

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

WEDNESDAY, MAY 30, 1984

SESSION OF 1984

168TH OF THE GENERAL ASSEMBLY

No. 39

HOUSE OF REPRESENTATIVES

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

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

PRAYER

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

Our Father and our God, as humble stewards of Thine we come before Thee in this morning hour. We thank Thee for Thy blessings and the assurance of Thy love and protective care. We are aware that Thou hast blessed us as a Nation and wilt continue to guide and direct those who call upon Thee.

Heavenly Father, we pause to remember those who have assumed the leadership in times past and have guided the destiny of this great land. Now we especially ask Thy strength and power upon the members of this legislature, so that they may follow the steps of those who have served before them, continue to seek out Thy counsel, and bring forth in daily life and conversation that which is acceptable and pleasing unto Thee. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. Without objection, approval of the Journal of Tuesday, May 29, 1984, will be postponed until printed. The Chair hears no objection.

BILLS REMOVED FROM TABLE

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

Mr. MANDERINO. Mr. Speaker, I move that the following bills be removed from the tabled calendar and placed on the active calendar:

- HB 763;
HB 819;
HB 1793;
HB 1901;
HB 1946;

- HB 2120;
HB 2158; and
SB 658.

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

HOUSE BILLS INTRODUCED AND REFERRED

No. 2211 By Representatives TRELLO, POTT, STEVENS, PETRONE, DeLUCA, GRUPPO, HALUSKA, BELFANTI, STEIGHNER, PRESTON, CIVERA, COLAFELLA, JOHNSON, BELOFF, BOOK, TELEK and VAN HORNE

An Act amending the "Pennsylvania Urban Mass Transportation Law," approved January 22, 1968 (P. L. 42, No. 8), further providing for grants for transportation.

Referred to Committee on FINANCE, May 30, 1984.

No. 2212 By Representatives TRELLO, POTT, STEVENS, PETRONE, DeLUCA, GRUPPO, HALUSKA, BELFANTI, STEIGHNER, PRESTON, CIVERA, COLAFELLA, JOHNSON, BELOFF, BOOK, TELEK and VAN HORNE

An Act amending the "Pennsylvania Rural and Intercity Common Carrier Surface Transportation Act," approved February 11, 1976 (P. L. 14, No. 10), further providing for grants for transportation.

Referred to Committee on FINANCE, May 30, 1984.

No. 2213 By Representatives TRELLO, POTT, STEVENS, PETRONE, DeLUCA, GRUPPO, HALUSKA, BELFANTI, STEIGHNER, PRESTON, CIVERA, COLAFELLA, JOHNSON, BELOFF, BOOK, TELEK and VAN HORNE

An Act amending the "State Lottery Law," approved August 26, 1971 (P. L. 351, No. 91), further providing for the use of funds.

Referred to Committee on FINANCE, May 30, 1984.

No. 2214 By Representatives PRATT and GRUITZA

An Act amending the act of May 18, 1937 (P. L. 654, No. 174), entitled, as amended, "An act to provide for the safety and

to protect the health and morals of persons while employed; prescribing certain regulations and restrictions concerning places where persons are employed, and the equipment, apparatus, materials, devices and machinery used therein; prescribing certain powers and duties of the Department of Labor and Industry relative to the enforcement of this act; and fixing penalties," further providing for the operation of plant railroads.

Referred to Committee on LABOR RELATIONS, May 30, 1984.

No. 2215 By Representatives GREENWOOD, HAGARTY, MORRIS, J. L. WRIGHT, REINARD, COY, BURD, HERMAN, NOYE, MILLER, McINTYRE, HOFFEL, ANGSTADT, KUKOVICH, PRATT, BOYES, TRELLO, PUNT, KASUNIC and DeLUCA

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, establishing a limitation on time for certain adoption hearings and the making of findings.

Referred to Committee on JUDICIARY, May 30, 1984.

No. 2216 By Representatives SALVATORE, MORRIS, J. L. WRIGHT, KOSINSKI, CLYMER, PERZEL, McVERRY, TELEK and WESTON

An Act amending the act of April 4, 1984 (No. 40), entitled "An act requiring certain public agencies in the Commonwealth of Pennsylvania to purchase or lease motor vehicles which are manufactured or assembled in the United States and imposing a penalty," clarifying the definition of "public agency"; adding the definition of "mass transit vehicle"; clarifying the coverage of the act as to mass transit vehicles; and increasing the required amount of domestic parts for foreign-manufactured vehicles.

Referred to Committee on TRANSPORTATION, May 30, 1984.

No. 2217 By Representatives SALVATORE, MRKONIC, KOSINSKI, WESTON and PERZEL

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for a mandatory life sentence to anyone convicted three times of certain crimes.

Referred to Committee on JUDICIARY, May 30, 1984.

No. 2218 By Representatives SALVATORE, MRKONIC, McVERRY, WESTON and PERZEL

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for electors eligible at 18 years of age.

Referred to Committee on STATE GOVERNMENT, May 30, 1984.

No. 2219 By Representatives SALVATORE, FATTAH, WESTON and PERZEL

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for Senators and Representatives eligibility for office at age 18.

Referred to Committee on STATE GOVERNMENT, May 30, 1984.

No. 2220 By Representatives SALVATORE, KLINGAMAN, MORRIS, J. L. WRIGHT, NOYE, GODSHALL, KOSINSKI, CLYMER, PERZEL, TELEK and WESTON

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for a presumption when considering bail after finding of guilt.

Referred to Committee on JUDICIARY, May 30, 1984.

No. 2221 By Representatives VROON, OLIVER, GALLAGHER and LEVIN

An Act making an appropriation to Travel Aids for the Blind, Devon, Pennsylvania.

Referred to Committee on APPROPRIATIONS, May 30, 1984.

No. 2222 By Representatives WILSON, ANGSTADT, WOGAN, PERZEL, DONATUCCI, WILLIAMS, McCALL and DUFFY

An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), providing for seasonal liquor licenses.

Referred to Committee on LIQUOR CONTROL, May 30, 1984.

No. 2223 By Representatives WOGAN, ANGSTADT, O'BRIEN, WESTON, PERZEL and SALVATORE

An Act amending the "Pennsylvania Election Code," approved June 3, 1937 (P. L. 1333, No. 320), providing for the filing of reports by political consultants; prohibiting certain acts; and providing penalties.

Referred to Committee on STATE GOVERNMENT, May 30, 1984.

No. 2224 By Representatives PETRARCA, CESSAR, DUFFY, MRKONIC, VAN HORNE, FEE, LEVIN, McMONAGLE, EVANS, BELFANTI, SWEET and LIVENGOOD

An Act prohibiting the sale of leaded gasoline in Pennsylvania.

Referred to Committee on TRANSPORTATION, May 30, 1984.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 232 By Representatives SALVATORE, OLIVER, WESTON, RIEGER, O'BRIEN, PERZEL, WOGAN, KOSINSKI, TRUMAN and EVANS

Recognizing and honoring individuals and municipal employees for heroic actions during a recent fire in Philadelphia.

Referred to Committee on RULES, May 30, 1984.

SENATE BILL FOR CONCURRENCE

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

SB 1179, PN 2030

Referred to Committee on JUDICIARY, May 30, 1984.

LEAVE OF ABSENCE GRANTED

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

The Chair recognizes the gentleman from Lawrence, Mr. Fee.

Mr. FEE. Mr. Speaker, the majority whip asks leave for the gentleman from Lehigh, Mr. ZWIKL, for today.

The SPEAKER pro tempore. Without objection, leave of absence is granted. The Chair hears no objection.

The Chair recognizes the minority whip.

Mr. HAYES. Thank you, Mr. Speaker.

I do not have any requests for leave at the present time.

The SPEAKER pro tempore. The Chair thanks the gentleman.

MASTER ROLL CALL RECORDED

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

The following roll call was recorded:

PRESENT—199

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

Deluca	Johnson	Petrone	Wachob
DeVerter	Kasunic	Phillips	Wambach
DeWeese	Kennedy	Piccola	Wargo
Daley	Klingaman	Pievsky	Wass
Davies	Kosinski	Pistella	Weston
Dawida	Kowalshyn	Pitts	Wiggins
Deal	Kukovich	Pott	Williams
Dietz	Lashinger	Pratt	Wilson
Dininni	Laughlin	Preston	Wogan
Dombrowski	Lehr	Punt	Wozniak
Donatucci	Lescovitz	Rappaport	Wright, D. R.
Dorr	Letterman	Reber	Wright, J. L.
Duffy	Levi	Reinard	Wright, R. C.
Durham	Levin	Richardson	

ADDITIONS—0

NOT VOTING—0

EXCUSED—3

Marmion
Zwikel

Irvis,
Speaker

FILMING PERMISSION GRANTED

The SPEAKER pro tempore. The Chair has given permission to R. Williams Johnson, Jr., of PPTN to film activities of today's session.

WELCOMES

The SPEAKER pro tempore. The Chair is most pleased to greet our guests in the gallery. They are students of the West Fallowfield Christian School in Chester County. They are the guests of Representative Art Hershey.

The Chair is pleased to announce the presence of John Trotter from Philadelphia, a committeeman in the seventh ward, third division, Democrat, the guest of Representative James M. McIntyre.

The Chair is pleased to welcome Mrs. Shirley Z. Sherman, principal; Mrs. Natalie K. Levant, parent; Kyong Min Park, eighth grade student; and Ernest McKelvy, eighth grade student, from Lowell School celebrating its 70th birthday. They are the guests of Representative Dwight Evans and Representative Mark Cohen.

The Chair welcomes Miss Linda Coxen of State College, summer intern for Representative Lynn Herman and the guest of Representative Lynn Herman of Centre County.

CALENDAR

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 2136, PN 3025.

* * *

The House proceeded to second consideration of **HB 1317, PN 3016**, entitled:

An Act providing for the certification of professional geologists.

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

BILL RECOMMENDED

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

Mr. MANDERINO. Mr. Speaker, I move that HB 1317 be recommitted to the Appropriations Committee for a fiscal note.

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

* * *

The House proceeded to second consideration of **HB 1916, PN 3026**, entitled:

An Act amending the act of April 29, 1982 (P. L. 355, No. 99), entitled "An act establishing a Vietnam Herbicides Information Commission; imposing powers and duties on the commission; granting additional powers and duties to the Department of Health and making an appropriation," designating dioxin as a specific herbicide to be studied by the commission; extending the life of the commission; extending the deadline for making its final report; empowering the commission to initiate an epidemiological study; revising content requirements of report forms; and making an editorial change.

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

BILL RECOMMENDED

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

Mr. MANDERINO. Mr. Speaker, I move that HB 1916 be recommitted to the Appropriations Committee for a fiscal note.

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

* * *

The House proceeded to second consideration of **SB 1285, PN 1791**, entitled:

An Act amending the act of July 17, 1968 (P. L. 368, No. 181), entitled "Susquehanna River Basin Compact Law," authorizing the Susquehanna River Basin Commission to determine the rate of interest on bonds; and removing the interest-cost restriction on the sale of bonds by the commission.

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

BILL RECOMMENDED

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

Mr. MANDERINO. Mr. Speaker, I move that SB 1285 be recommitted to the Appropriations Committee for a fiscal note.

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

REMARKS ON VOTE

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

Mr. GEIST. Thank you, Mr. Speaker.

Yesterday I was not recorded on HCRRR 3. I would like to be recorded in the negative, please.

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

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1566, PN 3031**, entitled:

An Act providing for the licensing of clubs to conduct games of chance; providing for suspensions and revocations of licenses; providing for fees and disposition of revenues; requiring records; providing for local referendum on gambling by electorate; and prescribing penalties.

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

Mr. HAYES offered the following amendments No. A2472:

Amend Sec. 10, page 4, lines 22 through 30; page 5, lines 1 through 18, by striking out all of said lines on said pages and inserting

(a) Election to be held.—In any municipality, an election may be held on the date of the primary election immediately preceding any municipal election, but not oftener than once in four years, to determine the will of the electors with respect to the issuance of licenses, within the limits of such municipality, under the provisions of this act. Where an election shall have been held at the primary preceding a municipal election in any year, another election may be held under the provisions of this act at the primary occurring the fourth year after such prior election. Whenever electors equal to at least 25% of the highest vote cast for any office in the municipality at the last preceding general election shall file a petition with the county board of elections of the county for a referendum on the question of issuing licenses, the said county board of elections shall cause a question to be placed on the ballot or on the voting machine board and submitted at the primary immediately preceding the municipal election. The question shall be in the following form:

Do you favor the issuance of licenses to conduct small games of chance in the _____ of _____ ?

(b) Vote.—If a majority of the voting electors on the question vote "yes," then licenses shall be issued by the department in such municipality, but if a majority of the electors voting on any such question vote "no," then the department shall have no power to issue or to renew upon their expiration any licenses in

such municipality, unless and until at a later election a majority of the voting electors vote "yes" on such question.

Amend Sec. 10, page 5, line 19, by inserting before "Proceedings"

(c) Voting proceedings.—

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. On that question, the Chair recognizes the minority whip.

Mr. HAYES. Thank you, Mr. Speaker.

As we all know, Mr. Speaker, HB 1566, the legislation dealing with small games of chance, has been advertised as having a so-called local option provision contained within the legislation. I respectfully suggest that this particular type of local option has been oversold in terms of its scope and its true local option characteristics and character. It is a very, very, very limited local option of a very, very, very short duration. It really does not do what I believe most of us in this House of Representatives would want it to do in terms of allowing the people to express themselves as to whether they do or do not want small games of chance to be operating within their local municipality.

What do I mean by its limited character and application? First, Mr. Speaker, there is only a one-time chance for people to prospectively express themselves as to whether they want this type of gambling to occur within their local municipality. They only have this one-time chance within a very short and limited 1-year time frame. The legislation, as I read it, Mr. Speaker, states that this local option will only be effective within a 1-year time frame after enactment of the legislation. Simply put, this local referendum, this local option, is not a provision that lasts in perpetuity. It only lasts for a very, very, very short and limited period of time.

Also, there is some question as to whether or not this provision is really 1 year in length as far as the people mechanically being able to prepare themselves for a prospective referendum. For instance, if the bill passes 1 June of this year, it becomes effective 60 days later; that is 1 August. The legislation talks about the next primary or municipal election, which means it would either be this coming November or next spring primary 1985. Obviously we are really not even talking about a full and complete 1 year, and on top of that you have the ballot preparation time of 90 days. When you take all of these logistical things into consideration, you are in fact limiting the people in terms of their being able to express themselves this one time within 1 year. I believe that the legislation, HB 1566, is at least deficient in this aspect.

Secondly, and very importantly, the only way that the question can be placed upon the ballot is if the local governing board decides to place it upon the ballot. There is not a way for people to initiate themselves the question as to whether or not small games of chance are to operate within their local municipality.

The amendment which I offer here today, Mr. Speaker, would address both of these problems. It would provide a local option that lasts far beyond just 1 year. It would last just

as does the local option in the liquor laws of this Commonwealth with regard to the issuance of retail liquor licenses. My amendment would provide a provision whereby the people's right to express themselves over time lasts forever, for as long as the law itself, just as is the case with regard to the issuance of retail liquor licenses, just as the liquor laws of this Commonwealth provide with regard to whether a municipality should be wet or dry.

Secondly, Mr. Speaker, my amendment provides, as do the liquor laws of this Commonwealth, a way for people to initiate themselves the question, the ballot question, as to whether or not there are to be small games of chance within their local municipality.

I have taken the language from our liquor laws of Pennsylvania and incorporated it word for word in my amendment A2472. It does two things. It provides a long-term guarantee for people to express themselves, and number two, it provides a way for the people themselves to place this question on the ballot without the intervention of township supervisors or borough council people. It allows the people themselves to decide the question and to have that question placed upon the ballot.

I urge adoption of this amendment, Mr. Speaker, if we are truly interested in providing a local option, a power, a right that rests with the people. Thank you, Mr. Speaker.

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

Mr. TRELLO. Mr. Speaker, with all due respect to the minority whip, I have to oppose this amendment.

First of all, he is talking about getting 25 percent of the signatures to even qualify them to put the referendum on the ballot. I know of no election that requires 25 percent of the signatures from the previous election. This is an attempt to kill the bill altogether.

