

# COMMONWEALTH OF PENNSYLVANIA

## Legislative Journal

MONDAY, FEBRUARY 13, 1984

SESSION OF 1984

168TH OF THE GENERAL ASSEMBLY

No. 11

### HOUSE OF REPRESENTATIVES

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

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

##### PRAYER

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

Almighty and everlasting God, we look to Thee in the midst of this day's activities, ever mindful of Thy constant love and care. We beseech Thee favorably to hear the prayers of Thy people who call upon Thee. We know that we are justly punished for our offenses, and we ask that we may be justly delivered by Thy bountiful goodness. All this we ask for the honor and glory of Thy name, for the forgiveness of our mistakes, and for the blessedness of Thy peace, world without end. Amen.

##### PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

##### JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. Without objection, approval of the Journal of Wednesday, February 8, 1984, will be postponed until printed. The Chair hears no objection.

##### COMMUNICATION FROM SPEAKER

###### SPEAKER PRO TEMPORE APPOINTED

The SPEAKER pro tempore. The Chair is in receipt of the following message, which the clerk will read.

The following communication was read:

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

Pursuant to House Rule 1, this is to advise that I have appointed the Honorable Lester K. Fryer as Speaker Pro Tempore for such period during Monday, February 13, 1984, as may be necessary.

K. Leroy Irvis

### COMMUNICATIONS FROM GOVERNOR

#### BILLS SIGNED BY GOVERNOR

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

APPROVAL OF HBs Nos. 529, 1154 and 1662.

Commonwealth of Pennsylvania  
Governor's Office  
Harrisburg

February 9, 1984

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

I have the honor to inform you that I have this day approved and signed House Bill 529, Printer's No. 596, entitled "AN ACT amending the act of April 12, 1951 (P. L. 90, No. 21), entitled 'An act relating to alcoholic liquors, alcohol and malt and brewed beverages; amending, revising, consolidating and changing the laws relating thereto; regulating and restricting the manufacture, purchase, sale, possession, consumption, importation, transportation, furnishing, holding in bond, holding in storage, traffic in and use of alcoholic liquors, alcohol and malt and brewed beverages and the persons engaged or employed therein; defining the powers and duties of the Pennsylvania Liquor Control Board; providing for the establishment and operation of State liquor stores, for the payment of certain license fees to the respective municipalities and townships, for the abatement of certain nuisances and, in certain cases, for search and seizure without warrant; prescribing penalties and forfeitures; providing for local option, and repealing existing laws,' permitting the sale of liquor that is part of a decedent's estate."

Dick Thornburgh  
Governor

Commonwealth of Pennsylvania  
Governor's Office  
Harrisburg

February 9, 1984

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

I have the honor to inform you that I have this day approved and signed House Bill 1154, Printer's No. 1335, entitled "AN ACT amending the act of May 1, 1933 (P. L. 216, No. 76), entitled 'An act relating to dentistry; defining and providing for the licensing and registration of dentists and dental hygienists, and for the revocation and suspension of such licenses and registrations, subject to appeal, and for their reinstatement; defining the powers and duties of the State Dental Council and Examining Board and the Department of Public Instruction; providing penalties; and repealing existing laws,' further defining the practice of dentistry."

Dick Thornburgh  
Governor

Commonwealth of Pennsylvania  
Governor's Office  
Harrisburg

February 9, 1984

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

I have the honor to inform you that I have this day approved and signed House Bill 1662, Printer's No. 2102, entitled "AN ACT amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, providing for the transfer of employer contributions to certain other public pension systems."

Dick Thornburgh  
Governor

**ACTUARIAL NOTE**

The SPEAKER pro tempore. The Chair notes a fiscal report from the actuary committee in regard to HB 728.

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

**BILLS REMOVED FROM TABLE**

The SPEAKER pro tempore. 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 704;
- HB 705;
- HB 1858; and
- SB 447.

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

**LEAVES OF ABSENCE GRANTED**

The SPEAKER pro tempore. Are there any requests for leaves of absence?

The Chair recognizes the gentleman from Philadelphia, Mr. PIEVSKY.

Mr. PIEVSKY. Thank you, Mr. Speaker.

Mr. Speaker, I ask for leave of absence for the gentleman from Allegheny, Mr. MISCEVICH, for the entire week, and the gentleman from Allegheny, Mr. CLARK, for today. Thank you, Mr. Speaker.

The SPEAKER pro tempore. Without objection, leaves of absence are granted. The Chair hears no objection.

The Chair recognizes the minority whip.

Mr. HAYES. Thank you, Mr. Speaker.

I request leave for the gentleman from Chester, Mr. PITTS, for the day; the gentleman from Crawford, Mr. SWIFT, for the day; and the gentleman from Allegheny, Mr. MARMION, for the week.

The SPEAKER pro tempore. Without objection, leaves of absence are granted. The Chair hears no objection.

**MASTER ROLL CALL RECORDED**

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

The following roll call was recorded:

**PRESENT—196**

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

**ADDITIONS—1**

Olasz

**NOT VOTING—1**

Trello

**EXCUSED—5**

Clark	Miscevich	Pitts	Swift
Marmion			

LEAVE ADDED—1

Trello

WELCOMES

The SPEAKER pro tempore. The Chair is pleased to extend a welcome to Mrs. Charlene Vaught, who is a guest of the York County delegation. Mrs. Vaught is a candidate for the 95th Legislative District.

The Chair is pleased to welcome Mr. Paul Vukas, who is the guest of the Representatives of Beaver County.

CALENDAR

BILLS AGREED TO ON SECOND CONSIDERATION

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

HB 1795, PN 2483.

\* \* \*

The House proceeded to second consideration of HB 1837, PN 2486, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for the terms of office and appointment of public utility commissioners; and providing for retention election of appointed commissioners.

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

BILL RECOMMENDED

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

Mr. MANDERINO. Mr. Speaker, I move that HB 1837, PN 2486, be recommitted to the Committee on Appropriations for a fiscal note.

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

\* \* \*

The House proceeded to second consideration of HB 381, PN 2468, entitled:

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), establishing alternative education programs for the education of disruptive students.

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

BILL RECOMMENDED

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

Mr. MANDERINO. Mr. Speaker, I move that HB 381, PN 2468, be recommitted to the Committee on Appropriations for a fiscal note.

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

\* \* \*

The House proceeded to second consideration of SB 928, PN 1127, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," providing for a means to resolve compensation matters affecting school administrators through good faith negotiation sessions between school employers and school administrators.

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

BILL RECOMMENDED

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

Mr. GALLAGHER. Mr. Speaker, I move that SB 928, PN 1127, be recommitted to the Education Committee.

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

\* \* \*

The House proceeded to second consideration of HB 1848, PN 2488, entitled:

An Act amending the "Beauty Culture Law," approved May 3, 1933 (P. L. 242, No. 86), reestablishing the State Board of Cosmetology; providing for its composition, powers and duties; making editorial changes; and making a repeal.

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

BILL RECOMMENDED

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

Mr. MANDERINO. Mr. Speaker, I move that HB 1848, PN 2488, be recommitted to the Committee on Appropriations for a fiscal note.

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

\* \* \*

The House proceeded to second consideration of HB 1851, PN 2487, entitled:

An Act amending the "Barbers' License Law," approved June 19, 1931 (P. L. 589, No. 202), reestablishing the State Board of Barber Examiners; and further providing for provisions relating to barbering.

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

### BILL RECOMMENDED

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

Mr. MANDERINO. Mr. Speaker, I move that HB 1851, PN 2487, be recommitted to the Committee on Appropriations for a fiscal note.

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

### BILLS AGREED TO ON SECOND CONSIDERATION CONTINUED

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

**SB 1134, PN 1487.**

### BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 749, PN 832**, entitled:

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, further defining the term "superannuation age."

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

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

The question is, shall the bill pass finally?

The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, may I interrogate the sponsor of this bill?

The SPEAKER pro tempore. Will the sponsor of the bill stand for a period of interrogation?

Mr. McMONAGLE. Yes.

The SPEAKER pro tempore. The gentleman from Philadelphia, Mr. McMonagle, indicates he will stand for a period of interrogation. The minority leader is in order and may proceed.

Mr. RYAN. Mr. Speaker, would the gentleman, Mr. McMonagle, advise the House as to the fiscal implications of this bill?

Mr. McMONAGLE. The fiscal note I have, Mr. Speaker, is that it is only going to cost them \$185,000 in the first year and an increase of 5.5 on their percentage, and it depends also on how many retire and how many stay in.

Mr. RYAN. Mr. Speaker, would the gentleman advise me if he received a communication from the Delaware River Port Authority?

Mr. McMONAGLE. Yes, I did. I have it right here, Mr. Speaker.

Mr. RYAN. Mr. Speaker, the information I have received and I believe everyone has received from the Delaware River Port Authority is that the estimated cost of this bill would be approximately \$426,000 per year. Does the gentleman see where I am reading this, on page 2?

Mr. McMONAGLE. Yes, Mr. Speaker, but they are also including the PATCO (Port Authority Transit Corporation) officers, who I do not think are really included in this bill. We are talking about the bridge cops, and they are talking about the transit cops included. If that happens, then we are talking about another \$220,000, which would bring it up to \$426,000. They are not sure themselves that the PATCO officers are included.

Mr. RYAN. As I read the communication from the port authority, if PATCO is included, it would increase the cost by about 20 percent. So if they are not included, I would take the 20 percent off the total estimate of \$426,000, which would bring it down to approximately \$350,000 per year. Would the gentleman agree with that? I am basing that, Mr. Speaker, on an original estimated cost of \$185,000, an additional \$33,000 in costs for PATCO, the \$33,000 being approximately 20 percent, slightly less than 20 percent, of the \$185,000, and using that same 20 percent, I am subtracting it in round numbers from the \$426,000 item to reach an annual cost of \$350,000. Does that sound approximately right to you?

Mr. McMONAGLE. I am getting a different figure on the letter I got, Mr. Speaker. I am getting a figure of \$201,000 extra, which would be above the \$185,000, and with the extra \$33,000, everything comes up to \$426,000.

Mr. RYAN. I believe the letter, though, Mr. Speaker, shows that PATCO would represent about 20 percent of the total costs. I am simply taking that 20 percent off the 425,000 total dollars to say that the costs for the Delaware River Port Authority would then be some \$350,000.

Mr. McMONAGLE. Mr. Speaker, is your letter dated February 6? I know there was more than one letter sent out.

Mr. RYAN. February 6.

Mr. McMONAGLE. Okay. On the bottom line where they have it underlined, they are saying if you include the \$33,000 with the PATCO officers, you come up to \$220,000. And then they add the fringe benefits. With everything included on the next page, you come up to \$426,000. I know where you are getting your \$350,000 - by deducting the 20 percent off the \$426,000. Well, if we did that, we are including everybody, and I do not think the PATCO officers are included right now, and if they are, I cannot see really that much— All we are doing is adding twice as many officers and giving them the same benefits that other officers in the State have right now.

Mr. RYAN. Thank you, Mr. Speaker.

Mr. Speaker?

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

Mr. RYAN. I do not pretend to be totally familiar with the Delaware River Port Authority, the job of the members of the

Delaware River Port Authority who would be affected by this bill, these police officers. The letter I received from Mr. James R. Kelly of the port authority seems to indicate, however, that he does not believe that the stress, strain, and activities of the Delaware River Port Authority officers are nearly as complex, nor are they as dangerous, as are the activities of the ordinary policeman, and I do not mean "ordinary" in a derogatory sense but rather in the sense of policemen as we know them, dealing in criminal activities and the like, but rather the port authority police are concerned principally with traffic control.

The part, however, Mr. Speaker, that causes some concern is the second paragraph on page 2 of that letter, which would seem to indicate that to pass this bill would require an additional increase over and above the most recent 25-percent increase in the bridge fares of the traveling public, which, of course, includes the constituents of Philadelphia and all of the surrounding counties, as well as anyone who travels over the bridges of the Delaware.

I would simply suggest to the members that they read closely the letter of Mr. Kelly, addressed to each of them, with respect to the fiscal implications of this vote. Thank you, Mr. Speaker.

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

Mr. McMONAGLE. Mr. Speaker, I agree with the minority leader on the second paragraph, but the day after I received this letter there was an article in the Philadelphia Inquirer saying where the Delaware River Port Authority will not have to raise their prices now because they found money. They found money that they were not going to use on an extension in New Jersey, hooking up Route 73, and they found enough money to pay this money for the redecking of the Delaware River Bridge, which is a \$50-million fund. So if they found that money, I think they can find another \$400,000 with no problem at all without raising their fee. They even said in the paper now they do not believe they are going to raise the fee of the bridge tolls.

Thank you, Mr. Speaker. I would appreciate if you would vote "yes" on this bill.

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

Mr. DAVIES. Mr. Speaker, may I ask the gentleman a question of interrogation?

The SPEAKER pro tempore. The gentleman from Philadelphia, Mr. McMonagle, indicates he will consent to interrogation.

Mr. DAVIES. Mr. Speaker, what would be the requirements for retirement of, let us say, the gentlemen who are assigned to the security of the Capitol, such as the Capitol Police? What are the retirement standards for those gentlemen?

Mr. McMONAGLE. Mr. Speaker, if I understand you right, the requirements will be as for any other police officer in the State, with 30 years and out at the age of 50, lowering it from age 60 - the same as your State Police, the same as your

Philadelphia police officers, the same as the Camden police officers, whom they also work with; the same plan they have, the same plan we did last week with the teachers - lower it to 50, and they have the option of going out. They do not have to go out, but they have the option of going out.

Mr. DAVIES. In other words, Mr. Speaker, then that would be a different standard than is currently applicable for other State employees?

Mr. McMONAGLE. This has nothing to do with the Capitol Police, if that is the question you asked.

Mr. DAVIES. No, sir. I am trying to get an item comparison of what it is, let us say, for the security people here and/or others employed by the Commonwealth as compared to the specific group that this piece of legislation addresses itself to.

Mr. McMONAGLE. I do not know how the Capitol Police work it, Mr. Speaker, but I know this is in line with the Philadelphia police officers, the Camden police officers, which is on the other side of the river, and the State Police and all, so it would be similar to what they are getting, the same thing as they are getting since the State F.O.P. (Fraternal Order of Police) also approves of this.

Mr. DAVIES. Thank you.

The comment then, sir, by the previous interrogator, would you care to express your evaluation of that personally about the matter of how much of a responsibility they have as compared to the ordinary police officer of the two municipalities that you mentioned? Again, by "ordinary" I do not mean that they are ordinary responsibilities; I mean the matter of their security, their well-being, and so forth compared to the role of these gentlemen in their pursuit of their occupation.

Mr. McMONAGLE. Yes, Mr. Speaker. I believe they have a lot of stress. Any time you are a police officer and you are carrying a weapon, you can be shot at or shoot someone, and there is stress there. They also have to climb to the top of the bridge and get people who are going to commit suicide. You are talking about 400 feet above water. Now, that is a lot of stress. I do not know if I would be able to climb to the top of a bridge and try to talk somebody down, or they grab me and jump with me around them. I mean, there is stress there; I think there is a lot of stress there. Plus they have to work next to cars all day long with the smoke, and I think that is a hazard right there, with all the emissions that are coming out of those cars crossing those bridges all the time. Not only that, but they are capable of being hurt; they are capable of being killed; and it is not an easy job. I agree, they are not as hard as a regular police officer in a municipality that they have to go after burglars or bank robbers, but yes, there are life-threatening times that they have to put their life on the line. If it is only once in 20 years or if it is only once, it is a time, and I believe there is stress.

Mr. DAVIES. Thank you, Mr. Speaker.

May I make just a short comment, Mr. Speaker?

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

Mr. DAVIES. While I appreciate the gentleman's evaluation of the job, I would have to join my leader in expressing

some concern as far as whether or not they are really equitable in the category as far as the danger and the very threat to their life in the pursuit of their ordinary tasks of security. In addition to that, I have additional concerns about it because I think we will develop a series of inequitable retirement benefits as compared to some of the same people who have similar responsibilities and are only covered under the State employees' retirement requirements, which are vastly different than that afforded in this piece of legislation. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Philadelphia, Mr. Deal.

