

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

TUESDAY, FEBRUARY 14, 1984

SESSION OF 1984

168TH OF THE GENERAL ASSEMBLY

No. 12

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (K. LEROY IRVIS) IN THE CHAIR

PRAYER

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

O God of love, which transcends all barriers and passeth human understanding, we reach out to Thee in this hour, for we know that the love which Thou hast for each one of us has prompted us to love Thee in return. We humbly pray that the love we show to each other in this time of the year may enable us to extend that love to Thee as well, so that the brotherhood of man and the fatherhood of God may continue to grow side by side and increase in power and intensity. Heavenly Father, may Thy love work in and through us to the extension of Thy kingdom, the power of Thy might in our world, and the accomplishment of Thy truth in all that we do. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The clerk of the Senate, being introduced, returned HB 1241, PN 2502, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

SENATE MESSAGE

ADJOURNMENT RESOLUTION FOR CONCURRENCE

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

In the Senate, February 13, 1984

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on

Monday, February 27, 1984 unless sooner recalled by the President Pro Tempore, and when the House of Representatives adjourns this week it reconvene on Tuesday, February 21, 1984 unless sooner recalled by the Speaker; and be it further

RESOLVED, That when the Senate adjourns the week of February 27, 1984 it reconvene on Monday, March 19, 1984 unless sooner recalled by the President Pro Tempore, and when the House of Representatives adjourns the week of February 21, 1984 it reconvene on Monday, March 12, 1984 unless sooner recalled by the Speaker; and be it further

RESOLVED, That when the House of Representatives adjourns the week of March 12, 1984 it reconvene on Monday, March 19, 1984 unless sooner recalled by the Speaker.

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

On the question,

Will the House concur in the resolution of the Senate?

Resolution was concurred in.

Ordered, That the clerk inform the Senate accordingly.

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal of Monday, February 13, 1984, will be postponed until the Journal is in print. The Chair hears no objection.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1924 By Representatives LLOYD, GODSHALL, BELFANTI, COY, BATTISTO, POTT, NOYE, HALUSKA, FARGO, PHILLIPS, SEMMEL, PRATT, AFFLERBACH, GANNON and GEIST

An Act amending "The Borough Code," approved February 1, 1966 (1965 P. L. 1656, No. 581), further regulating sanitary sewers.

Referred to Committee on LOCAL GOVERNMENT, February 14, 1984.

No. 1925 By Representatives LLOYD, KLINGAMAN, GODSHALL, BELFANTI, COY, BATTISTO, GREENWOOD, POTT, NOYE, WOGAN, HALUSKA, FARGO, PHILLIPS, SEMMEL, ARTY, SCHEETZ, PRATT, DURHAM, GANNON, GEIST, STEVENS, JOHNSON and BALDWIN

An Act amending the "Public Defender Act," approved December 2, 1968 (P. L. 1144, No. 358), providing for taxable court costs.

Referred to Committee on JUDICIARY, February 14, 1984.

**No. 1926** By Representatives LLOYD, KLINGAMAN, GODSHALL, BELFANTI, COY, BATTISTO, GREENWOOD, POTT, NOYE, WOGAN, HALUSKA, FARGO, PHILLIPS, SEMMEL, ARTY, SCHEETZ, PRATT, DURHAM, GANNON, GEIST, STEVENS, JOHNSON and BALDWIN

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, regulating public defender fees.

Referred to Committee on JUDICIARY, February 14, 1984.

**No. 1927** By Representatives AFFLERBACH, SEMMEL, ITKIN, WILSON, HERSHEY, GREENWOOD, HARPER, BELFANTI, HALUSKA, PRESTON, PISTELLA, KOSINSKI, WOZNIAK, LINTON, PETRONE and MERRY

An Act amending "The Banking Code of 1965," approved November 30, 1965 (P. L. 847, No. 356), imposing limitations on service charges for overdrawn accounts.

Referred to Committee on BUSINESS AND COMMERCE, February 14, 1984.

**No. 1928** By Representatives AFFLERBACH, SEMMEL, KUKOVICH, GALLAGHER, CALTAGIRONE, TIGUE, GREENWOOD, DeWEESE, WILSON, BUNT, LLOYD, MORRIS, DeLUCA, STEVENS, PISTELLA, COWELL and GEIST

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for financial disclosure outside the purview of judicial administration.

Referred to Committee on JUDICIARY, February 14, 1984.

**No. 1929** By Representatives HARPER, MANDERINO, IRVIS and COHEN

An Act making an appropriation to the Human Relations Commission.

Referred to Committee on APPROPRIATIONS, February 14, 1984.

**No. 1930** By Representatives MANDERINO, PIEVSKY, RIEGER, O'DONNELL, GALLAGHER, F. E. TAYLOR, PRATT, BURD, DORR, J. L. WRIGHT, SERAFINI, ARTY, DOMBROWSKI, SWEET, HUTCHINSON and FEE

An Act amending "The Fiscal Code," approved April 9, 1929 (P. L. 343, No. 176), further providing for security from State depositions.

Referred to Committee on APPROPRIATIONS, February 14, 1984.

**No. 1931** By Representatives RAPPAPORT and SPENCER

An Act establishing the priority of advances made under mortgages.

Referred to Committee on JUDICIARY, February 14, 1984.

**No. 1932** By Representatives RAPPAPORT and SPENCER

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, adding liens for condominium assessments as liens which may be prior to the lien of a mortgage which is not affected by a judicial sale on a junior lien.

Referred to Committee on JUDICIARY, February 14, 1984.

**No. 1933** By Representatives WOGAN, SALVATORE, PERZEL, WESTON, O'BRIEN, GANNON, KOSINSKI, DEAL and RICHARDSON

An Act amending "The Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), increasing the rate of taxation on certain insurance companies doing business in Pennsylvania; and providing for the distribution of the increased tax revenues.

Referred to Committee on FINANCE, February 14, 1984.

### LEAVE OF ABSENCE GRANTED

The SPEAKER. Are there any requests for leaves of absence on the Democratic Party's part?

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

Mr. PIEVSKY. Thank you, Mr. Speaker.

I ask leave of absence for the gentleman from Allegheny, Mr. CLARK, for today's session.

The SPEAKER. Without objection, leave is granted. The Chair hears no objection.

The Chair recognizes the minority whip on leaves of absence.

Mr. HAYES. Not at this time, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

If the gentleman wishes the Chair to return to leaves of absence at a later time, the Chair will do so.

### WELCOMES

The SPEAKER. Representative Len Gruppo has here as his guests Ellyse Smolenak, parents Brenda and Michael, the school principal, Robert Jones, and school superintendent, A. A. Brackbill, from the Nazareth Area School District. We welcome you.

Representative Gordon Linton has Karen Davidson, who is a student at the Samson Freedman School of Humanities, and the young lady is the winner of an essay contest there. Congratulations. He also has Karen's aunt, Velma Wilson.

It is interesting that Karen, who has obviously learned to write English, should be present when the House is going to debate the question of how we test our children to make sure that when they come out of high school they can at least read and write. I would take a look at Karen and say she is a long ways from coming out of high school, but she has already obviously learned to read and write. Congratulations, Karen. I am very proud to have you here.

**MASTER ROLL CALL RECORDED**

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

The following roll call was recorded:

**PRESENT—199**

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

Evans

ADDITIONS—0

NOT VOTING—0

EXCUSED—4

Clark

Marmion

Miscevich

Trello

LEAVE ADDED—1

Broujos

**CALENDAR**

**BILLS AGREED TO ON SECOND CONSIDERATION**

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

**HB 704, PN 786; HB 705, PN 787; and HB 1858, PN 2504.**

\* \* \*

The House proceeded to second consideration of **SB 447, PN 487**, entitled:

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

On the question,

Will the House agree to the bill on second consideration?

**BILL RECOMMENDED**

The SPEAKER. The Chair recognizes the majority leader. Mr. MANDERINO. Mr. Speaker, I move that SB 447, PN 487, on page 2 of the active calendar, be recommended to the Committee on Appropriations for a fiscal note.

On the question,

Will the House agree to the motion?

Motion was agreed to.

**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 1752, PN 2250**, entitled:

An Act amending the "Agricultural Land Acquisition by Aliens Law," approved April 6, 1980 (P. L. 102, No. 39), further restricting the acquisition by certain aliens of agricultural lands.

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	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.
Burd	Greenwood	Michlovic	Spencer
Burns	Grieco	Miller	Spitz
Caltagirone	Gruitza	Moehlmann	Stairs
Cappabianca	Gruppo	Morris	Steighner
Carn	Hagarty	Mowery	Stevens
Cawley	Haluska	Mrkonic	Stewart
Cessar	Harper	Murphy	Stuban
Cimini	Hasay	Nahill	Sweet
Clymer	Hayes	Noye	Sweet
Cohen	Herman	O'Brien	Swift
Colafella	Hershey	O'Donnell	Taylor, E. Z.
Cole	Hoeffel	Olasz	Taylor, F. E.
Cordisco	Honaman	Oliver	Telek
Cornell	Hutchinson	Perzel	Tigue
Coslett	Itkin	Peterson	Truman
Cowell	Jackson	Petrarca	Van Horne
Coy	Jarolin	Petrone	Vroon
Deluca	Johnson	Phillips	Wachob
DeVerter	Kasunic	Piccola	Wambach
DeWeese	Kennedy	Pievsy	Wargo
Daley	Klingaman	Pistella	Wass
Davies	Kosinski	Pitts	Weston
Dawida	Kowalshyn	Pott	Wiggins
Deal	Kukovich	Pratt	Williams
Dietz	Lashinger	Preston	Wilson
Dininni	Laughlin	Punt	Wogan
Dombrowski	Lehr	Rappaport	Wozniak
Donatucci	Lescovitz	Reber	Wright, D. R.
Dorr	Letterman	Reinard	Wright, J. L.
Duffy	Levi	Richardson	Wright, R. C.
Durham	Levin	Rieger	Zwikl
Evans	Linton	Robbins	
Fargo	Livengood	Rudy	Irvis,
Fattah			Speaker

## NAYS—0

## NOT VOTING—4

Alderette	Bunt	Civera	Micozzie
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## EXCUSED—4

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

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

## WELCOME

The SPEAKER. The Chair is delighted to welcome to the hall of the House, as guests of Representatives Don Dorr and Peck Foster, students from the York New Salem Grade

School, with their parents and teachers. We are proud to have you here. Welcome.

### BILLS ON THIRD CONSIDERATION CONTINUED

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

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

On the question recurring,

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

Mrs. HARPER offered the following amendments No. A0523:

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

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

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

(c)

Amend Sec. 3 (Sec. 1511.1), page 6, lines 27 through 30 and page 7, lines 1 through 16, by striking out all of said lines on said pages

On the question,

Will the House agree to the amendments?

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

Mrs. HARPER. Thank you, Mr. Speaker.

This amendment is practically the same amendment that we passed last Wednesday for private and parochial schools, and I feel that public schools should have the same curriculum and the same opportunities that the private schools have. I have put back in testing of students in the 11th grade, and we did not remove testing in the 3d, 5th, and 8th grades. With this new amendment, we will have testing, but it will not be a prerequisite for graduation, which is needed in the public schools as well as the private schools. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

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

Mr. GALLAGHER. Mr. Speaker, while the House is finding itself into its proper position, we are back again to where we were yesterday afternoon. The amendment that Mrs. Harper has offered today is similar to yesterday's, just redrafted a little bit, but still primarily would not require—this is the key part of it—a competency test for graduation.

The issue was very clear to us yesterday that it is important that we maintain a competency test for graduation in our public school system. The vote was very clear that that was the way the House felt. The amendment that she offers does the same thing as to take away the competency test for graduation. So I urge the members to vote "no" on this amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—65

Armstrong	Fattah	McHale	Scheetz
Baldwin	Fee	McIntyre	Schuler
Barber	Flick	McMonagle	Smith, B.
Belfanti	Freeman	Maiale	Snyder, G. M.
Beloff	George	Manderino	Stewart
Caltagirone	Haluska	Morris	Stuban
Carn	Harper	Mrkonic	Taylor, F. E.
Cohen	Kasunic	O'Donnell	Telek
Colafella	Kosinski	Oliver	Truman
Cole	Kowalyszyn	Petrarca	Wambach
Deluca	Kukovich	Pievsky	Wargo
DeWeese	Lehr	Preston	Wiggins
Deal	Lescovitz	Rappaport	Williams
Dombrowski	Letterman	Richardson	
Donatucci	Levin	Rieger	Irvis,
Duffy	Linton	Rybak	Speaker
Evans	Lucyk	Saloom	

NAYS—130

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

Dininni	Laughlin	Robbins	Zwilk
Dorr	Levi		

NOT VOTING—4

Itkin	Lashinger	Markosek	Pratt
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EXCUSED—4

Clark	Marmion	Miscevich	Trello
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The question was determined in the negative, and the amendments were not agreed to.

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

Mr. DAVIES offered the following amendments No. A0525:

Amend Sec. 3 (Sec. 1511.1), page 5, line 25, by inserting after "CHOICE."

In addition, a school district may choose not to use any or a portion of the tests required in this subsection. If a school district chooses to use all or a portion of these tests the district shall have the option of requiring passage of the test in eleventh grade for a graduation requirement.