Number two, Mr. Speaker, this requires that they are only eligible to do this once every 4 years. My God, if somebody should not happen to want to do this this coming election, they would have to wait 4 years to decide whether they want this.

This is not a games of chance bill. This is a bill to save our clubs. Do you realize the number of clubs that have gone out of business? That is probably one of the most important issues. But the real issue is this: Who funds our youth programs in Pennsylvania - the girls softball, little league, and pony league, and those other areas? Who supplies money for your Memorial Day parade and your Fourth of July parade? There is no money in anybody's budget, Federal, State, or county, to support those programs; our clubs do. This is to save our clubs, and this amendment is an attempt to kill the bill altogether.

First of all, the 25 percent on signatures and once every 4 years, maybe we ought to include liquor licenses, they can only issue them once every 4 years, or beauty parlor licenses or all the other licenses once every 4 years.

I think this is an attempt to kill the bill, Mr. Speaker, and I oppose the amendment.

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

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I stand in support of the Hayes amendment.

The issue that we have at hand, local option, as it is written in HB 1566, has many deficiencies. This amendment will correct some of those problems and provide fairness to the citizens who wish to vote on this particular matter of small games of chance.

Again, I urge support of the Hayes amendment. Thank you.

The SPEAKER pro tempore. The Chair recognizes the minority whip.

Mr. HAYES. Mr. Speaker, contrary to what my friend, the gentleman from Allegheny, states as being a way to do some disastrous thing to his legislation, it is rather an attempt to improve language that is very, very deficient in the legislation. It is deficient both in terms of mechanism and it is also deficient in terms of providing what this bill has been advertised as doing. This bill has been advertised. I have read it myself; I have watched it on newscasts; I have listened to it on the radio as having a local option provision.

Now, from the strictest of definition, yes, there is a so-called local option, but it is not a local option as we have grown accustomed to so-called local options with regard to the liquor laws of this Commonwealth. It is a very, very limited, and I would hasten to add, Mr. Speaker, almost no real effort at providing local option. In fairness to the people of Pennsylvania, a year will elapse before they catch their breath and know what this bill is all about and what may be happening in their local municipality with regard to small games of chance.

I went over a moment ago the practical implementation of Mr. Trello's legislation. It talks about local option, but it is a fleeting local option. It is limited in its application; it is limited in terms of its durability. The people will have little local option, and what they will have is but for a fleeting moment or two.

Now, as Mr. Trello tries to save our clubs, as he mentioned a moment ago, I think the gentleman would be well advised to not only try to save our clubs but also to try to save our people's right to express themselves if in fact you want to provide for a local option. The people have a right to express themselves on issues such as this that are so, so fundamental. They have that option with regard to the liquor laws of this Commonwealth. I do not believe this General Assembly is going to rescind the people's rights with regard to the liquor laws of this Commonwealth, and I do not believe we should embark upon yet another great social issue by providing any lesser guarantee than what is offered by the liquor laws of this Commonwealth.

HB 1566 has a local option, as Mr. Clymer said, deficient in its writing, but beyond that, it is very limited in terms of its application and it has a very limited durability. I believe that it is only fair to protect the rights of our people to express themselves as Mr. Trello tries to save our clubs. There are a lot of

things to save, Mr. Speaker. Clubs are one. The people's rights are also another thing that must be saved. I urge adoption of the amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Monroe, Mr. Battisto.

Mr. BATTISTO. Mr. Speaker, I would like to interrogate the previous speaker.

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

Mr. BATTISTO. Mr. Speaker, in the bill as it now reads, it says, "The issuance of licenses under this act shall be lawful,..." and then, of course, the local option can be conducted. And if a municipality decides that they do not want small games of chance, of course, if indeed they had implemented them, they would have to rescind them.

Under your amendment, am I to understand that you would say, the issuance of licenses under this act shall be unlawful until approved by a referendum?

Mr. HAYES. No, Mr. Speaker, and I would hasten to add that I would join with you or any other member of this body in support of an amendment that would say that the ballot question would come first, rather than after the fact. My effort here this morning is to offer an amendment to clean up, if you will, the deficiency in the language offered in HB 1566. It does not address the question of which should come first, the referendum or the issuance or the prospective issuance of a license.

I will say for the second time to the gentleman, Mr. Speaker, that I would join him or any other member who would like to remedy that problem, because I believe that that is a problem as well. But this amendment just addresses the durability of the local option and how people are to be given the right to express themselves. I do not think that it should be through supervisors or borough councilmen only, and I think that the local option should have a longer life than just a few months. But I would join the gentleman if he cares to offer an amendment to do what I think he may be alluding to.

Mr. BATTISTO. Mr. Speaker, may I speak to that, please?

The SPEAKER pro tempore. Has the gentleman completed his interrogation?

Mr. BATTISTO. Yes, I have.

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

Mr. BATTISTO. I quite agree in principle with Representative Hayes' amendment. However, I think a fundamental point is to have the referendum conducted beforehand and to allow counties— Of course, I might disagree; I would like to see it countywide, but I would not argue vehemently against a municipality. However, I think it is important that the referendum be conducted beforehand and then to have municipalities determine whether they want to live by the provisions of this act or not.

Now, I have such an amendment prepared. However, and unfortunately, as of yesterday the computer carried a previous printer's number. The new printer's number is 3031. I am

having that corrected now, so I would urge you to hold this over until that amendment is prepared.

Mr. LETTERMAN. Mr. Speaker?

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

Mr. LETTERMAN. I think this might be a very long day, and I would like to see everybody stay on the amendment and what we have at hand and not go veering off in all kinds of directions. Thank you.

The SPEAKER pro tempore. The gentleman's comments are well taken. The Chair would remind the various speakers that we are not on final passage of the bill. We are considering amendments thereto.

Mr. BATTISTO. I understand.

I would simply like to add, Mr. Speaker, that the gentleman, Mr. Hayes, indicated that he would join in my amendment, and I would urge him and others to do so. I have an amendment addressing his concerns and mine also. It will be down shortly. Thank you very much.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the minority whip.

Mr. HAYES. My purpose is parliamentary rather than speaking more than two times on the amendment.

Actually, if the gentleman from Monroe looks at my amendment, I do strike lines 22 through 30, which would remove the language that he is most concerned about, that being, which comes first, the horse or the cart; which comes first, the ballot question or the issuance of a license? And I believe if the gentleman would ask the Reference Bureau to make note of my amendment, which may be adopted by this House, that his language could come before mine with a *forthright statement that the question would have to first appear on the ballot before there could be any attempt to issue a license*. In other words, his purpose is not incongruent with the purpose of my amendment, and my amendment does strike the language which he is most concerned about and is in harmony with his purpose.

The SPEAKER pro tempore. Is the gentleman suggesting that he withdraw his amendment?

Mr. HAYES. I think that he could draw an amendment that would be an addendum to mine. Then they would both be in harmony and we would no longer have to worry about the words found on lines 22 through 30, since my amendment strikes that language.

My purpose for answering his interrogation was to forthrightly say that I know that there are those who have a concern about exactly when the ballot question is to appear, and I thought others were going to have amendments to address that and so I did not incorporate it into mine as a courtesy. But I drafted my amendment in a way that it would be in harmony with whatever amendment that he was going to offer before or after lines 22 through 30.

My amendment does remove the words that he is concerned about. But to strengthen the bill, to provide for what he wants to accomplish, I think that a sentence or two would best serve

his purpose, either before my amendment or after, but certainly both are in harmony. One does not have to be withdrawn in favor of the other.

The SPEAKER pro tempore. The gentleman, Mr. Battisto, has heard the comments by the gentleman, Mr. Hayes.

Mr. BATTISTO. I quite agree with the speaker. There are some provisions in his amendment that, to me, are better than mine. I would like to see us incorporate his amendment and my amendment into a better amendment, because I see some good—

Mr. LETTERMAN. Mr. Speaker?

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

Mr. LETTERMAN. Come on, we have an amendment up here. We either vote it or we withdraw it. Now, let us get it over with. I am not going to be here all day listening to what someone else is going to withdraw or what they are going to draw up all next year.

The SPEAKER pro tempore. We certainly do not want to lose your valuable assistance.

Mr. LETTERMAN. You are not going to. I will be here all day to tell you about it.

The SPEAKER pro tempore. Will the gentleman, Mr. Battisto, please complete his remarks?

Mr. BATTISTO. Yes.

Let me say, Mr. Speaker, that I support Representative Hayes' amendment, and I will get my amendment down forthrightly. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes, for the second time, the gentleman from Allegheny, Mr. Trello.

Mr. TRELLO. Mr. Speaker, I know of no other referendum that requires 25 percent of a population to sign a petition before it can go on the ballot, and I think that is unfair. That is why I think it is an attempt to kill the bill. First of all, you are taking away the identity of every local elected official for their own option. He is saying that he should have the referendum once every 4 years. Now, if that is not an attempt to kill the bill, I do not know what is. I think that the local elected officials— If my colleague over there has ever attended a council meeting or a township commissioners meeting, the people in that community in no uncertain terms let them know what they want or what they do not want.

There is some form of referendum in this legislation right now, and if he is not agreeable to that, then let us come up with something that is agreeable, something reasonable anyway. This attempt of 25 percent of the signatures and having it once every 4 years is absolutely ridiculous. I ask every member of this House to vote down the amendment.

One more thing, Mr. Speaker. We are really concerned about the will of the people and so forth when it comes to games of chance and things like that. We in this General Assembly passed a lottery to play numbers all over the State. We were not concerned about local option then; now we are concerned about local option.

The SPEAKER pro tempore. Has the gentleman completed his remarks?

Mr. TRELLO. I think.

The SPEAKER pro tempore. The Chair recognizes the minority whip.

Mr. HAYES. Mr. Speaker, I would just like to correct the gentleman. I believe he said that the amendment requires 25 percent of the population to sign a petition that is filed with the county board of elections. That is just not true, Mr. Speaker. It is 25 percent of the highest vote cast for any office in the municipality at the last preceding general election, which tracks the liquor laws of this Commonwealth essentially word for word. This is not new ground that we are plowing but rather taking law from other codes of this Commonwealth, other law that has served the people well and does not seem to be causing all of the roar and furor that Mr. Trello would have us believe. This language tracks the liquor laws of this Commonwealth, and that is why I chose this language, because we have an operating practice, a custom, an electoral custom in Pennsylvania with regard to this type of ballot question. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—130

Afflerbach	Foster, W. W.	Linton	Ryan
Angstadt	Foster, Jr., A.	Lloyd	Rybak
Armstrong	Freeman	McCall	Salvatore
Arty	Freind	McClatchy	Saurman
Baldwin	Gallen	McHale	Scheetz
Battisto	Gamble	McVerry	Schuler
Belardi	Gannon	Mackowski	Semmel
Blaum	Geist	Madigan	Serafini
Book	George	Manmiller	Showers
Boyes	Gladeck	Merry	Sirianni
Brandt	Godshall	Micozzie	Smith, B.
Broujos	Greenwood	Miller	Smith, L. E.
Burd	Grieco	Moehlmann	Snyder, D. W.
Cawley	Gruppo	Mowery	Snyder, G. M.
Cessar	Hagarty	Mrkonic	Spencer
Cimini	Haluska	Murphy	Spitz
Civera	Harper	Nahill	Stevens
Clark	Hasay	Noye	Stewart
Clymer	Hayes	O'Brien	Stuban
Coslett	Herman	O'Donnell	Swift
Coy	Hershhey	Olasz	Taylor, E. Z.
DeVerter	Hoeffel	Perzel	Telek
Davies	Honaman	Peterson	Tigue
Deal	Jackson	Phillips	Vroon
Dietz	Johnson	Piccola	Wambach
Dininni	Kennedy	Pitts	Wass
Dorr	Klingaman	Punt	Weston
Durham	Kowalshyn	Rappaport	Wilson
Evans	Lashinger	Reinard	Wogan
Fargo	Lehr	Richardson	Wright, D. R.
Fattah	Lescovitz	Robbins	Wright, J. L.
Fischer	Levi	Rudy	Wright, R. C.
Flick			

NAYS—68

Alderette	Daley	Livengood	Preston
Barber	Dawida	Lucyk	Reber
Belfanti	Dombrowski	McIntyre	Rieger
Bowser	Donatucci	McMonagle	Saloom
Bunt	Duffy	Maiale	Seventy
Burns	Fee	Manderino	Stairs

Caltagirone	Fryer	Markosek	Steighner
Cappabianca	Gallagher	Mayernik	Sweet
Carn	Gruitza	Michlovic	Taylor, F. E.
Cohen	Hutchinson	Miscevich	Trello
Colafella	Itkin	Oliver	Truman
Cole	Jarolin	Petrarca	Van Horne
Cordisco	Kasunic	Petrone	Wachob
Cornell	Kosinski	Pievsky	Wargo
Cowell	Kukovich	Pistella	Wiggins
Deluca	Laughlin	Pott	Williams
DeWeese	Letterman	Pratt	Wozniak

NOT VOTING—1

Morris

EXCUSED—3

Marmion
Zwinkl

Irvis,
Speaker

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

WELCOME

The SPEAKER pro tempore. The Chair welcomes a group of fourth grade students from Mt. Zion Elementary School and their teachers, Mrs. Gariepy and Mrs. Pomraning. They are the guests of Representative Bruce Smith of York County.

CONSIDERATION OF HB 1566 CONTINUED

On the question,

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

Mr. STUBAN offered the following amendments No. A2460:

Amend Title, page 1, line 1, by inserting after "chance;" providing for the licensing of persons to manufacture and distribute games of chance;

Amend Bill, page 2, by inserting between lines 17 and 18 Section 4. Manufacture and distribution of games of chance.

(a) Manufacturer's license.—Any person to whom a manufacturer's license has been issued under the provisions of this act may manufacture games of chance in this Commonwealth.

(b) Distributor's license.—Any person to whom a distributor's license has been issued under the provisions of this act may distribute games of chance in this Commonwealth.

Amend Sec. 4, page 2, line 18, by striking out "4" and inserting

5

Amend Sec. 4, page 2, by inserting between lines 21 and 22

(2) Provide for the licensing of persons to manufacture games of chance.

(3) Provide for the licensing of persons to distribute games of chance.

Amend Sec. 4, page 2, line 22, by striking out "(2)" and inserting

(4)

Amend Sec. 4, page 2, line 24, by striking out "(3)" and inserting

(5)

Amend Sec. 4, page 2, line 26, by striking out "(4)" and inserting

(6)

Amend Sec. 4, page 2, by inserting between lines 27 and 28

(7) Prescribe rules and regulations for the manufacture and distribution of games of chance.

Amend Sec. 4, page 2, line 28, by striking out “(5)” and inserting

(8)

Amend Sec. 4, page 2, line 30, by striking out “(6)” and inserting

(9)

Amend Sec. 4, page 3, line 2, by striking out “(7)” and inserting

(10)

Amend Sec. 5, page 3, by inserting between lines 16 and 17

(3) Licenses to manufacture games of chance shall be issued to persons in any calendar year and the fee therefor shall be \$500.

(4) Licenses to distribute games of chance shall be issued to persons in any calendar year and the fee therefor shall be \$250.

Amend Sec. 5, page 3, line 17, by striking out “(3)” and inserting

(5)

Amend Sec. 8, page 4, line 8, by inserting after “conducts” , manufactures or distributes

Amend Sec. 10, page 4, line 22, by inserting after “licenses” to clubs

Amend Sec. 10, page 4, line 27, by inserting after “licenses” to clubs

Amend Sec. 10, page 5, line 4, by inserting after “issued” to clubs

Amend Sec. 10, page 5, line 8, by inserting after “licenses” to clubs

Amend Sec. 10, page 5, line 14, by inserting after “licenses” to clubs

Amend Sec. 10, page 5, line 17, by inserting after “licenses” to clubs

Amend Sec. 11, page 5, line 22, by striking out “General repeal” and inserting
Repeal

Amend Sec. 11, page 5, by inserting between lines 22 and 23

(a) Inconsistent repeal.—The provisions of Title 18 of the Pennsylvania Consolidated Statutes (relating to crimes and offenses) are repealed to the extent that they are inconsistent with this act.

Amend Sec. 11, page 5, line 23, by striking out “All” and inserting

(b) General repeal.—All other

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Columbia, Mr. Stuban.

Mr. STUBAN. Thank you, Mr. Speaker.