Mr. DEAL. Mr. Speaker, I rise to support HB 749. I think to do otherwise would be discriminatory to other law enforcement agencies in the area who do comparable work.

Mr. Speaker, in some ways I believe the officers included in this bill may well be under more stress. In the first place, a lot of their work is motorized, and they could well be involved in numerous high-speed chases across that bridge. Also, Mr. Speaker, if there is ever a group of law enforcement officers who must be continuously on the alert, that is the officers who are included in HB 749. If we understand the area, they will have that bridge, and many times when holdups occur the culprits may attempt to flee across these highways, across the bridge.

Mr. Speaker, I think it would be unfair for us not to support this bill, though there may be some questions on the actual costs. The real problem is whether or not we believe that the stress of these officers is such that they should have the same right and opportunity for retirement as other officers. I tend to believe that the officers there at the port authority certainly ought to be able to retire at early ages, and certainly young officers, where humanly possible, ought to have an opportunity to be brought in because of the many, many areas in which they may become involved. As the previous speaker mentioned, they may well have to go over the side of that bridge to help save a life or may have to crawl on the side of that bridge or the high-speed chases they may be in from time to time.

I would ask all of my colleagues to please support this bill, HB 749.

**LEAVE OF ABSENCE GRANTED**

The SPEAKER pro tempore. The Chair returns to leaves of absence.

The Chair recognizes the majority whip, who requests that Mr. TRELLO of Allegheny County be granted a leave of absence for the week.

Without objection, the leave of absence is granted. The Chair hears no objection.

**MEMBER'S PRESENCE RECORDED**

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Olasz, who requests that his name be added to the master roll call.

The Chair thanks the gentleman.

**CONSIDERATION OF HB 749 CONTINUED**

On the question recurring,  
Shall the bill pass finally?

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

**YEAS—110**

Afflerbach	Donatucci	Lucyk	Salvatore
Alderette	Dorr	McCall	Seventy
Angstadt	Duffy	McHale	Snyder, G. M.
Arty	Durham	McIntyre	Steighner
Barber	Evans	McMonagle	Stevens
Battisto	Fattah	Manderino	Stewart
Belardi	Fee	Markosek	Suban
Belfanti	Freeman	Mayernik	Sweet
Beloff	Gallagher	Michlovic	Taylor, F. E.
Blaum	Gamble	Micozzie	Telek
Burns	Gannon	Miller	Tigue
Caltagirone	Gruitza	Mowery	Truman
Cappabianca	Haluska	O'Brien	Van Horne
Carn	Harper	O'Donnell	Wachob
Cawley	Hoeffel	Olasz	Wambach
Cessar	Hutchinson	Oliver	Wargo
Civera	Jarolin	Perzel	Weston
Cohen	Kasunic	Petrarca	Wiggins
Colafella	Kennedy	Petrone	Williams
Cole	Kosinski	Pievsky	Wilson
Cordisco	Kowalyszyn	Pistella	Wogan
Cowell	Kukovich	Pratt	Wozniak
Deluca	Laughlin	Preston	Wright, D. R.
DeWeese	Lescovitz	Rappaport	Wright, R. C.
Daley	Letterman	Richardson	Zwikl
Dawida	Levin	Rieger	
Deal	Linton	Rybak	Iris,
Dombrowski	Livengood	Saloom	Speaker

**NAYS—85**

Armstrong	Foster, Jr., A.	Lehr	Reinard
Baldwin	Freind	Levi	Robbins
Book	Fryer	Lloyd	Rudy
Bowser	Gallen	McClatchy	Ryan
Boyes	Geist	McVerry	Saurman
Brandt	George	Mackowski	Scheetz
Broujos	Gladeck	Madigan	Schuler
Bunt	Godshall	Manmiller	Semmel
Burd	Greenwood	Merry	Serafini
Cimini	Grieco	Moehlmann	Showers
Clymer	Gruppo	Morris	Sirianni
Cornell	Hagarty	Mrkonic	Smith, B.
Coslett	Hasay	Murphy	Smith, L. E.
Coy	Hayes	Nahill	Snyder, D. W.
DeVerter	Herman	Noye	Spencer
Davies	Hershey	Peterson	Spitz
Dietz	Honaman	Phillips	Stairs
Dininni	Jackson	Piccola	Taylor, E. Z.
Fargo	Johnson	Pott	Vroon
Fischer	Klingaman	Punt	Wass
Flick	Lashingner	Reber	Wright, J. L.

Foster, W. W.

NOT VOTING—2

Itkin Maiale

EXCUSED—6

Clark Misceovich Swift Trello  
Marmion Pitts

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 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 recurring,

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

Mr. DUFFY offered the following amendments No. A0319:

Amend Title, page 1, line 7, by inserting after "diploma;" further providing voting of boards;

Amend Bill, page 9, by inserting between lines 11 and 12

Section 4. Section 1704 of the act, amended June 28, 1951 (P.L.934, No.180), is amended to read:

Section 1704. Joint Authority of Boards; Title to Property.—The affairs of joint schools or departments shall be supervised and directed (1) jointly by the several boards of school directors, establishing and maintaining such joint schools or departments, or (2) by a joint school committee, as provided in section one thousand seven hundred seven of this act. When there is no joint school committee, the several boards of school directors are hereby authorized to meet jointly, and exercise the same power and authority over the same as the several boards exercise over the schools in their respective districts. Whatever matter is required by law to be decided by a vote of the majority of all the directors of a school district shall in a joint school or department be required to be decided by a vote of two-thirds of all the constituent boards comprising said joint operation. The vote of any constituent board shall be determined by a majority vote of all the school directors comprising such constituent board. In addition thereto, the matter shall have been voted for by a majority of all the school directors of all of the constituent boards. All voting on the affairs of joint schools or departments by the school directors of the constituent boards located in Allegheny County shall be conducted either in convention or by mail ballot, whichever procedure the majority of all school directors select. The title to any real estate, acquired for the purpose of establishing any such joint school or department, shall be held in the name of one or more of the district establishing the same, as they may agree.

Amend Sec. 4, page 9, line 12, by striking out "4" and inserting

5

Amend Sec. 5, page 9, line 17, by striking out "5" and inserting

6

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

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

Mr. DUFFY. Thank you, Mr. Speaker.

This amendment would give the school directors of joint-ures in Allegheny County the right to select the method by which they conduct their business. It could be by convention or by a mail ballot, whichever method the majority of the school directors select. Now, this is just for Allegheny County. I would like you to support this amendment. Thank you.

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

The following roll call was recorded:

YEAS—195

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

NAYS—0

NOT VOTING—2

McIntyre Wachob

EXCUSED—6

Clark Marmion Misceovich Pitts Swift Trello

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

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

Mr. LLOYD offered the following amendment No. A0301:

Amend Sec. 2 (Sec. 1511), page 4, by inserting between lines 29 and 30

(10) Each school district shall make a reasonable effort to enable interested vocational-technical students to receive instruction in those courses which are prerequisites to admission to the State-owned and State-related universities in this Commonwealth.

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

The SPEAKER pro tempore. The Chair recognizes the gentleman from Somerset, Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

What this amendment does is to ask school districts to make a reasonable effort to help those students who go outside the school district during part of the term to a vo-tech school, to make a reasonable effort to help those kids get the academic courses they need in order to go on to college. What is happening sometimes is that they go to the vo-tech school and study horticulture and want to go on to Penn State, and the school district is not cooperating with them. This just requires cooperation, and I would ask for an affirmative vote.

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

The following roll call was recorded:

YEAS—196

Afflerbach Alderette Angstadt Armstrong Arty Baldwin Barber Battisto Belardi Belfanti Beloff Blaum Book Bowser Boyes Brandt Broujos Bunt Burd Burns Caltagirone Cappabianca Carn Evans Fargo Fattah Fee Fischer Flick Foster, W. W. Foster, Jr., A. Freeman Freind Fryer Gallagher Gallen Gamble Gannon Geist George Gladeck Godshall Greenwood Grieco Gruitza Gruppo Linton Livengood Lloyd Lucy McCall McClatchy McHale McMonagle McVerry Mackowski Madigan Maiale Manderino Manmiller Markosek Mayernik Merry Michlovic Micozzie Miller Moehlmann Morris Mowery Rudy Ryan Rybak Saloom Salvatore Saurman Scheetz Schuler Semmel Serafini Seventy Showers Sirianni Smith, B. Smith, L. E. Snyder, D. W. Snyder, G. M. Spencer Spitz Stairs Steighner Stevens Stewart

Cawley Cessar Cimini Civera Clymer Cohen Colafella Cole Cordisco Cornell Coslett Cowell Coy Deluca DeVerter DeWeese Daley Davies Dawida Deal Dietz Dininni Dombrowski Donatucci Dorr Duffy Durham Hagarty Haluska Harper Hasay Hayes Herman Hershey Hoeffel Honaman Hutchinson Itkin Jackson Jarolin Johnson Kasunic Kennedy Klingaman Kosinski Kowalshyn Kukovich Lashinger Laughlin Lehr Lescovitz Letterman Levi Levin Mrkonic Murphy Nahill Noye O'Brien O'Donnell Olasz Oliver Perzel Peterson Petrarca Petrone Phillips Piccola Pievsky Pistella Pott Pratt Preston Rappaport Reber Reinard Richardson Rieger Robbins Stuban Sweet Taylor, E. Z. Taylor, F. E. Telek Tigue Truman Van Horne Vroon Wachob Wambach Wargo Wass Weston Wiggins Williams Wilson Wogan Wozniak Wright, D. R. Wright, J. L. Wright, R. C. Zwikl Irvis, Speaker

NAYS—0

NOT VOTING—1

McIntyre

EXCUSED—6

Clark Marmion Misceovich Pitts Swift Trello

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

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

Mr. DIETZ offered the following amendments No. A0431:

Amend Title, page 1, line 7, by inserting after "diploma;" further providing for the granting of diplomas;

Amend Bill, page 9, by inserting between lines 11 and 12 Section 4. Section 1905 of the act, amended September 12, 1961 (P.L.1263, No.554), is amended to read:

Section 1905. Certificate or Diploma.—All school credits derived from any curricular course of study in the standard evening high school of any district shall be accepted by the school authorities of that district toward fulfillment of the requirements for graduation from any curriculum of any day school of corresponding grade in that district. Upon the satisfactory completion in the standard evening high school of the curricular courses of study required for graduation from any curriculum of any school district by any person, such person shall be awarded the appropriate school certificate or diploma at the close of the then current school term. Whenever a person satisfactorily completes the requirements on the high school level Tests of General Educational Development, the school district which the person last attended shall grant to the person, upon application, the appropriate school diploma.

Amend Sec. 4, page 9, line 12, by striking out "4" and inserting

5

Amend Sec. 5, page 9, line 17, by striking out "5" and inserting

6



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

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

Mr. DIETZ. Thank you, Mr. Speaker.

This is, I think, an agreed-to amendment, and all it does is say that those persons who have satisfactorily completed the GED (General Educational Development) shall be issued a diploma from the school, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—194

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

NAYS—0

NOT VOTING—3

McIntyre  
Sirianni

Irvis,  
Speaker

EXCUSED—6

Clark  
Marmion

Miscevich  
Pitts

Swift

Trello

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

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

Mr. HERMAN offered the following amendments No. A3769:

Amend Sec. 2 (Sec. 1511), page 2, line 29, by striking out "and" and inserting  
education;

Amend Sec. 2 (Sec. 1511), page 3, line 9, by striking out "and" and inserting  
education;

Amend Sec. 2 (Sec. 1511), page 3, line 11, by striking out "and physical"

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

The SPEAKER pro tempore. The Chair recognizes the gentleman from Centre, Mr. Herman.

Mr. HERMAN. Thank you, Mr. Speaker.

This is a technical amendment to HB 1181. What the amendment does is it amends the section on page 2 dealing with mandatory required programs or courses of studies to be offered in public schools. In the bill itself, it relates to health and physical education as a combined entity. What my amendment perceives to do is to separate those two so that the schools will recognize that the schools will teach health education and physical education. In other words, it segregates the two as a policy for the State to recognize that health education is distinctly different from physical education.

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

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

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

Mrs. TAYLOR. Mr. Speaker, would you please advise me and the members of the House as to whether or not your amendment has any impact on the credits for graduation?

Mr. HERMAN. Mr. Speaker, I am not aware of any impact that this will have on credits for education. It is not specifically designed to make any changes in those types of requirements.

Mrs. TAYLOR. Mr. Speaker, is the intent of your amendment then to see that health education is taught in the curriculum for more periods than it is offered at the present time?

Mr. HERMAN. Absolutely not, Mr. Speaker.

My amendment is simply a policy-type thing that the State will recognize that health education is distinctly different from physical education, and the purpose is not to require more courses whatsoever in any public school district.

Mrs. TAYLOR. Just one final question, Mr. Speaker.

Do you think that this amendment would require a school district to hire a specialist in health education and a specialist in physical education as opposed to the school district's hiring at the present time a health and physical education teacher who would be certified to teach in both of those areas?

Mr. HERMAN. Mr. Speaker, I am not aware of any changes that would have to be made in that area. My intentions in the amendment are not to make any changes in particular in any type of school district's hiring policies. As far as I am concerned in the passage of this amendment, my purpose is to continue the hiring policies as they continue to be and that teachers can continue to teach health and physical education as they now do so.

Mrs. TAYLOR. Mr. Speaker, then would you say that the bottom line and the intent of your amendment is to give special attention to the fact that health education is indeed different than physical education and therefore would bring to that specialization an impact that it does not already have in the schools?

Mr. HERMAN. Yes; I think pretty much that is what the purpose of the amendment is, to recognize that health education is different from physical education. I think it is very obvious that health education deals with those types of activities relating to vision care, health care, cardiovascular system, education in that respect. And physical education is merely going out and doing it, exercising your limbs and getting the proper exercise that you need in the growing-up process for youngsters.

Mrs. TAYLOR. Mr. Speaker, I am well aware of that. I guess what I am searching out, for the record, is for you to inform me and the members of this General Assembly the bottom-line intent of your offering this amendment.

Mr. HERMAN. The bottom line is simply to recognize that health education is vastly different from physical education, and the policy of this State should do that.

Mrs. TAYLOR. Thank you very much.

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

The following roll call was recorded:

YEAS—187

Afflerbach	Durham	Levin	Ryan
Alderette	Evans	Linton	Rybak
Angstadt	Fargo	Livengood	Saloom
Armstrong	Fattah	Lucyk	Salvatore
Arty	Fee	McCall	Scheetz
Baldwin	Fischer	McClatchy	Schuler
Barber	Flick	McHale	Semmel
Battisto	Foster, W. W.	McIntyre	Serafini
Belardi	Foster, Jr., A.	McMonagle	Seventy
Belfanti	Freeman	McVerry	Showers
Beloff	Freind	Mackowski	Sirianni
Blaum	Fryer	Madigan	Smith, B.
Book	Gallagher	Maiale	Smith, L. E.

Bowser	Gallen	Manderino	Snyder, D. W.
Boyes	Gamble	Manmiller	Snyder, G. M.
Brandt	Gannon	Markosek	Spencer
Broujos	Geist	Mayernik	Spitz
Bunt	George	Michlovic	Stairs
Burd	Gladeck	Micozzie	Steighner
Burns	Godshall	Miller	Stevens
Caltagirone	Greenwood	Morris	Stewart
Cappabianca	Grieco	Mowery	Stuban
Carn	Gruitza	Mrkonic	Sweet
Cawley	Gruppo	Murphy	Taylor, E. Z.
Cessar	Haluska	Noye	Taylor, F. E.
Cimini	Harper	O'Brien	Telek
Civera	Hasay	O'Donnell	Tigue
Clymer	Hayes	Olasz	Truman
Cohen	Herman	Oliver	Van Horne
Colaflera	Hershey	Perzel	Vroon
Cole	Hoefel	Peterson	Wachob
Cordisco	Honaman	Petrarca	Wambach
Cornell	Hutchinson	Petrone	Wargo
Coslett	Itkin	Phillips	Wass
Coy	Jarolin	Piccola	Weston
Deluca	Johnson	Pistella	Wiggins
DeVerter	Kasunic	Pott	Williams
DeWeese	Kennedy	Pratt	Wilson
Daley	Klingaman	Preston	Wogan
Davies	Kosinski	Punt	Wozniak
Dawida	Kowalyshyn	Rappaport	Wright, D. R.
Deal	Lashinger	Reber	Wright, J. L.
Dietz	Laughlin	Reinard	Wright, R. C.
Dininni	Lehr	Richardson	Zwikl
Dombrowski	Lescovitz	Rieger	
Donatucci	Letterman	Robbins	Irvis,
Dorr	Levi	Rudy	Speaker
Duffy			

NAYS—8

Cowell	Jackson	Lloyd	Nahill
Hagarty	Kukovich	Moehlmann	Saurman

NOT VOTING—2

Merry	Pievsky
-------	---------

EXCUSED—6

Clark	Miscevich	Swift	Trello
Marmion	Pitts		

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

On the question recurring,

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

Mr. HERMAN offered the following amendment No. A3773:

Amend Sec. 2 (Sec. 1511), page 3, line 3, by inserting after "include"

earth sciences,

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Centre, Mr. Herman.