Amend Bill, page 8, by inserting between lines 23 and 24 Section 1511.2. School District Testing Program.—(a) In lieu of the tests required in section 1511.1, a school district may develop its own criterion reference testing program with the approval of the department. Districts must test students in at least three grade levels prior to the eleventh grade. Except for mentally gifted students as defined in regulations of the department, those students as defined as exceptional under section 1371 shall be exempt from the provisions of this subsection but may participate at the written request of a parent or guardian. A student with a recognized learning disability, but not defined as exceptional under section 1371, shall be given the same test; however, the test shall be administered orally. In reviewing the testing program, the department shall insure that the program tests students at the same achievement levels as the program administered by the department. The district testing program shall comply with the standards for remediation and testing programs as established in section 1511.1.

(b) Results of the tests shall be provided to parents or guardians. The board of school directors shall determine which school district personnel may have access to the test results.

Amend Sec. 3 (Sec. 1511.2), page 8, line 24, by striking out "1511.2" and inserting

1511.3

Amend Sec. 3 (Sec. 1511.3), page 9, line 5, by striking out "1511.3" and inserting

1511.4

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

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

Mr. DAVIES. Thank you, Mr. Speaker.

This is the combination of the three separate amendments into one effort to try to clarify the problem that we have been addressing with various amendments, including some of those concerned with the Harper amendment.

This amendment would say or says that a school district may choose not to use any of the prepared tests that somebody had vehemently protested in a speech before this body yesterday. The school district can use any or all portions of

those tests, and they have the option of requiring the passing of the test in the 11th grade for a graduation requirement. This returns it to in loco parentis, the matter of local choice, and if a district so chooses, it may establish that criteria.

In lieu of those packaged tests that had some of the speakers yesterday concerned, the school district may develop its own criterion reference testing program, with the approval of the Department of Education. The district must test the students in at least three grade levels below the eighth grade, so this does meet the request of one of the school districts that appeared at the hearings in Pittston in which they said that they already have their own base test and they had established it at different grade levels than what is written in the current HB 1181, so it gives them that flexibility as well.

In addition to that, it does protect those exceptional students that appear in section 1371, which includes most of the special education students, but it does not take out the gifted. It provides for the gifted to be tested in the regular program. And the district-made test must comply with all the standards of remediation that are stated in the bill and established in section 1511.

It has the same provision that the parents or guardian have the discretion to look at those test scores, and the district controls who shall share in the use of those test scores.

That, essentially, is the effort to combine all of the concerns that have been expressed by some of the speakers in past debate relative to the public sector. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question of the adoption of the Davies amendment, the Chair recognizes the gentleman from Delaware, Mr. Freind.

Mr. FREIND. Thank you, Mr. Speaker.

Very briefly, I rise to oppose this amendment. We have discussed at great length this issue, and the bottom line is, if we are going to do something with respect to the quality of education, these tests have to be mandated - tests in 3d, 5th, and 8th grades for remedial, and the 11th grade testing which we discussed really ad nauseam. I would ask for the defeat of this amendment.

The SPEAKER. The Chair thanks the gentleman.

Does the gentleman, Mr. Davies, wish to be recognized for the second time on the amendment?

The Chair recognizes the gentleman, Mr. Davies.

Mr. DAVIES. Yes, Mr. Speaker. Again I raise the question that had been expressed before about the standards that exist in the private sector, and of course including with that the parochial sector as well, where the testing has been a matter of choice as far as graduation standards. I imagine that they could establish that if they so desired. I am not sure about the framework, but of course, they do not.

This deals and places the responsibility where I think that it should be placed, and that is with the choice of the local school district. If the Allentown School District wants to have their test at various levels, they are given that elasticity, and this is essentially what that district had asked for in one of the hearings that we had. In addition to this, it allows them to

establish their own testing program, and it is criterion based; it is going to get to the very essence of what that school district is all about. In the curriculum that is being offered by that school district, the manner and the differences of those local school districts can be very adaptive in this form of testing. Therefore, that responsibility rests with the district.

With all the attention that has been given to this subject matter and the efforts to mandate this on a statewide basis, I feel as if we are missing some of the goals as far as the concept of what the local district can weigh and measure in what we say are valid testing programs. If there is to be validity, I think this, of course, is the best concept that can be offered by a legislature to be responsible in the public sector. There is no way of the local district dodging it. The issue is there; it is for them to wrestle with. If they do not care to use it as a graduation standard, they can opt out, but they cannot opt out of the matter of all of the responsibility for the remedial aspects of program, and they are speaking to the very thing that is the essence of their own curriculum, not something that has come about from Harrisburg. But they are going to work with Harrisburg in the matter of cooperative spirit in developing that form of testing which is best for the individual student in that district. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. SCHULER. Thank you, Mr. Speaker.

I rise in support of the Davies amendment. This amendment, I feel, addresses the concerns that I had yesterday. I am glad that Mr. Davies saw fit to put this in today.

I agree with the gentleman that this test will put back to the local school boards the control they should have and take away from us this power of being a super-school board. I also feel that a good point to be mentioned is that the remedial aspect will still remain in the program. This is where the emphasis should be.

I would ask for an affirmative vote on the amendment, sir.

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—61

Angstadt	Fattah	McClatchy	Rybak
Armstrong	Flick	McHale	Saloom
Barber	Freeman	McIntyre	Scheetz
Beloff	Fryer	McMonagle	Schuler
Book	Gallen	McVerry	Smith, B.
Bowser	Gruitza	Manmiller	Snyder, G. M.
Brandt	Harper	Miller	Spencer
Burd	Honaman	Morris	Spitz
Carn	Hutchinson	O'Donnell	Telek
Cessar	Kosinski	Oliver	Truman
Colafella	Kowalshyn	Petrarca	Wambach
DeWeese	Lehr	Pott	Wargo
Davies	Lescovitz	Rappaport	Wiggins
Deal	Levin	Richardson	Williams
Donatucci	Linton	Rieger	Wilson
Evans			

NAYS—138

Afflerbach	Fargo	Livengood	Rudy
Alderette	Fee	Lloyd	Ryan
Arty	Fischer	Lucyk	Salvatore
Baldwin	Foster, W. W.	McCall	Saurman
Battisto	Foster, Jr., A.	Mackowski	Semmel
Belardi	Freind	Madigan	Serafini
Belfanti	Gallagher	Maiale	Seventy
Blaum	Gamble	Maderino	Showers
Boyes	Gannon	Markosek	Sirianni
Broujos	Geist	Mayernik	Smith, L. E.
Bunt	George	Merry	Snyder, D. W.
Burns	Gladeck	Michlovic	Stairs
Caltagirone	Godshall	Micozzie	Steighner
Cappabianca	Greenwood	Moehlmann	Stevens
Cawley	Grieco	Mowery	Stewart
Cimini	Gruppo	Mrkonic	Stuban
Civera	Hagarty	Murphy	Sweet
Clymer	Haluska	Nahill	Swift
Cohen	Hasay	Noye	Taylor, E. Z.
Cole	Hayes	O'Brien	Taylor, F. E.
Cordisco	Herman	Olasz	Tigue
Cornell	Hershey	Perzel	Van Horne
Coslett	Hoefel	Peterson	Vroon
Cowell	Itkin	Petrone	Wachob
Coy	Jackson	Phillips	Wass
DeLuca	Jarolin	Piccola	Weston
DeVerter	Johnson	Pievsky	Wogan
Daley	Kasunic	Pistella	Wozniak
Dawida	Kennedy	Pitts	Wright, D. R.
Dietz	Klingaman	Pratt	Wright, J. L.
Dininni	Kukovich	Preston	Wright, R. C.
Dombrowski	Lashinger	Punt	Zwikl
Dorr	Laughlin	Reber	
Duffy	Letterman	Reinard	Irvis,
Durham	Levi	Robbins	Speaker

NOT VOTING—0

EXCUSED—4

Clark	Marmion	Miscevich	Trello
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The question was determined in the negative, and the amendments were not agreed to.

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

Mr. RICHARDSON. Mr. Speaker, I would like to speak on final passage of this bill.

The SPEAKER. The Chair recognized the gentleman for that purpose. He may proceed.

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

Mr. Speaker, I rise in opposition to HB 1181 and I do so very reluctantly, but I watched this House of Representatives as we have debated this bill for the past 3 days and it always amazes me how we can set two standards of justice when it comes to our children in this Commonwealth. On one hand, we tell our children that we want to make sure that we wind up with a competency test that in fact is going to deal with giving

children within this Commonwealth an opportunity to make sure they wind up with quality education. But for parochial schools and nonpublic schools we say that it will not be a prerequisite for them to be able to use that for graduation, but we say that in public schools we are definitely going to demand that the 11th grade test be a prerequisite for those persons, those students, in order to pass.

It seems to me that if we are to follow any logic, it would seem to me that we want to try to make sure that we are mandating certain kinds of things in education. There has been a long period of time that has existed that says that we have to do something to correct the present educational system, because our children in fact do graduate as functional illiterates, who cannot read, who cannot write, who cannot fill out an application. In fact, within this country you will find that there is a large percentage of even adults who are functional illiterates and there have been literacy programs set up all over this Commonwealth to deal with that issue, but in this House of Representatives we have decided that it is not right for us to make sure that other students who are part of this Commonwealth and who attend private schools, parochial schools, nonpublic schools, have to have within their own purview a requirement that says that this test will determine whether or not you will graduate, but in public schools we say to our young people that we want to make sure that you now wind up in a situation where you in fact must pass this 11th grade test, and if you do not, you cannot graduate.

To me that is unfair; to me it seems that we always will allow ourselves to fall into the trap of putting pressure on one segment of a group of young people who come out of an urban setting, who come out of a poor setting, and say that those who have money and those who can spend their way or pay their way or get over in another way through economic means, that we are going to take care of them by not putting the same stipulations on them. To me that is a contradiction of fact, and it seems to me that in the best interests of this bill and the work that has gone into it, one of the things that I find is that there is always an absence of those individual persons who could in fact give the kind of understanding and educational direction that is necessary and needed, so that people do not find themselves in a situation of trying to play on what side they should be on, whether I should be on the side of those in parochial school, whether I should be on the side of those in private school, or whether I should be on the side of those students in the public school system.

We have a number of problems, and if we are really going to get at this, it seems to me that we should give a latitude of time, that if we want to start instituting a program within the public school system dealing with competency, it should not take effect immediately but in fact in 2 or 3 years, to allow those students now who are starting off in the 2d and 3d grade, so that the 2d, the 5th, and the 8th grade competency tests will by 3 or 4 years be able to at least be put in motion to give an opportunity for those who may get to 11th grade to see where they failed.

One last point, Mr. Speaker, and that is, if accountability is not going to be built in to both student and teacher, then I feel that we are just fooling ourselves and we are going to be right back here again trying to determine where we go from here. It is very easy to talk about what we should do educationally to deal with the problems of our children. While many of you may not have your children in public schools, it is always easy to attack those individual persons who in fact go to public schools because you do not have that problem to worry about. And I think that if we were all equal, it would be a different story, but since we do not have the equality, and since we do not have the same attitudes being given toward looking at the educational system as we see it and struggling hard to make sure that there is quality education for all of our children, I cannot in good conscience and in good faith accept the double standard of justice that has been set in this House of Representatives in this bill not to allow all students within this Commonwealth, regardless of where they go to school, to have a competency test that is going to include everybody or it is not going to include anybody at all. I think that if we are going to make that a requirement for graduation for one, we must make it a requirement for graduation for all.

Thank you very much, Mr. Speaker. I encourage a "no" vote on this bill.

The SPEAKER. The Chair thanks the gentleman.

On final passage, the Chair recognizes the lady from Philadelphia, Mrs. Harper.

Mrs. HARPER. Thank you, Mr. Speaker.

I rise to oppose HB 1181, although I am a cosponsor of this bill. I agree with certain portions of this bill; I agree with the stand that the State Board of Education took. The State Board of Education recommends that students be tested in the second, fifth, and eighth grades, the same as a portion of HB 1181, but I totally disagree with the double standard in HB 1181. We have eliminated private and parochial schools from testing in the 11th grade as a prerequisite for graduation, and I just cannot stand here and not protest the double standard. Why should the public schools have to have testing in the 11th grade as a prerequisite for graduation and the private and parochial schools not have that same test?

This bill is not going any further than the House of Representatives, because I know the State Board of Education is against it, the Governor is against it, and I am against this bill. This bill will go to a conference committee and be corrected like it should be. We should have accepted my amendment, the second amendment, which was the same as the Freind amendment to allow the private schools the same opportunities as the public schools. That is the way it should be, and in the end I believe that is the way it will be, because it will go to court, the same as the case in Florida.

I urge you to vote against this bill, because it is unfair to all of the students in Pennsylvania. Thank you.

The SPEAKER. The Chair thanks the lady.

## PARLIAMENTARY INQUIRY

The SPEAKER. On final passage, the Chair recognizes the gentleman from Philadelphia, Mr. Deal.

Mr. DEAL. Mr. Speaker, before I make remarks, may I ask for a point of parliamentary inquiry?

The SPEAKER. Will the gentleman state the point.

Mr. DEAL. Mr. Speaker, could you direct me as to the procedure I should take to question the constitutionality of this piece of legislation?

The SPEAKER. The only thing the gentleman has to do is to say, Mr. Speaker, I believe this bill is unconstitutional and ask that the House decide its constitutionality.