Mr. Speaker, this is a jobs creating bill for the State of Pennsylvania. At the present time the law does not allow the manufacture of small games of chance, and if there are any being manufactured in the State of Pennsylvania, they are being manufactured illegally.

What my amendment does is set up a \$500 license fee for manufacturers of small games of chance. It also sets up a licensing fee for distributors of small games of chance and punchboards of \$250 a year.

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

Mr. TRELLO. I have no problem with the amendment. You know, the \$500, if we keep adding amendments, I think we will have no problem balancing the budget in the future. I think it is a good amendment and I support the amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—175

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

NAYS—22

Clymer	Levin	Rappaport	Smith, L. E.
DeVerter	McHale	Robbins	Snyder, D. W.
Fargo	Manderino	Saloom	Spencer
Foster, W. W.	Markosek	Saurman	Spitz
Greenwood	Peterson	Schuler	Vroon
Hershey	Pitts		

NOT VOTING—2

Morris Reinard

EXCUSED—3

Marmion Irvis,
Zwinkl Speaker

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

On the question recurring,

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

Mr. BELFANTI offered the following amendment No. A2469:

Amend Sec. 1, page 2, line 7, by inserting after "license."

The term "club" shall also include any association as defined by the act of July 10, 1981 (P.L.214, No.67), known as the Bingo Law.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Northumberland, Mr. Belfanti.

Mr. BELFANTI. Mr. Speaker, this amendment would simply extend the small games of chance license to every organization that is eligible under the Pennsylvania Bingo Law. I feel that if we are going to have small games of chance in Pennsylvania, the churches ought to also be able to participate. After all, they have fundraisers; they have raffles; they have outdoor bazaars where they may have some small games of chance, and I feel that churches and fire companies and some of the other organizations that are not currently listed in HB 1566 should be given the opportunity to participate. If they are eligible for a bingo license, I feel it is certainly consistent for them to be eligible for a small games of chance license. I urge all the members to support this amendment.

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

Mr. CLYMER. Mr. Speaker, would the maker of the amendment stand for interrogation?

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

Mr. CLYMER. Mr. Speaker, could the maker tell me how many organizations this would increase over the number that is in the bill? To what new parameters are we expanding small games of chance?

Mr. BELFANTI. I believe that it would include churches, fire companies, ambulance associations, rescue squads, perhaps sportsmen's organizations. I am not quite sure if they are included under the Bingo Law now, but any organization that is included under bingo.

Mr. CLYMER. Okay. Thank you, Mr. Speaker.

I am through with my interrogation. May I speak on the amendment?

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

Mr. CLYMER. Mr. Speaker, what we have here is legislation that would expand and make available gambling throughout the Commonwealth of Pennsylvania, and we are doing it through so-called good organizations. Those of us who have spent time listening to testimony with those people

who have had problems with gambling realize that when you make gambling more available, you create more compulsive gamblers, and this is a step in that direction. I feel that this bill is not a good bill for the Commonwealth of Pennsylvania, and as legislators we should take the responsibility of not having this amendment put into this House bill. I would respectfully ask that this amendment be rejected. Thank you, Mr. Speaker.

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

Mr. TRELLO. Mr. Speaker, I oppose this amendment. The purpose of putting this in the private clubs is to limit accessibility to young people, and this would expose it to a lot of young people. I think, you know, leaving it to the private clubs is an area where we should be concerned in any small games of chance, and I have to oppose the amendment for that reason.

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

Mr. GEIST. Thank you, Mr. Speaker.

I would like to also rise in support of Representative Trello. In working this out in committee, I think that everybody who had a wagon was included at one time. The true purpose of this legislation was to help the clubs, and by opening it up and opening it up, we have not helped the clubs at all. If that is what the purpose of small games of chance is, I also urge defeat of this amendment.

The SPEAKER pro tempore. The Chair recognizes, for the second time on this issue, the gentleman, Mr. Belfanti.

Mr. BELFANTI. Mr. Speaker, with a great deal of respect for my colleagues, Mr. Clymer, Mr. Geist, and Mr. Trello, I do not feel that the purpose of this is strictly to save our clubs but to decriminalize activity that has always existed in Pennsylvania, will always exist in Pennsylvania, and has been a mainstay for the organizations that participate in this type of activity, and they certainly include fire companies, rescue squads, ambulance associations, and churches.

I do not feel that we are exposing young people to any additional, new forms of gambling. These small games of chance have always existed. They are around. We are not going to make them go away. What we want to do is restrict the Liquor Control Board and the Pennsylvania State Police from imposing fines and punishment and criminal records on individuals and organizations that participate, whether they want to or not. They must have small games of chance to exist, and that includes many of our churches. So I still ask for a favorable vote on the amendment.

The SPEAKER pro tempore. The Chair recognizes, for the second time on this issue, Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

I think for the record it should be noted that this opens up small games of chance to hospital fairs, agricultural fairs, any kind of other nonprofit organization that has a bingo license. You know, this could spread very quickly throughout the Commonwealth, and we are putting these small games of chance before young people. That, I think, is not the intent of

the bill, so I would again urge the members to oppose the Belfanti amendment. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—46

Belardi	Fryer	Lloyd	Serafini
Belfanti	George	Lucyk	Stevens
Blaum	Gruitza	Mayernik	Stewart
Boyes	Haluska	Merry	Sweet
Burns	Harper	Michlovic	Taylor, F. E.
Cawley	Hasay	Miscevich	Tigue
Clark	Hutchinson	Mrkonic	Van Horne
Cohen	Jarolin	Murphy	Wachob
DeWeese	Kasunic	Olasz	Wargo
Dombrowski	Kukovich	Pistella	Wozniak
Fee	Letterman	Saloom	Wright, J. L.
Freeman	Livengood		

NAYS—151

Afflerbach	Duffy	Levin	Richardson
Alderette	Durham	Linton	Rieger
Angstadt	Evans	McCall	Robbins
Armstrong	Fargo	McClatchy	Rudy
Arty	Fattah	McHale	Ryan
Baldwin	Fischer	McIntyre	Rybak
Barber	Flick	McMonagle	Salvatore
Battisto	Foster, W. W.	McVerry	Saurman
Book	Foster, Jr., A.	Mackowski	Scheetz
Bowser	Freind	Madigan	Schuler
Brandt	Gallagher	Maiale	Semmel
Broujos	Gallen	Manderino	Seventy
Bunt	Gamble	Manmiller	Showers
Burd	Gannon	Markosek	Sirianni
Caltagirone	Geist	Micozzie	Smith, B.
Cappabianca	Gladeck	Miller	Smith, L. E.
Carn	Godshall	Moehlmann	Snyder, D. W.
Cessar	Greenwood	Mowery	Snyder, G. M.
Cimini	Grieco	Nahill	Spencer
Civera	Gruppo	Noye	Spitz
Clymer	Hagarty	O'Brien	Stairs
Colafiglia	Hayes	O'Donnell	Steighner
Cole	Herman	Oliver	Stuban
Cordisco	Hershey	Perzel	Swift
Cornell	Hoeffel	Peterson	Taylor, E. Z.
Coslett	Honaman	Petrarca	Telek
Cowell	Itkin	Petrone	Trello
Coy	Jackson	Phillips	Truman
Deluca	Johnson	Piccola	Vroon
DeVerter	Kennedy	Pievsky	Wambach
Daley	Klingaman	Pitts	Wass
Davies	Kosinski	Pott	Weston
Dawida	Kowalshyn	Pratt	Williams
Deal	Lashinger	Preston	Wilson
Dietz	Laughlin	Punt	Wogan
Dininni	Lehr	Rappaport	Wright, D. R.
Donatucci	Lescovitz	Reber	Wright, R. C.
Dorr	Levi	Reinard	

NOT VOTING—2

Morris Wiggins

EXCUSED—3

Marmion Irvis,
Zwinkl Speaker

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

On the question recurring,

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

Mr. BELFANTI offered the following amendments No. A2471:

Amend Sec. 3, page 2, line 16, by striking out "\$100" and inserting

\$500

Amend Sec. 3, page 2, line 17, by inserting after "prize", raffle

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Northumberland, Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

This second amendment would include the small game of chance which is the most prevalent in the Commonwealth today. I daresay that there is not a member sitting on this floor who has not either purchased or sold at one point in his life a raffle ticket. Raffle tickets are not included in this bill. I think they are the main small game of chance conducted. I do not believe that they cause people to be compulsive gamblers. Most people buy a \$1 raffle ticket to support the organization that is selling it. I feel that this was overlooked in the legislation. I also feel that most raffles have a prize well in excess of \$500. However, in deference to the maker of the bill and the committee, I have limited the grand prize on a raffle to \$500.

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

Mr. TRELLO. Mr. Speaker, I have talked to just about every organization, fraternal and social and veterans' organizations all over the State of Pennsylvania in the last 7 or 8 months in regard to "Save Our Clubs," and never once have they asked me to have an additional raffle. Their primary concern was small games of chance, and I think if we are going to make a Christmas tree out of this bill, we are going to end up with all kinds of things. I think we have to walk before we can run. Let us give them the small games of chance, if this General Assembly will be so gracious in doing so, and let it go at that.

I oppose the amendment.

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

Mr. CLYMER. Thank you, Mr. Speaker.

Representative Trello has put into perspective the thought and content of this amendment, and I share my sentiments with him and ask the members to oppose this amendment as well.

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

Mr. LETTERMAN. Mr. Speaker, I rise in favor of this amendment. I think that all of us keep burying our heads in the sand. We just do not see what is going on in Pennsylvania, and what we are trying to do with some of these amendments is legalize what is going on and is never going to be stopped; it

is only going to be called illegal. I think it is time that we legalize these things. I agree with the amendment 100 percent.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes, for the second time on this issue, the gentleman, Mr. Belfanti.

Mr. BELFANTI. Mr. Speaker, again in deference to my colleague, Representative Trello, who says he has spoken to the major service organizations in the Commonwealth over the past 4 or 5 years, he must be speaking to different people than I, because the State chairman of the VFW, the American Legion, and every other fraternal, civic, nonprofit, or service organization that I have talked to who supported HB 204, somewhat dissimilar to this bill, all favor raffles. Those individuals have also written many letters to all of the members of the House of Representatives over the past two terms supporting raffles and supporting additional small games of chance—I should not say additional small games of chance, but the decriminalization of the small games of chance that are very prevalent in Pennsylvania society today.

Raffles are the biggest, most prevalent form of small games of chance that exist. I have purchased raffle tickets on the floor of this House, and that means that there are members on the floor of this House who sold them to me. I do not believe we ought to be hypocritical about this issue or call it a Christmas tree.

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

Mr. WASS. May I interrogate the maker of the amendment?

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

Mr. WASS. Mr. Speaker, one question. Those having a raffle, would they have to buy a license?

Mr. BELFANTI. Certainly.

Mr. WASS. And what would the cost of that license be?

Mr. BELFANTI. It would be the same cost as any of the other small games that are listed under this bill, which currently are fishbowl tickets, which are a tear-off device, and punchboards. So any organization which would also like to include raffles as part of their fundraising activities would have to follow the provisions of this bill. I am not the maker of the bill. I am just trying to include something that is very prevalent in the Commonwealth today.

Mr. WASS. Thank you very much.

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

Mr. CLARK. Thank you, Mr. Speaker.

I want to speak in favor of this amendment. We have raffles going on in Pennsylvania all over now. Just last week somebody here in the House chamber sold me a raffle ticket, and to vote against this we would be a bunch of hypocrites—

The SPEAKER pro tempore. The Chair would caution the gentleman.

Mr. CLARK. I did not say his name, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may proceed with caution.

Mr. CLARK. I think he knew, though.

Thank you, Mr. Speaker.

I think it is important that we allow raffle tickets to be sold in Pennsylvania legally and license them and limit the prizes appropriately. To allow it to go on as it does now, anything can happen and anyone can hold a raffle. I think this would put some restraint into the system used now and allow us to have raffles in Pennsylvania on a legitimate basis. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Monroe, Mr. Battisto.

Mr. BATTISTO. Mr. Speaker, I would like to speak in opposition to the amendment. This simply corroborates what some of us have been saying. It simply adds to the proliferation. The bill is not even before the House for final vote, and already we are adding raffles. After the bill is passed, if it is, we will want to add something else.

I speak against the amendment. I ask for the House to reject the amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—55

Afflerbach	Clark	Kasunic	Serafini
Alderette	Cohen	Kukovich	Snyder, D. W.
Angstadt	Cowell	Letterman	Stairs
Baldwin	Deluca	Livengood	Steighner
Belardi	DeWeese	Lucyk	Stevens
Belfanti	Daley	Markosek	Stewart
Blaum	Dombrowski	Mayernik	Sweet
Bowser	Freeman	Michlovic	Taylor, F. E.
Burd	Haluska	Moehlmann	Tigue
Burns	Harper	Mrkonic	Van Horne
Caltagirone	Hasay	Olasz	Wachob
Cappabianca	Hutchinson	Petrarca	Wargo
Carn	Itkin	Pistella	Wozniak
Cawley	Jarolin	Rappaport	

NAYS—140

Armstrong	Foster, W. W.	Lloyd	Robbins
Arty	Foster, Jr., A.	McCall	Rudy
Barber	Freind	McClatchy	Ryan
Battisto	Fryer	McHale	Rybak
Book	Gallagher	McIntyre	Saloom
Boyes	Gallen	McMonagle	Salvatore
Brandt	Gamble	McVerry	Saurman
Broujos	Gannon	Mackowski	Scheetz
Bunt	Geist	Madigan	Schuler
Cessar	George	Maiale	Semmel
Cimini	Gladeck	Manderino	Seventy
Civera	Godshall	Manmiller	Showers
Clymer	Greenwood	Merry	Sirianni
Colafella	Grieco	Micozzie	Smith, B.
Cole	Gruitza	Miller	Smith, L. E.
Cordisco	Gruppo	Miscevich	Snyder, G. M.
Cornell	Hagarty	Mowery	Spencer
Coslett	Hayes	Murphy	Spitz
Coy	Herman	Nahill	Stuban
DeVerter	Hershey	Noye	Swift
Davies	Hoeffel	O'Brien	Taylor, E. Z.
Dawida	Honaman	Perzel	Telek
Deal	Jackson	Peterson	Trello
Dietz	Johnson	Petrone	Truman

Dininni	Kennedy	Phillips	Vroon
Donatucci	Klingaman	Piccola	Wambach
Dorr	Kosinski	Pievsy	Wass
Duffy	Kowalyshyn	Pitts	Weston
Durham	Lashingner	Pott	Wiggins
Evans	Laughlin	Preston	Williams
Fargo	Lehr	Punt	Wilson
Fattah	Lescovitz	Reber	Wogan
Fee	Levi	Reinard	Wright, D. R.
Fischer	Levin	Richardson	Wright, J. L.
Flick	Linton	Rieger	Wright, R. C.

NOT VOTING—4

Morris	O'Donnell	Oliver	Pratt
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EXCUSED—3

Marmion	Irvis,
Zwikel	Speaker

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?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Northumberland, Mr. Belfanti, who offers the following amendment, which the clerk will read.

Mr. BELFANTI. Mr. Speaker, if raffles did not pass the floor of this House, I doubt very seriously if the next amendment will have any chance whatsoever, so I am going to withdraw it. I would like to reserve some remarks on final passage. Thank you.

The SPEAKER pro tempore. The gentleman has withdrawn his proposed amendment. The Chair thanks the gentleman.

**RULES COMMITTEE MEETING
DEMOCRATIC CAUCUS**

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

Mr. MANDERINO. Mr. Speaker, there is a necessity for a caucus on several bills that we want to run this afternoon. We are waiting for two amendments on HB 1566 that are not down from the Reference Bureau.

It is also necessary, Mr. Speaker, to hold a Rules Committee meeting, so at this time, after announcing that there will be a meeting of the Committee on Rules upon the declaration of the recess, I would ask that a recess be declared until 1:30, and I would ask the members of the Democratic Caucus to report at 1 o'clock to the caucus room so that we can complete the caucus on the bills that we intend to run this afternoon. One o'clock caucus, immediate Rules meeting, and a recess until 1:30.

I would ask you to recognize Mr. Noye.

The SPEAKER pro tempore. The Chair thanks the gentleman.

REPUBLICAN CAUCUS

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

Mr. NOYE. Thank you, Mr. Speaker.