Mr. HERMAN. This amendment amends on page 3 that section at the very top in section (2) relating to the secondary school level and those course offerings that public schools are to offer students. In that section specifically dealing with those areas of science to include biology, physics, and chemistry, I wish to amend this bill to include earth sciences also.

The purpose of this amendment is the very fact that, as many of us know, over the years there has been a dramatic change. The populace has become more and more concerned about environmental issues. Earth sciences relate to current issues such as municipal and hazardous waste disposal, ground water, surface water, air quality, acid rain, floods, climate cycles, and soil erosion and fertility. I think that the earth sciences should certainly be included as an offering in the secondary school level.

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

The following roll call was recorded:

YEAS—170

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

NAYS—25

Blaum	Gruitza	Livengood	Petrone
Cornell	Hagarty	Lloyd	Pratt
Cowell	Haluska	Markosek	Preston
DeWeese	Jackson	Moehlmann	Saurman
Flick	Kukovich	Nahill	Seventy
Gamble	Linton	Olasz	Tigue
Gladeck			

NOT VOTING—2

Letterman Van Horne

EXCUSED—6

Clark Marmion Misceovich Pitts Swift Trello

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

On the question recurring,

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

Mr. COWELL offered the following amendment No. A0374:

Amend Sec. 2 (Sec. 1511), page 4, by inserting between lines 29 and 30

(10) Exceptions to the curriculum requirements contained in this section shall be considered according to standards and criteria adopted by the department pursuant to State Board of Education regulations.

On the question,

Will the House agree to the amendment?

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, one of the criticisms that we have heard about HB 1181 is that the language currently in the bill may make it impossible for some students in some school districts to pursue vocational education programs. The language in this amendment would insure that local districts, all districts, would have enough legal flexibility to provide for accommodations in the curriculum so students could be able to meet the other requirements yet also pursue a vocational education program.

The language in this amendment refers to regulations that the State Board has already adopted and ultimately refers to standards that are now being drafted by the Department of Education to this end. I would urge that we adopt this amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—196

Afflerbach	Durham	Levi	Richardson
Alderette	Evans	Levin	Rieger
Angstadt	Fargo	Linton	Robbins
Armstrong	Fattah	Livengood	Rudy
Arty	Fee	Lloyd	Ryan
Baldwin	Fischer	Lucyk	Rybak
Barber	Flick	McCall	Saloom
Battisto	Foster, W. W.	McClatchy	Salvatore
Belardi	Foster, Jr., A.	McHale	Saurman
Belfanti	Freeman	McIntyre	Scheetz
Beloff	Freind	McMonagle	Schuler
Blaum	Fryer	McVerry	Semmel
Book	Gallagher	Mackowski	Serafini
Bowser	Gallen	Madigan	Seventy
Boyes	Gamble	Maiale	Showers
Brandt	Gannon	Manderino	Sirianni
Broujos	Geist	Manmiller	Smith, B.
Bunt	George	Markosek	Smith, L. E.

Burd	Gladeck	Mayernik	Snyder, D. W.
Burns	Godshall	Merry	Snyder, G. M.
Caltagirone	Greenwood	Michlovic	Spencer
Cappabianca	Grieco	Micozzie	Spitz
Carn	Gruitza	Miller	Stairs
Cawley	Gruppo	Moehlmann	Steighner
Cessar	Hagarty	Morris	Stevens
Cimini	Haluska	Mowery	Stewart
Civera	Harper	Mrkonic	Stuban
Clymer	Hasay	Murphy	Sweet
Cohen	Hayes	Nahill	Taylor, E. Z.
Colafella	Herman	Noye	Taylor, F. E.
Cole	Hershey	O'Brien	Telek
Cordisco	Hoeffel	O'Donnell	Tigue
Cornell	Honaman	Olasz	Truman
Coslett	Hutchinson	Oliver	Van Horne
Cowell	Itkin	Perzel	Vroon
Coy	Jackson	Peterson	Wachob
Deluca	Jarolin	Petrarca	Wambach
DeVerter	Johnson	Petrone	Wargo
DeWeese	Kasunic	Phillips	Wass
Daley	Kennedy	Piccola	Weston
Davies	Klingaman	Pievsky	Wiggins
Dawida	Kosinski	Pistella	Williams
Deal	Kowalyszyn	Pott	Wilson
Dietz	Kukovich	Pratt	Wogan
Dininni	Lashingner	Preston	Wozniak
Dombrowski	Laughlin	Punt	Wright, D. R.
Donatucci	Lehr	Rappaport	Wright, J. L.
Dorr	Lescovitz	Reber	Wright, R. C.
Duffy	Letterman	Reinard	Zwikl

NAYS—0

NOT VOTING—1

Irvis,  
Speaker

EXCUSED—6

Clark	Miscevich	Swift	Trello
Marmion	Pitts		

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

On the question recurring,

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

Mr. FREEMAN offered the following amendment No. A0444:

Amend Sec. 2 (Sec. 1511), page 3, line 5, by inserting after "history" where it appears the first time  
, including the history of labor in the United States,

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Northampton, Mr. Freeman.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, this amendment would require that the history of labor in the United States be offered as a course or even conceivably as part of a history course. It is important that the children of Pennsylvania know the story of working people and their struggle to make a decent wage and a better life for themselves and their children. This amendment will insure that the sacrifices made by working people at Homestead and at Pullman will be remembered; that those sacrifices will not become just a distant echo down the corridor of time. I urge a "yes" vote.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Montgomery, Mr. Gladeck.

Mr. GLADECK. Would the gentleman, Mr. Freeman, please stand for brief interrogation?

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

Mr. GLADECK. My question is, Mr. Speaker, could you please explain exactly how this works? What kind of a history of the labor movement do you want taught in the public schools in Pennsylvania?

Mr. FREEMAN. Mr. Speaker, it is my intent and the intent of the amendment that the history of working people, the history of labor, be taught in our public school system.

Mr. GLADECK. Under the terms of your amendment, how would that work exactly? In other words, how many years would they be taught the history of organized labor, what years would they be taught the history of labor in comparison to American history, et cetera? I am not exactly clear on how it works.

Mr. FREEMAN. Okay, Mr. Speaker. There seems to be a point of confusion.

I would ask you to look at the reference of where the amendment goes into the bill. It would merely require that the course be offered. That would meet the requirement for one of the minimum requirements in social studies, as I understand the amendment.

Mr. GLADECK. Mr. Speaker, I would ask the members of the House of Representatives to vote against this amendment.

In the essence of fairness, it seems to me that if we should get into teaching about the different movements that have transpired over the years throughout our Commonwealth, perhaps we ought to teach about the history of the oil companies and perhaps we should teach about the history of business; we should mandate that black history be taught X amount of hours, et cetera, et cetera, et cetera. I think that this is an outlandish amendment, and I would urge each and every one of you to vote against it.

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

Mr. COWELL. Mr. Speaker, would Mr. Freeman consent to interrogation, please?

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

Mr. COWELL. Mr. Speaker, I could not hear your full explanation earlier because of some of the noise on the floor. It is my understanding, as I try to interpret your amendment, that you would have this issue be included in some other history course, but you are not proposing that a separate additional course be established. Is that correct?

Mr. FREEMAN. Mr. Speaker, we kept the amendment broad enough that either option could be used. But it would be a course that would be required to be offered, not necessarily mandatory to be taken.

Mr. COWELL. But I am not looking at the question of whether it shall be offered or not; I am looking at the context in which this subject matter shall be offered. Could this history of labor in the United States be included as part of a general history course, or are you proposing that it be set up separately as an additional course, a separate course?

Mr. FREEMAN. It is my feeling that either option could exist under the wording.

Mr. COWELL. Okay. Thank you, Mr. Speaker.

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

Mr. GALLEN. I wonder if the gentleman would stand for further interrogation, Mr. Speaker?

The SPEAKER pro tempore. The gentleman indicates he will. The gentleman, Mr. Gallen, is in order and may proceed.

Mr. GALLEN. Mr. Speaker, do you know whether or not the textbooks used in most schools today include the courses to which this amendment refers?

Mr. FREEMAN. I am sorry, Mr. Speaker. I could not hear the gentleman's question.

Mr. GALLEN. The question is, do you know whether or not the textbooks now being used in the schools include the history of organized labor, which is what this amendment refers to?

Mr. FREEMAN. It is my understanding, Mr. Speaker, that although most textbooks would cover some portion, oftentimes they are not taught. Oftentimes there is not a decent amount of exposure to the history of working people and the labor movement in this country in those courses, in those textbooks.

Mr. GALLEN. Mr. Speaker, in the event that those books do not include it, would you suggest then that they have to buy separate texts in order to teach this portion of history?

Mr. FREEMAN. Again, Mr. Speaker, I think the point is being missed here that the course is required to be offered. The amount of books that would have to be purchased, if there were need for such books, would depend upon the enrollment.

Mr. GALLEN. Mr. Speaker, I think you are dodging the question. What happens if the textbooks do not include this part of our history?

Mr. FREEMAN. Mr. Speaker, I have to apologize. I could not quite hear the original question. If you would please restate that question.

Mr. GALLEN. The question is, what do the schools do in the event that the text that they are now using does not include that portion of history to which this amendment refers?

Mr. FREEMAN. I would imagine they would take the same option they use now when they have to buy new spelling books or new reading books, to update their texts.

Mr. GALLEN. Thank you, Mr. Speaker.

Mr. Speaker?

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

Mr. GALLEN. Mr. Speaker, I think we are getting into a very dangerous area when we discuss amendments such as

this, when we discuss the very specifics of portions of courses which must be taught. I think, and maybe some others think, that maybe a history of the Irish Rebellion should be included, or possibly a little more knowledge about Stephen Decatur—most people do not know too much about him—or some history of other specific areas which are important in our overall history. But, Mr. Speaker, I think it is wrong for us to start dictating. It is enough to dictate what courses must be taught, but to get into the very specifics of those courses, I think this is a mandate that we should refuse. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Lancaster, Mr. Armstrong.

Mr. ARMSTRONG. Thank you, Mr. Speaker.

I would like to interrogate the sponsor of this amendment, please.

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

Mr. ARMSTRONG. Mr. Speaker, what would happen in my own school district or any school district that would offer a course taught such as the history of labor and only one or two people sign up for it? Would that course have to be taught?

Mr. FREEMAN. It is my understanding, Mr. Speaker, at least in the school districts in my area, that if there is not that high a registration, the course is discontinued, at least for that semester.

Mr. ARMSTRONG. So it would not be mandated. If a couple of people wanted it, it would not be mandated that they would have to take it.

Mr. FREEMAN. It would be mandated that it be offered, Mr. Speaker.

Mr. ARMSTRONG. But if only two people sign up, then they do not have to have the course. Is that what you are saying? Unless enough people sign up, then they do not have to have the course.

Mr. FREEMAN. I would say that since the course could be included in another history course, that option could be taken care of quite nicely.

Mr. ARMSTRONG. Okay. Thank you very much.

The SPEAKER pro tempore. The Chair recognizes the lady from Susquehanna, Miss Sirianni.

Miss SIRIANNI. Mr. Speaker, all history books, at least all high school history books, already have a portion of that included in the history books. Why do you have to have another expense? I think if this amendment is going to go through, you need to have a fiscal note with it.

The SPEAKER pro tempore. The Chair thanks the lady.

The Chair recognizes the gentleman, Mr. Freeman.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, what we are dealing with here is a subject matter that touches each and every individual in this chamber. Although the lady did mention that labor history is often

taught and is included in most history books, I know from my own course experience in a very fine public school that that subject matter was not touched upon in any great detail.

We are not talking about a small, minor matter here. We are talking about the history of working people - not an individual, not a remote incident, but history of working people, the people who helped to forge this State, who made this State what it is. It is a history that includes the heritage, I daresay, of three-quarters of this chamber. I do not think it is asking too much that that course be required to be offered. I would urge a "yes" vote.

The SPEAKER pro tempore. The Chair recognizes the lady, Miss Sirianni.

Miss SIRIANNI. Mr. Speaker, it is in all the history books. I do not know whether the gentleman read that portion of the history book, but it is in it.

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

Mr. BURNS. Mr. Speaker, I am sorry to wait so long. I thought Representative Freind was going to ask this question.

If I could direct a question to Mr. Freeman, please.

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

Mr. BURNS. Mr. Speaker, as I understand your amendment, your amendment is an either-or amendment, that either the local school district can, if they so desire, offer a special course on the history of labor, or they can say that it is included in an American history course that would deal with the times and places of the events. Is that correct? Is my understanding of that correct?

Mr. FREEMAN. That is my understanding, yes.

Mr. BURNS. With that understanding, Mr. Speaker, I do not see any problem with this amendment, because there is no school district today or there are no classes today that can teach American history and not teach the American labor movement. How can you teach the history of the sixties without talking about the Haymarket in Chicago? How can you teach history without talking about the development of the AFL (American Federation of Labor) and CIO (Congress of Industrial Organizations) and the merger of such and so forth during the early thirties, during the late forties and fifties? It just cannot be taught without teaching the history of labor, and if it is being taught without that, then something is wrong with the person who is teaching the course.

So I do not see any problem with this. If a school district wants to, they may; if they do not want to, they do not have to, because it is already included in the American history portion of the course. So with that, I would urge support of the amendment, because there is no difference in what is happening right now.

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

Mr. KENNEDY. Thank you, Mr. Speaker.

One question for Representative Freeman.

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

Mr. KENNEDY. Mr. Speaker, do you know if there is right now in place in the school systems a specific history of the free enterprise system being studied in our schools in Pennsylvania?

Mr. FREEMAN. I am sorry, Mr. Speaker. I could not quite hear you.

Mr. KENNEDY. Today, in place, do you know if there is a history of the free enterprise system being taught in our public schools in Pennsylvania?

Mr. FREEMAN. It is my understanding, Mr. Speaker, from my past experience with history courses, that that is part and parcel of American history.

Mr. KENNEDY. You are sure of that, or is that a guess?

Mr. FREEMAN. Well, since my background previous to coming here was in American history, yes.

Mr. KENNEDY. It is yes.

Well, I stand to urge all of my fellow members to vote "no" on this amendment, and I would suggest to all those who are in the classroom teaching history who would be desirous of supporting your amendment to take them for a ride through New Castle or Conshohocken or Farrell or Sharon, take them for a ride through those towns and let them take a look at the empty steel mills—

Mr. GRUITZA. Mr. Speaker?

The SPEAKER pro tempore. For what purpose does the gentleman from Mercer, Mr. Gruitza, rise?

Mr. GRUITZA. I believe that we are beyond the scope of this bill. Anybody who would like to come to see Sharon or Farrell, I welcome you. We have many very, very strong industries there, very viable industries. In fact, we have probably one of the most modern steel-producing facilities in the world there. So if we are going to talk—

Mr. KENNEDY. Mr. Speaker, do I have the floor here?

Mr. GRUITZA. —about districts, let us talk about the people who represent those districts, and let us limit this speechmaking to this bill.

Mr. KENNEDY. Mr. Speaker, do I have the floor?

The SPEAKER pro tempore. In a moment, sir.

Have you finished, sir?

Mr. GRUITZA. Yes, sir.