## CONSTITUTIONAL POINT OF ORDER

Mr. DEAL. Mr. Speaker, I believe this piece of legislation is unconstitutional, and I am therefore requesting that this House decide the constitutionality of this piece of legislation, which is HB 1181.

The SPEAKER. The question of constitutionality is a question to be decided on the floor of the House.

The gentleman, Mr. Deal, has suggested that this bill is unconstitutional. Listen carefully to the way the Chair will place the question, because the Chair will not place it in the negative.

Mr. DEAL. Mr. Speaker, may I have an opportunity to speak once it is placed?

The SPEAKER. The Chair advises the members that the only debate which will be permitted by the Chair will be strictly limited to your reasons why you believe the bill to be either, A, constitutional, or B, unconstitutional.

On the question,

Will the House sustain the constitutionality of the bill?

The SPEAKER. The Chair recognizes the gentleman, Mr. Deal, on the question of is HB 1181, PN 1791, as amended before the House, constitutional? The gentleman has suggested it is unconstitutional, and the Chair recognizes the gentleman for debate on that issue.

Mr. DEAL. Mr. Speaker, I believe that HB 1181 is unconstitutional. I believe so because members of this legislature have attempted to discriminate against the unfortunate young children who will be going to the public school system.

What this bill says, Mr. Speaker, is that if you go to the public school system, the public school system will make it mandatory that you take a test, a competency test, and if you do not take the test, that because you went to the public school system and you failed that test, you could not graduate. This bill then in turn says to Christian and private and parochial schools, though you take the test, even if you fail the test, you can still graduate and would not have to be held back.

Mr. Speaker, I believe that this is as unconstitutional as any other act that I have ever seen placed in any legislative body. I certainly feel that though I may have had some questions about other parts, the mere fact that this legislative body



would say to young people who happen to go to the public school system, we will deny you the right to be promoted because you failed to pass a competency test, and then go a few minutes later and say to another group of young people in the same Commonwealth, in the same grade, do not worry, because you happen to go to a private or parochial school; you do not have to worry about passing that test; you can get promoted anyway.

Mr. Speaker, if that is not unconstitutional, then it seems to me that I have been sitting in the wrong hall. I have been sitting in what I thought was a legislative body, a body that was concerned about the welfare of all the people, all the young people, and whatever we do, we do for the best interests of all, that they would all be treated fairly. We are not even talking about a racial issue. We are talking about outright fair play - black children, white children, polka-dot children, pink children, red children, will be denied solely because, solely because, they go to the public school system.

Mr. Speaker, I believe this legislation is unfair and it will end up in the courts, and we will all be embarrassed with this insidious piece of legislation.

The SPEAKER. The Chair thanks the gentleman.

On the question of constitutionality, the Chair recognizes the lady from Philadelphia, Mrs. Harper.

Mrs. HARPER. Thank you, Mr. Speaker.

I, too, believe that this piece of legislation is unconstitutional because it sets a double standard, and I am sure that the Supreme Court of this great State will not allow a double standard in education. I believe truly that this legislation is unconstitutional, and I will repeat, because it sets a double standard. Why should public school children take a test in the 11th grade as a prerequisite for graduation and private and parochial school students not be required to take the same test? This legislation sets a double standard, and it is unconstitutional. Thank you.

The SPEAKER. The Chair thanks the lady.

The Chair recognizes the gentleman from Montgomery, Mr. Saurman, on the constitutionality question.

Mr. SAURMAN. Mr. Speaker, just one quick comment. If we were to take the assumption that has been presumed, that this is unconstitutional, we would have to throw out our entire marking system of report cards. I would ask for a vote that declares this is constitutional. Thank you, sir.

The SPEAKER. The Chair thanks the gentleman.

Those believing that HB 1181, PN 1791, currently before the House, is constitutional will vote "aye"; those believing it to be unconstitutional will vote "no."

On the question recurring,

Will the House sustain the constitutionality of the bill?

The following roll call was recorded:

YEAS—174

Afflerbach	Fee	Lucyk	Rudy
Alderette	Fischer	McCall	Ryan
Angstadt	Flick	McClatchy	Rybak
Armstrong	Foster, W. W.	McHale	Saloom
Arty	Foster, Jr., A.	McVerry	Salvatore
Baldwin	Freeman	Mackowski	Saurman
Battisto	Freind	Madigan	Scheetz

Belardi	Fryer	Maiale	Schuler
Belfanti	Gallagher	Manderino	Semmel
Blaum	Gallen	Manmiller	Serafini
Book	Gamble	Markosek	Seventy
Bowser	Gannon	Mayernik	Showers
Boyes	Geist	Merry	Sirianni
Brandt	George	Michlovic	Smith, B.
Broujos	Gladeck	Micozzie	Smith, L. E.
Bunt	Godshall	Miller	Snyder, D. W.
Burd	Greenwood	Moehlmann	Snyder, G. M.
Burns	Grieco	Morris	Spencer
Caltagirone	Gruitza	Mowery	Spitz
Cappabianca	Gruppo	Mrkonic	Stairs
Cawley	Hagarty	Murphy	Steighner
Cessar	Haluska	Nahill	Stevens
Cimini	Hasay	Noye	Stewart
Civera	Hayes	O'Brien	Stuban
Clymer	Herman	O'Donnell	Sweet
Colafula	Hershey	Olasz	Swift
Cole	Hoefel	Perzel	Taylor, E. Z.
Cordisco	Honaman	Peterson	Taylor, F. E.
Cornell	Itkin	Petrarca	Telek
Coslett	Jackson	Petrone	Tigue
Cowell	Jarolin	Phillips	Van Horne
Deluca	Johnson	Piccola	Vroon
DeVerter	Kasunic	Pievsky	Wachob
DeWeese	Kennedy	Pistella	Wambach
Daley	Klingaman	Pitts	Wass
Davies	Kowalyszyn	Pott	Weston
Dawida	Kukovich	Pratt	Wilson
Dietz	Lashingier	Punt	Wogan
Dininni	Laughlin	Rappaport	Wozniak
Dombrowski	Lehr	Reber	Wright, D. R.
Dorr	Lescovitz	Reinard	Wright, J. L.
Duffy	Levi	Rieger	Wright, R. C.
Durham	Livengood	Robbins	Zwikl
Fargo	Lloyd		

NAYS—23

Barber	Fattah	McIntyre	Wargo
Beloff	Harper	McMonagle	Wiggins
Carn	Kosinski	Oliver	Williams
Cohen	Letterman	Preston	
Deal	Levin	Richardson	Irvis,
Donatucci	Linton	Truman	Speaker
Evans			

NOT VOTING—2

Coy	Hutchinson
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EXCUSED—4

Clark	Marmion	Miscevich	Trello
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The majority having voted in the affirmative, the question was determined in the affirmative and the constitutionality of the bill was sustained.

On the question recurring,  
Shall the bill pass finally?

REMARKS ON VOTE

The SPEAKER. On final passage, the gentleman from Philadelphia, Mr. Kosinski?

Mr. KOSINSKI. No, Mr. Speaker. A malfunction in my machine.

The SPEAKER. The gentleman will state the way he wishes to be recorded.

Mr. KOSINSKI. Mr. Speaker, on amendment 0523 to HB 1181, I wish to be recorded in the negative.

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

### CONSIDERATION OF HB 1181 CONTINUED PARLIAMENTARY INQUIRY

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

Mr. HUTCHINSON. A parliamentary question.

The SPEAKER. The gentleman will state the point.

Mr. HUTCHINSON. Should this bill now, since it has been amended to death, have a fiscal appropriation figure on how much it is going to cost my school district and how much it is going to cost the State of Pennsylvania? You know, we keep putting bills in, and we do not put the money where our mouths are.

The SPEAKER. It is the opinion of the Chair that if the gentleman had wished to raise the question of fiscal notes when the amendments were being offered, that was a timely question. However, we have by precedent—and the Chair recalls this—permitted members to raise the question of fiscal responsibility almost at any point. If the gentleman would like to query the gentleman, Mr. Gallagher, on whether or not—

### MOTION TO RECOMMIT

Mr. HUTCHINSON. I will make a motion that we put it in the Appropriations Committee for a fiscal note.

The SPEAKER. It has been moved by the gentleman, Mr. Hutchinson, that HB 1181, PN 1791, be recommitted to the Committee on Appropriations for a fiscal note.

On the question,

Will the House agree to the motion?

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

Mr. LETTERMAN. Mr. Speaker, it is my understanding if there is any doubt that this will cost this State money, there is no vote required, that it goes back to the Appropriations Committee for a fiscal note.

The SPEAKER. Well, there is a motion on the floor. We will settle it on the motion.

Mr. LETTERMAN. Mr. Speaker, that is not the rule of the House.

The SPEAKER. Will the gentleman enlighten the Chair as to which rule he is referring to?

Mr. LETTERMAN. The rule of the House says that if it is in doubt whether it is going to cost anything and it has no fiscal note attached to it, that it goes back to the Appropriations Committee.

The SPEAKER. The Chair thanks the gentleman, Mr. Letterman, but the gentleman is in error. Under rule 19, Fiscal Notes, paragraph (2), "Nothing herein shall preclude any member from moving, at the proper time, the recommitment of any bill to the Appropriations Committee for a fiscal note." So the gentleman, Mr. Hutchinson, is in order under the rules. We have accepted his motion.

### PARLIAMENTARY INQUIRY

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

Mr. COWELL. Mr. Speaker, point of parliamentary inquiry.

The SPEAKER. The gentleman, Mr. Cowell, will state the point.

Mr. COWELL. We have considered a lot of amendments, many of which were defeated, however. Could the Chair tell us which amendments were added to HB 1181, which amendments were approved during the 3 days of debate?

The SPEAKER. If the gentleman will wait, we will get a list of the amendments which were accepted. Meanwhile, if the gentleman would yield the floor, we will deal with Mr. Coy's question.

### REMARKS ON VOTE

The SPEAKER. The Chair recognizes the gentleman from Franklin, Mr. Coy.

Mr. COY. Mr. Speaker, on the previous vote on the constitutionality of HB 1181, I was not in my seat. Had I been in my seat, I would have voted in the affirmative.

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

### CONSIDERATION OF HB 1181 CONTINUED

The SPEAKER. The Chair now has, Mr. Cowell, in his possession and will read to you the numbers of the amendments. We will not attempt to read each amendment which has been accepted. A Gallagher amendment, A0372, was accepted; a Freind amendment, A0347, was accepted; a Duffy amendment, A0319, was accepted; a Lloyd amendment, A0301, was accepted; an amendment which was not signed by the offering member, A0431, was accepted; a Herman amendment, A3769, was accepted; a Herman amendment, A3773, was accepted; a Cowell amendment, A0374, was accepted; and a Freeman amendment, A0444, was accepted.

Mr. COWELL. Thank you, Mr. Speaker.

If I may be recognized to speak on the motion?

The SPEAKER. The Chair recognizes the gentleman, Mr. Cowell, on the motion to recommit.

Mr. COWELL. Thank you, Mr. Speaker.

I would urge that we not recommit this bill to any committee and instead culminate 3 days of debate on this floor on these issues by voting either "yes" or "no," however people see fit, but to vote on final passage.

The amendments that were just reviewed by the Speaker, in large part, were amendments without any financial consequences. In each case, however, if there was any inquiry or any question at all about whether there were fiscal implications or not, members of this House had an opportunity to raise a question at the time each of those amendments came before this chamber. The most significant amendment in all of that list was offered by Representative Gallagher, and that

was an amendment to significantly reduce the cost of this bill by eliminating the requirement for computer science or computer literacy as a requirement for graduation, and that was estimated to save several millions of dollars. There was nothing else in that list of amendments that would in any way add that kind of money to the requirements. In fact, again, if you look at the amendments carefully, most of them were without any fiscal consequences one way or the other.

I would suggest that this is simply another effort to delay this bill, or to kill this bill perhaps. I think that is inappropriate. I think the information is before us. We had a good fiscal note prepared. It is easy to analyze the cost consequences of the several amendments which were offered and accepted. I think we ought to move on with this bill. We ought to defeat the motion to recommit.

The SPEAKER. The Chair thanks the gentleman.

On the question of recommittal, the Chair recognizes the gentleman, Mr. Hutchinson.

Mr. HUTCHINSON. I would like to know what the urgency of the matter is. Just because Mr. Reagan says the schools are not run right and the Federal Government has cut them out of money—

The SPEAKER. The gentleman will yield.

Mr. Reagan has not anything to do with this.

Mr. HUTCHINSON. I am not allowed to get political. Thank you. I thought this was a political body.

Anyhow, I do not know what the urgency is. I am going to vote "no" anyhow, but not for any reasons why they want it, but when I go home it is going to pass, and my school directors grab me when they raise taxes and say that is those legislators, they keep raising money and do not put anything back. That is why I raised the point. I do not think my motion will pass, but at least I got to say what I wanted to say. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question of recommittal, the Chair recognizes the gentleman from Allegheny, Mr. Preston.

Mr. PRESTON. Thank you, Mr. Speaker.

I rise to support the move for recommittal, and I think it has raised several questions. As Representative Cowell just said, there are some things that do impact fiscally, and I am very concerned, because I know on my desk I have a letter from my own school board. For an example, they did not want the 11th grade testing, and I am surprised that Mr. Cowell would even support this measure to have it fail.