Republicans will follow suit. We will meet at 1 o'clock in our caucus room - 1 o'clock sharp.

WELCOME

The SPEAKER pro tempore. The Chair is most pleased to welcome Roy Ritenour, mayor of the municipality of Penn Hills, and Harry McIndoe, manager of Penn Hills. They are the guests of Representative DeLuca.

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

HB 1980, PN 2658 By Rep. RAPPAPORT

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for restitution for the theft of standing timber.

JUDICIARY.

JUDICIARY COMMITTEE MEETING

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

Mr. RAPPAPORT. Mr. Speaker, I would like to announce a meeting of the Judiciary Committee for next Monday at noon in my office for the purpose of considering HB 278 and HB 1554. Thank you, Mr. Speaker.

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

HB 272, PN 3058 (Amended)

By Rep. COHEN

An Act amending the "Wage Payment and Collection Law," approved July 14, 1961 (P. L. 637, No. 329), further providing for deductions from wages.

LABOR RELATIONS.

HB 2199, PN 3037

By Rep. COHEN

An Act amending the "Pennsylvania Human Relations Act," approved October 27, 1955 (P. L. 744, No. 222), further providing for educational programs.

LABOR RELATIONS.

RECESS

The SPEAKER pro tempore. The Chair reports that the Rules Committee will be meeting during the recess; a Democratic caucus at 1 o'clock; a Republican caucus at 1 o'clock.

This House is in recess until 1:30.

AFTER RECESS

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

ADDITIONS AND DELETION OF SPONSORS

The SPEAKER pro tempore. The Chair acknowledges receipt from the majority leader of additions and deletions of sponsorships of bills.

ADDITIONS:

HR 224, Merry; HR 225, Stairs; HR 227, Preston; HR 233, Salvatore; HB 300, Preston; HB 1793, Caltagirone, Angstadt; HB 1946, E. Z. Taylor; HB 2105, Deal; HB 2147, McIntyre; HB 2151, R. C. Wright; HB 2155, Gladeck; HB 2159, Donatucci; HB 2169, Pratt; HB 2172, Book, McIntyre; HB 2173, Deal; HB 2177, Deal; HB 2186, Petrone, DeLuca, Saurman, Kasunic; HB 2197, Trello; HB 2198, McIntyre, Kasunic; HB 2203, Kasunic; HB 2204, Kasunic; HB 2205, Telek, Kasunic; HB 2210, Wogan, Clymer.

DELETION:

HB 1168, E. Z. Taylor.

WELCOME

The SPEAKER pro tempore. The Chair is pleased to welcome the fourth grade class of Rehrersburg Elementary School from the Tulpehocken School District. They are the guests of Representative John Davies of Berks County.

CALENDAR CONTINUED

CONSIDERATION OF HB 1566 RESUMED

On the question recurring,

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

BILL PASSED OVER TEMPORARILY

The SPEAKER pro tempore. HB 1566, PN 3031, without objection, will go over temporarily. The Chair hears no objection.

* * *

The House proceeded to third consideration of **SB 1357, PN 2016**, entitled:

An Act amending the act of December 3, 1959 (P. L. 1688, No. 621), entitled, as amended, "Housing Finance Agency Law," allowing the agency to make loans independently of participation in a Federal Housing Assistance Program; saving an act from expiration; further providing guidelines and criteria to be used for homeowner's emergency assistance; making an appropriation; and making editorial changes.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

For what purpose does the minority whip rise?

Mr. HAYES. I am not sure that it matters, but I think it would be advisable to inform the members that SB 1357 is the legislation dealing with mortgage foreclosure. Maybe it does not matter, but I thought I should mention that.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Shall the bill pass finally?

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

YEAS—197

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

NAYS—0

NOT VOTING—2

Cordisco Rappaport

EXCUSED—3

Marmion Irvis,
Zwinkl Speaker

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same without amendment.

* * *

The House proceeded to third consideration of **SB 298, PN 832**, entitled:

An Act to require inspections and insurance in connection with amusement rides and attractions; giving powers to owners, lessees and operators; and providing for injunctions and penalties.

On the question,

Will the House agree to the bill on third consideration?

Mr. DOMBROWSKI offered the following amendments No. A2391:

Amend Bill, page 1, lines 1 through 4, by striking out all of said lines and inserting

Providing for the inspection of amusement rides and attractions; granting powers and imposing duties on the Department of Agriculture; creating the Amusement Ride Safety Advisory Board; and imposing civil and criminal penalties.

TABLE OF CONTENTS

- Section 1. Short title.
- Section 2. Definitions.
- Section 3. Nonapplication of act.
- Section 4. Powers and duties of Department of Agriculture.
- Section 5. Amusement Ride Safety Advisory Board.
- Section 6. Powers and duties of board.
- Section 7. Inspections.
- Section 8. Passenger conduct.
- Section 9. Variances.
- Section 10. Notice.
- Section 11. Hearings.
- Section 12. Appeals.
- Section 13. Records and reports.
- Section 14. Insurance.
- Section 15. Civil penalties.
- Section 16. Criminal penalties.
- Section 17. Payment of cost of administering act.
- Section 18. Commonwealth not liable.
- Section 19. Expiration of advisory board.
- Section 20. Effective date.

Amend Bill, page 1, lines 7 through 18; pages 2 and 3, lines 1 through 30; page 4, lines 1 through 23, 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 Amusement Ride Inspection Act.

Section 2. Definitions.

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

“Amusement attraction.” Any building or structure around, over or through which people may move or walk, without the aid of any moving device integral to the building or structure, that provides amusement, pleasure, thrills or excitement. The term does not include any enterprise principally devoted to the exhibition of products of agriculture, industry, education, science, religion or the arts.

“Amusement park.” A tract or area used principally as a location for permanent amusement structures or rides.

“Amusement ride.” Any device that carries or conveys passengers along, around or over a fixed or restricted route or course or within a defined area, for the purpose of giving its passengers amusement, pleasure, thrills or excitement.

“ASTM.” American Society for Testing Materials.

“Board.” The Amusement Ride Safety Advisory Board.

“Carnival.” An itinerant enterprise consisting principally of temporary amusement structures or mechanical rides.

“Department.” The Department of Agriculture.

“Fair.” An enterprise principally devoted to the periodic and recurring exhibition of products of agriculture, industry, education, science, religion or the arts that has one or more amusement rides or attractions operated in conjunction therewith in either temporary or permanent structures.

“Kiddy ride.” Any amusement ride or attraction designed for use by children up to 12 years of age.

“Major ride.” Any amusement ride or attraction that is not a kiddy ride.

“New amusement ride or attraction.” An amusement ride or attraction of a design not previously operated in the State and for which no standards and regulations have been adopted.

“OABA.” Outdoor Amusement Business Association.

“Operator.” Any person or persons actually engaged in or directly controlling the operation of an amusement ride or attraction.

“Owner.” A person who owns an amusement ride or attraction. The term excludes the State or its political subdivisions.

“Permanent structure.” A structure, enclosure or arrangement of parts, used or intended to be used, for or as an amusement ride or attraction, that is erected to remain a lasting part of the premises.

“Qualified inspector.” A person certified by the department who by education, training or experience is knowledgeable with amusement ride operating manuals and the psychological effects each ride has upon a passenger. Such person shall also be experienced in the erection and dismantling of amusement rides and shall be familiar with the specific equipment with that particular operator.

“Secretary.” The Secretary of Agriculture.

“Temporary structure.” A structure, enclosure or arrangement of parts, used or intended to be used, for or as an amusement ride or attraction, that is relocated from time to time with or without disassembly.

Section 3. Nonapplication of act.

This act does not apply to single passenger, coin-operated, manually, mechanically or electrically operated rides, except where admission is charged for the use of the equipment.

Section 4. Powers and duties of Department of Agriculture.

The department or its authorized representative shall have the following powers and duties:

- (1) Administer and enforce the provisions of this act.
- (2) Prescribe safety standards relating to the operation and maintenance of amusement rides or attractions, with recommendations from the board, taking into consideration those standards adopted by the ASTM, F-24 Committee and by OABA.
- (3) Issue notices for violations of this act or any rule, regulation or standard promulgated pursuant to this act.

- (4) Permit variances.
- (5) Impose civil penalties in accordance with section 15.
- (6) Establish recordkeeping and reporting procedures.
- (7) Conduct any and all hearings in accordance with

Title 2 of the Pennsylvania Consolidated Statutes (relating to administrative law and procedure).

(8) Administer oaths, take or cause to be taken depositions, issue subpoenas and compel the attendance of witnesses and the production of papers, books, documents, records and other testimony.

(9) Adopt such rules and regulations as are necessary to effectively administer the provisions of this act.

(10) Nothing in this act shall prohibit the department from conducting or enforcing necessary inspections and investigations.

Section 5. Amusement Ride Safety Advisory Board.

(a) Establishment.—There is hereby established under the jurisdiction of the department a board known as the Amusement Ride Safety Advisory Board.

(b) Composition.—The board, appointed by the Governor, shall consist of nine members of whom one member shall be a representative of the amusement ride manufacturers, one shall be the President of the Pennsylvania State Showman's Association, one shall be the Chairman and one shall be the President of the Pennsylvania Amusement Park Association, one shall be the President of the Pennsylvania County Fairs Association, one shall be a mechanical engineer and two shall represent the public. The secretary shall be designated by the Governor as the chairman.

(c) Terms of members.—The members of the board shall serve at the pleasure of the Governor. All members shall serve until their successors are appointed and qualified. Vacancies shall be filled by appointment for the unexpired term in the same manner as the original appointments.

Section 6. Powers and duties of board.

(a) Advise and consult.—The board shall advise, consult, make recommendations and propose reasonable rules, regulations and standards to the department for the prevention of conditions detrimental to the public in the use of amusement rides and attractions as the board finds necessary for the protection and safety of the public upon the basis of circumstantial evidence and information available to or developed by the department, or upon circumstantial evidence and information submitted by any interested person at a public hearing held in accordance with subsection (b). The department shall make such recommendations to the board regarding rules, regulations and standards as it deems necessary to carry out the intent of this act.

(b) Hearings.—The board shall hold public hearings at such time and place as the board may specify to carry out its responsibilities. All hearings shall be conducted pursuant to the act of July 19, 1974 (P.L. 486, No. 175), referred to as the Public Agency Open Meeting Law.

(c) Recommendations.—The board shall submit to the department its recommendations concerning proposed rules, regulations and standards, together with a report, indicating the need for the proposals and summarizing the testimony presented at any public hearing and any other information or technical data available to the board.

Section 7. Inspections.

(a) Inspection of devices.—The selected owner or lessee shall have inspected by a qualified inspector:

- (1) Any amusement park ride and attraction on a monthly basis.
- (2) Any fair and carnival amusement ride and attraction before its operation at each new location.
- (3) Any new or modified amusement ride and attraction before its public operation commences.

(b) Owner or lessee.—An owner or lessee of a new, modified or reconstructed amusement ride or attraction shall notify the department before beginning operation.

(c) Inspection affidavits.—If an inspection discloses that an amusement ride or attraction complies with all relevant provisions of the act and the adopted standards and regulations, the owner or lessee shall file with the department a written affidavit, affirmed by the qualified inspector, that the inspection of said ride or attraction was conducted and that said ride is in compliance with subsection (a) and the adopted standards and regulations. The affidavit shall be filed within 48 hours of the inspection of said ride or attraction and shall be filed by mail.

(d) Serious injury or death.—When a serious injury, death or fire occurs as a result of the operation of an amusement ride or attraction, the operator shall immediately close the attraction or ride until it has been inspected, repaired and declared safe for operation by a qualified inspector. However, in the event of a death, the ride or attraction may not be reopened until declared safe by the insurance company of the operator.

Section 8. Passenger conduct.

(a) Refusal.—The owner shall have the right to refuse any member of the public admission to a ride if, in the opinion of the operator, the passenger's bearing or conduct will endanger himself or other member of the public.

(b) Refusal for health reasons.—The owner shall have the right to refuse admittance to any member of the public to any ride if, in the opinion of the operator, the intended passenger's health or physical condition makes it unsafe for him or her to use the ride.

(c) Refusal for ride restrictions.—The owner shall refuse admittance to any member of the public seeking admission to a major ride according to the restrictions of the major ride. Legible signs to that effect shall be posted in close proximity to the ride in full view of the public seeking admission to major rides.

Section 9. Variances.

(a) Application.—Any affected owner or lessee of amusement rides or attractions may apply in writing to the department for an order for a variance from any rule, regulation or standard.

(b) Exceptions.—The secretary may grant exceptions from the rules, regulations and standards adopted by the department pursuant to this act if:

- (1) it is evident that action is necessary to prevent undue hardship; or
- (2) existing conditions prevent practical compliance and reasonable safety of the public can, in the opinion of the secretary, be assured.

Section 10. Notice.

(a) Notification.—If the secretary has reason to believe that an owner or lessee of an amusement ride or attraction has failed to comply with the provisions of this act, the secretary shall notify the owner or lessee by certified mail:

- (1) Of the violation and the imposition of any penalty in accordance with sections 15 and 16.
- (2) That the owner or lessee has seven working days within which to notify the department in writing that he wishes to contest the secretary's notification or the assessed penalty.

(b) Penalty.—If within seven working days from the receipt of notification issued by the department, the owner or lessee does not notify the department of his intention to contest the notification or the assessed penalty, the notification and penalty shall become final.

Section 11. Hearings.

(a) Hearing.—Whenever an owner or lessee of an amusement ride or attraction notifies the department in writing that the owner or lessee intends to contest any notice issued pursuant to section 10, the secretary shall grant a hearing within seven days after receipt of notification by the department.

(b) *Hearing examiner.*—The secretary may appoint a hearing examiner to conduct hearings and make determinations upon any proceeding instituted before the secretary and any motion in connection therewith. The hearing examiner shall prepare an official record with testimony and report his determination in writing.

(c) *Report.*—The report of the hearing examiner shall become final unless, within seven working days after it is issued, any affected owner or lessee requests in writing a review by the secretary of the proceedings before the hearing examiner.

(d) *Order.*—After a review of the proceedings the secretary shall, with or without a hearing, issue an order, affirming, modifying or vacating the notice or civil penalty, or directing other appropriate relief. The secretary's order shall become final 15 days after its issuance.

(e) *Abatement.*—After an opportunity for hearing as provided in this section, the secretary, upon a showing by an amusement ride or attraction owner or lessee of a good faith effort to comply with the abatement requirements, may issue an order affirming or modifying the abatement requirements.

Section 12. Appeals.

Any person adversely affected or aggrieved by any rule, regulation, standard or order of the department issued under this act may appeal to the Commonwealth Court. The commencement of appellate proceedings does not operate as a stay of any rule, regulation, standard or order issued by the department or secretary under the provisions of this act, except that the court, after notice to the department and hearing, may grant a stay conditioned upon the appellant posting security or bond as the court may deem proper.

Section 13. Records and reports.

Anytime an owner or lessee submits an accident report to his insurance company, a copy of those reports which involve physical injuries or death to an individual or individuals as a result of the operation of an amusement ride or attraction shall be sent to the department by the owner or lessee. The notice shall indicate the description of the amusement ride or attraction by which the injury or death occurred and the nature of the injuries or cause of death.

Section 14. Insurance.

(a) *Minimum amount.*—A person may not operate an amusement ride or attraction unless a policy of insurance has been purchased to insure the owner or operator against liability for injuries to the persons arising out of the use of any amusement ride or attraction within the owner's control. Such insurance shall be in an amount of not less than \$300,000 per occurrence, or \$1,000,000 in the aggregate.

(b) *Policy.*—The insurance policy shall be procured from any insurer or surety that is authorized to do business within the Commonwealth or eligible to do business under section 7 of the act of January 24, 1966 (1965 P.L.1509, No.531), referred to as the Surplus Lines Insurance Law.

(c) *Certificate.*—A certificate of insurance shall be furnished to the department.

Section 15. Civil penalties.

(a) *Violations.*—Any person who willfully or repeatedly violates any provision of this act or any rule, regulation, standard or order promulgated pursuant to this act is subject to a civil penalty not to exceed \$2,000 for each violation.

(b) *Factors.*—Under this act the secretary shall, in assessing penalties, give due consideration to the appropriateness of the penalty with respect to the size of the business of the amusement ride or attraction owner or lessee being charged, the gravity of the violation, the good faith of the owner or lessee and the owner's or lessee's history of previous violations.