The SPEAKER pro tempore. The Chair thanks the gentleman for bringing the conversation to an even keel and returns to Mr. Kennedy.

Mr. KENNEDY. Thank you, Mr. Speaker.

I can balance the equation very simply. I invite you to Cumberland County, home of the free and the brave, and I can show you industries that are contemplating leaving our county, with 3 percent unemployment, because of the drift of labor. I am simply saying, take a look around you. If you are not able to teach it in the classroom, you can find it right here in the marketplace, the history of labor in Pennsylvania. Thank you.

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

Mrs. TAYLOR. Mr. Speaker, may I interrogate my colleague, Representative Burns?

The SPEAKER pro tempore. Will the gentleman, Mr. Burns, stand? The gentleman, Mr. Burns, indicates he will stand for a period of interrogation. The lady, Mrs. Taylor, is in order and may proceed.

Mrs. TAYLOR. Mr. Speaker, I listened very closely to the remarks of the Representative in urging this House to vote for this amendment, because I believe he said that it still would be the choice of the school district as to whether or not that would be an inclusion in the curriculum. Did I hear you correctly?

Mr. BURNS. As a result of the interrogation, Mr. Speaker, with Representative Freeman, Representative Freeman indicated that it was his belief that his amendment was drawn so that it would give a clear freedom of choice to an either-or situation, that the school district could, if they desired, require a course on labor. Otherwise, the course on labor could be part of the American history course. That was what I understood Representative Freeman to say, and that is what prompted my further remarks.

Mrs. TAYLOR. Mr. Speaker, you did not then wish to indicate that it would be the best move of those of us interested in the curriculum in the public schools to perhaps have an amendment just like Mr. Freeman's on every single subject that might be covered under the guise of social studies. You are not indicating to this body that there is a precedent being set here, and that if this amendment passes, then I had better have one drawn for the free enterprise system, for whatever it might be, so that we have our students knowledgeable in all of these movements that are very basic to our society.

The SPEAKER pro tempore. Just a moment.

In reading of the bill—and Mr. Freeman could correct me if he is so inclined—the Chair reads that it would be mandatory. It states, “The mandatory required programs or courses of study to be offered are as follows.” Then it goes into, among other things, “including the history of labor in the United States.” It would appear to the Chair that it would be mandatory as the bill dictates.

The gentleman, Mr. Freeman, is in order.

Mr. FREEMAN. Thank you, Mr. Speaker.

I would only say that it is mandatory to be offered, as I pointed out when I stood to offer the amendment. As it is drafted, it could also conceivably be part of another course in the way that it says, “including the history of labor in the United States.”

The SPEAKER pro tempore. The point remains that it would be mandatory, and if it is as the sponsor indicates, then his amendment should so state.

Mr. FREEMAN. Mandatorily offered, not required to be taken, sir.

The SPEAKER pro tempore. The gentleman is making a play on words. I am reading now from page 2. “The mandatory required programs or courses of study to be offered are as follows.”

Mr. FREEMAN. That is correct, sir; to be offered.

The SPEAKER pro tempore. To be offered, but it begins by stating, “The mandatory required....”

Mr. FREEMAN. Mandatorily required to be offered, not taken, sir.

The SPEAKER pro tempore. The Chair thanks the gentleman. I believe the words speak for themselves.

Mrs. TAYLOR. Mr. Speaker, I was not quite finished.

The SPEAKER pro tempore. We eagerly await your message.

The Chair recognizes the lady, Mrs. Taylor.

Mrs. TAYLOR. Thank you, Mr. Speaker.

I just wanted one final question for my colleague.

I take it that because of your longtime interest in the curriculum of our public schools, you are not suggesting to this body that we need to put into law other subjects such as the one that is included in this amendment.

Mr. BURNS. Mr. Speaker, no, I am not. I have steadfastly, as most members of the Education Committee have over the years that I have been here, been against mandating specific courses to school districts, specific such as the history of this or the movement of that.

In this particular case, it was my feeling and still is my feeling that if this mandate, so to speak, or any “mandate,” either it be free enterprise or it be labor or it be whatever, you cannot teach history without including that, and I contend that that would cover the mandate. I mean, there is just absolutely no way you could teach history to a secondary group of students that would not cover those things.

I think the amendment is superfluous, to be honest with you. I have never wanted any of these types of amendments, but in order to get away from this debate, if what Mr. Freeman had told me earlier was correct, I would say that there was no harm with it. The school district could or could not and it was going to be covered anyway. So just to lessen the debate, I guess I opened up a can of worms.

Mrs. TAYLOR. Thank you very much.

Mr. Speaker, may I make a statement?

The SPEAKER pro tempore. The lady, Mrs. Taylor, is in order and may proceed.

Mrs. TAYLOR. Mr. Speaker, I did want to have that clarified for the members of the House, because I join Mr. Burns in thinking that this amendment is not necessary, that it is superfluous, and therefore, I urge the members of this House to vote against the amendment.

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

Mr. SCHULER. Thank you, Mr. Speaker.

Am I in order to speak on the amendment?

The SPEAKER pro tempore. You are, sir.

Mr. SCHULER. Mr. Speaker, I think the debate that has been going on is a perfect illustration of the conflict that develops when the legislature gets involved in curriculum-making. More specifically in relationship to this amendment, I think any social studies teacher, which I was for 26 years, worth his worth would talk about labor as part of these programs.

My real problem here is, though, that we, the legislature, are determining a topic within social studies. Mr. Speaker, that is a dangerous precedent to start. Every interest group in the Commonwealth will want some time in the curriculum. So therefore, Mr. Speaker, I ask for a negative vote on this amendment.

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

The following roll call was recorded:

#### YEAS—106

Afflerbach	Donatucci	McCall	Serafini
Alderette	Duffy	McHale	Seventy
Angstadt	Evans	McMonagle	Stairs
Arty	Fattah	Maiale	Steighner
Baldwin	Fee	Manderino	Stevens
Barber	Fischer	Michlovic	Stewart
Battisto	Freeman	Miller	Stuban
Belardi	Gallagher	Morris	Sweet
Belfanti	Gamble	Mrkonic	Taylor, F. E.
Beloff	Gannon	Murphy	Telek
Blaum	George	O'Brien	Truman
Burns	Haluska	O'Donnell	Van Horne
Caltagirone	Harper	Olasz	Wachob
Cappabianca	Hoefel	Oliver	Wambach
Carn	Itkin	Perzel	Wargo
Cawley	Jarolin	Petrarca	Weston
Civera	Kasunic	Petrone	Wiggins
Colafella	Kosinski	Pievsky	Williams
Cole	Kowalyshyn	Pistella	Wogan
Cordisco	Kukovich	Pratt	Wozniak
Cowell	Laughlin	Preston	Wright, D. R.
Deluca	Lescovitz	Rappaport	Wright, J. L.
DeWeese	Letterman	Richardson	Wright, R. C.
Daley	Levin	Rieger	Zwilk
Dawida	Linton	Rybak	
Deal	Livengood	Saloom	Irvis,
Dombrowski	Lucyk	Salvatore	Speaker

#### NAYS—85

Armstrong	Foster, Jr., A.	Lashinger	Reber
Book	Freind	Lehr	Reinard
Bowser	Fryer	Levi	Robbins
Boyes	Gallen	Lloyd	Rudy
Brandt	Geist	McClatchy	Ryan
Broujos	Gladeck	McVerry	Saurman
Bunt	Godshall	Mackowski	Scheetz
Burd	Greenwood	Madigan	Schuler
Cessar	Grieco	Manmiller	Semmel
Cimini	Gruitza	Markosek	Showers
Clymer	Gruppo	Mayernik	Sirianni
Cornell	Hagarty	Merry	Smith, B.
Coslett	Hasay	Moehlmann	Smith, L. E.
Coy	Hayes	Mowery	Snyder, D. W.
DeVerter	Herman	Nahill	Snyder, G. M.
Dietz	Hershey	Noye	Spencer
Dininni	Honaman	Peterson	Taylor, E. Z.
Dorr	Jackson	Phillips	Tigue
Durham	Johnson	Piccola	Vroon
Fargo	Kennedy	Pott	Wass
Flick	Klingaman	Punt	Wilson
Foster, W. W.			

#### NOT VOTING—6

Cohen	Hutchinson	Micozzie	Spitz
Davies	McIntyre		

#### EXCUSED—6

Clark	Miscevich	Swift	Trello
Marmion	Pitts		

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

The SPEAKER pro tempore. The Chair returns the gavel to the Speaker.

### THE SPEAKER (K. LEROY IRVIS) IN THE CHAIR

The SPEAKER. The Speaker thanks the pro tem for presiding. The Speaker thought that the end of the fogging-in had ended by the time he got to the hall of the House, but after coming here, there seems to be almost as much dense fog inside the building as there was outside, but I am glad we are ready to dispense with it.

### REMARKS ON VOTE

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

Mr. DAVIES. Mr. Speaker, in going over the proper drafting of two amendments that I just received, I inadvertently did not vote on the Freeman amendment A444 to HB 1181. I wish to be recorded in the negative on that amendment.

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

### CONSIDERATION OF HB 1181 CONTINUED

On the question recurring,

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

The SPEAKER. Is the gentleman now ready to offer his first amendment? The Chair recognizes the gentleman from Berks, Mr. Davies.

Mr. DAVIES. Yes, Mr. Speaker. I can only offer one of the three. The other two are improperly drafted, and I will have to go back to the redrafting of those two amendments, so I can only offer one amendment at this time.

The SPEAKER. The way we are going, you may have ample time.

On the question recurring,

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

Mr. DAVIES offered the following amendment No. A0503:

Amend Sec. 3 (Sec. 1511.1), page 5, lines 22 and 23, by striking out “, EIGHTH AND ELEVENTH GRADES” and inserting and eighth grades and, at the option of a school district, eleventh grade

On the question,

Will the House agree to the amendment?

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



Mr. DAVIES. Thank you, Mr. Speaker.

Essentially, what this amendment would do is speak to the choice of the school districts in the public sector by making the test in 11th grade an option of their choice. This, of course, will address itself to some of the previous concerns that had been expressed by the Harper amendment and some of the other concerns of one of the persons who questioned the double standard for the private and parochial sector, creating a double standard as far as the question of testing in the Commonwealth.

This, of course, would make it optional and, therefore, in making it optional, would then place the choice upon the local school districts as to whether or not it would be used for any other criteria as far as the use of those particular public school districts. It would also enable the local school district, in opting out, to establish some of that equity that I believe has been established by a Freind amendment which would take out the private and parochial sector.

Again, in the interest of equity, this is offered. The other amendments that I have to correct would address certain issues which we came upon in our hearings that we had throughout the State. While I cannot address those concerns currently, I would ask for support of this particular amendment in allowing the public school districts to either offer it in 11th grade or not offer it in 11th grade. I at a later time with other amendments would address the makeup of the test. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. COWELL. Mr. Speaker, would Mr. Davies consent to interrogation, please?

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

Mr. COWELL. Mr. Speaker, your language would make optional, on page 5, the requirement that these tests be administered by the school districts at the 11th grade level. However, you do not address elsewhere in the bill language that deals with the 11th grade test, including language later on in the bill that says a student must pass the 11th grade test to get a diploma. That would seem to me to suggest that your amendment is incomplete, since you would in some cases allow a school district not to administer an 11th grade test, but it would appear from language elsewhere in the bill that all students would still be required to pass an 11th grade test. Would you comment, please?

Mr. DAVIES. Yes, Mr. Speaker. That is why I have to go back to the drawing board with the other two amendments, because they do address that. They address that matter of also opting out on the question of the requirement for graduation, and they also would endeavor to offer the criterion-based test rather than those tests that are required in the piece of legislation now.

In addition to that, it would not only address the matter of the criterion-based test, but it would also address the question

of concern expressed by one of the school districts in the hearings at Pittston, in which the Allentown school district, I believe it was, said that it already has developed its own test, and the other amendment would not only address the matter of the opting out about the graduation standard but also would allow the districts to develop their own tests. I think that, sir, is imperative, as far as the matter of the concerns which you addressed as far as the graduation standard and the type of test that is offered. Thank you, Mr. Speaker.

Mr. COWELL. Thank you.

### PARLIAMENTARY INQUIRY

Mr. GALLEN. Mr. Speaker, a point of parliamentary inquiry.

The SPEAKER. What is the gentleman from Berks, Mr. Gallen's point of parliamentary inquiry?

Mr. GALLEN. In regard to Mr. Cowell's questioning, he said that the Davies amendment would strike the one section regarding the testing but is silent on the other section. My parliamentary inquiry is, if the Davies amendment were adopted, would that not automatically, in an editorial fashion, strike that other section concerning testing?

The SPEAKER. No.

Mr. GALLEN. Well, Mr. Speaker, could you be more definitive?

The SPEAKER. If the Davies amendment is defective, there are only two recourses.

Mr. GALLEN. I did not say it was defective, Mr. Speaker.

The SPEAKER. Well, the Chair is assuming that it may well be. Mr. Davies can withdraw it until he has two other amendments or another amendment to bolster it, or the House can defeat it because it is defective, or there is a possibility—in the experience of the Chair, the House has done this—even pass a defective amendment, which causes a great deal of grief later on. But the passing of Mr. Davies' amendment before us would not automatically do anything except what the amendment itself addresses.

Mr. GALLEN. Thank you, Mr. Speaker.

### AMENDMENT WITHDRAWN

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

Mr. DAVIES. In light of the sage advice of the Chair to the last gentleman and in the best interest of clarity and the direction of debate on such a very, very vital issue, I had best also withdraw this amendment at this time. We will try to go back to the drawing board with the people involved and try to get clarity and conciseness to any offering that I make on a subject that I have been struggling with for 10 years. In light of that, sir, I would offer to withdraw this amendment at this time.

The SPEAKER. The Chair suggests that the gentleman is very generous and well advised, and the Chair announces that the Davies amendment is withdrawn.

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

**AMENDMENT A0401 RECONSIDERED**

The SPEAKER. The Chair has before it a reconsideration motion signed by Representative Harper and Representative Cohen, who move for reconsideration of the vote by which amendment A0401 to HB 1181 was defeated on February 8, 1984.

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

The following roll call was recorded:

**YEAS—192**

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

**NAYS—0**

**NOT VOTING—5**

- |          |        |       |       |
|----------|--------|-------|-------|
| Levin    | Oliver | Pratt | Sweet |
| McIntyre |        |       |       |

**EXCUSED—6**

- |         |           |       |        |
|---------|-----------|-------|--------|
| Clark   | Miscevich | Swift | Trello |
| Marmion | Pitts     |       |        |

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

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

The clerk read 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 recurring,  
Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes the lady from Philadelphia, Mrs. Harper.

Mrs. HARPER. Thank you, 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 the second, fifth, and eighth grades, and based on the Florida experience and the court suits which followed, I do not believe that Pennsylvania should attempt to place into law a competency test for graduation in Pennsylvania.

Whether competency laws ultimately benefit students will depend upon whether competency standards are reasonable, whether the curriculum matches the standards, and whether students are given appropriate help over the 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.

This is a most important amendment, and I agreed with the Freind amendment on Wednesday to eliminate the 11th grade testing as a prerequisite for a diploma. I totally agree that the parochial and public schools should not force this test upon their students, and also I agree that the public schools should not have this test as a prerequisite for a diploma, and I do hope that you will consider this amendment. Thank you.

The SPEAKER. The Chair thanks the lady.

On the question, the Chair recognizes the gentleman from Bucks, Mr. Gallagher.

Mr. GALLAGHER. Thank you, Mr. Speaker.

Unfortunately, as we did last week, I have to oppose my colleague, Mrs. Harper's amendment. It is very important to this Commonwealth that the General Assembly faces its responsibility in providing a thorough and efficient system of education to meet the needs of the Commonwealth. That is our Constitution. When we provide that system and we pay for it through the appropriations of almost \$2 billion, we certainly need a competency test to assess whether or not the students coming out of our public school systems have learned what they were placed there to learn. The only way of doing it is at the competency test level so that we graduate students who can read and write and can fill out their applications for positions in industry and are able to be typists and stenographers and tellers and know how to handle their banking accounts and their cash and know the normal things that everybody in this world hopes to learn.