I am questioning, because if we are going to have to do this extra testing and if we are going to have to do it on a periodic basis, it is going to involve some extra money, and I think that the people back at home are entitled to know just how much we are going to have to cost the taxpayers, just how much maybe some local school districts may have to raise their taxes, and I think it is a concern of ours and I think it should be a concern of the people. So therefore, I ask us to recommit it back to the appropriate committee, Appropriations, for a fiscal note. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. RICHARDSON. Mr. Speaker, I would like to interrogate the prime sponsor of the bill on the question of the fiscal note.

The SPEAKER. Which one; the gentleman, Mr. Gallagher?

Mr. RICHARDSON. Mr. Gallagher, Mr. Speaker.

The SPEAKER. Mr. Gallagher will stand for interrogation.

Mr. RICHARDSON. Mr. Speaker, could you tell us at this present time what the fiscal note attached to HB 1181 is?

Mr. GALLAGHER. Yes, Mr. Speaker. There was a fiscal note attached to HB 1181 from the Appropriations Committee when it was reported on January 29 of this year. Yes; it was reported.

Mr. RICHARDSON. Maybe the gentleman did not hear my question.

Mr. Speaker, could you tell the members of this House what the fiscal note that was attached to HB 1181 was?

Mr. GALLAGHER. The total amount would approximately be \$116 million.

Mr. RICHARDSON. \$160 million or \$116 million?

Mr. GALLAGHER. \$116 million approximately, but my amendment took out close to \$20 million, so it would be a little less than that now.

Mr. RICHARDSON. Since you can speak specifically to your amendment that took out \$20 million, can you tell the rest of the members of this House what the other amendments did, in fact, in terms of money?

Mr. GALLAGHER. The other amendments did not do anything with money. Representative Freind's amendment did not cost anything either way; Representative Dietz' amendment did not cost anything; Representative Duffy's amendment did not cost anything; Representative Herman's two amendments did not cost anything; Representative Freeman's amendment did not cost anything either way; none of these amendments cost anything either way. Only my amendment removing competency in computers for graduation removes the responsibility of the school districts in the State to provide hardware and computer software for that testing. In essence, you have a lesser amount of money costing both sides rather than any of the previous amendments that I spoke of which cost no money.

Mr. RICHARDSON. Mr. Speaker, could you tell us whether or not the Freeman amendment, which mandates a new subject matter for schools across this Commonwealth, is in fact going to require personnel to teach that or whether or not it is going to require additional books to this Commonwealth? Are you saying to us that that new mandate is not going to require any additional costs whatsoever? Is that what you are telling the members of this House?

Mr. GALLAGHER. Mr. Speaker, those amendments cost nothing. It is just a matter of what they teach. That would not cost hiring any new teachers or new books or anything like that.

Mr. RICHARDSON. Very good.

Mr. Speaker, I would like to have an opportunity to speak on the motion.

The SPEAKER. The Chair recognizes the gentleman, Mr. Richardson. He may proceed on the motion.

Mr. RICHARDSON. Mr. Speaker, I rise to support the motion to recommit to the Appropriations Committee. It seems that we always wind up in a situation where, when it is something that the House is not in favor of, we make sure that the rules do not then become applicable to our own situation.

Here we have a bill that is in fact required to have a fiscal note, since there has been a fiscal change, even at the admission of the prime sponsor of this bill. Whether or not it is \$20 million, \$25 million, that is approximate; that does not allow us to know exactly how much money has been altered in terms of this appropriation. But it would seem to me that the will of the House members at this point is to just push HB 1181 so that we will have a bill, but not really concern ourselves with the fiscal management of this particular bill.

When other issues come up, we are so concerned about fiscal austerity, wanting to make sure that we in fact have in place a solid budget so that we are not overspending in any way, shape, or form, but when it comes down to this measure, it seems that we negate those particular issues. I believe that if there is a money problem, a fiscal problem, or there are some concerns about what we are in fact going to pay, I think that the gentleman's motion is correct, and I urge the members to support the motion to recommit for a fiscal note.

The SPEAKER. The Chair thanks the gentleman.

On the motion, the Chair recognizes the gentleman from Delaware, Mr. Freind.

Mr. FREIND. Mr. Speaker, obviously, I oppose the motion to recommit.

When the bill was reported out of the House Education Committee, it went to Appropriations. It was there for several months, and a detailed fiscal note was given. Now, what you have to remember about the fiscal note is this fiscal note remains whether or not HB 1181 passes, because the same fiscal implications are present because of the adoption by the State Board of Education of the chapter 5 and the new chapter 3 regulations, and because of turning the tide, which is the Governor's proposal. Whether or not we pass HB 1181, those fiscal implications are here.

The fiscal implications for the first year, originally, as we started to debate the bill, were \$86.8 million. The \$116-million figure was taking inflation 5 years down the road. The only effect that we have of our amendments is to reduce that cost by some \$35 million. That is what our amendments did. The amendment with respect to computers saved us \$6.5 million; the amendment clarifying the physical education requirement saved us \$27 million. My amendment made it clear that the State would not be paying for the 11th grade test that the non-public schools are taking. That is another savings of \$3 million or \$4 million minimum. So if you take those deductions, you start out with an annual cost of approximately \$51 million. Let me emphasize again, whether or not you pass HB

1181, we are stuck with those costs because of the action of the State Board of Education. I have always believed, however, that we are the ones who ought to be setting the standards, the elected officials, and if there is going to be cost to be incurred for a quality education, we are the ones who ought to stand on the dime instead of the nonelected members of the State Board of Education.

No attempt has been made to railroad this through. The figures are very clear on what it is going to cost. I would ask you to defeat this motion and get on with passing a very good bill. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Berks, Mr. Fryer, on the motion.

Mr. FRYER. Mr. Speaker, I would like to speak in favor of the motion to submit this bill to the Appropriations Committee for a fiscal note.

It seems to me, Mr. Speaker, that whenever we go out to buy an item in our own individual private lives, one of the most determining factors in that decision is, what will it cost? This is the question that is being raised by the gentleman, Mr. Hutchinson. I think it is a valid request. Our school districts are going through trying times. I cannot understand the reluctance to submit this to a fiscal note.

Mr. Speaker, it would seem to me that in these days of the Olympics, there are gold medals to be passed out if this legislation passes today. It seems to me, Mr. Speaker, that we have a very competent staff on our Appropriations Committee, and we have a rule of the House which is set up to handle precisely this sort of situation - what will it cost? That bill can be recommitted there for a fiscal note, and then the members of the House will be in a position to consider this in, what it seems to me, an intelligent manner. I have heard these figures recited off that I was absolutely amazed at the ability of members of this House. Let us put it over to the professionals, and then they can come forth with their professional answer and say, ladies and gentlemen of the House, this is what we believe this bill will cost. Then, Mr. Speaker, we can make what I hope will be an intelligent decision. I would urge the members of the House to vote "yes" for the fiscal note, which was set up for this very same purpose. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I believe I heard one other member of this House raise questions about the costs of tests and the impact on school districts. Without mentioning that member by name, I would advise him first of all that the issue of tests would have been addressed in the original fiscal note, if that would have been read, because that issue has not been changed, certainly not changed in the sense of adding additional costs as a result of any amendments.

Secondly, if one would read the bill, the bill very clearly says on page 5, about the middle of the page, that the Com-

monwealth, not the school district but the Commonwealth, shall be responsible for all costs incurred as a result of tests administered at grades 2, 5, 8, and 11. So the question of costs for school districts as a result of testing is a nonissue, to begin with, and secondly, it is an issue that has not changed at all as a result of any amendments considered during the 3 days of debate on this bill.

Again, Mr. Speaker, I would urge that we defeat this motion. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—40

Afflerbach	Fee	Linton	Scheetz
Baldwin	Freeman	Lucyk	Semmel
Barber	Fryer	McHale	Showers
Beloff	George	McIntyre	Snyder, D. W.
Carn	Haluska	McMonagle	Truman
Cohen	Harper	Oliver	Wambach
Davies	Hutchinson	Preston	Wargo
Deal	Laughlin	Richardson	Wiggins
Evans	Letterman	Rieger	Williams
Fattah	Levin	Saloom	Zwikl

NAYS—157

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

NOT VOTING—2

McVerry Pott

EXCUSED—4

Clark Marmion Misceвич Trello

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

On the question recurring,  
Shall the bill pass finally?

The SPEAKER. On final passage, the Chair recognizes the gentleman from Philadelphia, Mr. Deal.

Mr. DEAL. Mr. Speaker, I rise to speak against HB 1181. However, Mr. Speaker, I will want to preface my remarks with the fact that there are some good features in HB 1181.

Mr. Speaker, I cannot in good conscience vote for this bill regardless of how unpopular my dissent may be. Mr. Speaker, many of us, I guess, have short memories of history. If many of us are aware of why their foreparents probably sought a haven in America, it was because of what is happening here today. If we pass HB 1181 with the Freind amendment, which says that a certain class of young people will be treated differently from another class, it is contrary to what we are supposed to be about.

Listen to me clearly. What you have just said to these young pages who are our guests, those of you who are have-nots, those of you who are unfortunate enough to not have enough money to go to a private or a parochial school, you must be treated differently from those who have money. If that is not unconstitutional— Not only is it unconstitutional; it is hypocrisy and immoral for you to sit here in this body and say to poor people, it is tough that you are poor, but you just stay there and take the test, and if you do not pass, that is tough; you go back again until you are ready. But if your parents are a little more fortunate, then you do not have to worry about passing the test; you will move on anyway.

Are you saying to me that wealthier people are more intelligent and do not need the same thing? Well, Mr. Speaker, to pass this bill will be as bad as the piece of legislation called Guinn v. United States, where there was a grandfather clause, and only the literate sons of their foreparents would be able to vote, and that is what you are saying here. If you happen to be fortunate enough that the young people's parents may have a higher income, they do not have to take this same kind of test, and if they take it, they do not have to worry about passing it.

Well, Mr. Speaker, I would just love to go back to your districts and hear you make speeches to public school children. I want to hear you tell them that you are second-class citizens, and that if you do not pass the test, you cannot graduate, but if you had been fortunate enough for your parents to have been financially able to send you to a private or a parochial school, you would not have to worry about passing a test.

Mr. Speaker, how do you sit here, coolly, calmly, and do what you are doing? Let me tell you, this legislation goes deeper than it appears. It appears under the surface there is a real attempt to emasculate the entire public school system,

because who, who would send their kid to a system knowing full well they may go to the 11th or 12th grade and be told, sorry, you had a bad day and could not pass, but because you were poor and had to go to the public school system, that is too bad. I wager to say that every person will be doing everything they can to try to send their children to private and parochial schools. The thing that bothers me most of all is that I have not seen those hard-fighting teachers' unions come to this floor and help send a message to you. And some of you are saying you know it is wrong, but you will wait for a conference decision. This is the time for you to stand up and be counted. I challenge you, test your conscience today; stand up for what you believe is right.

Failure to vote against this legislation—as I close, Mr. Speaker—will be saying, will be saying very clearly, if you are poor, you will not be treated the same as the more affluent members of our society. I do not believe it was ever intended that this legislative body would act so irresponsibly. Search your heart. I know you are in the majority and I know that most of you have tuned me out, but that is all right, because somewhere in the universe there is a God in heaven who can distinguish right and wrong. My God, hear me today, and someday the message will be sent back to you. Do this to poor people if you want to, but believe me, Mr. Speaker, when you try to hurt other people, be careful; that same hurt may come back to haunt your family.

Mr. Speaker, as I close, I beg you, do the right thing. Do not vote today and let us leave here as a disgraceful body of people under the guise of a legislature. You know it is wrong. You know it is going to court. You know you will lose it. Why do you not do the right thing now? Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On final passage, the Chair recognizes the gentleman from Centre, Mr. Letterman.

Mr. LETTERMAN. Thank you, Mr. Speaker.

Mr. Speaker, I do not intend to try to change anybody's mind about this piece of legislation today, but I do not feel that I can vote for it and thought I might have to say something and tell you why I cannot vote for it.

I think it is really sad that we sit here trying to say that if a young person cannot pass a skills contest—is what I refer to it as—in the 11th grade, then he cannot have a diploma, and all I can say to you is everybody has been gutless in this House of Representatives for a long, long time due to the fact that we do not give our school districts the right to punish a child for misbehavior in our schools. We do not do anything to help the teachers in our schools. We sit here and we think we are doing something. We pass laws that we are going to test somebody who should have had these skills a long time before they ever got to 11th grade, and what we all should be doing is trying to figure out how we can better our schools so that the teachers who are trying to do a job have the equipment to do it with. What we really have to do is stop drawing up legislation that throws costs on us so that taxes are going to go higher and just give the teachers the equipment to start to work with.

I believe that some of us feel we might be in jeopardy with a vote like this. Well, I do not. I do not think that my people are going to feel bad when they see that I voted against this kind of a piece of legislation due to the fact that my people will have to go out and compete with other people and they will have to say, I do not have a diploma, and the other man will have one, even though he possibly cannot even read and write. I see it as a bad piece of legislation, and I would not ever ask you to vote the way I do, because most times I think for myself and do not try to do that, but I do think it is time that most of us start to consider the pieces of legislation coming from the Department of Education. I think somebody over there needs shook up, too. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On final passage, the Chair recognizes the lady from Philadelphia, Mrs. Harper.

Mrs. HARPER. Thank you, Mr. Speaker.