Section 16. Criminal penalties.

(a) *Violations resulting in death.*—Any owner or lessee of an amusement ride or attraction who willfully violates any provision

of this act or any rule, regulation, standard or order promulgated pursuant to this act, where the violation causes death to any member of the public exposed to the violation, commits a misdemeanor of the third degree and shall, upon conviction, be sentenced to pay a fine not exceeding \$2,500 or to a term of imprisonment not exceeding six months, or both. If the conviction is for a violation committed after a first conviction, the offender shall be sentenced to pay a fine not exceeding \$5,000 or to a term of imprisonment not exceeding one year, or both.

(b) *False representations.*—A person who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this act commits a misdemeanor of the third degree and shall, upon conviction, be sentenced to pay a fine not exceeding \$2,500 or to a term of imprisonment not exceeding six months, or both.

Section 17. Payment of cost of administering act.

The cost of administering this act shall be included in the budget of the department to be paid from the General Fund.

Section 18. Commonwealth not liable.

Neither the Commonwealth nor any political subdivision, directly or indirectly, is the guarantor of the safety of any amusement attraction or amusement ride not owned or operated by the Commonwealth or the political subdivision and the Commonwealth and its political subdivisions shall have all the attributes of sovereign immunity with regard to the activities of its officials and employees with respect to the inspection of amusement attractions and amusement rides as required under the provisions of this act.

Section 19. Expiration of advisory board.

Section 5 of the act expires December 31, 1987.

Section 20. Effective date.

This act shall take effect January 1, 1985.

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Erie, Mr. Dombrowski.

Mr. DOMBROWSKI. Thank you, Mr. Speaker.

Mr. Speaker, as you know, for some time now we have been trying to pass a bill for safety inspection of the amusement rides. We have had a bill on the calendar a few times. SB 298 passed the Senate some time ago and we had it in the House for quite a while. We finally came to some kind of meeting of the minds with various people from the various organizations and came up with an amendment that we think will be acceptable to most people. I would just like to give you a brief analysis of what is contained in the amendment.

It creates an amusement ride inspection act to be administered by the Department of Agriculture to become effective January 1, 1985. It creates an amusement ride safety board which will expire December 31, 1987. Its nine members consist of professionals in the amusement ride field, as well as members of the public and the Secretary of Agriculture. The amusement ride safety board will submit its recommendations to the Department of Agriculture concerning proposed rules, regulations, and standards, and summaries of hearing testimony.

It provides for the inspection of rides by a qualified inspector. It provides for monthly inspections of permanent amusement park rides and attractions. It provides for inspection of rides and attractions at each new location of fairs and carnivals.

vals. It provides for the inspection of any new or modified ride or attraction. It provides that inspection affidavits, indicating that the rides passed inspection, must be filed by mail within 48 hours of inspection with the department.

It provides for the closing of the ride or attraction in the event of serious injury, death, or fire, pending inspection by a qualified inspector. In the event of a death, the ride cannot be reopened until it has been declared safe by the operator's insurance company. It provides for the owner to refuse admission to certain persons if those persons may be injured on a ride or attraction.

It provides for the imposition of civil and criminal penalties and provides for hearings and appeals. It provides for minimum liability insurance of \$300,000 per occurrence or \$1 million in the aggregate. It provides that when an owner or lessee submits an accident report to his insurance company involving physical injuries or death, a copy of the report must be sent to the department. It also provides for sovereign immunity for the Commonwealth or its political subdivisions with respect to the inspection of amusement rides and attractions.

Mr. Speaker, I ask for an affirmative vote on the amendment. Thank you.

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

Mr. MANMILLER. Mr. Speaker, thank you.

I rise to support the Dombrowski amendment, and I want to dispel any rumor that some of you perhaps have heard. Chocolate Town, U.S.A., Hershey, Pennsylvania, strongly favors the Dombrowski amendment, and I want all of the members here to know this, that we are in favor of it. Thank you.

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

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

I rise to oppose the amendment. As I look at this amendment, I can see just an unending paper chase for any of the operators who have the type of rides that go from one fire company carnival to another. Apparently, in each instance, the vehicles, all of the rides, have to be inspected, affidavits submitted. These rides go sometimes just on a 2- to 3-day basis from one location to another. These people are going to be inspecting their vehicles during the entire summer. They are going to be inspecting rides sometimes every other day and submitting all of this data to the department for evaluation.

I think it is a paper chase. I think we should leave the bill alone and defeat this amendment and pass the bill as it is.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Montgomery, Mr. Saurman.

Mr. SAURMAN. Thank you, Mr. Speaker.

When SB 298 was in front of this House a short while back, I rose to oppose it because of basically the insurance requirements that were in the bill at that time. Representative Dombrowski's amendment has addressed those, and I would

urge support of his amendment at this time. This piece of legislation is long overdue and we ought not to delay it any longer. Thank you.

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

Mr. WASS. May I interrogate, Mr. Speaker, the maker of the amendment?

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

Mr. WASS. Mr. Speaker, I would just ask you to follow me through the amendment. A carnival pulls into our fairground on Sunday afternoon to set up for Monday for a week of activity at the fair. What would be the procedure for the carnival owner at that time and for the fair board under your amendment?

Mr. DOMBROWSKI. If you mean what would be the procedure for an inspection, it would merely have to be inspected. It could be inspected by one of its employees if they were a qualified inspector, and then a certified copy of that inspection would be posted on the ride and another copy sent to the department. I am sorry; it does not have to be posted on the ride. It just has to be sent to the department certifying that it has been inspected.

Mr. WASS. And who is it certified to?

Mr. DOMBROWSKI. It is just sent to the department. Any fair people can have their own inspector, as long as they meet the qualifications that will be set up in the guidelines.

Mr. WASS. Are you telling me that the fair board then is responsible for the inspection of the rides?

Mr. DOMBROWSKI. No, I am not. The owner is responsible for the inspection, but the owner can have a person from the fair inspect it, he can have an insurance man inspect it, or anybody who qualifies under the guidelines as set forth in my amendment.

Mr. WASS. And who gets the certificate or notification that the rides are safe and they have been inspected?

Mr. DOMBROWSKI. The way the amendment is drafted now, the Department of Agriculture.

Mr. WASS. Now, the rides can continue while that certification is in the mail going to the Department of Agriculture?

Mr. DOMBROWSKI. Yes; yes, they can. There is no need for them to wait until the department sends a man out. That has been taken out.

Mr. WASS. When the ride operator sends the certified slip to the Department of Agriculture, that gives the fair board the right to approve the rides and the owner to operate the rides?

Mr. DOMBROWSKI. That is true.

Mr. WASS. When does the Department of Agriculture respond to the operator that they have accepted that and they are legal?

Mr. DOMBROWSKI. There is no need for them to respond, except I think what you have to keep in mind is that should an accident occur and there is no certification in the department, the owner would be held liable. I am saying, if there is an accident on the ride and there is no notice in the department that that ride has been inspected, the owner would be held liable at that time.

Mr. WASS. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Columbia, Mr. Stuban.

Mr. STUBAN. Mr. Speaker, may I ask the maker of the amendment to stand for a few questions?

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

Mr. STUBAN. Mr. Speaker, you said that the fair board or the fair association could name an inspector or pick that inspector?

Mr. DOMBROWSKI. I am not saying they could name one, but it has to be a qualified inspector. If that person who is employed by the fair or by the insurance company is a qualified inspector, he can inspect that ride.

Mr. STUBAN. Well, who pays this inspector then to make the inspections?

Mr. DOMBROWSKI. Whomever he may be working for. We did this, Mr. Speaker, in order to say that if you set up a carnival in Columbia and you say you cannot afford to wait for an inspector to come from the department, you could say we would like the right to inspect our own rides. That is why we put it this way, that the inspector can come from the insurance company, from the fairgrounds, or from the department, whichever you may want, as long as he is a bona fide inspector and he comes under the qualifications as set forth in the amendment.

Mr. STUBAN. Well, then what we are saying here, Mr. Speaker, is if the fair should appoint a member of the board or a member of its staff to be the inspector and something should happen, then they are responsible for what happened on that ride.

Mr. DOMBROWSKI. I am sure that that inspector who said that there was nothing wrong with the ride, when in fact something was wrong with the ride, would be held responsible.

Mr. STUBAN. Now, how can somebody from one of the fair boards or fair associations, or we will say even a firemen's carnival or somebody out of that fire hall, be named the inspector of the ride and possibly he will not inspect another ride for another year? What makes him qualified?

Mr. DOMBROWSKI. On page 2 of the amendment, it says, "'Qualified inspector.' A person certified by the department who by education, training or experience is knowledgeable with amusement ride operating manuals and the psychological effects each ride has upon a passenger. Such person shall also be experienced in the erection and dismantling of amusement rides and shall be familiar with the specific equipment with that particular operator.'" That is going to be what a qualified inspector is.

Mr. STUBAN. Where are we going to find this type of person, you know, in every little carnival or every community who has knowledge—

Mr. DOMBROWSKI. I am saying that when that carnival is traveling, I am sure they have employees traveling with

them. I am just saying that if they fit these qualifications, they can be an inspector.

Mr. STUBAN. Well, what you are saying now, the statement that you made, is that that inspector could be traveling with that carnival; he could be a qualified inspector if he is an employee of that carnival.

Mr. DOMBROWSKI. I never said any different. I said if he is certified, he can inspect those rides.

Mr. STUBAN. Then a carnival employee has the right to check the rides.

Mr. DOMBROWSKI. As long as he is certified.

Mr. STUBAN. Continuing with this questioning, I guess I have asked you this question before. What makes you or anybody else think that the Department of Agriculture is the qualified department to handle the ride inspection bill?

Mr. DOMBROWSKI. And I told you before, Mr. Speaker, that this was the consensus of opinion of the people who met to discuss this legislation and to draft this amendment. We tried to get it into the Department of Labor and Industry; it originally was there. The carnival people, the fair people, whom you refer to so often, asked for it to go to the Department of Agriculture because they are more closely affiliated with them. We have told these same people that if they have any concern with the Department of Agriculture, this bill must go back to the Senate for concurrence and they should talk to Senator Greenleaf. If he can get it back to the Department of Labor and Industry, that will be fine with us.

Mr. STUBAN. Well, Mr. Speaker, do you think that the Department of Agriculture is associated with every carnival that is going on around the State of Pennsylvania?

Mr. DOMBROWSKI. Neither do I think that the Department of Labor and Industry is associated with every carnival. I do not think that is a relevant question.

Mr. STUBAN. Mr. Speaker, I am done with my questioning. Am I in order to make a statement?

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

Mr. STUBAN. Thank you, Mr. Speaker.

I am going to support this amendment here today because I believe that we are too long overdue for a ride inspection bill here and I believe the State has turned its back on it, but I hope, in the wisdom of the Senate, when this bill gets back over there or in a conference committee, that they could find some department that is capable or suitable of making these inspections. My personal opinion of the Department of Agriculture at this time is that they cannot even handle a dog enforcement law, much less handle a rides law. But I will support the amendment.

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

Mr. HALUSKA. Mr. Speaker, may I interrogate the maker of the amendment, please?

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

Mr. HALUSKA. Mr. Speaker, I believe we have two different entities here when it comes to inspection. I think we have the mechanical inspection and we have the electrical inspection. Do you believe that the person who is going to make the mechanical inspection is qualified to make judgment on the electrical inspection?

Mr. DOMBROWSKI. Mr. Speaker, I would hate to ask for two different qualified inspectors. I think that the amendment as drafted is strong enough to make it a safety feature for each ride that is coming in. I think if we have one person who can fit both categories, that is all well and good. I do not think that any certified inspector will inspect any ride that he does not feel qualified to inspect. I know there is mechanical and I know there is electrical, but I think they go hand in hand.

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

The SPEAKER pro tempore. Has the gentleman completed his interrogation?

Mr. HALUSKA. Yes.

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

Mr. HALUSKA. I believe that we should direct the Department of Agriculture to set up some specific requirements that would meet the needs for an inspector to be qualified to do the job that will be necessary in order to make these vehicles safe from both a mechanical and an electrical point of view. I think it would be wise to set some guidelines and some requirements in order to say that when we do have an inspector, we can be sure that the job is in competent hands and he can make a proper judgment to make the vehicle safe for entertainment purposes. I thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Butler, Mr. Burd.

Mr. BURD. Thank you, Mr. Speaker.

I wonder if the maker of the amendment would stand for interrogation?

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

Mr. BURD. Just a couple of points, Mr. Speaker.

Under your definition of "qualified inspector," you state, "A person certified by the department who by education, training or experience is knowledgeable with amusement...." Can the maker of the amendment tell me if there is a college course in this that would indicate where he would get his educational background?

Mr. DOMBROWSKI. Not to our knowledge, Mr. Speaker. I think those guidelines can be set up by the Department of Agriculture when they set up the regulations as to what would be a qualified inspector. We are only giving them something to work with, nothing definite.

Mr. BURD. Mr. Speaker, I really could not hear the gentleman's answer to that. It is a little noisy in here.

The SPEAKER pro tempore. The gentleman, Mr. Burd, is unable to hear the questions in this interrogation.

Mr. BURD. No; I gave the question. I could not hear the answer.

The SPEAKER pro tempore. The Chair also notes a large number of staff people on the floor of the House. If they want to communicate, they should communicate in the rear of the hall of the House. Possibly that will slow some of the traffic.

Mr. BURD. Well, possibly, if the stenos can hear it and it is going into the record, I guess that is the best I can ask for, Mr. Speaker.

The SPEAKER pro tempore. Mr. Burd, it is extremely difficult for a member to give an answer to a question that he or she is unable to hear. That is the problem.

Mr. BURD. Well, I gave the question, but I could not hear the answer, which is what my problem was.

The SPEAKER pro tempore. Just a moment.

Will the House please come to order. Will the members please take their seats. Will the conferences break up, please.

The gentleman, Mr. Burd, is in order. Would he repeat the question to the gentleman, Mr. Dombrowski.

Mr. BURD. Thank you again, Mr. Speaker.

Mr. Speaker, under the definition of "qualified inspector," the language in your amendment says, "A person certified by the department who by education,"—which I have parenthesized—"training or experience is knowledgeable with amusement ride...." My question is, I am not aware of a college course or any type of education where a person could go and be knowledgeable or be taught a class on how to inspect a carnival ride, or an "amusement" ride would be a better word for it.

Mr. DOMBROWSKI. Probably just like you, Mr. Speaker, I am not knowledgeable of any course that would make that person a qualified inspector, but I do know that all of these people who have amusement rides send people to certain schools and certain factories to learn how to dismantle and construct these rides and put them in working order. While doing so, they must learn the complete operation of that ride, and I think if they learn all that, they can become qualified inspectors.

Mr. BURD. Well, all well and good, Mr. Speaker, and might I pose a question?

I guess we are all familiar with the carnival-type activities that go on in the State, not only at various fire departments but also at our various fairs. If you are talking about the mobile type of amusement ride, my experience has been, in dealing with the so-called carnival activities, that it would be rather foolish for an owner to have someone erect or tear down or run one of those amusement rides without having to be knowledgeable about it, because for heaven's sakes, he has to know how to construct the thing so that they can use it during that week for the amusement of the people of that particular area. But what I am wondering is, who is going to say, in the State of Pennsylvania, that that person is a qualified person to do that?

Mr. DOMBROWSKI. Part of the amendment establishes a board that is going to tell you what this bill can or cannot do. I think that they are going to determine what a qualified inspector is going to be. It is not spelled out in our amendment just what it is, but I think the board has the authority to say

who will be a qualified inspector. That is why we are having a board.

Mr. BURD. Do you not perceive it, Mr. Speaker, though, using that type of loose language at this particular stage, that this thing could go in a lot of different directions and that it could cause fire companies, fair boards, and people who put on these activities for the amusement of the people, and of course as fundraisers, we could get ourselves in a position where we really did not know who was going to have the bottom line; who could really say what was right or what was wrong or who the inspector was?

Mr. DOMBROWSKI. I really do not think that the language is very loose. It says that we are going to establish a board. If you are looking at page 2 at the definition of a qualified inspector—

Mr. BURD. Yes, under "Qualified inspector." Yes.