We are not going to have a graduation test on just social science or biology; it is going to be a comprehensive test on competency, whether or not they were able to absorb what they were taught for 12 years. It is not that awesome, it is not that demanding upon them to put on a piece of paper and show the teacher and the principal that they were successful in learning what the teachers were teaching them for the 12 years that they were there and that their parents paid for and that we appropriated for and that we had created for them so they can be somebody well worth while when they graduate with a diploma from our public school system. So I think it is urgent that we, unfortunately, again, oppose Mrs. Harper's amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the Harper amendment, the Chair recognizes the gentleman from Cambria, Mr. Haluska.

Mr. HALUSKA. Mr. Speaker, may I interrogate Mr. Gallagher?

The SPEAKER. The gentleman, Mr. Gallagher, indicates he will stand for interrogation. The gentleman, Mr. Haluska, is in order and may proceed.

Mr. HALUSKA. Mr. Speaker, as I understand, under HB 1181, if a child or a student in the 11th grade fails to meet the requirements of the competency test, he will not be given a diploma of graduation, a certified diploma. Is this correct?

Mr. GALLAGHER. Not quite correct, Mr. Speaker. They will get a diploma of attendance, not a diploma of graduation.

Mr. HALUSKA. Could you answer me whether or not all the higher educational institutions would accept a diploma of attendance as certification to enter a college for precollege courses?

Mr. GALLAGHER. Mr. Speaker, I cannot answer for all the colleges and institutions and universities, community colleges. All I can say is that they have in this bill three times to take the test, and they have an opportunity to repeat the

12th grade and take the test. With those options, they should certainly be able to come out with a diploma of graduation, rather than just a diploma of attendance.

Mr. HALUSKA. Mr. Speaker, may I speak on the bill?

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

Mr. HALUSKA. As I stated here last Wednesday, on the curve of probability, in our Nation as well as other nations, we know very well that 25 percent of the students who attend our public schools will not be able to pass these particular tests. So we are saying to 25 percent of the high school students in our public school system, you will not from here on in be able to attend any institution of higher learning. I think this is wrong. I think we have found many occasions where students have not scored well on college test scores, but when they went on to college, they were able to meet and do the curriculum that was necessary at the higher level of education. So I think it is unfair, under this particular bill, to deny 25 percent of our students the opportunity to determine whether or not they can be successful at a higher education of learning. I ask for a positive vote on this amendment. I thank you.

The SPEAKER. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the gentleman from Beaver, Mr. Colafella.

Mr. COLAFELLA. Mr. Speaker, I rise to support the Harper amendment.

Last week in this House we passed a measure that would require no testing for nonpublic schools. In Pennsylvania we have almost 400,000 students in nonpublic schools who are not going to be tested at all. If you couple that with the fact that Dr. Haluska said that 25 percent of our students in public schools will not be able to pass the test, this State is going to have a major problem in a very few years about sending our kids to higher education. All we are doing is putting our students in Pennsylvania at a disadvantage compared to students from other States.

This amendment is a very fair amendment. It is a compromise amendment, and I think if you support this amendment, it will be good for the kids in Pennsylvania. I would appreciate very much your support of this amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question of the adoption of the amendment, the Chair recognizes the gentleman from Philadelphia, Mr. Richardson.

Mr. RICHARDSON. Mr. Speaker, I rise to support the Harper amendment and want to emphasize that last week we had the same discussion concerning this matter.

Under this, it seems we play two roles of justice in our House of Representatives. On one hand, last week Representative Freind was able to have excluded from this measure parochial schools and private schools from being able to have them tested, but when we come to public schools we seemingly have created a double standard. It seems to me that it should be our responsibility to at least be uniform, to at least be uniform in our decisionmaking while here on the floor of the House. It seems to me that while we talk about children not

being able to graduate because they are either functionally illiterate or because they are not up to the standards that we have set for them in school, we still have not taken into consideration that if in fact this does pass, there should be a time lapse of giving an opportunity for some time to roll back past the present time and say that perhaps maybe in 5 or 6 years you may want to institute such a plan, giving an opportunity then for the lower grade levels as well as those at the intermediate level an opportunity to be able to put in focus the teachers.

I also indicated last week that there was major concern about the fact that much emphasis is being placed on accountability of students but none being placed in fact on the instructor or the teacher within that same bill. It appalls me to hear that our chairman of our Education Committee in fact would say that he would have to vote against such a measure and cite those examples that are used without recognizing that our children, particularly inside our inner schools and our urban areas, have a tremendous amount of problems and that we are now looking for qualitative men and women to be able to teach our young people and give them the kind of charge that they need in order to make it through the public school system. It seems to me that this amendment speaks to the heart of public schools and the fact that we need to make sure that there is some type of instrument included to help with the education of our own young people. But to say that we will give them a test in the 11th grade to determine whether or not they graduate seems to me to be a little bit out of synchronization with the kinds of work and responsibility that fall on us as individual parents who may have children within public schools, such as myself and other members of this House of Representatives who fight hard to make sure that we are doing everything that we possibly can to get the qualitative education and the quality education that all of us so readily in fact demand and want for our young people.

Finally, Mr. Speaker, on behalf of this amendment, it seems to me that when you talk about giving that competency test at the grades of second, fifth, and eighth, you begin to then get to the real heart of the problem and not so much then based on being an individual who will live a double standard, giving you an opportunity of saying that, well, if it is good for one, then it should be good for both. I do not know how on one hand we can say for one set of school children, that is no good, but then on the other hand, for those students in public schools, we have to then turn it around and say that we have to demand that this happen. It is a contradiction of thought, and it would seem to me that in the best interest of fairness and what was done last week, we should vote in favor of the Harper amendment.

The SPEAKER. The Chair thanks the gentleman.

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

Mrs. TAYLOR. Mr. Speaker, I rise to make a statement on passage of this amendment.

All of us who sit in this chamber are certainly concerned that we give our students every opportunity possible to go on

to higher education. Representative Haluska has said in his remarks that we would be denying a certain portion of these students to go on to our institutions of higher education. I would like for my members in this Assembly to know that at the present time there are less than one-half of the graduates of our basic education who go on to institutions of higher education that includes community colleges, trade schools, junior colleges, the whole bit. If we were to look at how many of those students would go on to our 4-year colleges, we are probably looking at about one-third. So I would suggest that we are not going to deny those who are capable of entering our institutions the opportunity to enter those institutions.

I would also suggest that all of us know here the price tag on higher education - the price tag for the student, the price tag for the family, and the price tag for government. I would suggest then that we want to be sure that those who are going on to institutions of higher learning are able to cope with those courses that they will be faced with at that particular time in their learning.

The other misconception that should be cleared up is that the Freind amendment did not—did not, I emphasize—eliminate the testing. It eliminated the standard test and gave an opportunity for another test to be selected as long as it was approved by the Department of Education. So therefore, Mr. Speaker, I would ask for a “no” vote on the Harper amendment.

The SPEAKER. The Chair thanks the lady.

On the Harper amendment, the Chair recognizes the gentleman from Clearfield, Mr. George.

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, if you will favor me, because I have a great concern here today. I have a concern because I am as confused as probably many of you are. Whether you vote the way I want you to or whether you vote the other way, we will not know for some time whether or not our vote will be the proper vote.

The other day I saw this amendment go down, and sometime after that I saw another amendment, similar but addressing another phase of education, pass almost unanimously. All the way out from this chamber I was trying to get an argument on both sides of this issue, and right away somebody said, well, why would you want that amendment to pass? It is not fair for you to send someone out of that institution with a diploma who really has not learned anything; that is not fair to the individual who got a diploma. So I say, well, that might be true, but why is it fair to send one of our youngsters out of our educational systems and let them compete with some youngster from some different State who does not have the same situation that we have and make them compete in an unfair manner?

Now, Mr. Speaker, there are those of you who know more about education than many of us, but I always thought education was somewhat similar to building a building. If you do not have the proper foundation, then you will not have the proper building. I feel education is somewhat like that. If they are not taught properly and if they do not learn properly in

the younger years, we are not going to be able to do much in the 11th year.

I think it is unfair and it would be completely unfair if we did not try to address this whole problem, but I think, Mr. Speaker, it would be unfair, if you will permit me, to send a youngster out with just a certificate of attendance. It looks to me like it would be the same thing as a dishonorable discharge, and I think this time I am going to support this amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the Harper amendment, the Chair recognizes the gentleman from Allegheny, Mr. Preston.

Mr. PRESTON. Thank you, Mr. Speaker.

Will the gentleman, Mr. Gallagher, stand for interrogation?

The SPEAKER. The gentleman, Mr. Gallagher, indicates he will so stand. The gentleman, Mr. Preston, is in order and may proceed.

Mr. PRESTON. Mr. Speaker, as I understand it, you are in support that 11th graders should be tested. Am I correct?

Mr. GALLAGHER. Yes, sir, that is correct; the competency test in 11th grade.

Mr. PRESTON. You would agree then that a test is an instrument of measure?

Mr. GALLAGHER. A test is a measurement of what they have learned for the last 11 years, yes.

Mr. PRESTON. Then can you explain to me the benefit of an 11th grade test, and can you give me an idea of the content validity through a correlative score on how this is going to help the kids?

Mr. GALLAGHER. Well, let me take you back to the second grade. We test in the second grade in this bill, require a test before they move to the third grade. Then in the fifth grade we are going to test them again to establish that they learned what they should have learned in the first, second, third, and fourth grades before they are promoted to the sixth grade. Then we will do it again in the eighth grade. So this is not just picking on the 11th grade; this is a matter of testing between grades. During that period of time, if they fail in the second grade or the fifth grade or the eighth grade, then the school district will put those students in remedial programs so that they can pass the test to move on to the next grade. We are offering the same thing in the 11th grade and offering them the opportunity to take the test three times. So we are trying to aid the students so that they do not go out like they do today with a diploma and they cannot write and they cannot read and they are part of the illiterates on our streets today. You know that, in your area as well as in my area. There is no real testing on spelling, writing, multiplication, division in the graduation in our high schools today. There is no test.

Mr. PRESTON. Mr. Speaker, I did not question the benefits of the test in the earlier years. I wanted to know, what are going to be the benefits? Give me some form of positive correlation that there is going to be a benefit from a test in the 11th grade.

Mr. GALLAGHER. Mr. Speaker, I was trying to give the gentleman the opportunity to look at the analogy of what the testing is all about, and it is to give them the opportunity in the 11th grade, the first time they take it, to find out if they pass or fail. If they fail, they have an opportunity to continue on and take it the second time. So they can pick up from the test, find out what they failed in; they can go back and restudy it, crack the books, and pay attention to what they failed in and do it the second time. If they fail the second time, they have another opportunity to do it. So we are trying to give the student every leeway possible to pass that test so he can go out there with a diploma of graduation that shows that he was able to observe and absorb the education he was taught in our public system.

Mr. PRESTON. Mr. Speaker, can you tell me, before the 11th grade, again, how many tests an individual would take going through the elementary and the secondary systems?

Mr. GALLAGHER. Under the bill, Mr. Speaker, there would be a test in the 2d grade, the 5th grade, the 8th grade, and then the 11th grade.

Mr. PRESTON. Are you saying that if a person failed the first three times, there is a chance that they may pass the last time?

Mr. GALLAGHER. In the 11th grade they have three opportunities to take that test.

Mr. PRESTON. That is not what I asked you, sir. What I asked you was, if they fail the first three times, are you saying that they stand just as good a chance, if you are talking about a valid test instrument, to pass in the 11th grade?

Mr. GALLAGHER. Do you mean in the 11th grade if they fail, or are you talking about the other tests in the lower grades?

Mr. PRESTON. Let me make it simpler then. First you said that a person has to take a test three times before they get to the 11th grade. Am I correct?

Mr. GALLAGHER. Yes; they will take it in the second grade, the fifth grade, and the eighth grade.

Mr. PRESTON. So if a person took a test in the 2d grade, took a test in the 5th grade, took a test in the 8th grade and still had low scores, are you saying that there is going to be that much of a difference in the 11th grade?

Mr. GALLAGHER. I would hope there is not that much of a difference in the 11th grade, that they will be able to pass the test. But the idea for testing in the second grade, they will be tested on the courses in the second grade, and then in the fifth grade they will be tested on the courses given to them from the first to the fifth grades. Then in the eighth grade they will be tested on the courses given to them from the first grade to the eighth grade. So, yes, if they are able to pass those tests and go on into the 11th grade, they should be able to pass the test in the 11th grade.

Mr. PRESTON. Mr. Speaker, can you explain to me then, let us take the test from the fifth grade to the eighth grade. Other than the level of cognitions, what is the difference in the subject matter?

Mr. GALLAGHER. The subject matter differs from the 5th grade to the 11th grade. You are in the elementary system, and then in the eighth—

Mr. PRESTON. What is the difference in the name of the subjects? Is there a difference between social studies, history, English? What is the difference in the subject matter between the fifth grade and the eighth grade? Are there new subjects that are introduced in the eighth grade versus the fifth grade, or are they just different as far as connotatively thinking?

Mr. GALLAGHER. Yes, Mr. Speaker, there are new courses between the eighth grade and the fifth grade. In the eighth grade you will be teaching algebra and geometry; in the fifth grade you will be teaching arithmetic.

Mr. PRESTON. I took algebra in the fifth and sixth grades, sir.

Mr. GALLAGHER. Well, your district was way ahead of it. This is what the bill is about. The bill is setting the minimum courses in the elementary and secondary, and the testing of those courses would be in those grades. It would be in the elementary and in the secondary systems. So in the secondary system, you know that you are taught world history, United States history, Pennsylvania history, foreign languages, physics, chemistry, geography, biology, which you do not get in the fifth grade. Some of them you do not get unless your district is that aggressive, affluent, and intelligent enough to have the courses. They can have the courses, but the tests are based upon the courses of those grades. That is what it is all about.

Mr. PRESTON. Are you saying, perhaps, that there is a difference between a fifth grader taking natural science and biology in the eighth grade?

Mr. GALLAGHER. It could very well be. It depends on *what the course is in the eighth grade in biology. It might be dissecting frogs, and it might not be in the fifth grade.*

Mr. PRESTON. But is there a clearly definable difference between natural science and biology per, quote, "fifth grade and eighth grade"? Is there a clearly defined difference between history and social studies or civics between the fifth grade and the eighth grade? Are we talking about different subjects?

Mr. GALLAGHER. Yes; there is a decided difference.

The SPEAKER. The gentleman will yield.

Two things are happening. The House is too noisy, and the other thing is that the Speaker is unable to follow the argument which is going on on the floor.

Would the gentleman, Mr. Preston, inform the court as to the direction of his argument, so we may decide whether or not his argument is pertinent to this amendment?

Mr. PRESTON. Mr. Speaker, Representative Gallagher has stated that the 11th grade test would show some form of measurement and some form of progress. I am trying to demonstrate that once you get past the eighth grade, there is really not a measurable difference and the cost just does not justify the means, and he has not demonstrated to me as of yet on how that is going to happen.

The SPEAKER. All right. The Chair thanks the gentleman. The gentleman is in order and may proceed.

Mr. PRESTON. Thank you, Mr. Speaker.

Once again, can you explain to me why there is a difference in the 11th grade test and how it will be measurable to benefit the student?

Mr. GALLAGHER. Mr. Speaker, I will try one more time. The student in the 11th grade has gone through 10 grades of education; it is a lot different between the 2d grade and the 11th grade. He is going to be tested on the courses he was given in the 11th grade, which could be quite different and more in depth than what he got in the 2d, 5th, or 8th grades. It is going to be a test on the competency of his ability to absorb the teaching that he received in the last 10 years, as well as the courses that he is getting in the 11th year, the 11th grade. So it is a competency test to determine whether or not the student is competent enough to understand what he has been taught. That is what it is all about. I do not know how much more simplistic I can get.

Mr. PRESTON. Thank you.

Mr. Speaker, may I speak on the amendment?

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

Mr. PRESTON. I rise in support of the Harper amendment. I have asked several questions and still have not received a concrete answer as far as the validity. Also, I question the right of being able to have to test people once they have been tested enough. All that you would be doing is gathering data and proving what already exists.