I, too, agree with the State Board of Education on having testing for remedial reasons in the second, fifth, and eighth grades. I am sorry to have to vote against a piece of legislation that I helped to put together, but this legislation is wrong. Why should we give students from the public schools a certificate of attendance and students from private and parochial schools a diploma?

This is a terrible piece of legislation. If you will look at this legislation, you will understand it. A lot of you, I am sure, have not had time or have not taken the time to really look at this legislation. How do we know who is going to give these tests? How do we know that the teachers are going to prepare these students to pass these tests? That is really something to think about and to consider. The students should not take the total blame of not being able to pass the tests; the teachers should take some of the blame.

I will not vote for this legislation, and I ask you not to vote for this bad piece of legislation. I thought at one time that the legislators should set the curriculums and set the values, but now I see that the Board of Education should continue to be in charge and not the legislators, because the legislators do not seem to understand what is going on. Thank you.

The SPEAKER. The Chair thanks the lady.

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

Mr. LINTON. Mr. Speaker, I would like to know if the gentleman, Mr. Gallagher, will stand for a brief moment of interrogation?

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

Mr. LINTON. Thank you, Mr. Speaker.

Mr. Speaker, there are a few questions I would like to ask in regard to HB 1181. One, it is my understanding that the Commonwealth of Pennsylvania, under the Constitution, is required to provide a thorough and efficient education for the public school system. Is it your understanding that by mandating testing as a requirement for graduation, that we will abide or be able to withstand any court challenges that might

be brought about by the fact that we make different appropriations to various school districts across this State where various school districts have different educational financial requirements that they spend on each student? For instance, if a student attends a poor school district where that district spends less money per child on that student versus another school district in the Commonwealth where they may spend more money per child, yet both of those students are required to pass the same examination for graduation, would we not be subject to some sort of court challenge on this mandated legislation, sir?

Mr. GALLAGHER. Mr. Speaker, I do not believe that will be a challenge by anybody. Under our present subsidy formula, where every school district participates in the State funds for running a school, it is based upon how many students they have, what their market value is, what their income is, how many poverty children they have, and it is a very adequate subsidy formula and has been standing for many years in this Commonwealth. It has never been challenged, and I doubt that mandating a curriculum testing to achieve the education that the Commonwealth pays for will be challenged.

Mr. LINTON. Mr. Speaker, are you therefore saying that every youngster throughout the Commonwealth will have equal access to the same quality education that will prepare them in a manner in which they will have the same opportunity to pass this examination as any other youngster in the Commonwealth of Pennsylvania in any Commonwealth public school?

Mr. GALLAGHER. Mr. Speaker, every child is supposed to have the same opportunity, no matter whether they live in Philadelphia or Levittown or Erie or Pittsburgh, under our subsidy formula, under the General Assembly's laws that have been enacted for many years, and there has never been a challenge yet that any student is not given the same opportunity.

Mr. LINTON. Mr. Speaker, it is true that we have not been challenged yet, but is it not true that when similar legislation was introduced in the State of Florida, many lawsuits were brought about in relation to some of these same issues that I am speaking about?

Mr. GALLAGHER. Mr. Speaker, there are many challenges in other States, but they do not have the same Constitution that we have. Our State Constitution is one of the unique in the whole country where this General Assembly has the responsibility constitutionally to set and provide a thorough and efficient system of education to meet the needs of this Commonwealth. That is the Constitution; I am repeating it verbatim, and other States do not have that opportunity that we have. So, unfortunately, they moved without realizing that they did not have that responsibility; they did not pass things into law on time. This bill provides, for example, the graduation examination to take effect in 4 years, so we are giving ample time for everybody to catch up with the competency graduation test. But in the meantime, we are staying within our State Constitution, and that is why we have never been challenged yet.

Mr. LINTON. Thank you, Mr. Speaker.

Mr. Speaker, may I make some remarks on the bill, please, on final passage?

The SPEAKER. The gentleman is recognized to make remarks on final passage.

Mr. LINTON. Mr. Speaker, I know how much the members of this body are under a lot of pressure with the kinds of concerns about education throughout our country. I understand, and being an election year, that many of us want to go back to our districts and be able to talk about how we have come to this floor, to this body, and voted for excellence in education in the Commonwealth of Pennsylvania. However, Mr. Speaker, I would like to caution my colleagues that we need to be clear when we think that our intent is to provide excellence in education for all the schools in this Commonwealth, and this is not necessarily the legislation that is going to do that.

I also would like my colleagues to remember, particularly now that we are going to be reviewing budgets and appropriations and we are going to be talking about moneys for education, that we make sure that the kinds of moneys that are going to be needed go along with our concern about the educational system.

But I believe, contrary to the prime sponsor of this bill, that there are currently inequities in the school districts around this Commonwealth. I also believe that once this bill is passed, that it becomes law, that it will be subject to many challenges by many parents throughout this Commonwealth, and I think my colleagues should consider that when they vote on this legislation. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On final passage, the Chair recognizes the gentleman from Lehigh, Mr. Afflerbach.

Mr. AFFLERBACH. Thank you, Mr. Speaker.

HB 1181, as amended, reminds me somewhat of a dead fish floating in the moonlight. As it rises and falls on the waves, it sparkles and glistens as an object of great value, but upon close inspection, it stinks. I suggest we bury this putrefied piece and let it decompose quietly, but not pass it on to the Senate.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, despite the few speeches that we have heard against this bill, I suspect that the overwhelming percentage of the members of this House are going to vote in favor of it, and I would urge them to do so because I think it is the right thing to do.

There has been some focus, in fact a lot of focus, during the last day and a half on one element, a very important element, but only one element of this bill, and that is the question of the 11th grade test. We ought not to lose sight of all the other things in this bill and all the other things that have happened as a result of Representative Gallagher and Steve Freind and other legislators, most of the members of the Education Com-

mittee, taking the initiative with this issue quite a few months ago.

There are important issues of curriculum and graduation requirements addressed in this legislation. That is aside from the question of that 11th grade test. Just by the introduction of this legislation and the process of the public hearings that occurred and the amendment process that ensued, this legislature and that Education Committee had a major impact on the final decisions that were made by the State Board of Education with respect to chapter 5, and the language in this bill now mirrors almost exactly the language in the chapter 5 regulations that were adopted by the State Board of Education.

Secondly, the question of testing at grades 2, 5, and 8—forget the 11th grade test for the moment—testing at grades 2, 5, and 8, with mandatory remedial programs to follow, where those tests help a school district identify academic deficiencies for a student, is an issue that is long overdue. It is an issue that the State Board, only last Thursday, began to take up. But again, with the exception of that 11th grade test, they generally agree with the language that we find in HB 1181.

I think it is very important to note that Governor Thornburgh, when he, I think somewhat belatedly but nonetheless very importantly, addressed education issues a few months ago, took up the issues of curriculum and graduation requirement enhancement. He talked about testing programs and remedial programs, and, very importantly, he spoke to—and we will have a chance to speak to when we pass a budget—the question of providing additional State moneys to make those curriculum enhancement efforts and those requirements for stiffer graduation demands more realistic and to minimize the impact on our local school districts.

I think we also ought to keep something else in mind, too. We spend over \$3 billion in the State budget that we send back to our school districts for basic education in one form or another. This year we are going to be talking about spending more than \$1.8 billion just for the basic instruction program. Even if we did not give them another penny, and we will, but even if we did not give them another penny, I think it is right for this legislature and for the public to expect the school districts to be more demanding in terms of curriculum requirements, to be more demanding before they give a high school diploma to a student, to make every effort to test students and to do something about it through remedial programs when a student is identified as having some type of academic deficiency. I would wish that all of our school districts were doing this all of the time. I think taxpayers across this Commonwealth think that we are spending enough State as well as local money to have accomplished those purposes in the past rather than being faced with this kind of legislation and a supposed new demand today, but it is necessary that we pass this.

I would also note that it has been suggested by some that we ought to leave this to the State Board of Education now, and I find that amazing. For 10 years, as a member of the Education Committee, I have listened to school directors and people at our local level and our superintendents, and even members of this legislature, bemoan the fact that we had that

appointed, unelected, accountable-to-nobody State Board of Education making all the rules and regulations with respect to basic education, and we were challenged and we were accused of having abdicated our responsibility, our constitutional responsibility, to address these issues. It is very appropriate that we do this. It is not new for the legislature to talk about curriculum and graduation requirements; that is already in the code. What we are talking about, though, is responding to what I think is a public demand to be more demanding of our schools, more demanding of our students. I think we will accomplish that with this legislation and with the other things that are happening hand in hand with the State Board of Education.

Finally, I think it is important to agree with what Representative Letterman said. Mr. Letterman said that just passing this law is not going to change things, and he is correct. Just passing this law alone will not change things. We are going to have to follow through with additional dollars, and the Governor in his budget proposes more than 160 million additional dollars for basic education, some of it specifically addressed to issues in this legislation, issues that he addressed in turning the tide, and so we are meeting that challenge.

But also, the thing that will ultimately make the difference is parental and taxpayer demands at the local level. I think that we hear across this State a voice from taxpayers, from business people, from parents, and even from the students themselves that we ought to expect more of our public schools. I think that by passing this legislation we are going to send a message of support out to those people that, yes, in fact the policymakers of this Commonwealth also are in support of being more demanding of our schools, of our students, of the entire system. I think that that will have a remarkable, positive impact in terms of support for citizens across the Commonwealth who want to make those same kinds of demands of the schools and are looking for a little bit of expression of support from the public policymakers here in Harrisburg. I urge that we adopt this legislation.

The SPEAKER. The Chair thanks the gentleman.

On final passage, the Chair recognizes the gentleman from Lancaster, Mr. Schuler.

Mr. SCHULER. Thank you, Mr. Speaker. I will be very brief.

I will vote against this bill, because I feel what we are doing here is making the legislature a super-school board. That raises some serious questions. I think that should be left to our local school boards to decide some of these issues. Every time we make a change to this bill, if it becomes an act, it will have to go through this chamber. Just yesterday, we even got to the point where we even decided what topics will be taught in our schools. That sets a dangerous, dangerous precedent, Mr. Speaker.

Last, I do have some questions on the testing that has been presented in this bill. As I said in previous debate, these testing programs will determine the content of our curriculum, and I think that should be left to the local school boards to decide. Thank you, Mr. Speaker.



The SPEAKER. The Chair thanks the gentleman.

On the question recurring,  
Shall the bill pass finally?

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

**YEAS—171**

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

**NAYS—26**

Afflerbach	Dawida	Harper	Richardson
Angstadt	Deal	Hutchinson	Scheetz
Barber	Evans	Letterman	Schuler
Boyes	Fattah	Linton	Wambach
Carn	Flick	O'Donnell	Wargo
Cohen	Fryer	Oliver	Wiggins
Davies	Gruitza		

**NOT VOTING—2**

Beloff	Levin
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**EXCUSED—4**

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

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

**WELCOMES**

The SPEAKER. The Chair is delighted to welcome to the hall of the House, as guests of Representative Preston and the Allegheny delegation, Robert Grogan and Sam Costanza from the Allegheny County Academy.

Representative Zwilk has as his guests Mark Graham, William Gibbard, and Matthew Dugan of Trexler Middle School in Allentown. Welcome to the hall of the House.

**STATE GOVERNMENT COMMITTEE MEETING**

The SPEAKER. The Chair now turns to announcements of committee meetings and recognizes the gentleman from Philadelphia, Mr. Oliver.

Mr. OLIVER. Thank you, Mr. Speaker.

There will be a meeting of the State Government Committee at the call of the recess in room 401.

The SPEAKER. The Chair thanks the gentleman.

**APPROPRIATIONS COMMITTEE MEETING**

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Pievsky.

Mr. PIEVSKY. Thank you, Mr. Speaker.

There will be a meeting of the Appropriations Committee immediately upon the call of the recess in the majority caucus room.

**DEMOCRATIC CAUCUS**

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

Mr. ITKIN. What time will the House be convening again?

The SPEAKER. Two fifteen.

Mr. ITKIN. Two fifteen. We have some minor business to discuss in caucus, a few resolutions to go over. The Democrats will go in caucus at 2 o'clock. Caucus, 2 o'clock; floor, 2:15.

**REPUBLICAN CAUCUS**

The SPEAKER. The Chair recognizes the gentleman from Perry, Mr. Noye.

Mr. NOYE. Mr. Speaker, the Republicans are going to need to caucus at a quarter of 2. There are a couple of bills that the Democrats have asked that we caucus on. I would ask the members to be there promptly at a quarter of 2.

The SPEAKER. At a quarter to 2, Republican caucus; 2 o'clock, Democratic caucus.

**RECESS**

The SPEAKER. This House stands in recess until 2:15.

**RECESS EXTENDED**

The time of recess was extended until 2:45 p.m.; further extended until 3 p.m.

**AFTER RECESS**

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

**SENATE MESSAGE****HOUSE AMENDMENTS  
NONCONCURRED IN BY SENATE**

The clerk of the Senate, being introduced, informed that the Senate has nonconcurred in the amendments made by the House of Representatives to **SB 547, PN 1559**, and has appointed Senators **JUBELIRER, LOEPER** and **ZEMPRELLI** a committee of conference to confer with a similar committee of the House of Representatives (if the House of Representatives shall appoint such committee) on the subject of the differences existing between the two Houses in relation to said bill.