Mr. DOMBROWSKI. Well, yes, but let us look at—

Mr. BURD. And I am looking at the word "education," Mr. Speaker—

Mr. DOMBROWSKI. Do you want me to answer the question or are you going to answer it?

Mr. BURD. —and I want to know what course you are talking about.

Mr. DOMBROWSKI. I am telling you that in addition to the qualified inspector, the makeup of the board shall be professionals in the amusement ride field, as well as members of the public and the Secretary of Agriculture. Now, if we are not being pretty specific in what we want, then, you know, I do not know how much more specific we can be. I cannot be any more specific, because I am not that knowledgeable.

Mr. BURD. Mr. Speaker, I will say again, specifically you used the word "education," and I do not know where I would go to get that education. Maybe I want to be an inspector. Who offers that course?

Mr. DOMBROWSKI. That is a pretty good question, Mr. Speaker, and I cannot answer it.

Mr. BURD. Mr. Speaker, another question, if I may.

In the case of an out-of-State operator, such as someone coming into Pennsylvania from a neighboring State such as Ohio— And I am saying this from my own practical experiences where I was associated with my local fire department and we in fact have a Saxonburg carnival—and you are all invited to come out the third week in July if you would like to come out; it is a beautiful celebration—but we have an out-of-State operator who comes in to do that festivity for us. It is the mainstay as far as the firemen are concerned, as a money raiser. How are we going to inform that out-of-State operator that he has to be inspected, that he has to have certain insurances, that he has to go through what the language of your amendment would require him to go through before he could set up at our celebration?

Now, the reason I ask that question, Mr. Speaker, is it is a very serious question on my part because when our carnival ends on July whatever, we immediately start to work for next year's carnival, and I look at this as a possibility that it could change some of the percentages in the contract that we write

with that concessionaire, as we call him, before he would come in and do his spot, or do his gig, at our particular location. What provisions have we made to make sure that that person is informed before he comes into our State?

And I will go a step further. All the things that you are attempting to cover in the language that you have in your amendment, I will guarantee you that our board or our committee requires all of that. It requires insurance, it requires L and I (Department of Labor and Industry), it requires the State Police to come down and check to make sure all the licenses on the trucks are up to date. We do that ourselves. It is an automatic thing, but now you are saying to do it by law, and it might deter that person who has been doing a good job for us to come to Saxonburg and put on that carnival for us.

Mr. DOMBROWSKI. It seems to me, Mr. Speaker, that you might have answered your own question. You are asking me how we are going to notify them that they have to have the rides inspected, how we are going to notify them that they have to have insurance, and yet you told me you took care of all that and it is another deterrent for them to come into the State.

If someone from the State of Pennsylvania wants to go into the State of Maryland and operate at a carnival or a fair, they must have all the prerequisites of the law in the State of Maryland, which currently has a law on its books. I would suggest that if you are going to contract with the same outfit from Ohio, tell them about the things that have changed in the State of Pennsylvania: that it is necessary that they now carry insurance, and it is now necessary that they have their rides inspected prior to going into operation in the State of Pennsylvania. I am sure you must sign contracts with them to come into the State of Pennsylvania.

Mr. BURD. And I am sure, Mr. Speaker, that you realize that when a fire department within a municipality puts on a function like this, there are actually three ways to insure - the concessionaire is insured, the municipality is insured, and in our case, the fire department has to carry insurance. I really do not see what your amendment to this bill is going to do to benefit the people whom we are trying to entertain for that 1 short week, or 3 days, or whatever.

Mr. DOMBROWSKI. I think our biggest benefit in this bill is the safety of the people using these rides. I think that is the main feature of the bill and I do not care what price it comes at. I think the people on your side of the aisle have asked that insurance coverage be put in there and people on this side of the aisle have asked that they be inspected annually. We have changed the once-a-year inspections of the permanent rides to monthly inspections because there was a concern there. We have a concern that in transport some of these rides might be damaged, so we ask for them to be inspected every time they are set up. And it is not only my amendment; it is the amendment of a lot of people. You know, what price is safety?

Mr. BURD. Getting back to education, Mr. Speaker, you also include in your language that that operator has got to know, or needs to know, what psychological effects that ride would have on people. Do you realize how many people you

are dealing with when you put on a carnival or a fair? And do you realize that some people, if you tell them they are getting sick, they will psychologically get sick? Do you really feel that it is fair to ask an operator of a carnival ride to be a psychologist?

Mr. DOMBROWSKI. Mr. Speaker, I think that you are adding things into the amendment that are not really there. I think if a person who is operating that ride can view somebody—And if you want to wave up there and tell the people what a good job you are doing and then come back and listen to me, ask me the question.

Mr. Speaker, you know, you are asking me questions that are not even covered in this legislation.

Mr. BURD. I am asking you questions that are in your amendment, Mr. Speaker.

Mr. DOMBROWSKI. What are you asking me?

Mr. BURD. I want to know where I can go to take the course. Where do I get the course?

Mr. DOMBROWSKI. I am saying that if that operator is standing there and he sees a person come up who might be intoxicated, or he sees a person who comes up who might be too short for a ride, or if he sees a person come up who he thinks cannot handle himself in the ride—

Mr. BURD. I have concluded my interrogation, Mr. Speaker, and I oppose the amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes, for the second time on this issue, the gentleman from York, Mr. Foster.

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

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

The SPEAKER pro tempore. The Chair eagerly awaits his answer. The gentleman indicates he will stand for a period of interrogation. The gentleman, Mr. Foster, is in order and may proceed.

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

With reference to page 2 of the bill, qualified inspector, in your opinion, Mr. Speaker, where would such an inspector likely be found? Would this be someone whom the department would provide?

Mr. DOMBROWSKI. If I understand your question correctly, you are asking me where we can find these kinds of people to be qualified inspectors?

Mr. A. C. FOSTER. Yes, Mr. Speaker.

Mr. DOMBROWSKI. I would say that an insurance man who comes to your carnival and insures that ride is going to be fairly certain that it is a safe ride. I would say that your carnival that hired the person to put that ride together and make sure it is operable is a fairly qualified man. I would think that either one of these two could be certified as qualified inspectors under the guidelines of this amendment.

Mr. A. C. FOSTER. Mr. Speaker, do you mean that insurance man is going to be there for, say, 3 days or 5 days of the carnival?

Mr. DOMBROWSKI. That inspector can be there just for 5 minutes if he can finish inspecting that ride in that amount of time. But we went one step further; we let them be employees of the carnival so that that carnival does not have to spend extra money. If they want to bring in a qualified inspector, an insurance company or something, that is their business. He does not have to stay there for the whole operation of that carnival, but if there is an accident, that ride must be stopped immediately and it cannot go back into action until a qualified inspector from the department authorizes that ride to be in operation once again.

Mr. A. C. FOSTER. Mr. Speaker, the reason for my question regarding the personnel from the insurance agency and whether they would be there for the entire duration, I am asking about their expertise as a psychologist or psychoanalyst.

Mr. DOMBROWSKI. I am not saying that they have to be there at all times, and I do not think that the amendment says the inspector has to be there all the time. I think that the amendment says that the operator must be able to tell whether that person who is getting on that ride should be getting on that ride. I am not asking them to be a psychologist or psychoanalyst or anything else. I think we all have some sort of insight in knowing whether that person should be on that ride or not. I think either you or I could do that, Mr. Speaker.

Mr. A. C. FOSTER. Well, Mr. Speaker, are you then saying that this should be the personnel from the insurance company or that it should be someone associated with the ride? Which is it to be?

Mr. DOMBROWSKI. I think both sides have a vested interest. The insurance company has a vested interest and so do the carnival people have a vested interest. I think it is incumbent upon them to hire people who say who is qualified or who is not.

Mr. A. C. FOSTER. According to your amendment, Mr. Speaker, they are going to have to be there to advise the individual about the ride. In all practical terms, do you not agree that that cannot be someone from the insurance company? They are not going to stand around for 5 nights, 6 nights, in a week.

Mr. DOMBROWSKI. Mr. Speaker, in my opinion, this is the only way I can answer you: The qualified inspector does not have to be there the entire time that that ride is in operation.

Mr. A. C. FOSTER. Mr. Speaker, that concludes my interrogation. I would like to make a brief statement.

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

Mr. A. C. FOSTER. Mr. Speaker, I think the interrogation by several members of the House has brought out the inadequacies of the bill. The fact that, A, if you are going to require that this inspector be a representative of the insurance agency or someone in that capacity and is going to engage in a certain advisory capacity as to who should ride the ride and who should not, then it is going to cause great practical difficulties and it is going to greatly increase the cost of any ride coming

to any fire company carnival in this Commonwealth. Now, if that is not the case and we are going to simply allow someone associated with the ride to perform the inspection function, then indeed what have we accomplished in this bill but set up a separate department, a separate agency in this Commonwealth, to send out permits and to receive communications from someone who is already a part of the particular ride or show. In short, this amendment accomplishes either nothing or else it accomplishes a great deal of inconvenience and expense on the part of the people involved; namely, the fairs and carnivals. I would urge that we reject the amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Chester, Mr. Vroon.

Mr. VROON. Mr. Speaker, may I interrogate the maker of the amendment, please?

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

Mr. VROON. Thank you, Mr. Speaker.

Mr. Speaker, you create an advisory board in this amendment, yet I do not see any provision in this amendment for the compensation of the advisory board or for the reimbursement of expenses. Is it your intent that they should serve without any kind of compensation whatsoever, or even reimbursement of expenses?

Mr. DOMBROWSKI. Mr. Speaker, when SB 298 came out of committee, it had a fiscal note on there stating how much this bill would cost. We can get that fiscal note and attach it right away that the cost was in SB 298 originally.

Mr. VROON. Did the original bill, SB 298, provide for an advisory board?

Mr. DOMBROWSKI. Yes, it did.

Mr. VROON. And for expenses or reimbursement or whatever?

Mr. DOMBROWSKI. Yes, it did.

Mr. VROON. Okay.

Now, moving on to the next point. You would not want to claim that that fiscal note is sufficient to cover your amendment?

Mr. DOMBROWSKI. I would think that that same fiscal note would cover this amendment.

Mr. VROON. Now, Mr. Speaker, is it not true that you provide for a monthly inspection of all these amusement devices and SB 298 provides for a yearly inspection of these devices?

Mr. DOMBROWSKI. That is true, but the State will not cover the cost of the inspection, Mr. Speaker. That inspector will be employed either by the carnival people or by the insurance people or whoever it may be. The State in my amendment will have just one bona fide inspector, that is it, and he will be working out of Harrisburg.

Mr. VROON. You mean one bona fide inspection once a month or once a year by the State people?

Mr. DOMBROWSKI. Any inspection that I am talking about, the once-a-month inspection, will be inspected by the amusement ride people, by the permanent amusement ride

people, not by the State. They will just certify to the State that they have inspected that ride and it is indeed operating in a safe manner. They will do that, not the State. That is not a cost to the State.

Mr. VROON. Who is going to inspect these things once a month?

Mr. DOMBROWSKI. The same guy who inspects it originally. He does not have to be a State inspector. I thought that was quite clear from the beginning, Mr. Speaker. We keep asking the same questions over and over about the safety or the inspection. I am saying that the inspector is a person who could be employed by the amusement park or by the carnival people or by the Insurance Department.

Mr. VROON. You mean to tell me that an inspection by the amusement people would be okay?

Mr. DOMBROWSKI. Yes, I am. That is what I am telling you. That is a concession made to the people from your side of the aisle.

Mr. VROON. Is that not something like a bookkeeper auditing his own books? How can that be a bona fide inspection when this is his own ride and you say he can inspect his own equipment? Is that not like a bookkeeper auditing his own books?

Mr. DOMBROWSKI. I am sure if that inspector was employed by the amusement park, and prior to that insurance company selling them insurance, he would make sure himself or that company would make sure that that inspector knew what he was doing when he was inspecting that ride.

Mr. VROON. All right. Now, supposing I am an insurance company and I am going to insure these rides, so I go inspect the thing once before I sell them insurance. I think it is all right, so I sell them a policy of insurance that is good for 1, 2, or 3 years.

Mr. DOMBROWSKI. The certificate is only good for 1 month; then it must be reinspected.

Mr. VROON. So the insurance company has to reinspect it every month if they keep on insuring them?

Mr. DOMBROWSKI. If they so desire, it can be inspected by a person from the carnival or from the fair people or the amusement ride people, if they feel that that guy is a bona fide inspector. If not, then they have to inspect it.

Mr. VROON. Okay. So it is your contention that SB 298's appropriations note is sufficient to cover the cost of this bill? That is your contention?

Mr. DOMBROWSKI. Yes.

Mr. VROON. Okay.

PARLIAMENTARY INQUIRY

Mr. VROON. Mr. Speaker, I am through with my interrogation.

I would like to make a point of parliamentary inquiry at this point.

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

Mr. VROON. Is it appropriate to apply the fiscal note of a bill which is being gutted and replaced as an appropriate fiscal note for this amendment? Is that appropriate, Mr. Speaker?

The SPEAKER pro tempore. The Chair is unable to determine the point that the gentleman makes. If they would be identical, of course, it would cover the same area. The Chair would add that the gentleman, Mr. Vroon, is free to question the chairman of the Appropriations Committee on this particular question.

MOTION TO RECOMMIT

Mr. VROON. May I make a motion, Mr. Speaker?

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

Mr. VROON. In view of the uncertainty of the validity of the appropriations note and in view of the fact that there are certain features of this bill which ought to be clarified, I move that this bill and the amendments be recommitted to the Appropriations Committee for clarification.

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

Mr. DOMBROWSKI. Mr. Speaker, I oppose that motion to recommit for a fiscal note. The staff from the Appropriations Committee informs me that the total cost of this bill is less than \$100,000, and they had that on the original bill, so I see no reason for it to go back.

Mr. VROON. Mr. Speaker, may I interrogate the maker of the amendment again?

Just for a matter of clarification; I did not hear. How much did you say it costs?

Mr. DOMBROWSKI. Less than \$100,000.

The SPEAKER pro tempore. The gentleman has made a motion. That motion is before the House. The motion is that the bill and amendment be referred to the Appropriations Committee for a fiscal note?

Mr. VROON. Yes, and then in response to my motion, Mr. Dombrowski then stated that it would cost how much for SB 298? And that is the point about this whole thing of order. I did not even hear the figure.

Mr. DOMBROWSKI. Less than \$100,000 per year.

Mr. VROON. How much less?

Mr. Speaker, it is okay. As far as I am concerned, \$100,000 does not mean that much, but I did want an answer.

MOTION WITHDRAWN

Mr. VROON. In view of the fact that it is stated it will be less than \$100,000, I will withdraw my motion, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—150

Afflerbach	Fattah	Levin	Preston
Alderette	Fee	Linton	Punt
Angstadt	Flick	Livengood	Rappaport
Arty	Foster, W. W.	Lloyd	Reber
Baldwin	Freeman	Lucyk	Reinard
Barber	Freind	McCall	Richardson
Battisto	Fryer	McClatchy	Rieger
Belardi	Gallagher	McHale	Rudy
Belfanti	Gallen	McMonagle	Rybak
Blaum	Gamble	McVerry	Saloom
Boyes	Gannon	Mackowski	Salvatore
Bunt	Geist	Maiale	Saurman
Burns	George	Manderino	Serafini
Caltagirone	Gladeck	Manmiller	Seventy
Cappabianca	Greenwood	Markosek	Showers
Carn	Grieco	Mayernik	Snyder, D. W.
Cawley	Gruitza	Michlovic	Spitz
Cimini	Hagarty	Micozzie	Steighner
Civera	Haluska	Miller	Stewart
Cohen	Harper	Miscevich	Stuban
Colafella	Hershey	Morris	Sweet
Cole	Hoeffel	Murphy	Taylor, F. E.
Cordisco	Hutchinson	Nahill	Tigue
Cornell	Itkin	O'Brien	Trello
Cowell	Jackson	O'Donnell	Truman
Coy	Jarolin	Olasz	Wachob
Deluca	Johnson	Oliver	Wambach
DeWeese	Kasunic	Perzel	Wargo
Daley	Klingaman	Peterson	Weston
Dawida	Kosinski	Petrarca	Wiggins
Deal	Kowalyszyn	Petrone	Williams
Dininni	Kukovich	Phillips	Wilson
Dombrowski	Lashingier	Piccola	Wogan
Donatucci	Laughlin	Pievsky	Wozniak
Dorr	Lehr	Pistella	Wright, D. R.
Duffy	Lescovitz	Pott	Wright, J. L.
Durham	Letterman	Pratt	Wright, R. C.
Evans	Levi		

NAYS—47

Armstrong	Dietz	Merry	Smith, L. E.
Book	Fargo	Moehlmann	Snyder, G. M.
Bowser	Fischer	Mrkonic	Spencer
Brandt	Foster, Jr., A.	Noye	Stairs
Broujos	Godshall	Pitts	Stevens
Burd	Gruppo	Robbins	Swift
Cessar	Hasay	Ryan	Taylor, E. Z.
Clark	Hayes	Scheetz	Telek
Clymer	Herman	Schuler	Van Horne
Coslett	Honaman	Semmel	Vron
DeVerter	Kennedy	Sirianni	Wass
Davies	Madigan	Smith, B.	