I do not think that the chairman of the committee has expressed enough clear demarcation as far as the word "test," which is a valid test instrument. I can speak well of that, because I am qualified to write and develop and test valid test instruments and have done it professionally and have been paid for it.

I do not think that we can do this continuously on the basis of requiring 11th graders to be able to test and put a criteria on whether or not they should graduate or what they should receive or not. I do not see that he has proven his point, and I ask the members to support House amendment 401 by Representative Harper. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes, for the second time, the gentleman, Mr. Haluska, on the amendment.

Mr. HALUSKA. Mr. Speaker, may I interrogate Representative Taylor?

The SPEAKER. The lady indicates she will stand for interrogation. The gentleman, Mr. Haluska, is in order and may proceed.

Mr. HALUSKA. Mr. Speaker, a statement was made to the effect that only 50 percent of those who take the college boards qualify to go to college and then only one-third of that percentage really attends college.

I would like to ask Representative Taylor if she can give me specific data as to whether or not only those students who go on to college represent the higher bracket of high school grad-

uates? I understand from your statement that there is not anybody going to college who does not score high on the college board tests.

Mrs. TAYLOR. Mr. Speaker, I did not say that those 50 percent refer to those having high SAT (Scholastic Aptitude Test) scores. I said 50 percent of those who graduate from our public and nonpublic high schools do attend institutions of higher learning or do not, whichever you have, and that one-third of those graduating from nonpublic and public schools attend 4-year colleges, and those statistics, sir, are gotten from the Department of Education in some of their materials that they publish periodically.

Mr. HALUSKA. What I would like to know, Mr. Speaker, is how many of those graduates really were low scorers on college boards?

Mrs. TAYLOR. Mr. Speaker, I do not have that data. I would suggest to you that there are many people who go on to institutions of higher learning who do not necessarily have high SAT scores, because you know as well as I do that upon admission to some of our colleges there is a combination of standing in their high school class, recommendations of their teachers, marks in those fields in which they wish to excel, so I do not have any figures, Mr. Speaker, that speak to high and low SAT scores.

Mr. HALUSKA. Mr. Speaker, may I make a statement?

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

Mr. HALUSKA. I think this clarifies the situation and verifies the fact that we should not let 25 percent of our students go out of our high schools without a certified diploma. In addition to this, I think it is going to have devastating effects upon our community colleges, our vocational educational schools, our trade schools, as well as our universities at the State level. We are going to say to 25 percent of these people, you have not met the requirements of a high school diploma; therefore, you do not have the intelligence or the qualifications to enter a higher school of learning. I think this is wrong. Many of these students find themselves wanting to go on to college. When they find that they have to pay the bill themselves, they begin to learn and they can make the score. I hope we all vote in the affirmative on this amendment. I thank you.

The SPEAKER. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the gentleman from Montgomery, Mr. Saurman.

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, one thing that seems to me to be happening is that there is an equation of the competency testing to the SAT tests, and this is not the case at all. The one basically measures ability and aptitude, along with some of the accumulated knowledge, but this is to determine whether or not, in fact, the teaching work has been done to satisfaction so that that individual can pass a test which is designed to do just that - to find out whether in fact that person has received the education which we as legislators are constitutionally mandated to provide.

I think that what we have to realize is that whether that test is given in the 11th grade or not, every student in our educational system is going to be tested. The problem is that the test will come when they are in a position when nothing can be done about it, when they have gone out into business, when they have gone out into the world and suddenly failed because that diploma was meaningless, and now it is too late to do anything about it. We are talking here about a program that will be remedial in the early stages, that will also catch any of the inconsistent educational experiments that have gone on in some of our schools, such as new math, and we will find out at a time when it can be corrected before too many kids have been wiped out in basic mathematics and in other subjects that are important. It is not just the youngster who is being tested; it is the educational system itself which is constantly being monitored for our purposes so that our constitutional mandate can be fulfilled.

So whether we test them in the 11th grade or whether we wait until they get out with a diploma that is not going to work, it is kind of like we are taking a pair of water wings and not testing them until we are out in the deep water. Is it not better to find out in advance that that diploma which we have given in the past is worthless because the education that they have received is empty? Let us make sure the kids are educated. Let us put our efforts into that rather than in determining where we are going to give them a piece of paper. But let us be sure that our educational system is working. Let us not continue to be deluded as we have been to graduate functional illiterates and think that they have been properly educated. I would certainly oppose this amendment, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the Harper amendment, the Chair recognizes the gentleman from Somerset, Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

Last week this issue was very hotly debated for a long time, and this House overwhelmingly said that it wants to have mandatory testing as a high school graduation requirement. The only thing that has happened since that time, and the argument that many people are making today, is that somehow, because of the Freind amendment, we are going to have a double standard. I suggest that the members look very closely at this amendment and the Freind amendment, because what they are going to find is that if you pass this amendment, you are going to be creating a double standard.

When this bill came out of committee, there was a requirement that both public and nonpublic students both take a test in the 11th grade, that in order to graduate, they pass that test. As Mr. Freind amended it, nonpublic students still must take an 11th grade exam. Their score, however, does not determine whether or not they will graduate. If you pass the Harper amendment, however, not only will public school students not have to pass the exam in order to graduate, but under Mrs. Harper's amendment there will not even be an 11th grade exam for public school students. So while you may think that what you are doing is righting some inequity that Mr. Freind did last week, in fact, Mrs. Harper's amendment

does much more than that and completely wipes out the 11th grade exam for public school students entirely. I urge a "no" vote.

The SPEAKER. The Chair thanks the gentleman.

On the Harper amendment, the Chair recognizes the gentleman from Mercer, Mr. Gruitza.

Mr. GRUITZA. Thank you, Mr. Speaker.

I will be brief, but I am compelled to rise because I think this is a very, very important issue that we are dealing with here.

I think we have to look at what we are planning to do here. We are not asking each school district to come up with a test for their students. What we are asking is that some outside agency, some testing service, come in and provide compulsory tests for 11th graders, which is going to determine whether or not those students can graduate. Well, some of the younger members here, I am sure, are aware of and are familiar with the Educational Testing Service out of Princeton, New Jersey, which in all likelihood will be handling this task. This is a very big business, this testing service. For the older members here, many of you may not be familiar with the testing program that this service comes up with, but today, to get into college, to get into law school, this is a requirement that you take these standard tests that are given by the Educational Testing Service. Most law scholars, law deans, agree that that test has very little to say as to whether or not a student will be an effective lawyer or a good law student, but for some reason they have gotten a grip on this system, and each law school requires this as a condition precedent to being admitted to school.

The point that I am trying to make here, Mr. Speaker, is I think we need to do something to help our students and make sure our students are able to read and write and have the basics when they get out of school, and that could be achieved by remedial testing. I think that the portion of this bill that requires remedial testing is good, but I do not think that this mandatory test for graduation is good, nor is it fair. I could go through a list as long as my arm of famous people who early in life were underachievers, who in many cases were thought of to be borderline, perhaps, retarded. Analysts saw Albert Einstein in this way, and he went on to be one of the greatest thinkers and scholars in the history of man.

I am afraid that what we are doing here is we are going to take a large number of students, and at the age of 16 we are going to brand those students and we are going to effectively take them out of the job market, when many of these students will be later developers, and we are going to take away any opportunity for them to develop later on in life. I think we should be very careful of that. I think, looking around this House, that many of us, maybe myself included, would have difficulty passing a mandatory test that is going to come out of the Educational Testing Service for our 11th graders, and I think we had better think about that. When people from out of State are getting jobs and our kids do not hold a valid high school diploma, we had better be thinking about that. I am all for improving our educational system, but I do not think that

we ought to be branding our kids at age 16 as underachievers and incompetent to go on in this world.

I think we had better think very seriously before we reject Mrs. Harper's amendment. This is a good amendment; it gives our kids a fair opportunity to have remedial testing early, where we can do some good, but to not brand these children for life as underachievers and as second-rate students and as second-rate citizens. I think many, many of these kids will prove themselves in later years and become valuable people in the workplace, and I do not think that we need to put them at any greater disadvantage than they already are going to be when they graduate from school. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the Harper amendment, the Chair recognizes the gentleman from Cambria, Mr. Telek.

Mr. TELEK. Thank you, Mr. Speaker.

Mr. Speaker, may I interrogate Mr. Gallagher?

The SPEAKER. The gentleman, Mr. Gallagher, says he will stand again for interrogation. The gentleman, Mr. Telek, is in order and may proceed.

Mr. TELEK. Mr. Speaker, what happened to the concept in our public school system regarding individual differences?

Mr. GALLAGHER. Individual differences, did you say?

Mr. TELEK. Individual differences relating to achievement and to intelligence level and so on, programming.

Mr. GALLAGHER. Well, Mr. Speaker, I am sure that is probably still observed in some districts, but we are talking about a House bill that amends the School Code and upgrades the present curriculum of the School Code, and there is nothing in there about individual differences in the existing code or in the proposed bill before us. That is a matter of local school districts determining individual differences.

Mr. TELEK. Do many of our school districts not provide programs for the gifted, for the average student, and also for the slow learner and the special education category?

Mr. GALLAGHER. Yes; we do take care of the special ed children under another section, and they are exempt from this part of this section, but you have to understand, Mr. Speaker, we are dealing with the basic curriculum for our public school system in Pennsylvania, and we do take individual exemptions in special ed and gifted children, but what we are trying to establish is the minimum basic educational curriculum and the method of testing it, providing remedial testing, and graduation. That is what we are trying to do in this bill.

Mr. TELEK. I will get to that, Mr. Speaker, but do our school districts not pass special education students from grade to grade?

Mr. GALLAGHER. Yes, they do, under another section of the School Code that deals with special ed children and identifies them by diagnostic work as to what category they are in, and they set their curriculum through the regulations of the State Board of Education as directed by the School Code.

Mr. TELEK. Do some of them get to the 11th grade?

Mr. GALLAGHER. Yes, they all get to the 11th grade if they can make it. Yes.



Mr. TELEK. When we establish and institute a standardized testing program regardless of whether it is in 1st grade, 3d grade, 2d grade, 7th, 11th?

Mr. GALLAGHER. Yes. We are trying to establish a standardized competency graduation test for everybody, with the exception of the special ed children.

Mr. TELEK. Your school officials, your testing people, your guidance counselors or anybody else who has the responsibility for testing, do they not know as these students progress through the school system that they are one, two, three, or five grades below the achievement level for their chronological age or grade level?

Mr. GALLAGHER. Yes; they are supposed to know that, but again, I will have to remind you that they are exempt from this graduation competency test if they are in the special ed section.

Mr. TELEK. Well, I am not talking about special ed; I am talking about the normal student or average student.

Mr. GALLAGHER. All right. Mr. Speaker, the regular student, the normal student, when they are in the second grade, will be tested under this bill, and if they fail the second grade test, they will be put in a remedial program so they can come up to the level of being promoted from the second grade to the third grade, and the same will follow in the fifth grade to the sixth grade, so that they will be tested at different levels. If they fail in the second or fifth or eighth, they will go into remedial programs to upgrade their education so they can pass those tests to move on to the next grade.

Mr. TELEK. So there is a strong possibility then that a student who is in second grade and who does not pass the achievement test could theoretically be there until he is 16 years old.

Mr. GALLAGHER. No, not theoretically. If he fails in the second grade, he will get a remedial program, be placed in a remedial program, so he can pass the test to go on to the third grade.

Mr. TELEK. But if he does not pass it for the next, say, 7 or 8 or 10 years, theoretically he could still be in the second grade.

Mr. GALLAGHER. Mr. Speaker, if he goes to that calendar age limit, then he would be not properly diagnosed by the proper people in the school district at the second grade level. They should understand that he is probably a slow learner and he should be in a special ed program, not just in a remedial program.

Mr. TELEK. But some of them do reach the 11th grade, right? So what you are saying is that standardized testing will determine whether that individual goes to the next grade, not his course achievement, right?

Mr. GALLAGHER. The bill provides for testing in the second, fifth, and eighth grades so that they do not automatically get promoted from one grade to the other without their knowing that they observed and understood the courses that they got in the second, fifth, and eighth grades.

Now, that is what is happening to us today in many of our school systems. They are bounced from one grade to the other

without a reading level. When they get to the eighth grade, they might have a fifth grade reading level, and they should not have a fifth grade reading level in the eighth grade; they should have an eighth grade reading level. That is what we are trying to do with remedial programs, test them at the early grades so that we can promote them from grade to grade, not just bounce them from grade to grade.

Mr. TELEK. In other words, if a student hits the 11th grade, Mr. Speaker, if a student gets lucky enough and one way or another gets to the 11th grade and he happens to be tested for reading at the 6th grade level, do you feel that a remedial program will close that gap of about five grades in three shots in the remedial program?

Mr. GALLAGHER. Yes, Mr. Speaker. I think that remedial programs are very important. It is obvious what is happening in our school system today without them. Some districts do have them, but without them, they bounce students from grade to grade just for basic information from a proper reading level, and that is obvious when they come out of high school and they really cannot read; they cannot comprehend the words they read. They can utter the word, they can read it out of a book, but they do not comprehend what that word means. And that is what education is all about, so testing at the early grades is very, very important. It is not just we now here in the House doing it. The State Board last Thursday started the testing. The Senate has a remedial program bill on their calendar. You know, nationally it is happening all over the United States. Thirty-five States in this Nation have a competency test on their books. No, you know, we are not starting something new. We are trying to get Pennsylvania out of the doldrums so that the kids, when they get out of high school, can read and write. That is what we are after.

Mr. TELEK. Thank you, Mr. Speaker.

May I make a statement?

The SPEAKER. The gentleman, Mr. Telek, is in order and may make a statement on the amendment.

Mr. TELEK. The question here, in my opinion, is the validity of the high school diploma based on certain standardized tests, whether it is from Princeton, California, or Stanford or some other place. I believe in testing, but I feel that testing for a high school diploma is ridiculous. Therefore, I stand here in support of the Harper amendment.

I feel that when a student reaches 11th grade and cannot test well for a high school diploma, he is going to live with a stigma the rest of his life. I feel that the high school transcript, which gives his achievement record, his aptitude testing record, the courses he took—whether they were remedial courses, average courses, or advanced courses—will satisfy any college admissions person, any technical school evaluator, and any employer. If those individuals cannot understand the transcript, they should not be in the business. The transcript is the key here, not the high school diploma. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the Harper amendment, the Chair recognizes the gentleman from Chester, Mr. Flick.

Mr. FLICK. Thank you, Mr. Speaker.

I would like to take just a brief moment to publicly commend the House Education Committee for many, many months of hard work on this bill.

I think with respect to the testing, to have testing in the lower levels is certainly in the best interest of the students, and I think it is something that everyone here can support. However, I believe that the testing of the 11th grade student as a prerequisite to graduating is an attempt to have some sort of accountability on the part of the school administration and the teaching staff, and while I do definitely think that accountability is important and I do feel that all school districts should be accountable for the substantial amounts of moneys which we give to them, I think that rather than direct it in an 11th grade test, we can develop a better way. I do not know what it is, but I think in an 11th grade test the students are the ones who are going to suffer the consequences. And while, yes, we will see which school systems have good programs, and yes, we will see what school districts seem to give us a good return on our investment, it will be those students who unfortunately fail to meet the standards of the 11th grade test who in fact will be the ones who will suffer.

With that in mind, I will support the Harper amendment, although I particularly—and I know I join many colleagues—would hope that the Philadelphia school system, under Constance Clayton, will continue to make great strides and make some good use of all that money that they get every year from us up here. Thank you.

The SPEAKER. The Chair thanks the gentleman.

For the second time on the Harper amendment, the Chair recognizes the gentleman from Beaver, Mr. Colafella.

Mr. COLAFELLA. Mr. Speaker, I will be very brief.

I think this 11th grade test causes a number of problems. Representative Telek touched on a very important issue. Let me give you an example. A student in special education will be able to graduate from high school, but a youngster who barely fails to pass the 11th grade test cannot graduate from high school. Secondly, what you are telling all the kids in school is that your performance in school, the grades that you get, the extracurricular activities that you are involved in, mean absolutely nothing. The testing agency out of New Jersey will determine whether you graduate from high school or not.

Again, I urge you to support the Harper amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the Harper amendment, the Chair recognizes the gentleman from Lancaster, Mr. Schuler.