**MOTION INSISTING UPON AMENDMENTS**

Mr. **MANDERINO** moved that the House insist upon its amendments nonconcurred in by the Senate to **SB 547, PN 1559**, and that a committee of conference on the part of the House be appointed.

On the question,

Will the House agree to the motion?

Motion was agreed to.

**APPOINTMENT OF  
COMMITTEE OF CONFERENCE**

The **SPEAKER**. The Chair appoints as a committee of conference on the part of the House on **SB 547, PN 1559**:

Messrs. **MANDERINO, PIEVSKY** and **RYAN**.

Ordered, That the clerk inform the Senate accordingly.

**ADDITION OF SPONSOR**

The **SPEAKER**. The Chair is in receipt of the following addition for sponsorships of bills from the majority leader, which the clerk will file.

ADDITION:

HB 1711, Moehlmann.

**LEAVE OF ABSENCE GRANTED**

The **SPEAKER**. The Chair recognizes the majority leader.

Mr. **MANDERINO**. Mr. Speaker, I ask for a leave of absence for the gentleman from Cumberland, Mr. **BROUJOS**, for the afternoon session.

The **SPEAKER**. Without objection, the leave is granted. The Chair hears no objection.

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

The House proceeded to third consideration of **HB 1751, PN 2361**, entitled:

An Act amending "The Pennsylvania Industrial Development Authority Act," approved May 17, 1956 (1955 P. L. 1609, No. 537), prohibiting the use of funds for certain agricultural enterprises.

On the question,

Will the House agree to the bill on third consideration?

Mr. **LLOYD** offered the following amendments No. **A0229**:

Amend Title, page 1, line 23, by removing the period after "enterprises" and inserting

; and further providing powers of the Authority.

Amend Sec. 1, page 2, line 1, by striking out "A SECTION" and inserting

sections

Amend Sec. 1, page 2, by inserting between lines 16 and 17

Section 6.1. Powers of the Authority; Encouragement of Use of Pennsylvania Produced Coal, Oil or Gas.—(a) An application which meets all the other requirements of this act shall be given consideration as a preference for a loan if it is for an industrial development project involving:

(1) the construction of a facility if the facility would burn coal, oil or gas either to heat the facility or as part of the industrial process carried out in the facility;

(2) the expansion of a facility if the facility would burn coal, oil or gas either to heat the expanded portion of the facility or as part of the industrial process carried out in the expanded portion of the facility; or

(3) the renovation of a facility if, because of the renovation, the facility would burn coal, oil or gas either to heat the renovated facility or as part of the industrial process carried out in the renovated facility.

(b) Whenever the board of the Authority grants a loan for an industrial development project, the interest rate on such loan shall be at a rate which shall be (1%) per annum less than the rate of interest the board would otherwise have established for such loan if it is for an industrial development project involving:

(1) the construction of a facility if the facility would burn coal, oil or gas either to heat the facility or as part of the industrial process carried out in the facility;

(2) the expansion of a facility if the facility would burn coal, oil or gas either to heat the expanded portion of the facility or as part of the industrial process carried out in the expanded portion of the facility; or

(3) the renovation of a facility if, because of the renovation, the facility would burn coal, oil or gas either to heat the renovated facility or as part of the industrial process carried out in the renovated facility.

(c) For the purposes of this section, "coal, oil or gas" shall mean:

(1) coal, oil or gas produced from mines or wells in Pennsylvania;

(2) a synthetic derived in whole or in part from coal, oil or gas produced from mines or wells in Pennsylvania; and

(3) a mixture which includes coal, oil or gas produced from mines or wells in Pennsylvania or is derived in whole or part from such coal, oil or gas.

"Coal, oil or gas" shall not include coal, oil or gas produced from mines or wells in Pennsylvania in intermittent combination with, or as part of a synthetic or mixture which includes or is

derived in whole or part from, coal, oil or gas produced from mines or wells which are not in Pennsylvania.

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

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

Mr. LLOYD. Thank you, Mr. Speaker.

This is legislation which we passed before 198 to 1. It is designed to try to encourage the use of Pennsylvania coal, oil, and gas. We would like to attach it to this bill because there is good reason to believe that this bill will be the vehicle for any changes made in the PIDA (Pennsylvania Industrial Development Authority) law this year. So I would ask the members to vote as they did before and give us a "yes" vote. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—189

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

NAYS—0

NOT VOTING—9

Barber	Evans	Rudy	Sweet
Bowser	Fischer	Stairs	Wiggins
Cohen			

EXCUSED—5

Broujos	Marmion	Miscevich	Trello
Clark			

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

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

Mr. SCHEETZ offered the following amendments No. A0186:

Amend Sec. 1 (Sec. 11.1), page 2, line 19, by striking out "INVOLVING" and inserting

which (i) involves

Amend Sec. 1 (Sec. 11.1), page 2, line 22, by inserting after "COLUMBIA"

, or (ii) involves on-farm agriculture. For the purpose of this act, "on-farm agriculture" means the business of producing food products or other useful or valuable growths or crops by tilling and cultivating the soil, and by breeding, raising and feeding cattle, livestock, bees, poultry or other animals which produce a food product or which are themselves a food product, or which produce other useful or valuable growths.

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

The SPEAKER. The Chair recognizes the gentleman from Lancaster, Mr. Scheetz.

Mr. SCHEETZ. Thank you, Mr. Speaker.

The intent of this amendment is to eliminate some unfair competition that has been occurring out there in the agricultural community with these industrial development funds. What is happening is generally these funds are not available to the average family farmer. However, there are agribusinesses that are receiving some of these funds, and they are putting them into agricultural operations that directly compete with the family farmer, and this is totally unfair. I think through this amendment, we struggled with the definition to come up with one that is acceptable, but we feel we have it, and I would ask your support of this amendment to HB 1751.

The SPEAKER. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the gentleman from Chester, Mr. Morris.

Mr. MORRIS. I would like to ask Mr. Scheetz a couple of questions, please. Will he stand for interrogation?

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

Mr. MORRIS. Mr. Speaker, this sounds like a good thing to do, to me. I just wanted to get the intent cleared up a little bit. Could you enlighten us a little further about the type of agribusiness you are talking about?

Mr. SCHEETZ. I think, Mr. Speaker, a perfect example of what I am speaking about would be, for instance, if a slaughtering plant would receive some industrial development money to upgrade their equipment or their facilities. We are not objecting to the use in that particular case. What we would object to would be for that slaughtering facility to place out on a farm, supposing it was hogs, a fire-to-finish hog operation, which would help in the vertical integration of his business. We are trying to eliminate the on-farm dirty-your-hands production. That is the main reason we are addressing this particular issue.

Mr. MORRIS. Supposing three brothers want to borrow some money to operate a farm but only one of them is going to be involved in the actual on-farm operation. How would your amendment affect that situation, if it would?

Mr. SCHEETZ. I would hope, in order not to write anything too tight, we would almost have to rely on the decision of the local industrial development authority that is authorizing those moneys. I would hope they would use their best judgments in these situations that may not be quite clear cut.

Mr. MORRIS. I think what you are doing for me is telling us in somewhat more detail the intent of your amendment, which is good. I do not think I really have any more questions—one could go on imagining these situations at great length—but perhaps I will ask you one more. Is it your intention to protect family farmers from investment intrusion into the actual farm business?

Mr. SCHEETZ. I would say that is an underlying intent of this amendment, because the low-interest money is not generally available to the average family farmer, and it is completely unfair to put them at a disadvantage by those individuals who do have this availability of industrial development money.

Mr. MORRIS. Thank you, Mr. Speaker.

I would support the amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from York, Mr. Foster, on the amendment.

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

I likewise rise to support the Scheetz amendment. I think we should not be encouraging such loans from our Industrial Development Authority wherein we use one set of tax dollars through low-interest loans to encourage productions of farm products where there may well be Federal subsidies because of the surplus of such products. I think the Scheetz amendment makes a lot of sense, and I thoroughly support it.

The SPEAKER. The Chair thanks the gentleman.

On the Scheetz amendment, the Chair recognizes the gentleman from Franklin, Mr. Coy.

Mr. COY. Thank you, Mr. Speaker.

I, too, want to join in recommendation of adoption of the Scheetz amendment as a token of support to family farms in Pennsylvania. I, too, think it makes a good idea and urge support for it.

The SPEAKER. The Chair thanks the gentleman.

## WELCOME

The SPEAKER. The Chair is going to interrupt the debate, which the Chair has never done before for any guest. But we have a very special guest among us; we have a most courageous young man, Gene English. He is in the fifth grade; he is here with his parents, Mr. and Mrs. English, and they are from Cambridge Springs, and they are the guests of State Representative Tom Swift. But the important thing about young Mr. English is that he is the 1984 Poster Child for Muscular Dystrophy. I want you to greet him and make him welcome. He is here in the hall of the House.

I am sure he thanks you, and I want to reassure the young man that every single one of us in this world has some disability that we have to overcome. You keep your courage up, and we will try to keep ours up to match yours. Thank you for bringing him in, Mr. and Mrs. English. Thank you, Tom.

## CONSIDERATION OF HB 1751 CONTINUED

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—196

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

Dombrowski	Letterman	Reinard	Wright, R. C.
Donatucci	Levi	Richardson	Zwikel
Dorr	Levin	Rieger	
Duffy	Linton	Robbins	Irvis,
Durham	Livengood	Rudy	Speaker
Evans	Lloyd		

NAYS—0

NOT VOTING—2

Harper Lashinger

EXCUSED—5

Broujos	Marmion	Miscevich	Trello
Clark			

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—195

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

Dombrowski	Letterman	Reber	Wright, J. L.
Donatucci	Levi	Reinard	Wright, R. C.
Dorr	Levin	Richardson	Zwikel
Duffy	Linton	Rieger	
Durham	Livengood	Robbins	Irvis,
Evans	Lloyd	Rudy	Speaker
Fargo			

NAYS—0

NOT VOTING—3

Afflerbach Harper Lashinger

EXCUSED—5

Broujos	Marmion	Miscevich	Trello
Clark			

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.

**WELCOME**

The SPEAKER. The gentlemen from York, Mr. Foster and Mr. Snyder, have as their guest Mr. Russell Platts of York. Welcome, sir.

**JUDICIARY COMMITTEE MEETING POSTPONED**

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Rappaport.

Mr. RAPPAPORT. With the Speaker's permission, I have an announcement to make with regard to the Judiciary Committee.

The SPEAKER. The gentleman may proceed.

Mr. RAPPAPORT. Mr. Speaker, there was a meeting advertised for tomorrow morning. For personal reasons, that meeting will not take place. This is the sunshine announcement that it has been postponed until Wednesday a week—that is tomorrow a week—at 10:15 a.m. in room 401. I would hope the members of the committee would take note of that. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

**WELCOMES**

The SPEAKER. The Chair welcomes here, as the guests of Representatives Semmel and D. W. Snyder, the recipients of the Gold Award for the Great Valley Girl Scout Council and their leaders and parents.

I see we have another group of Girl Scouts: Brenda Tocydlowski, Joanne Kazmierski, Cynthia Zawacki, Alexandra Brovey, Tish McGinn, Leslie Lempke, and their adviser, Robert Klenk. The girls have been awarded the Gold Medal, and they are from the northeast part of Pennsylvania.

What that means is that all the Girl Scouts are going to expect all of you men and women to buy extra boxes of

cookies, so, girls, if you go and find them in their offices, insist on making at least a \$10 purchase each. Do not let them get away with less than that.

### BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

**HB 56, PN 65** By Rep. PIEVSKY

An Act making an appropriation to the Pennsylvania Academy of Science, Harrisburg, Pennsylvania.

#### APPROPRIATIONS.

**HB 159, PN 2545 (Amended)**

By Rep. OLIVER

An Act authorizing the Township of Independence, Washington County, to convey a certain tract of land acquired pursuant to the Project 70 Land Acquisition and Borrowing Act.

#### STATE GOVERNMENT.

**HB 612, PN 2548 (Amended)**

By Rep. OLIVER

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), requiring preparation of an impact report by the Department of General Services.

#### STATE GOVERNMENT.

**HB 1119, PN 1278** By Rep. OLIVER

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), further providing for the powers and duties of the Department of Community Affairs.

#### STATE GOVERNMENT.

**HB 1270, PN 2552 (Amended)**

By Rep. OLIVER

An Act amending "The Pennsylvania Election Code," approved June 3, 1937 (P. L. 1333, No. 320), further providing for nominating petitions and affidavits; further providing for certain vacancies in public office; further providing for vacancies in certain elections; further providing for ballot forms; and providing for the duties of magistrates and district justices on primary and election days.

#### STATE GOVERNMENT.

**HB 1340, PN 2553 (Amended)**

By Rep. OLIVER

An Act authorizing the release of Project 70 restrictions imposed on certain lands owned by the Township of Sewickley, Westmoreland County.

#### STATE GOVERNMENT.

**HB 1838, PN 2397** By Rep. FRYER

An Act amending the "Public Official and Employee Ethics Law," approved October 4, 1978 (P. L. 883, No. 170), further providing for disposition of penalties.

#### LOCAL GOVERNMENT.

**HB 1839, PN 2398** By Rep. FRYER

An Act amending "The Borough Code," approved February 1, 1966 (1965 P. L. 1656, No. 581), further providing for advertising relating to contracts.

