livengood	Rudy
Alderette	Fargo	Lloyd	Ryan
Angstadt	Fattah	Lucyk	Rybak
Armstrong	Fee	McCall	Saloom
Arty	Fischer	McClatchy	Salvatore
Baldwin	Flick	McHale	Saurman
Barber	Foster, W. W.	McIntyre	Scheetz
Battisto	Foster, Jr., A.	McMonagle	Schuler
Belardi	Freeman	McVerry	Semmel
Belfanti	Freind	Mackowski	Serafini
Beloff	Fryer	Madigan	Seventy
Blaum	Gallagher	Manderino	Showers
Book	Gallen	Manmiller	Sirianni
Bowser	Gamble	Markosek	Smith, B.
Boyes	Gannon	Mayernik	Smith, L. E.
Broujos	Geist	Merry	Snyder, D. W.
Bunt	George	Michlovic	Snyder, G. M.
Burd	Gladeck	Micozzie	Spencer
Burns	Godshall	Miller	Spitz
Caltagirone	Greenwood	Miscevich	Stairs
Cappabianca	Grieco	Moehlmann	Steighner
Carn	Gruitza	Morris	Stevens
Cawley	Gruppo	Mowery	Stewart
Cessar	Hagarty	Mrkonic	Suban
Cimini	Haluska	Murphy	Sweet
Civera	Harper	Nahill	Swift
Clark	Hasay	Noye	Taylor, E. Z.
Clymer	Hayes	O'Brien	Taylor, F. E.
Cohen	Herman	O'Donnell	Telek
Colafella	Hershey	Olasz	Tigue
Cole	Hoeffel	Oliver	Truman
Cordisco	Honaman	Perzel	Van Horne

Cornell	Hutchinson	Peterson	Vroon
Coslett	Itkin	Petrarca	Wachob
Cowell	Jackson	Petrone	Wambach
Coy	Jarolin	Phillips	Wargo
Deluca	Johnson	Piccola	Wass
DeVerter	Kasunic	Pievsky	Weston
DeWeese	Kennedy	Pistella	Wiggins
Daley	Klingaman	Pitts	Williams
Davies	Kosinski	Pott	Wilson
Dawida	Kukovich	Pratt	Wogan
Deal	Lashinger	Preston	Wozniak
Dietz	Laughlin	Punt	Wright, D. R.
Dininni	Lehr	Rappaport	Wright, J. L.
Dombrowski	Lescovitz	Reber	Wright, R. C.
Donatucci	Letterman	Reinard	Zwilk
Dorr	Levi	Richardson	
Duffy	Levin	Rieger	Irvis,
Durham	Linton	Robbins	Speaker

NAYS—0

NOT VOTING—1

Maiale

EXCUSED—4

Brandt Kowalyszyn Marmion Trello

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

The SPEAKER pro tempore. The Chair recognizes the gentleman from Bedford, Mr. Dietz.

Mr. DIETZ. Mr. Speaker, I would ask that my Catholic friends have the privilege of signing that resolution, and the non-Catholic as well.

The SPEAKER pro tempore. Will the gentleman please explain that statement at this late hour? Would the gentleman please come to the podium.

WELCOME

The SPEAKER pro tempore. The Chair has a special request here to welcome Bernie Atz, township supervisor from Luzerne Township, Fayette County. He is the guest of Representatives DeWeese and Kasunic. The Chair welcomes the gentleman.

LABOR RELATIONS COMMITTEE MEETING

The SPEAKER pro tempore. The gentleman from Philadelphia, Mr. Cohen, wishes to call a meeting off the floor. The gentleman, Mr. Cohen, is in order and may proceed.

Mr. COHEN. Mr. Speaker, I ask all members of the Labor Relations Committee who are not present to report immediately to the floor of the House for a 2-minute meeting.

The SPEAKER pro tempore. Two-minute meeting by Mr. Cohen.

REMARKS ON VOTES

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

Mr. KENNEDY. My switch was not working on HB 1476. I would like to be recorded in the negative.

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

Mr. KENNEDY. Thank you, Mr. Speaker.

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

Mr. MOWERY. If I had been in my seat on HB 1476 on final passage, I would have voted in the negative.

The SPEAKER pro tempore. The Chair thanks the gentleman. The remarks of the gentleman will be spread upon the record.

ANNOUNCEMENT BY SPEAKER PRO TEMPORE

The SPEAKER pro tempore. There will be no more roll-call votes taken. However, the desk will be held open pending the return of Mr. Cohen and the reports of his superb committee. At that time, the House will adjourn until Monday, February 13, 1984, at 1 o'clock p.m., unless sooner recalled by the Speaker.

CONCURRENT REGULATORY REVIEW RESOLUTION SUBMITTED

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

Mr. COHEN. Mr. Speaker, I ask to report a resolution out of the Labor Relations Committee. This resolution disapproves the fire and panic safety regulations of the Department of Labor and Industry.

The SPEAKER pro tempore. The clerk will read the resolution.

The following resolution was read:

A CONCURRENT RESOLUTION

Disapproving Department of Labor and Industry regulation on fire and panic provisions.

WHEREAS, The Department of Labor and Industry has proposed a regulation changing provisions relating to fire and panic under the authority of sections 1 and 4 of the act of April 27, 1927 (P.L.465, No.299), referred to as the Fire and Panic Act; and

WHEREAS, The House Committee on Labor Relations recommended disapproval of the proposed regulation to the Independent Regulatory Review Commission under section 5(c) of the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act; and

WHEREAS, The committee received notice under section 6(c) of the act that the commission approved the proposed regulation; and

WHEREAS, The committee has determined that the proposed regulation should be disapproved by the General Assembly and notified the Department of Labor and Industry of this determination; and

WHEREAS, The committee reports this resolution under section 7(c) of the act for action by the General Assembly within 30 calendar days or ten legislative days, whichever is longer, from the date of reporting this resolution; therefore be it

RESOLVED, (the Senate concurring), That the General Assembly disapprove the proposed regulation of the Department

of Labor and Industry on fire and panic provisions; and be it further

RESOLVED, That notice of the final disposition of this resolution be sent to the Department of Labor and Industry and published in the Pennsylvania Bulletin.

Mark B. Cohen
Joseph R. Pitts

QUESTION OF INFORMATION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Berks, Mr. Davies.

Mr. DAVIES. Mr. Speaker, just to be assured that when we resume the considerations of the curriculum bill, HB 1181, I am marked for an amendment to that piece of legislation. Is that correct?

The SPEAKER pro tempore. You are; yes.

Mr. DAVIES. Thank you, sir.

BILLS PASSED OVER

The SPEAKER pro tempore. Without objection, all remaining bills on today's calendar will be passed over. The Chair hears none.

ADJOURNMENT

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

Mr. LINTON. Mr. Speaker, I move that this House do now adjourn until Monday, February 13, 1984, at 1 p.m., e.s.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 6:26 p.m., e.s.t., the House adjourned.