NOT VOTING—2

McIntyre	Mowery
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EXCUSED—3

Marmion	Irvis,
Zwilk	Speaker

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

WELCOMES

The SPEAKER pro tempore. The Chair is pleased to welcome Candy Zaiden and her parents. Candy has been nominated Miss Pennsylvania National Preteen 1984. They are the guests of Representatives Fred Trello and Rick Cessar.

The Chair welcomes Susan Abele, second-place State Recreation Photo Contest winner; Kay Irvin, first-place State

Recreation Photo Contest winner; and Elisabeth Wolf. They are the guests of Representative Elinor Taylor and Representative Kenneth Brandt.

The Chair also welcomes Mr. Roger Brown, a constituent of Representative Williams, and he is the guest of Representative James Williams of the city of Philadelphia.

REMARKS ON VOTE

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

Mr. CORDISCO. I wish to be recorded "yes" on SB 1357.

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

CONSIDERATION OF SB 298 CONTINUED

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—197

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

Daley	Klingaman	Pievsky	Wargo
Davies	Kosinski	Pistella	Wass
Dawida	Kowalshyn	Pitts	Weston
Deal	Kukovich	Pott	Wiggins
Dietz	Lashingner	Pratt	Williams
Dininni	Laughlin	Preston	Wilson
Dombrowski	Lehr	Punt	Wogan
Donatucci	Lescovitz	Rappaport	Wozniak
Dorr	Letterman	Reber	Wright, D. R.
Duffy	Levi	Reinard	Wright, J. L.
Durham	Levin	Richardson	Wright, R. C.
Evans			

NAYS—1

Broujos

NOT VOTING—1

McIntyre

EXCUSED—3

Marmion	Irvis,
Zwinkl	Speaker

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

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

SENATE MESSAGE

SENATE ADOPTS REPORT OF COMMITTEE OF CONFERENCE

The clerk of the Senate, being introduced, informed that the Senate has adopted the Report of the Committee of Conference on the subject of the differences existing between the two Houses on **HB 1004, PN 3017**.

BILLS SIGNED BY SPEAKER PRO TEMPORE

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

HB 1004, PN 3017

An Act to provide revenue for cities of the first class by authorizing and imposing a tax on persons engaging in certain businesses, professions, occupations, trades, vocations and commercial activities therein; providing for its levy and collection at the option of cities of the first class; conferring and imposing powers and duties on cities of the first class and the collector of city taxes in such cities; and prescribing penalties.

HB 2039, PN 2768

An Act amending the "Real Estate Tax Sale Law," approved July 7, 1947 (P. L. 1368, No. 542), providing for title to lands sold at tax sales to be subject to liens of record.

SB 1220, PN 1663

An Act amending the act of December 22, 1983 (P. L. 306, No. 84), entitled "Board of Vehicles Act," further providing for the definitions of "franchise" and "importer," and for the cancellation of certain franchises.

SB 1357, PN 2016

An Act amending the act of December 3, 1959 (P. L. 1688, No. 621), entitled, as amended, "Housing Finance Agency Law," allowing the agency to make loans independently of participation in a Federal Housing Assistance Program; saving an act from expiration; further providing guidelines and criteria to be used for homeowner's emergency assistance; making an appropriation; and making editorial changes.

**REPORT OF COMMITTEE
OF CONFERENCE CONSIDERED**

Mr. LETTERMAN called up for consideration the following Report of the Committee of Conference on **HB 1887, PN 3054**, entitled:

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for free fishing days.

On the question,

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

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

Mr. LETTERMAN. Thank you, Mr. Speaker.

Mr. Speaker, the only thing that happened here is we just took out the amendments that were put in by the Senate, and the bill is the same as it was when it left here the first time. I would ask for an affirmative vote.

On the question recurring,

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

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

YEAS—191

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

Cordisco	Hoeffel	Perzel	Truman
Cornell	Honaman	Peterson	Van Horne
Coslett	Itkin	Petrarca	Vroon
Cowell	Jackson	Petrone	Wachob
Coy	Jarolin	Phillips	Wambach
Deluca	Johnson	Piccola	Wargo
DeVertter	Kasunic	Pievsky	Wass
DeWeese	Kennedy	Pistella	Weston
Davies	Klingaman	Pitts	Wiggins
Dawida	Kosinski	Pott	Williams
Deal	Kowalshyn	Pratt	Wilson
Dietz	Kukovich	Preston	Wogan
Dininni	Lashinger	Punt	Wozniak
Dombrowski	Laughlin	Rappaport	Wright, D. R.
Donatucci	Lehr	Reber	Wright, J. L.
Dorr	Lescovitz	Reinard	Wright, R. C.
Duffy	Letterman	Richardson	

NAYS—1

Lloyd

NOT VOTING—7

Daley	McIntyre	Murphy	Trello
Hutchinson	Miscevich	Spitz	

EXCUSED—3

Marmion	Irvis,
Zwilk	Speaker

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

Ordered, That the clerk inform the Senate accordingly.

**BILLS ON THIRD
CONSIDERATION CONTINUED**

The House proceeded to third consideration of **SB 928, PN 2028**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," providing for compensation plans for school administrators; providing for collective bargaining in cases of professional employee termination; and further providing transportation for certain extracurricular activities.

On the question,

Will the House agree to the bill on third consideration?

Mr. FREIND offered the following amendments No. A2483:

Amend Title, page 1, line 10, by inserting after "TERMINATION;"

providing for strike vote procedures and penalties;

Amend Bill, page 5, by inserting between lines 26 and 27

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

Section 1501.5. Strike Vote and Public Notice.—

(a) Strikes by employes of school districts, intermediate units and area vocational-technical schools as authorized by the act of July 23, 1970 (P.L.563, No.195), known as the "Public Employee Relations Act," shall only be permitted after more than fifty per centum (50%) of the members of the bargaining unit have voted, by secret ballot, to authorize a strike at least twenty-one (21) days prior to the date the strike commences. The bargaining unit shall give notice of the strike by sending a registered letter to the president of the board of directors and to two (2) newspapers of general circulation. In any district where no newspaper is pub-

lished, the required notice may, in lieu of newspaper publication, be posted in at least five (5) public places.

(b) The election shall be supervised by the Secretary of the Commonwealth, or his designee, within the Department of State. The Secretary of the Commonwealth, or his designee, shall have the power to contract with county election bureaus or private agencies for voting machines and any other equipment needed for the election. The costs of the election shall be divided equally by the bargaining unit and the Commonwealth. The Secretary of the Commonwealth, or his designee, shall supervise subsequent votes on continuing a strike.

Section 1501.6. Penalties for Violation.—(a) Any school employe who participates in a strike in violation of sections 1501.5 and this section is subject to immediate dismissal by the board.

(b) The board may, by majority vote, resolve to notify the department of any professional employe who participates in a strike in violation of this section, in which event the department shall suspend the certification of the employe for a period of five (5) years.

(c) Upon petition of the board, the court may levy a fine upon any school employe participating in a work stoppage in violation of this section or upon an employe organization representing the bargaining unit and the officers thereof.

(d) The board may, by majority vote, resolve to notify the Pennsylvania Labor Relations Board of a work stoppage in violation of this section, in which event the Pennsylvania Labor Relations Board shall decertify the bargaining unit for a period of five (5) years.

Amend Sec. 3, page 5, line 27, by striking out "3" and inserting

4

Amend Sec. 3, page 5, line 29, by striking out "REMAINING PROVISIONS" and inserting

amendment affecting sections 1133 and 1361

Amend Sec. 3, page 5, by inserting after line 30

(c) The remaining provisions of the act shall take effect immediately.

On the question,

Will the House agree to the amendments?

PARLIAMENTARY INQUIRY

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

Mr. DORR. A parliamentary inquiry, Mr. Speaker.

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

Mr. DORR. Mr. Speaker, would a motion to recommit this bill be appropriate at this time?

The SPEAKER pro tempore. It would.

MOTION TO RECOMMIT

Mr. DORR. Mr. Speaker, I move to recommit the bill, with the amendment, to the Education Committee.

The SPEAKER pro tempore. The Chair thanks the gentleman.

It is moved by the gentleman that SB 928, PN 2028, be recommitted to the Education Committee, along with the amendment.

On the question,

Will the House agree to the motion?

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

Mr. GALLAGHER. Mr. Speaker, I rise to oppose the motion to recommit to the Education Committee. It was thoroughly studied by the committee and we have no need for it. We urge the members to vote "no."

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

Mr. DORR. Mr. Speaker, my reason for asking for recommitment is that we have an apparent indication that there are a number of amendments to the bill. There are at least seven or eight amendments being proposed to this bill. Under those circumstances I think it is appropriate for the Education Committee to take a look at the bill, with the amendments, and give us their advice. I do not think they are things that we ought to be dealing with on the floor, frankly, and I would ask for an affirmative vote on the motion.

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

Mr. MANDERINO. Mr. Speaker, I can understand Mr. Dorr's frustration in facing a number of amendments that may not be to his liking. The amendments I have seen are not to my liking either, but it is my understanding that the committee has similar measures within the committee, and if we sent it back to committee and it came out of committee with or without those, we would still have the debate on the floor either to remove the amendments that the committee put in or to put the amendments in that the committee failed to put in. We cannot continue to run away from passing or from running legislation on the floor of the House simply because people are about to place amendments up which some of us or all of us may not like. I ask that we run this bill this afternoon, oppose the recommitment motion, and if we are against the amendments, let us vote the amendments down.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—60

Armstrong	Fischer	Lloyd	Punt
Baldwin	Fryer	Lucyk	Reber
Book	Geist	McCall	Rieger
Bowser	Greenwood	McVerry	Rudy
Brandt	Hagarty	Miller	Scheetz
Broujos	Haluska	Moehlmann	Schuler
Burd	Hayes	Mowery	Showers
Cawley	Herman	Nahill	Sirianni
Cessar	Hoefel	Noye	Smith, B.
Cordisco	Honaman	Olasz	Smith, L. E.
Cornell	Jackson	Peterson	Snyder, G. M.
Coslett	Kennedy	Phillips	Stairs
Coy	Klingaman	Piccola	Swift
DeVerter	Lehr	Pott	Vroon
Dorr	Levi	Pratt	Wozniak

NAYS—137

Afflerbach	Evans	Livengood	Rybak
Aldereite	Fargo	McClatchy	Saloom
Angstadt	Fattah	McHale	Salvatore
Arty	Fee	McIntyre	Saurman

Barber	Flick	McMonagle	Semmel
Battisto	Foster, Jr., A.	Mackowski	Serafini
Belardi	Freeman	Madigan	Seventy
Belfanti	Freind	Maiale	Snyder, D. W.
Blaum	Gallagher	Manderino	Spencer
Boyes	Gallen	Manmiller	Spitz
Bunt	Gamble	Markosek	Steighner
Burns	Gannon	Mayernik	Stevens
Caltagirone	George	Merry	Stewart
Cappabianca	Gladeck	Michlovic	Stuban
Carn	Godshall	Micozzie	Sweet
Cimini	Grieco	Miscevich	Taylor, E. Z.
Civera	Gruitza	Morris	Taylor, F. E.
Clark	Gruppo	Mrkonic	Telek
Clymer	Harper	Murphy	Tigue
Cohen	Hasay	O'Brien	Trello
Colaella	Hershey	O'Donnell	Truman
Cole	Hutchinson	Oliver	Van Horne
Cowell	Itkin	Perzei	Wachob
Deluca	Jarolin	Petrarca	Wambach
DeWeese	Kasunic	Petrone	Wargo
Daley	Kosinski	Pievsky	Wass
Davies	Kowalshyn	Pistella	Weston
Dawida	Kukovich	Pitts	Wiggins
Deal	Lashingier	Preston	Williams
Dietz	Laughlin	Rappaport	Wilson
Dininni	Lescovitz	Reinard	Wogan
Dombrowski	Letterman	Richardson	Wright, D. R.
Donatucci	Levin	Robbins	Wright, J. L.
Duffy	Linton	Ryan	Wright, R. C.
Durham			

NOT VOTING—2

Foster, W. W. Johnson

EXCUSED—3

Marmion Irvis,
Zwinkl Speaker

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

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

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

Mr. FREIND. Thank you, Mr. Speaker.

This amendment is the first of a seven-amendment package being introduced by myself as well as Representatives Gladeck, Flick, and Saurman. These amendments are the result of 3 1/2 years of work. They are not new to the members. They are in present legislation that has been introduced for them, both during this term and the last term. Each of the members sponsoring these amendments has attended and testified before the statewide hearings that have taken place, chaired by Senator Fisher, on the issue of teachers strikes.

What these amendments do is address the problem of teachers strikes, hopefully to reduce the devastating impact that those strikes have had on the Commonwealth. Just a few statistics, Mr. Speaker, with respect to teachers strikes, which I believe give credence to my opinion, at least, that the single worst thing the legislature ever did was enact Act 195, which gave public employees collective-bargaining rights, with which we agree, but also gave public employees, including teachers, the right to strike, with which we violently disagree.

You have to remember that when a public employee has the right to strike, you are giving him a great deal more leverage and power than his counterpart in private industry. When there is a strike in private industry, that private industry has a number of options. They can stockpile their inventory in anticipation of the strike, they can close down, or, regrettably, they can do what a number of businesses in Pennsylvania have done, they can leave the State for another State. Government cannot do that. Government's job is to remain open to serve the people, and in this particular case, the students.

In addition, following a strike in private industry, if the cost of that new contract raises the cost of the product, the consumer has the right to choose and decide whether or not to pay that additional cost. In a public employees strike, that consumer is the taxpayer, and as we know, taxes are not voluntary.

Pennsylvania is only one of seven States which permit public employees to strike, and as we all know, Federal employees are not permitted to strike. Pennsylvania leads the Nation in public school strikes. They have 23.1 percent of all public school strikes throughout the Commonwealth of Pennsylvania. Since Act 195 occurred—and these are old figures, so they are conservative—a total of 592 public school employee strikes have occurred. In 1982-83, the last year we have figures for, that was one of the worst for teachers strikes in Pennsylvania. There were 37 work stoppages, the highest since 1976-77. The average length of the strike in 1982-83 was 26.6 days, almost double the prior average. Seven of the strikes in that year are on the list of the top 17 longest teachers strikes in the history of the United States of America.

Since we enacted Act 195—and again, these are conservative figures—a total of 164,042 teachers have been involved in strikes idling 2,775,608 students. And, of course, the losers in teachers strikes are not only the public and the taxpayers, but they are also the group which we constantly express our concern over, and that is the students.

Now, we have addressed this problem in a number of ways. This first amendment we consider the very best amendment, the most gettable, and an amendment, in fact, that not only helps out school districts and children but is also a pro-rank-and-file-teacher amendment. What the amendment says is this: There can be no public school employee strikes unless and until more than 50 percent of the entire membership of the collective-bargaining unit, by secret ballot, votes in favor of the strike. Now, keep in mind that this requirement, a majority of the entire membership, is the precise constitutional requirement that this General Assembly has to enact any bill, a constitutional majority in the House and in the Senate.

There is no question whatsoever—and I should point out that this legislative package, when it was introduced last term, was supported by a number of our colleagues on the other side of the aisle, particularly from Philadelphia—there is no question whatsoever that if this provision were law 3 years ago during the Philadelphia teachers strike, that teachers strike

never would have occurred, because the truth of the matter is, the vast majority of the teachers in Philadelphia did not want that strike. Joe Gladeck has specific statistics on how many showed up that day, but I think it is safe to say that only about 14 percent of the entire membership of that collective-bargaining unit voted to strike and engage in a strike that had absolutely devastating consequences for the entire city of Philadelphia and for all of the students.