#### LOCAL GOVERNMENT.

**HB 1840, PN 2399** By Rep. FRYER

An Act amending "The Borough Code," approved February 1, 1966 (1965 P. L. 1656, No. 581), authorizing appropriations for neighborhood crime watch programs.

#### LOCAL GOVERNMENT.

**HB 1841, PN 2400** By Rep. FRYER

An Act amending "The First Class Township Code," approved June 24, 1931 (P. L. 1206, No. 331), authorizing appropriations for neighborhood crime watch programs.

#### LOCAL GOVERNMENT.

**HB 1842, PN 2555 (Amended)**

By Rep. FRYER

An Act amending "The First Class Township Code," approved June 24, 1931 (P. L. 1206, No. 331), further providing for advertisements relating to contracts.

#### LOCAL GOVERNMENT.

**HB 1919, PN 2556 (Amended)**

By Rep. PIEVSKY

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

#### APPROPRIATIONS.

**HB 1920, PN 2509** By Rep. PIEVSKY

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

#### APPROPRIATIONS.

**SB 453, PN 1730 (Amended)**

By Rep. OLIVER

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," further providing for assistance in voting.

#### STATE GOVERNMENT.

### BILLS REREPORTED FROM COMMITTEE

**HB 312, PN 1344** By Rep. PIEVSKY

An Act amending the act of November 22, 1978 (P. L. 1166, No. 274), referred to as the Pennsylvania Commission on Crime and Delinquency Law, authorizing a crime prevention program; providing for technical and financial assistance to law enforcement agencies; and making an appropriation.

#### APPROPRIATIONS.

**HB 346, PN 2546 (Amended)**

By Rep. PIEVSKY

An Act providing grants for projects relating to local history; providing further duties of the Historical and Museum Commission; and making an appropriation.

#### APPROPRIATIONS.

**HB 383, PN 2547 (Amended)**

By Rep. PIEVSKY

An Act licensing and regulating the practice of social work; providing penalties; and making an appropriation.

APPROPRIATIONS.

**HB 865, PN 2549** (Amended)

By Rep. PIEVSKY

An Act empowering the Department of Transportation to preserve and improve rail freight service in the Commonwealth by making grants, loans or other assistance available to qualified applicants; authorizing a comprehensive rail study; making an appropriation; and making repeals.

APPROPRIATIONS.

**HB 910, PN 2550** (Amended)

By Rep. PIEVSKY

An Act creating a Joint Legislative Committee to facilitate a regional light rail transit system in the Lehigh Valley; providing for a feasibility study; and making an appropriation.

APPROPRIATIONS.

**HB 1289, PN 1702**

By Rep. PIEVSKY

An Act amending Title 40 (Insurance) of the Pennsylvania Consolidated Statutes, further providing for professional dental health service corporations and for the liability of professional health service corporations.

APPROPRIATIONS.

**HB 1711, PN 2554** (Amended)

By Rep. PIEVSKY

An Act designating the entire portion of Interstate Route 81 in Pennsylvania as the American Legion Memorial Highway; requiring the Department of Transportation to erect signs designating Fort Indiantown Gap National Cemetery; and making an appropriation.

APPROPRIATIONS.

**HB 1832, PN 2383**

By Rep. PIEVSKY

An Act providing for an appropriation to the High Speed Intercity Rail Passenger Commission.

APPROPRIATIONS.

**HB 1837, PN 2486**

By Rep. PIEVSKY

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.

APPROPRIATIONS.

**SB 298, PN 1729** (Amended)

By Rep. PIEVSKY

An Act providing for the inspection of amusement rides and attractions; granting powers and imposing duties on the Department of Labor and Industry; creating the Amusement Ride Safety Advisory Board; and imposing civil and criminal penalties.

APPROPRIATIONS.

### FINANCE COMMITTEE MEETING

The SPEAKER. The Chair now recognizes the gentleman from Philadelphia, Mr. Levin, for purposes of making a committee announcement.

Mr. LEVIN. Thank you, Mr. Speaker.

Mr. Speaker, upon the call of the recess or the adjournment today, the Finance Committee will meet at the back of the House to consider HB 1311. That is the bill we considered last week and were unable to move without amendment. I would ask all members of the Finance Committee to join me at the recess at the back of the House.

The SPEAKER. The Chair thanks the gentleman.

### BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 58, PN 2036**, entitled:

An Act creating the Pennsylvania Adoption Cooperative Exchange; prescribing responsibilities; requiring certain agencies to cooperate with the exchange; and providing for regulations and staff.

On the question,

Will the House agree to the bill on third consideration?

Mr. MILLER offered the following amendment No. A0429:

Amend Bill, page 1, lines 7 through 18; pages 2 and 3, lines 1 through 30; page 4, lines 1 through 18, by striking out all of said lines on said pages and inserting  
Section 1. Short title.

This act shall be known and may be cited as the Pennsylvania Adoption Cooperative Exchange Act.

Section 2. Creation of Pennsylvania Adoption Cooperative Exchange.

There is hereby created within the Office of Children, Youth and Families of the Department of Public Welfare a Pennsylvania Adoption Cooperative Exchange, referred to in this act as PACE.

Section 3. Responsibilities and duties of PACE.

(a) Mandatory registration.—PACE shall register and be responsible for the review and referral of children for whom parental rights have been terminated for 90 days and for whom no report of intention to adopt has been filed in the court of common pleas.

(b) Optional registration.—PACE may also register children where restoration to the biological family is neither possible nor appropriate, a petition to terminate parental rights has been filed and adoption is planned pending identification of an adoptive parent or parents. However, information about these children shall not be publicized without prior approval by the Office of Children, Youth and Families of the Department of Public Welfare, which shall ensure the anonymity of these children until such time as parental rights are terminated.

(c) Children excluded from registration.—A child for whom termination of parental rights is being appealed in a court shall not be registered with PACE as available for adoption. Identifying information of such children shall be forwarded to PACE by the agency, with reference to the specific reason for which the child is not to be placed on the listing service.

(d) Information and reporting responsibilities of PACE.—PACE shall be responsible for the following:

(1) The registration of adoptive parent applicants who have been approved by agencies.

(2) The accumulation and dissemination of statistical information regarding all children registered with PACE.

(3) The creation and administration of a public information program designed to inform potential adoptive

parents of the need for adoptive homes for children registered with PACE.

(4) The preparation and distribution of a photographic listing service on children registered with PACE.

(5) The preparation of annual reports concerning functions of PACE regarding the children and the prospective parents listed with PACE. Such reports shall be submitted annually to the Health and Welfare and Judiciary Committees of the House of Representatives, and also to the Senate Public Health and Welfare and Judiciary Committees, as well as to the Governor.

(6) The coordination of its functions with other state, regional and national adoption exchanges.

Section 4. Responsibilities of public and private agencies.

All public and licensed private child service agencies shall register all children with PACE for whom parental rights have been terminated for 90 days and for whom no report of intention to adopt has been filed in the court of common pleas. Any public and licensed private agencies may register other children as set forth in section 3(b).

Section 5. Related agencies activities.

This act shall not be construed to limit or delay actions by agencies or institutions to arrange for adoptions or other related matters on their own initiative. This act shall not alter or restrict the duties, authority and confidentiality of the agencies and institutions in those matters.

Section 6. Regulations and staff.

The Department of Public Welfare shall promulgate necessary regulations and shall hire the staff which is necessary to implement this act.

Section 7. Retroactive application of act.

This act shall apply retroactively to all children for whom:

(1) Parental rights have been terminated and for whom no report of intention to adopt has been filed in the court of common pleas.

(2) Restoration to the biological family is neither possible nor appropriate, a petition to terminate parental rights has been filed and adoption is planned pending identification of an adoptive parent or parents.

Section 8. Effective date.

This act shall take effect in 60 days.

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman from Lancaster, Mr. Miller.

Mr. MILLER. Thank you, Mr. Speaker.

Two items of note for the members with respect to the amendment: The final staff agreements on the amendment worked out across the aisle indicate that we have corrected the anonymity language of the original bill and finally have outlined the entire bill in its normal order as it would flow. The Reference Bureau suggested a rewrite of the draft so that it would flow in accordance with legislative fashion.

I would encourage your affirmative vote in behalf of this most affirmative step, in behalf of the Pennsylvania Adoption Exchange and many terminated children whose parental rights have been terminated, now making them available and more prospective for formal adoption in our current adoption process. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—194

Afflerbach	Fargo	Linton	Rudy
Alderette	Fattah	Livengood	Ryan
Angstadt	Fee	Lloyd	Rybak
Armstrong	Fischer	Lucyk	Saloom
Arty	Flick	McCall	Salvatore
Baldwin	Foster, W. W.	McClatchy	Saurman
Barber	Foster, Jr., A.	McHale	Scheetz
Battisto	Freeman	McIntyre	Schuler
Belardi	Freind	McMonagle	Semmel
Belfanti	Fryer	McVerry	Serafini
Beloff	Gallagher	Mackowski	Seventy
Blaum	Gallen	Madigan	Showers
Book	Gamble	Manderino	Sirianni
Bowser	Gannon	Manmiller	Smith, B.
Boyes	Geist	Markosek	Smith, L. E.
Brandt	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	Sweet
Civera	Hasay	Nahill	Swift
Clymer	Hayes	Noye	Taylor, E. Z.
Colafella	Herman	O'Brien	Taylor, F. E.
Cole	Hershey	O'Donnell	Telek
Cordisco	Hoeffel	Oliver	Tigue
Cornell	Honaman	Perzel	Truman
Coslett	Hutchinson	Peterson	Vroon
Cowell	Itkin	Petrarca	Wachob
Coy	Jackson	Petrone	Wambach
Deluca	Jarolin	Phillips	Wargo
DeVerter	Johnson	Piccola	Wass
DeWeese	Kasunic	Pievsky	Weston
Daley	Kennedy	Pistella	Wiggins
Davies	Klingaman	Pitts	Williams
Dawida	Kosinski	Pott	Wilson
Deal	Kowalyszyn	Pratt	Wogan
Dietz	Kukovich	Preston	Wozniak
Dininni	Lashinger	Punt	Wright, D. R.
Dombrowski	Laughlin	Rappaport	Wright, J. L.
Donatucci	Lehr	Reber	Wright, R. C.
Dorr	Lescovitz	Reinard	Zwinkl
Duffy	Letterman	Richardson	
Durham	Levi	Rieger	Irvis,
Evans	Levin	Robbins	Speaker

NAYS—0

NOT VOTING—4

Cohen	Maiale	Olasz	Van Horne
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EXCUSED—5

Broujos	Marmion	Miscevich	Trello
Clark			

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

NAYS—0

NOT VOTING—3

Hagarty	Jarolin	Mrkonic
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EXCUSED—5

Broujos	Marmion	Miscevich	Trello
Clark			

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 1726, PN 2337**, entitled:

An Act amending "The Second Class Township Code," approved May 1, 1933 (P. L. 103, No. 69), further providing for attendance at certain conferences, institutes and schools.

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—198

Afflerbach	Fargo	Livengood	Rudy
Alderette	Fattah	Lloyd	Ryan
Angstadt	Fee	Lucy	Rybak
Armstrong	Fischer	McCall	Saloom
Arty	Flick	McClatchy	Salvatore
Baldwin	Foster, W. W.	McHale	Saurman
Barber	Foster, Jr., A.	McIntyre	Scheetz
Battisto	Freeman	McMonagle	Schuler
Belardi	Freind	McVerry	Semmel
Belfanti	Fryer	Mackowski	Serafini
Beloff	Gallagher	Madigan	Seventy
Blaum	Gallen	Maiale	Showers
Book	Gamble	Manderino	Sirianni
Bowser	Gannon	Manmiller	Smith, B.
Boyes	Geist	Markosek	Smith, L. E.
Brandt	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	Sweet
Civera	Hasay	Nahill	Swift
Clymer	Hayes	Noye	Taylor, E. Z.
Cohen	Herman	O'Brien	Taylor, F. E.
Colafella	Hershey	O'Donnell	Telek
Cole	Hoeffel	Olasz	Tigue
Cordisco	Honaman	Oliver	Truman
Cornell	Hutchinson	Perzel	Van Horne
Coslett	Itkin	Peterson	Vroon
Cowell	Jackson	Petrarca	Wachob
Coy	Jarolin	Petrone	Wambach
Deluca	Johnson	Phillips	Wargo
DeVerter	Kasunic	Piccola	Wass
DeWeese	Kennedy	Pievsky	Weston
Daley	Klingaman	Pistella	Wiggins
Davies	Kosinski	Pitts	Williams
Dawida	Kowalyszyn	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

NAYS—0

NOT VOTING—0

EXCUSED—5

Broujos Marmion Miscevich Trello  
Clark

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

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

REMARKS ON VOTE

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

Mr. JAROLIN. Mr. Speaker, on HB 58 my button was not working. I wish to be recorded in the affirmative.

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

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 1727, PN 2338**, entitled:

An Act amending "The First Class Township Code", approved June 24, 1931 (P. L. 1206, No. 331), changing the rates for per diem for attendance of appointed township officers and employees at conferences, institutes and schools.