Mr. SCHULER. Thank you, Mr. Speaker.

Am I in order to speak on the amendment?

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

Mr. SCHULER. Thank you, Mr. Speaker.

I rise in support of the Harper amendment, as I did last week. I raise the same question again - the makers of these tests will be controlling the curriculum within our schools, the content of that curriculum. The argument was made last week

when the Freind amendment was being debated—and I supported the Freind amendment—that he who controls these tests controls the curriculum and its contents. I submit, Mr. Speaker, that this is a dangerous precedent that we are setting. I ask for an affirmative vote. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. DAVIES. Mr. Speaker, as I said sometime before, and not going back to the inequity of what may exist currently with the amendments that have been adopted to this bill, we did not start studying this issue after the President's report. This is not something somebody said was many months; this is a 10-year process that we have been going through, going back to the department, trying to catch up with every Federal court decision on this testing process and trying to develop something that is fair to the students.

Some parts of what Mr. Gallagher and Mr. Freind have spoken to are true. Some of the other people do have and have expressed some concerns about the 11th grade test being a mandated requirement for graduation. What we have been trying to struggle and get through is an 11th grade test that is going to measure one-quarter more of what you want to stop now with this amendment in the 8th grade. What you are doing is essentially throwing out one-quarter of the baby with the bath water simply because you are going to stop testing for what progress has been made with those same skills, with those same competencies, which is only part of the curriculum, in the years between 8th and 11th grade.

What I am doing is asking you to look at it from the standpoint of not just taking the packaged test. What I propose to offer to you is something that can be developed by the school districts and at the same time give the districts the incentive to develop that type of test that is at issue and what you have some genuine concerns with about the packaging of testing and the sale of testing. While I share the concerns of many of you, I want you to address this from the standpoint of looking at it with the real thing, with giving the option of the 11th grade test, and giving the option to the school district of who makes that test, because if the districts themselves, in essence, are given the ability to do that, they are going to develop something that may well be much better than what a commercial test is and directly deal with what that district has offered and some of the features that that district has in their skill program that have not been offered and are not offered in the rest of the Commonwealth.

Many of you know—or maybe you do not know—that there are parents who, for example, will take their child out of the public schools and put them in a parochial or private school for 1 or 2 years, where those courses in those schools are much better than they are in the public schools, and then return them to the public schools for 2 or 3 years of programs. That is the thing that is going to be, if we accomplish something at all in the standards of criteria and in the essence of dealing with the academic problems and those that relate to those skills that we are trying to offer in this bill, HB 1181, if

we do it in a sensible way of compromise that is going to get to the concerns of Mr. Gallagher and Mr. Freind and is going to address many of the concerns that were expressed just before the vote on this Harper amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Speaker would ask you to note that while we have been talking about remedial classes, the word immediately before "remedial" on the summation of the bill says "mandating" remedial programs. It looks like we have some remedial classes right here in the House of Representatives to conduct so we can spell "mandating" correctly.

On the Harper amendment, the Chair now turns to the gentleman from Washington, Mr. Daley.

Mr. DALEY. Mr. Speaker, I rise in opposition to the Harper amendment. I feel that it is high time that we send the mandate to the educational system and tell the people of the Commonwealth that we are indeed concerned about the education of their children, that we are indeed concerned about them going out and getting a job, that we are indeed concerned about those children being able to graduate and have a diploma that means something. The National Commission on Excellence in Education said that we are a Nation at risk, that Nation being that we are educating people who cannot read and write.

What simply this bill will do and this amendment will do is strip this legislation of the basic essence of the vanguard in which it was entered and offered by the House Education Committee, and that is to have a program in which we can measure children's performance. We do that every day. We do have educational testing centers that give tests for law school and for admission to college and many other institutions in which children want to pursue an education. It is time that we offer the citizens of the Commonwealth a bill that will say, that is right, your child's diploma means something, he can go out and get an education and that education will be provided by the Commonwealth in terms of a real education.

Mr. Speaker, I rise in opposition to this amendment.

The SPEAKER. As final comment on the Harper amendment, the Chair recognizes the gentleman from Delaware, Mr. Freind.

Mr. FREIND. Thank you, Mr. Speaker.

I rise in opposition to the Harper amendment. We debated this amendment last Wednesday, and it was rejected by a vote of 67 to 131, and I hope my colleagues will do likewise today.

The first point is, I reject the argument that has frequently been made in the last hour that if we have an 11th grade test as a condition for graduation, 25 percent of the students will fail. I completely reject that. What you have to remember is that the graduation requirement does not kick in for 4 years. That threat of a 25-percent failure might in fact be valid if this were to take effect immediately. It does not. When Florida did it, Florida did it immediately and had a large percentage of their students fail. They went back and phased it in, and when they phased it in properly, such as our bill does, they found that the number of students who failed was much, much less than when they first gave it.

What you have to remember is that we will give tests in second grade and fifth grade and eighth grade, and a student who fails any aspect of those three tests will be immediately put into remedial programs. That is mandated by the bill; it is also in the Governor's message with the money appropriated for that. So we will have an ongoing process where we are bringing the students at an early age along with respect to the minimum competencies.

It is important to remember that 35 other States, Mr. Speaker, already have this, already have curriculum requirements, already have the requirement that a competency test be passed. It is also important to keep in mind that no outside agency is going to determine these tests. The way the bill is written is the department will choose a bank of standardized tests of at least three, but quite possibly more—there is no limitation on it—and the department will have the latitude, if it does not approve of the tests that are available, to require those testing agencies to draft the test that is in sync with the goals of Pennsylvania.

We also mentioned about gifted and slow students. Keep in mind that HB 1181 is not a panacea. The 11th grade test is a test for the minimum competencies and only the minimum competencies, Mr. Speaker.

Now, we made some reference to the Freind amendment. Keep in mind that if the Harper amendment passes, it goes way beyond the Freind amendment. What the Freind amendment did was said that all schools, public and nonpublic, would have to take the 11th grade test. Under the bill right now, nonpublics also have to take the 11th grade test, the only difference being the nonpublics do not have to use it as a yardstick for graduation.

People have talked about a dual standard. Keep another thing in mind: All we are doing with this bill is meeting our constitutional requirement. The Constitution of Pennsylvania mandates the State to provide for a thorough and efficient system of public education. That is the constitutional requirement. If, in fact, we pass this amendment, we throw everything out.

Some people say that it is cruel to stigmatize a student who fails. Well, remember that if he fails, nothing magic happens. He does not automatically not graduate. In the same grade he can take the test again and again and again, a minimum of three times but no limit on the maximum times that student may take the test. And if, in fact, he fails the 11th grade test—and this is 4 years down the road—he will again be placed in a remedial program so that he in fact acquires the necessary minimum skills to graduate.

Is it cruel having this kind of a standard? I do not think so, Mr. Speaker. I will tell you what I think is a lot crueler, and that is what we are doing right now - promoting students grade after grade after grade, giving him or her then a meaningless piece of paper and saying go out into the world, and out in that world they fail the most important test of all. Better that we fulfill our constitutional obligation by making sure that the minimum skills are present in our system of education.

This is an excellent bill, and I would sincerely urge my colleagues to defeat the Harper amendment and then pass HB 1181. Thank you, Mr. Speaker.

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—66

Afflerbach	Evans	Levin	Saloom
Angstadt	Fattah	Linton	Scheetz
Armstrong	Fee	McHale	Schuler
Barber	Flick	McIntyre	Smith, B.
Battisto	Freeman	McMonagle	Snyder, G. M.
Beloff	George	Manderino	Stewart
Caltagirone	Gruitza	O'Donnell	Taylor, F. E.
Carn	Haluska	Oliver	Telek
Cohen	Harper	Petrarca	Truman
Colafella	Hutchinson	Pievsky	Wambach
Cole	Kasunic	Pratt	Wargo
DeWeese	Kosinski	Preston	Wiggins
Dawida	Kowalyszyn	Rappaport	Williams
Deal	Kukovich	Richardson	Zwikel
Dombrowski	Laughlin	Rieger	
Donatucci	Lescovitz	Rudy	Irvis,
Duffy	Letterman	Rybak	Speaker

NAYS—130

Alderette	Fargo	Lloyd	Reinard
Arty	Fischer	Lucyk	Robbins
Baldwin	Foster, W. W.	McCall	Ryan
Belardi	Foster, Jr., A.	McClatchy	Salvatore
Belfanti	Freind	McVerry	Saurman
Blaum	Fryer	Mackowski	Semmel
Book	Gallagher	Madigan	Serafini
Bowser	Gallen	Manmiller	Seventy
Boyes	Gamble	Markosek	Showers
Brandt	Gannon	Mayernik	Sirianni
Broujos	Geist	Merry	Smith, L. E.
Bunt	Gladeck	Michlovic	Snyder, D. W.
Burd	Godshall	Micozzie	Spencer
Burns	Greenwood	Miller	Spitz
Cappabianca	Grieco	Moehlmann	Stairs
Cawley	Gruppo	Morris	Steighner
Cessar	Hagarty	Mowery	Stevens
Cimini	Hasay	Mrkonic	Stuban
Civera	Hayes	Murphy	Sweet
Clymer	Herman	Nahill	Taylor, E. Z.
Cordisco	Hershey	Noye	Tigue
Cornell	Hoeffel	O'Brien	Van Horne
Coslett	Honaman	Olasz	Vroon
Cowell	Itkin	Perzel	Wachob
Coy	Jackson	Peterson	Wass
Deluca	Jarolin	Petrone	Weston
DeVerter	Johnson	Phillips	Wilson
Daley	Kennedy	Piccola	Wogan
Davies	Klingaman	Pistella	Wozniak
Dietz	Lashingier	Pott	Wright, D. R.
Dininni	Lehr	Punt	Wright, J. L.
Dorr	Levi	Reber	Wright, R. C.
Durham	Livengood		

NOT VOTING—1

Maiale

EXCUSED—6

Clark	Miscevich	Swift	Trello
Marmion	Pitts		

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 PASSED OVER TEMPORARILY

Mrs. HARPER. Mr. Speaker, I have an amendment that is being prepared the same as the Freind amendment for the public schools, and I feel that the public schools—

The SPEAKER. Would the lady yield.

You are not permitted to argue the amendment before it is prepared.

Mrs. HARPER. Thank you.

The SPEAKER. The Chair will pass over temporarily the bill but warns the lady that the Chair intends to have this bill voted today. The Chair will go to the other two votes, and when we are through with those two votes, it would behoove the lady to have her amendment ready to offer. Mark HB 1181 over temporarily.

Mrs. HARPER. Thank you, Mr. Speaker.

The SPEAKER. Mr. Davies, are you going to have your amendments redrawn?

Mr. DAVIES. Yes, Mr. Speaker. I also want to inform the Speaker that it is the intent to try to withdraw the three amendments and put them into one, for the lack of a better term, concise amendment.

The SPEAKER. Well, then the same rule will go for Mr. Davies as for Mrs. Harper. We will go over the bill temporarily, vote the other two bills, and then come back to this bill.

Mr. DAVIES. Yes. I used a rather poor choice. Rather than concise, a combined amendment.

The SPEAKER. The Chair understands, Mr. Davies.

\* \* \*

The House proceeded to third consideration of **HB 1520, PN 1854**, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, changing provisions relating to the State Veterans' Commission.

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—195

Afflerbach	Evans	Linton	Robbins
Alderette	Fargo	Livengood	Rudy
Angstadt	Fattah	Lloyd	Ryan
Armstrong	Fee	Lucyk	Rybak
Arty	Fischer	McCall	Saloom
Baldwin	Flick	McClatchy	Salvatore
Barber	Foster, W. W.	McHale	Saurman
Battisto	Foster, Jr., A.	McIntyre	Scheetz
Belardi	Freeman	McMonagle	Schuler

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

NAYS—0

NOT VOTING—2

Levin Sweet

EXCUSED—6

Clark Miscevich Swift Trello  
Marmion Pitts

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.

**BILLS ON FINAL PASSAGE POSTPONED**

The House proceeded to **HB 1723, PN 2336**, on final passage postponed, entitled:

An Act providing for the operation of vending facilities by licensed blind persons; creating a Committee of Blind Vendors; granting powers to the committee and imposing duties upon the committee; and granting powers to and imposing duties upon an administrative unit in the Department of Welfare.

On the question recurring,  
Shall the bill pass finally?

**DECISION OF CHAIR RESCINDED**

The SPEAKER. Without objection, the Chair rescinds its announcement that HB 1723 is on final passage postponed. The Chair hears none.

On the question recurring,  
Will the House agree to the bill on third consideration?  
Mr. ITKIN offered the following amendment No. A0390:

Amend Sec. 2, page 2, line 20, by inserting after "government" where it appears the last time  
, except rest, recreation and safety rest areas on the national system of interstate and defense highways,

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

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

Mr. ITKIN. Mr. Speaker, if you will recall, last week Mr. Letterman rose and had a concern about the bill. In order to meet Mr. Letterman's objections or concerns about the bill, this amendment is being offered to the House today. The concern Mr. Letterman had was that there currently exist tourist promotion agencies which operate vending facilities in and around interstate highways and that HB 1723, which gives a preference to blind vendors to operate such facilities, would in fact and could preclude the TPA's from operating these facilities on interstate highways.

In order to come to an accommodation in this matter, this amendment amends the definition of "State property" in the bill to exempt or except rest, recreation, and safety areas on the interstate highway system, thereby allowing those tourist promotion agencies to continue unabated operating vending facilities on State property in these particular areas. I would suggest that the House accept this amendment.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—189

Afflerbach	Evans	Linton	Robbins
Alderette	Fargo	Livengood	Rudy
Angstadt	Fattah	Lloyd	Ryan
Armstrong	Fee	Lucyk	Rybak
Arty	Fischer	McCall	Saloom
Baldwin	Flick	McClatchy	Salvatore
Barber	Foster, W. W.	McHale	Saurman
Battisto	Foster, Jr., A.	McIntyre	Scheetz
Belardi	Freeman	McMonagle	Schuler
Belfanti	Freind	McVerry	Semmel
Beloff	Fryer	Mackowski	Serafini
Blaum	Gallagher	Madigan	Seventy
Book	Gallen	Maiale	Showers
Bowser	Gamble	Manderino	Sirianni
Boyes	Gannon	Manmiller	Smith, B.
Brandt	Geist	Markosek	Smith, L. E.
Broujos	George	Mayernik	Snyder, D. W.
Bunt	Gladeck	Merry	Snyder, G. M.
Burd	Godshall	Michlovic	Spencer
Burns	Greenwood	Micozzie	Spitz
Caltagirone	Grieco	Miller	Stairs
Cappabianca	Gruitza	Moehlmann	Steighner
Carn	Gruppo	Morris	Stevens

Cawley	Hagarty	Mowery	Stewart
Cessar	Haluska	Mrkonic	Stuban
Cimini	Harper	Murphy	Taylor, E. Z.
Civera	Hasay	Nahill	Taylor, F. E.
Clymer	Hayes	Noye	Telek
Colafella	Herman	O'Brien	Tigue
Cole	Hershey	O'Donnell	Truman
Cordisco	Hoeffel	Olasz	Van Horne
Cornell	Honaman	Oliver	Vroon
Coslett	Itkin	Perzel	Wambach
Cowell	Jackson	Peterson	Wass
Coy	Jarolin	Petrarca	Weston
Deluca	Johnson	Petrone	Wiggins
DeVerter	Kasunic	Phillips	Williams
Daley	Kennedy	Piccola	Wilson
Davies	Klingaman	Pievsky	Wogan
Dawida	Kosinski	Pistella	Wozniak
Deal	Kowalyshyn	Pott	Wright, D. R.
Dietz	Kukovich	Preston	Wright, J. L.
Dininni	Lashinger	Punt	Wright, R. C.
Dombrowski	Laughlin	Rappaport	Zwinkl
Donatucci	Lehr	Reber	
Dorr	Lescovitz	Reinard	Irvis,
Duffy	Letterman	Richardson	Speaker
Durham	Levi	Rieger	

NAYS—0

NOT VOTING—8

Cohen	Hutchinson	Pratt	Wachob
DeWeese	Levin	Sweet	Wargo

EXCUSED—6

Clark	Miscevich	Swift	Trello
Marmion	Pitts		

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	Fattah	Livengood	Rudy
Alderette	Fee	Lloyd	Ryan
Angstadt	Fischer	Lucyk	Rybak
Armstrong	Flick	McCall	Saloom
Arty	Foster, W. W.	McClatchy	Salvatore
Baldwin	Foster, Jr., A.	McHale	Saurman
Barber	Freeman	McIntyre	Scheetz
Battisto	Freind	McMonagle	Schuler
Belardi	Fryer	McVerry	Semmel
Belfanti	Gallagher	Mackowski	Serafini
Beloff	Gallen	Madigan	Seventy
Blaum	Gamble	Maiale	Showers
Book	Gannon	Manderino	Sirianni
Bowser	Geist	Manmiller	Smith, B.
Boyes	George	Markosek	Smith, L. E.
Brandt	Gladeck	Mayernik	Snyder, D. W.
Broujos	Godshall	Merry	Snyder, G. M.
Bunt	Greenwood	Michlovic	Spencer
Burd	Grieco	Micozzie	Spitz
Burns	Gruitza	Miller	Stairs
Caltagirone	Gruppo	Moehlmann	Steighner
Cappabianca	Hagarty	Morris	Stevens
Carn	Haluska	Mowery	Stewart

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

NAYS—0

NOT VOTING—2

Cohen	DeWeese
-------	---------

EXCUSED—6

Clark	Miscevich	Swift	Trello
Marmion	Pitts		

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 House proceeded to **HB 1325, PN 1583**, on final passage postponed, entitled:

An Act amending the act of July 9, 1970 (P. L. 484, No. 164), entitled "An act relating to indemnification agreements between architects, engineers or surveyors and owners, contractors, sub-contractors or suppliers," further providing for certain agreements.