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

Mr. GALLAGHER offered the following amendments No. A0123:

Amend Title, page 1, line 6, by inserting after "schools" ; and further regulating compensation

Amend Bill, page 2, by inserting between lines 8 and 9

Section 2. Section 703 of the act, amended November 9, 1977 (P.L.230, No.72), is amended to read:

Section 703. Compensation.—Each township commissioner shall receive a salary of not more than eight hundred dollars per year in townships having a population of less than four thousand, not more than twelve hundred dollars per year in townships having a population of four thousand and more but less than ten thousand, not more than fifteen hundred dollars per year in townships having a population of ten thousand and more but less than fifteen thousand, not more than twenty-four hundred dollars in townships having a population of not less than fifteen thousand and not more than twenty-five thousand, [and] not more than three thousand dollars in townships having a population [in excess] of twenty-five thousand and more but less than thirty thousand, not more than three thousand six hundred dollars per year in townships having a population of thirty thousand and more but less than thirty-five thousand, not more than four thousand two hundred dollars in townships having a population of more than thirty-five thousand and more but less than forty thousand and not more than four thousand eight hundred dollars per year in townships having a population in excess of forty thousand. Such salaries shall be payable monthly or quarterly for the duties imposed by the provisions of this act.

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

3

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

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

Mr. GALLAGHER. Mr. Speaker, what this amendment does is raise the maximum population to determine the salaries for commissioners in townships of the first class. This affects only 17 townships in the State; 12 of these townships may have the opportunity to raise the salaries in their townships if they so desire. This is a "may" bill. This does not mandatorily, automatically give them an increase, but it sets the limits as to what they can receive by the population in their districts. I urge consideration of this amendment.

The SPEAKER. The Chair thanks the gentleman.

On the Gallagher amendment, the Chair recognizes the gentleman from Berks, Mr. Fryer.

Mr. FRYER. Mr. Speaker, I would urge the members to oppose the Gallagher amendment. It is true, as the gentleman states, that this would take care of a few categories. It does not, however, address itself to all of the categories in the First Class Township Code. It is, Mr. Speaker, a piecemeal approach to this problem. The members of the Local Government Committee are studying the salary remuneration for the various codes - boroughs, townships, first and second class - and I think this should be approached from the standpoint of the study, rather than an amendment produced on the floor of the House and possibly not given the care and attention that should be directed.

Once again, Mr. Speaker, this is a piecemeal approach, and I would ask for a negative vote on the Gallagher amendment.

The SPEAKER. The Chair thanks the gentleman.

On the Gallagher amendment, the Chair recognizes the gentleman from York, Mr. Foster.

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

I concur with the remarks of Chairman Fryer. Mr. Fryer and I have discussed the matter of the entire range of salaries for municipal officials, and I think it is inappropriate that we take this piecemeal approach when we need to make a study for all classes of municipalities, and that is what we propose to do in the future. I think it is not a good idea to embark on this piecemeal approach that just involves 10 or 12 municipalities.

I would urge a negative vote.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. GAMBLE. Mr. Speaker, I, too, rise to oppose the amendment. Just to reiterate what Representative Foster and Representative Fryer have said, our Local Government Committee is addressing the pay raise issue on all of the boroughs and townships, and to do it in a piecemeal manner just would not be fair. We will address this issue later. I would hope that you would vote down this amendment and then pass the bill. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—23

Barber	Greenwood	Rieger	Wiggins
Burns	Kosinski	Salvatore	Williams
Colafella	McIntyre	Steighner	Wilson
Dombrowski	O'Brien	Truman	Wright, D. R.
Donatucci	Perzel	Wargo	Wright, J. L.
Gallagher	Pievsky	Weston	

NAYS—172

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

NOT VOTING—3

Pratt	Sweet	Wachob
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EXCUSED—5

Broujos	Marmion	Miscevich	Trello
Clark			

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

On the question recurring,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—197

Afflerbach	Fargo	Livengood	Rudy
Alderette	Fattah	Lloyd	Ryan
Angstadt	Fee	Lucyk	Rybak
Armstrong	Fischer	McCall	Saloom
Arty	Flick	McClatchy	Salvatore
Baldwin	Foster, W. W.	McHale	Saurman
Barber	Foster, Jr., A.	McIntyre	Scheetz
Battisto	Freeman	McMonagle	Schuler
Belardi	Freind	McVerry	Semmel
Belfanti	Fryer	Mackowski	Serafini
Beloff	Gallagher	Madigan	Seventy
Blaum	Gallen	Maiale	Showers
Book	Gamble	Manderino	Sirianni
Bowser	Gannon	Manmiller	Smith, B.
Boyes	Geist	Markosek	Smith, L. E.
Brandt	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	Suban
Cimini	Harper	Murphy	Sweet
Civera	Hasay	Nahill	Swift
Clymer	Hayes	Noye	Taylor, E. Z.
Cohen	Herman	O'Brien	Taylor, F. E.
Colafella	Hershey	O'Donnell	Telek
Cole	Hoefel	Olasz	Tigue
Cordisco	Honaman	Oliver	Truman
Cornell	Hutchinson	Perzel	Van Horne
Coslett	Itkin	Peterson	Vroon
Cowell	Jackson	Petrarca	Wachob
Coy	Jarolin	Petrone	Wambach
Deluca	Johnson	Phillips	Wargo
DeVerter	Kasunic	Piccola	Wass
DeWeese	Kennedy	Pievsky	Weston
Daley	Klingaman	Pistella	Wiggins
Davies	Kosinski	Pitts	Williams
Dawida	Kowalshyn	Pott	Wilson
Deal	Kukovich	Pratt	Wogan
Dietz	Lashinger	Preston	Wozniak
Dininni	Laughlin	Punt	Wright, J. L.
Dombrowski	Lehr	Rappaport	Wright, R. C.
Donatucci	Lescovitz	Reber	Zwicl
Dorr	Letterman	Reinard	
Duffy	Levi	Richardson	Irvis,
Durham	Levin	Rieger	Speaker
Evans	Linton	Robbins	

NAYS—0

NOT VOTING—1

Wright, D. R.

EXCUSED—5

Broujos	Marmion	Miscevich	Trello
Clark			

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.

**SUPPLEMENTAL CALENDAR A  
BILL 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 1837, PN 2486.**

**WELCOME**

The SPEAKER. The Chair welcomes to the hall of the House, as guests of Representative Emil Mrkonic, from the William Penn Fraternal Group, John Sabo, who is the national president; Gay Banes, who is attorney for the William Penn Fraternal Group; Gus Nagy, who is national secretary; and John Kenawell, who is executive vice president.

Also, from the Greek Catholic Union, George Batyko, who is the president; from the National Lutheran Society, John Dan Zornan, who is the president; and from the Greater Beneficial Union, Fred Schwesinger, who is the national president.

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

**HB 1236, PN 2551 (Amended)**

By Rep. COHEN

An Act requiring chemical identification of substances in the community and on employer premises; requiring the posting of the identity of these substances by employers and the labeling of chemicals; requiring information and safety data on chemicals to be given to the Department of Health, members of the community, and employees; requiring employers to operate educational programs relating to hazardous substances; providing for further duties of the Department of Health, for complaint procedures, for investigations, for compliance orders and the enforcement thereof; and providing penalties.

**LABOR RELATIONS.**

The SPEAKER. Some people have requested of the Speaker whether we shall be in session tomorrow. The answer is definitely yes. Do not check out. We will be in session tomorrow.

**STATEMENT BY MAJORITY LEADER**

The SPEAKER. The Chair would suggest that the members pay attention. The joint leadership is going to make an announcement which will be of very great interest, the Chair is sure, to all the members. We would not want you to say, I did not hear it; I did not know about it.

The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, the House will be in session tomorrow. There will be important business that will

be taken up at tomorrow's session. There will be voting. We have concluded, for all intents and purposes, the calendar for today.

At 4 o'clock this afternoon there will be a press conference held in the Governor's reception room. The subject matter of the press conference will be an economic development program for the Commonwealth of Pennsylvania, funded by a bond issue.

The four caucuses have been meeting throughout the last several weeks through the various leaders of the caucuses, and the discussions and the subject matter of those discussions have been reduced to a memorandum, which we have here for distribution to the members of the House, which I think the pages are instructed to pass out as soon as we have concluded these short remarks.

The news conference or press conference in the Governor's reception room can, of course, be attended by anyone interested in the contents of that press conference, and I urge you to be here tomorrow, because the subject matter of the bond issue may well be before us as early as tomorrow. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

**STATEMENT BY MINORITY LEADER**

The SPEAKER. The Chair now recognizes the minority leader.

Mr. RYAN. Thank you, Mr. Speaker.

Mr. Speaker, in the course of what I considered a rather full discussion yesterday in our caucus of the proposed economic development program, some questions were asked and answers were given that I believe were given at that time properly but I would like to reiterate for the concern of at least some of our members, and I am sure, some of the members from the other side of the aisle. There seemed to be great concern by some of the members that this proposed plan—And it is only a proposed plan—I must emphasize that—it will require full implementing legislation. What we are proposing to do now is to go to the people to see if the people will agree that the General Assembly be authorized to issue bonds in an amount up to a total of \$190 million.

But one of the concerns that has come to the forefront is, is this money to be used only in—I will use my own county—the city of Chester, which has the greatest unemployment? Can it be used in Bob Flick's Radnor Township, which probably has the least unemployment? The answer is "yes." This referendum is to provide money throughout the Commonwealth of Pennsylvania where there is a need. Jobs cross county lines; workers cross county lines. Because I have a plant in my town that is closed, it affects the communities surrounding me. If Philadelphia is closed down, workers from Delaware County cannot work. So I do not think that the idea of geography is important when we are worrying about the economic stability of this Commonwealth. Rather, is there a job opportunity this State can assist in? It is this type of thing that we are attempting to address here today. The key words, or the buzz words,

if you please, are "throughout the State," and it is throughout the State that we are trying to address this issue.

I want to assure the members from both sides of this aisle that this was a give-and-take series of meetings between the leaders of both the Republican and Democratic sides, both Senate and House, together with representation from the Governor's Office. So it was a five-unit area of push and shove and finally general agreement.

As Mr. Manderino said, there will be a conference, at which time the Governor will advise the press and the public generally, together with the leaders, of the resolution that we have made, which we will take to our respective caucuses for the purpose of full discussion, and it will carry with it the recommendations of the leaders. I thank the members for their attention and thank the Chair.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I am not sure whether the memorandum that I spoke of is available. I saw it. I do not know who has it now.

The SPEAKER. The memorandum is now being passed out.

Mr. MANDERINO. Thank you, Mr. Speaker.

The SPEAKER. There are two parts to the documents being passed out. One is a proposed referendum question, and this language has been very carefully crafted by all the leaders working together. This is the language which we propose will go on the issue and will go to the ballot in the April primary.

The second part of the document, called "Proposed Economic Development Bond Issue Expenditures," is a wordier explanation of what we leaders have agreed we mean by the words which are to be placed on the ballot.

### REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, was it my understanding that the Chair made remarks or the majority leader made remarks to the effect that there would be no more voting today?

The SPEAKER. That is correct.

Mr. RYAN. That being the case, Mr. Speaker, I would ask that the Republicans who are interested in a fuller discussion of this be in the caucus room at approximately 4:30, quarter of 5, at which time we will be able to fill any of the rough edges of the memorandum that has been handed out. Thank you, Mr. Speaker.

### DEMOCRATIC CAUCUS

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

Mr. ITKIN. Mr. Speaker, the majority leader has consented to be in the majority caucus room at 4:30 for the Democratic members to hear any amplification of the discussion we had yesterday and to answer any remaining questions members might have. So I would urge those persons who have some concern about this proposal to come to the majority

caucus room at 4:30, those Democratic members, and listen to the majority leader.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. HUTCHINSON. In these discussions between all four caucuses, has there been any consideration of having a sinking fund so that the people down the road will not have to pay all that money? Every year put so much money back into it like local governments have.

The SPEAKER. I think the gentleman's question is well taken, but I suggest this is not the forum. Bring that question to the caucus at 4:30.

Mr. HUTCHINSON. Any place is my forum, Mr. Speaker. Thank you.

The SPEAKER. No. I can think of a few places where you would not dare to go.

### STATEMENT BY MR. DAVIES

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

Mr. DAVIES. Unanimous consent, Mr. Speaker.

The SPEAKER. Without objection, the gentleman may proceed. The Chair hears no objection.

Mr. DAVIES. Mr. Speaker, in an exclusive national survey rating done by U.S. News and World Report of the 1,308 4-year colleges in the United States, the presidents of those institutions rated the institutions, and I think that we should pay honor to those in Pennsylvania that are mentioned at the forefront or at the top of those ratings. I think sometimes when we are taken up in today's technology and things like that, we miss some of those that are doing an outstanding job in other areas. In the national universities, Carnegie-Mellon was rated 13th; comprehensive universities, Bucknell was rated 1st; smaller comprehensive universities, Lafayette, 2d; Gettysburg, 4th; national liberal arts colleges, Swarthmore, 2d, and Haverford, 9th. Thank you, Mr. Speaker.

### WELCOME

The SPEAKER. The Chair is glad to welcome to the hall of the House the president of the Scranton School Board, Robert Casey. He is the guest of Representatives Gaynor Cawley and Fred Belardi.

### BILLS AND RESOLUTIONS PASSED OVER

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

### ADJOURNMENT

The SPEAKER. There being no further business to be brought before this House on this day, the Chair recognizes the gentleman from Bucks, Mr. Reinard.

Mr. REINARD. Mr. Speaker, I move that this House do now adjourn until Wednesday, February 15, 1984, at 11 a.m., e.s.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 3:52 p.m., e.s.t., the House adjourned.