On the question recurring,  
Shall the bill pass finally?

**BILL TABLED**

The SPEAKER. The Chair recognizes the majority leader. Mr. MANDERINO. Mr. Speaker, I move that **HB 1325, PN 1583**, be placed on the tabled calendar.

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

**REMARKS SUBMITTED FOR THE RECORD**

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

Mr. A. C. FOSTER. For the purpose of submission of remarks for the record.

The SPEAKER. The gentleman is so recognized, and the remarks will be printed in the record.

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

The SPEAKER. The Chair sincerely thanks the gentleman.

(For remarks, see Appendix.)

**CONDOLENCE RESOLUTION ADOPTED**

The SPEAKER. The Chair recognizes the gentleman from York, Mr. Dorr.

Mr. DORR. Mr. Speaker, I offer the following condolence resolution on the death of a former member.

The following resolution was read:

HOUSE OF REPRESENTATIVES  
HARRISBURG, PA.  
OFFICE OF THE CHIEF CLERK  
RESOLUTION

WHEREAS, Evelyn Henzel Crawford, a former member of the Pennsylvania House of Representatives, passed away at the age of seventy-one; and

WHEREAS, Mrs. Crawford served with distinction as a member of the Pennsylvania House of Representatives for four terms. She was a member of the State Executive Committee of the State College and University Directors and the Board of Governors of the State System of Higher Education. She was a gray lady with the American Red Cross and legislative liaison for the Pennsylvania Library Association; now therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania notes with sadness the passing of Evelyn Henzel Crawford, a distinguished public servant and a former member; and extends its heartfelt condolences to her husband, A. Lowrie Crawford and her children, Brentwood Henzel, James L. and Barbara; seven grandchildren; and be it further

RESOLVED, That a copy of this resolution be delivered to the Family of Evelyn Henzel Crawford.

We hereby certify that the foregoing is an exact copy of a resolution introduced in the House of Representatives by the Honorable Donald W. Dorr, and unanimously adopted by the House of Representatives on the 6th day of February 1984.

K. Leroy Irvis  
Speaker

ATTEST:  
John J. Zubeck  
Chief Clerk

On the question,  
Will the House adopt the resolution?

The SPEAKER. The Chair served with the lady, and she became a friend of the Chair's many years ago. The Chair regrets that he must preside at this moment but asks that those members who agree with the condolence resolution rise for a silent moment.

(Members stood.)

The SPEAKER. The resolution is unanimously adopted.

**REQUEST FOR RECESS**

The SPEAKER. The Chair has been in consultation with the former Speaker, Mr. Ryan, and the Chair thinks that this suggestion is well taken. Both parties have important caucuses, and they are this time important. They will deal in each case with the question of the budget and whether or not you are here until mid-August or whether you are through with the budget in May. So the Chair would suggest that members of both parties attend the caucuses.

Rather than have you sit here and wait for the Harper amendments to come down and for the Davies amendments to come down, the Chair now declares a recess for the purposes of Republican and Democratic caucuses. However, unless instructed otherwise by the leaders, the Chair at the end of the caucuses will be back in his seat and will call the House to order so we may take up on final passage HB 1181.

**DEMOCRATIC CAUCUS**

The SPEAKER. The Chair recognizes the caucus chairman, Mr. Itkin.

Mr. ITKIN. Mr. Speaker, I want to reiterate on the Democratic side the importance of this caucus. The majority leader wants us all to be in caucus because he wants to address us on a matter of economic development issues and the related bond issue. So I urge all our members to report to caucus by 4 o'clock. Thank you.

The SPEAKER. The Chair thanks the gentleman.

**REPUBLICAN CAUCUS**

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, I do not believe it is any secret that the leaders of the four caucuses have been meeting over the past week or two with respect to the subject matter just mentioned by the gentleman, Mr. Itkin, and that is whether or not we should become involved in a bond issue to promote economic development and, if so, the extent of that issue. I think it is the type subject matter that each of the members will want to participate in, and I strongly urge that both sides immediately retire to their caucus rooms.

I would guess we would need about an hour, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

**RULES COMMITTEE MEETING**

The SPEAKER. The Chair has some housekeeping chores, so the Chair will stay open for the next few minutes.

Immediate caucuses on the part of the Republicans and the Democrats on the declaration of the recess; a Rules Committee meeting immediately in the majority leader's office. The recess will be for 1 hour when it is declared.

**REMARKS ON VOTE**

The SPEAKER. For what purpose does the gentleman from Cumberland, Mr. Mowery, rise?

Mr. MOWERY. On HB 749, final passage, I was inadvertently voted in the affirmative. I would like, for the record, to be recorded in the negative.

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

**HOUSE BILLS  
INTRODUCED AND REFERRED**

**No. 1910** By Representatives DIETZ, HALUSKA, BOWSER, GODSHALL, FARGO, BOOK, MORRIS, WOGAN and BURD

An Act amending "The Game Law," approved June 3, 1937 (P. L. 1225, No. 316), exempting certain persons from certificates of training.

Referred to Committee on GAME AND FISHERIES, February 13, 1984.

**No. 1911** By Representatives HAGARTY, ARTY, GALLAGHER, HERSHEY, DEAL, HOFFEL, BOWSER, GREENWOOD, CIVERA, MAIALE, MILLER, PETERSON, KUKOVICH, PISTELLA, PHILLIPS, E. Z. TAYLOR, SEMMEL, LASHINGER, AFFLERBACH, LINTON, TRELLO, STEVENS, GEIST, MICOZZIE, JOHNSON, HERMAN and ITKIN

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for confidential communications to domestic violence counselors.

Referred to Committee on JUDICIARY, February 13, 1984.

**No. 1912** By Representatives SWEET and PICCOLA

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, limiting the jurisdiction of district justices to fix and accept bail.

Referred to Committee on JUDICIARY, February 13, 1984.

**No. 1913** By Representatives SWEET and PICCOLA

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, authorizing misdemeanors to be served or executed on Sundays.

Referred to Committee on JUDICIARY, February 13, 1984.

**No. 1914** By Representatives LETTERMAN and SALOOM

An Act amending "The Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), providing a minimum exclusion from income subject to personal income tax.

Referred to Committee on FINANCE, February 13, 1984.

**No. 1915** By Representatives LETTERMAN and SALOOM

An Act amending "The Local Tax Enabling Act," approved December 31, 1965 (P. L. 1257, No. 511), providing a minimum exclusion from income subject to earned income tax.

Referred to Committee on FINANCE, February 13, 1984.

**No. 1916** By Representatives CORDISCO, CLYMER, CAPPABIANCA, COLAFELLA, BALDWIN, J. L. WRIGHT, REINARD, BURNS, COSLETT, STEVENS, MACKOWSKI, GEIST, PHILLIPS and HAYES

An Act amending "The Vietnam Herbicides Information Act," approved April 29, 1982 (P. L. 355, No. 99), designating dioxin as a specific herbicide to be studied by the commission; extending the life of the commission; extending the deadline for making its final report; empowering the commission to initiate an epidemiological study; revising content requirements of report forms; and making an editorial change.

Referred to Committee on MILITARY AND VETERANS AFFAIRS, February 13, 1984.

**No. 1917** By Representatives PHILLIPS, DEAL, PRATT, HALUSKA, FISCHER, COLAFELLA and SEMMEL

An Act amending "The Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), further providing for special tax provisions for poverty.

Referred to Committee on FINANCE, February 13, 1984.

**No. 1918** By Representatives GAMBLE, KUKOVICH, MORRIS, CLARK, DUFFY, TIGUE, FISCHER and COWELL

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, requiring water companies to provide service to all properties within its territory.

Referred to Committee on CONSUMER AFFAIRS, February 13, 1984.

**No. 1921** By Representatives LETTERMAN, GRIECO, SCHEETZ, GODSHALL, RYAN, SALOOM, OLASZ, MANDERINO, SEVENTY, MARKOSEK, BURD, LLOYD and DeWEESE

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for the registration and regulation of certain off-road vehicles including but not limited to all-terrain vehicles and trail bikes; and imposing powers and duties on the Department of Environmental Resources.

Referred to Committee on TRANSPORTATION, February 13, 1984.

**No. 1922** By Representatives RAPPAPORT, SPENCER, SWEET and PICCOLA

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, adding provisions relating



to transactions and other matters affecting land; and making repeals.

Referred to Committee on JUDICIARY, February 13, 1984.

**No. 1923** By Representatives ZWIKL, D. R. WRIGHT, NOYE, O'DONNELL, PITTS, DOMBROWSKI, MILLER, GALLAGHER, COWELL, GALLEN, COY, HARPER, FATTAH, ARTY, SPENCER, LUCYK, CALTAGIRONE, MANMILLER, DAVIES, WARGO, SCHULER, GRIECO, STUBAN, ANGSTADT, STEIGHNER, DEAL, PISTELLA, WASS, MERRY, MADIGAN, AFFLERBACH, FARGO, L. E. SMITH, LEVI, GRUITZA, KUKOVICH, BOYES, BURD, FEE, BATTISTO, KOWALYSHYN, TIGUE, WOGAN, LESCOVITZ, SEMMEL, HALUSKA, WAMBACH, McHALE, PRATT, PETRARCA, LASHINGER, DALEY, BOWSER, COLAFELLA, KOSINSKI, GRUPPO, TRELLO, EVANS, PHILLIPS, D. W. SNYDER, VAN HORNE, NAHILL, BUNT, CORNELL, PICCOLA, LINTON, BELFANTI, CAPPABIANCA, B. SMITH, PRESTON, WOZNIAK, RICHARDSON, JACKSON, R. C. WRIGHT, SWEET, CIMINI, DeWEESE, STEWART, WILSON, PUNT, COLE, HERSHEY, HERMAN, LETTERMAN, ARMSTRONG, REBER, RUDY and HASAY

A Supplement to the act of July 21, 1983 (No. 7A), entitled "An act to further provide from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and for the public schools for the fiscal year July 1, 1983 to June 30, 1984, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1983; and to appropriate the Federal Augmentation to the Executive and Judicial Departments of the Commonwealth; establishing restricted receipts accounts for the fiscal year July 1, 1983 to June 30, 1984 and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1983," providing additional funds to the State System of Higher Education.

Referred to Committee on APPROPRIATIONS, February 13, 1984.

### HOUSE RESOLUTIONS INTRODUCED AND REFERRED

**No. 178** By Representatives DURHAM, AFFLERBACH, BALDWIN, O'DONNELL, TRELLO, ARTY, CESSAR, POTT, STEVENS and E. Z. TAYLOR

Directing the House Committee on Transportation to study the feasibility of installing seat belts in all school buses.

Referred to Committee on RULES, February 13, 1984.

**No. 179** By Representatives SALVATORE, WOGAN, PERZEL, WESTON and O'BRIEN

Memorializing Congress to take action to prevent Federal civil service operations personnel from being replaced by private contractors.

Referred to Committee on RULES, February 13, 1984.

**No. 180** By Representatives SALOOM, KASUNIC, OLASZ, GODSHALL, DIETZ, TELEK, CIMINI, B. SMITH and DeWEESE

Directing the Game and Fisheries Committee to conduct a study of policies, practices, programs and conduct of the Game Commission and its personnel to insure continued availability of wild game and the financial viability of the Game Fund.

Referred to Committee on RULES, February 13, 1984.

**No. 181**  
(Concurrent) By Representatives BARBER, HOFFEL, WACHOB, McCALL, COY, ARTY, E. Z. TAYLOR, STUBAN, KASUNIC, FATTAH and DAWIDA

Disapproving the Department of Welfare regulation on medical assistance Statewide ceilings for skilled nursing and intermediate care facilities.

Referred to Committee on RULES, February 13, 1984.

**No. 182** By Representatives PERZEL, SALVATORE and CIVERA

Amending House Rules 66 and 67 by eliminating the electric roll call.

Referred to Committee on RULES, February 13, 1984.

### SENATE BILLS FOR CONCURRENCE

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

**SB 1034, PN 1705**

Referred to Committee on LIQUOR CONTROL, February 13, 1984.

**SB 1053, PN 1696**

Referred to Committee on TRANSPORTATION, February 13, 1984.

**SB 1139, PN 1706**

Referred to Committee on FINANCE, February 13, 1984.

**SB 1220, PN 1663**

Referred to Committee on TRANSPORTATION, February 13, 1984.

**RECESS**

The SPEAKER. This House will stand in recess for the purposes of Democratic and Republican caucuses for 1 hour. The Speaker will be back in the Chair at 5 p.m.

The House stands in recess for 1 hour.

**AFTER RECESS**

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

The SPEAKER. There is no need for the members to report on the floor.

**BILL PASSED OVER**

The SPEAKER. Without objection, the sponsors of HB 1181 have agreed that the bill will be passed over for the day's session and will be brought up tomorrow. The Chair hears no objection.

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

**HB 1333, PN 1590** By Rep. RICHARDSON

An Act amending the act of June 27, 1939 (P. L. 1199, No. 404), entitled "An act relating to the assessment of real and personal property and other subjects of taxation in counties of the first class;\*\*\*; fixing the salaries of members of the board, assessors and assistant assessors, and providing for the payment of salaries and expenses from the county treasury; prescribing the powers and duties of the board and of the assessors, the time and manner of making assessments, of the revision and notice of assessments and of appeals therefrom; prescribing the records of assessments; and repealing existing laws," further providing for ratio establishment and determination.

URBAN AFFAIRS.

**RESOLUTIONS REPORTED FROM COMMITTEE**

**HR 173, PN 2415** By Rep. MANDERINO

Memorializing the United States Congress to urge all citizens to refuse to accept mail bearing the Iranian stamp which depicts the 1979 takeover of the American Embassy.

RULES.

**HR 174, PN 2447 (Concurrent)**

By Rep. MANDERINO

Memorializing the President and the United States Congress to reverse the decision of the United States Immigration and Naturalization Service which denies asylum to Polish Nationals.

RULES.

**HR 177, PN 2490** By Rep. MANDERINO

Congratulating the City of Hermitage.

RULES.

**BILLS AND RESOLUTION PASSED OVER**

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

**ADJOURNMENT**

The SPEAKER. There being no further business to come before this day's session of the General Assembly, the Chair recognizes the gentleman from Carbon, Mr. McCall.

Mr. McCALL. Mr. Speaker, I move that this House do now adjourn until Tuesday, February 14, 1984, at 11 a.m., e.s.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 5:04 p.m., e.s.t., the House adjourned.