So we say 50 percent majority of the entire membership by secret ballot; the election to be conducted by the Secretary of the Commonwealth's office, the Bureau of Elections; the cost of the elections to be borne half by the collective-bargaining unit, half by the Commonwealth—and you might ask, why the Commonwealth? And I answer, it is the Commonwealth and not the school districts that gave us Act 195, and it is a small price for us to pay if in fact this will reduce teachers strikes—there must be a 21-day notice by the collective-bargaining unit of their decision to go on strike, a decision which will have a tendency to generate meet-and-discuss, and putting their heads together to try to resolve it before they go on strike; public notice, in fact, that a strike is imminent, so that the public as well as the school board will have input contacting both the school board and the teachers with respect to the prospective strike. If this provision is violated, there are stiff penalties, but keep in mind that the penalties are all local option. If a collective-bargaining unit violates this provision and goes out on strike improperly, the local school board may, by a majority vote, if it desires, vote to notify the Secretary of Education, in which case the Secretary would be required to decertify the teachers for 5 years. The school board would have the right to fire the teachers, and, of course, if that happened, the teachers have statutory procedures where they can appeal the firing. The school board, also by majority vote, would have the right to notify the Pennsylvania Labor Relations Board of this violation, in which case the board would be required to decertify the union, the collective-bargaining unit, for a period of 5 years. Stiff penalties, but local control. We do not mandate those penalties because we believe in local control, but we give the school board that option to pursue it.

All we are asking for here is that we place on school employee collective-bargaining units the same requirement that we have placed on ourselves by the Constitution of Pennsylvania, that in fact on something as important to the public as a teachers strike, a majority of the membership has to approve it, and to give the right to the rank-and-file teachers to make that decision as to whether or not they are going to strike. I would venture to say that if you ask not the union leadership but individual teachers whether they support this amendment, the answer would be overwhelmingly yes.

I think this is an outstanding amendment which will go a long, long way to resolving the problem, and I sincerely urge your support for it. Thank you, Mr. Speaker.

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

Mr. COWELL. Mr. Speaker, would the maker of the amendment submit to interrogation, please?

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

Mr. COWELL. Thank you.

Mr. Speaker, in your prepared remarks you made mention of the Fisher committee over in the Senate. My first questions pertain to the work of that committee. Do you know if that committee has recommended this language or any similar language as a result of their public hearings?

Mr. FREIND. We requested a copy of their report and have been advised that their work is not finished and it will be several weeks before their report comes out.

Mr. COWELL. So at this point that committee has no recommendations.

Mr. FREIND. That Senate committee right now has not had a recommendation.

Mr. COWELL. During the course of those hearings, and I do not know to what extent you may have monitored those hearings, Mr. Speaker, but to your knowledge, during the course of those hearings, did any groups—and if so, which groups—testify in favor of this or similar language?

Mr. FREIND. Well, I know that many school boards and intermediate units were represented. I did not go to all of the hearings. I went to some and we did monitor them. I know that a number of school boards have supported this provision. I personally went back to all 15 school districts in Delaware County through the IU and directly worked with my own school district—incidentally, the superintendent of which is Matthew Costanzo, the former superintendent of Philadelphia, who has considerable experience with respect to strikes. They overwhelmingly support this and think that it is a quantum leap in the right direction in dealing with the problems of teachers strikes.

Mr. COWELL. Well, Mr. Speaker, my concern is that this is a problem that is recognized by most legislators around the State. Much of the reason why we have failed to act to date has been the lack of a consensus around any particular solution to this problem of school strikes. I am interested in determining to what extent there may be a consensus around this particular solution that you propose.

To your knowledge, do any of the statewide organizations that have expressed concern about this - for instance, the State PTA (parent-teachers' association) or the Pennsylvania School Boards Association - indicate support for this language as the solution or part of the solution to the school strike problem?

Mr. FREIND. I can tell you that I have spoken to PSBA (Pennsylvania School Boards Association). They support this. They feel that this is a step in the right direction. They support other measures, too. I should point out that that is one of the reasons we have introduced the package of amendments individually, so you may, if you want, mix and match, shop, make a decision on which you think are most appropriate. They support it. Statewide PTA has written to me in support,

and probably the most active group statewide now that has been involved in this issue, ORA, Organization for Reform and Action in Education, strongly supports this and feels that it is absolutely an essential piece of legislation to deal with the problem of teachers strikes.

Mr. COWELL. Well, Mr. Speaker, I may have missed some mail today or in the last day or so. To your knowledge, has any one of those groups or all of those groups communicated with legislators generally to indicate their support for this particular language in your amendment?

Mr. FREIND. I know that ORA was up here 2 weeks ago, were going office to office talking to legislators, have sent out a mailing—now, I do not know if they sent it out to everyone—but strongly has supported these measures. As a matter of fact, I should point out that we worked with ORA in the drafting of a number of these amendments, which were first bills which we introduced. I know that they are lobbying, not that we asked them to, but I know that they are lobbying in support of these measures.

Mr. COWELL. For the benefit of some of the other members, ORA is not active in many areas of the State. Would you elaborate on just what ORA is?

Mr. FREIND. ORA is an organization that was formed approximately 3 or 4 years ago. It was originally formed in Downingtown after a devastating teachers strike. It spread from Chester County, and they have advised me now that they have chapters throughout the Commonwealth. Their membership is growing every day. They felt that the problem with addressing the teachers strike problem in the past has been that one geographical area would be hit with a teachers strike; there would be devastation; they would be concerned, but then the strike would be over and it would be forgotten. They felt that to deal with this problem overall you needed a permanent, ongoing statewide organization which would devote itself to the purpose of rectifying the problems under Act 195. They have a great deal of membership, they have been very cooperative, and they are extremely active.

Mr. COWELL. Mr. Speaker, in taking a look at other labor laws, are there any similar provisions in other labor laws such as those that you propose to add to this particular law dealing with school strikes or unions representing school employees? I am speaking specifically of the 21-day notice and specifically of the 50 percent of the members of the bargaining unit by secret ballot.

Mr. FREIND. We weighed that, Mr. Speaker. The answer to your question is no, and the reason why we decided to start with teachers, and maybe finish with teachers and public school employees, is because similarly we know of no other situation that has such a devastating impact upon the community, the taxpayers, the students, and their parents. A unique situation which unfortunately is unique only to Pennsylvania and six other States.

Mr. COWELL. Mr. Speaker, one final question. A number of us, certainly myself, as we look at the issue of school strikes are proponents of a solution that we would label arbitration, specifically last-best-offer arbitration which could eliminate

strikes. In contrast to an arbitration procedure which may eliminate strikes completely, do I understand correctly that the amendment which you are offering would only make it more difficult to strike but in fact would not eliminate strikes?

Mr. FREIND. That is right.

We looked into that, too, Mr. Speaker. The problem with having final-best-offer arbitration, which I personally support, is you cannot do it by legislation. It must be done by a constitutional amendment. The Pennsylvania Constitution is very specific in that it mandates arbitration only for policemen or firemen. We checked it out with legal counsel. We have, incidentally, introduced a constitutional amendment in the last two terms. Because that is such an arduous process, we are moving with this. Now, if we get lucky down the road and pass the constitutional amendment, then it will be up to enabling legislation to shift gears, if that is the will of this body, and say, now we are going to final-best-offer arbitration and there will be no strikes. But for now, after suffering for 14 years, we feel the time to act is now.

Mr. COWELL. Thank you, Mr. Speaker.

PARLIAMENTARY INQUIRY

GERMANENESS QUESTIONED

Mr. COWELL. Mr. Speaker, if I may make a point of parliamentary inquiry, please?

The SPEAKER pro tempore. The gentleman is in order, and what is the parliamentary inquiry?

Mr. COWELL. Mr. Speaker, it is my understanding that the bill or the law which we would amend with this amendment would be the Public School Code. It is further my understanding that the issue of the rights of public school employees to engage in collective bargaining and their limited right to strike are addressed not in the School Code but in Act 195, a separate law. I would ask if this particular amendment is germane to the bill before us?

The SPEAKER pro tempore. The question of germaneness is a matter that is decided by the House.

Mr. COWELL. Mr. Speaker, I would ask the House to speak to the issue of germaneness then.

The SPEAKER pro tempore. Under rule 27, "Questions involving whether an amendment is germane to the subject shall be decided by the House." The gentleman, Mr. Cowell, is raising the issue.

On the question,

Will the House sustain the germaneness of the amendments?

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

Mr. MANDERINO. Mr. Speaker, the argument of germaneness as placed before the House, and correct me so, by our rules is an argument that many times is raised on the floor of this House without much hope of success. In looking at the bill that Mr. Freind wants to attach the amendment before us to, it is a School Code bill. Act 195 governs all the collective-

bargaining procedures and all the procedures having to do with State employees and school employees so far as the right to strike is concerned. Mr. Speaker, I think that the argument that the amendments being offered are more properly drawn to Act 195 and not the School Code makes a heck of a lot of sense. For that reason, Mr. Speaker, I am going to support the argument that the Freind amendment is not germane to SB 928 and ask for a vote of nongermaneness or a vote in the negative on the question of germaneness. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Delaware, Mr. Freind.

Mr. FREIND. Thank you, Mr. Speaker.

Would the gentleman, the majority leader, please stand for interrogation?

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

Mr. FREIND. Mr. Speaker, were you the sponsor of HB 1625?

Mr. MANDERINO. I do not know.

Mr. FREIND. Providing for arbitration of dismissals of school employees?

Mr. MANDERINO. I sponsored a bill that did that; yes.

Mr. FREIND. And was that an amendment to the School Code, Mr. Speaker?

Mr. MANDERINO. Mr. Speaker, the question is germaneness on the Freind amendment, and I fail to see the relevancy.

Mr. FREIND. Mr. Speaker, would you read for me SB 928, what it says beginning on line 18?

Mr. MANDERINO. No, I will not.

Mr. FREIND. Thank you, Mr. Speaker.

That concludes my interrogation. May I assist the majority leader?

Mr. Speaker, let me read the amendment, which was put in in the Education Committee, which is the substance of Mr. Manderino's bill, HB 1625. I read from SB 928 on line 18: "Section 1133. Collective Bargaining for Public Employes." Now, Mr. Speaker, if you want to vote against the amendment, fine. But whom are we kidding? We have a bill right now which title reads, "Collective Bargaining for Public Employes." Clearly, an attempt to regulate how teachers conduct their collective bargaining is germane, particularly in this bill. Keep in mind also that it is the School Code and not Act 195 which regulates how the school districts withhold dues for the union, withhold pay for dues to the unions, and do all of those things.

The point of the matter is, there is not any question, Mr. Speaker, that this is germane. You may not like the amendment, but I have too high of a regard for the constitutional and legal brilliance of the majority leader to accept what he said in more than a joke. I hope that we will understand that whether or not you like the amendments, they are absolutely on point and absolutely germane.

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

Mr. SAURMAN. Thank you, Mr. Speaker.

I would just like to read lines 18 through 21 from SB 928. It begins "Section 1133. Collective Bargaining for Public Employes.—Nothing contained in sections 1121 through 1132 shall be construed to supersede or preempt any provision of a collective bargaining agreement in effect on July 23, 1970,...” et cetera. The bill itself refers to collective-bargaining procedures, and I can see nothing more germane than the amendment that has been offered. Thank you.

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

Mr. MANDERINO. Mr. Speaker, I know that difficult arguments are difficult to understand, but section 1133 is added to this bill under the School Code because the School Code was given an interpretation by the courts of this Commonwealth, and the only place to correct that interpretation that was given to the School Code by the courts of this Commonwealth would be properly in the School Code. That is why we added section 1133 to the School Code. Now, whether or not the Freind amendment is germane to Act 195 or whether it is germane to the School Code is the question that is properly before this House, and this House has the right to decide that the Freind amendment is not germane, notwithstanding the fact that we found it necessary to add section 1133 to correct a court decision.

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

Mr. SAURMAN. I appreciate that explanation and would appreciate then another explanation of page 4, line 14, section (F), which says, "School employers and school administrators shall continue to be subject to the act of June 30, 1947...referred to as the Public Employe Anti-strike Law." I would say again, sir, that this is germane.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The question before the House is, is the Freind amendment germane to SB 928? If the members of the House believe it to be germane, they will vote "aye"; if they do not believe it to be germane, they will vote "no."

On the question recurring,

Will the House sustain the germaneness of the amendments?

The following roll call was recorded:

YEAS—59

Belardi	Foster, Jr., A.	Klingaman	Pitts
Blaum	Freind	Lashinger	Rieger
Book	Fryer	Letterman	Ryan
Brandt	Geist	Levi	Salvatore
Burd	Gladeck	Lloyd	Saurman
Cawley	Godshall	McClatchy	Scheetz
Clymer	Greenwood	McVerry	Schuler
Colafella	Hagarty	Mackowski	Serafini
Cornell	Haluska	Merry	Spitz
Dawida	Hasay	Miller	Swift
Duffy	Herman	Moehlmann	Taylor, E. Z.
Durham	Hershey	Murphy	Tigue
Fargo	Honaman	Nahill	Vroom

Flick	Jackson	Noye	Wright, J. L.
Foster, W. W.	Kennedy	Peterson	

NAYS—137

Afflerbach	Donatucci	McHale	Robbins
Alderette	Dorr	McIntyre	Rudy
Angstadt	Evans	McMonagle	Rybak
Arty	Fattah	Madigan	Saloom
Baldwin	Fee	Maiale	Semmel
Barber	Fischer	Manderino	Seventy
Battisto	Freeman	Manmiller	Showers
Beffanti	Gallagher	Markosek	Sirianni
Bowser	Gallen	Mayermik	Smith, B.
Boyes	Gambie	Michlovic	Smith, L. E.
Broujos	Gannon	Micozzie	Snyder, D. W.
Bunt	George	Miscevich	Snyder, G. M.
Burns	Grieco	Morris	Spencer
Caltagirone	Gruitza	Mowery	Stairs
Cappabianca	Gruppo	Mrkonic	Stevens
Carn	Harper	O'Brien	Stewart
Cessar	Hayes	O'Donnell	Stuban
Cimini	Hoeffel	Olasz	Sweet
Civera	Hutchinson	Oliver	Taylor, F. E.
Clark	Itkin	Perzel	Telek
Cohen	Jarolin	Petrarca	Trello
Cole	Johnson	Petrone	Truman
Cordisco	Kasunic	Phillips	Van Horne
Coslett	Kosinski	Piccola	Wachob
Cowell	Kowalshyn	Pievsky	Wambach
Coy	Kukovich	Pistella	Wargo
Deluca	Laughlin	Pott	Wass
DeVertter	Lehr	Pratt	Weston
DeWeese	Lescovitz	Preston	Wiggins
Daley	Levin	Punt	Williams
Davies	Linton	Rappaport	Wogan
Deal	Livengood	Reber	Wozniak
Dietz	Lucyk	Reinard	Wright, D. R.
Dininni	McCall	Richardson	Wright, R. C.
Dombrowski			

NOT VOTING—3

Armstrong	Steighner	Wilson
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EXCUSED—3

Marmion	Irvis,
Zwicl	Speaker

Less than the majority having voted in the affirmative, the question was determined in the negative and the amendments were declared not germane.

WELCOME

The SPEAKER pro tempore. The Chair interrupts the proceedings on this debate to welcome a senior citizen group from Laureldale Borough in the Reading area. They are the guests of Representative Paul Angstadt.

CONSIDERATION OF SB 928 CONTINUED

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

Mr. FREIND offered the following amendments No. A2465:

Amend Title, page 1, line 10, by inserting after "TERMINATION;"
further providing for minimum number of days; providing for strikes and work stoppage; and imposing penalties.

Amend Bill, page 5, by inserting between lines 26 and 27
Section 3. Section 1501 of the act amended June 30, 1980 (P.L.279, No.80), is amended to read:

Section 1501. Minimum Number of Days; School Month.—
(a) All public kindergartens, elementary and secondary schools shall be kept open each school year for at least one hundred eighty (180) days of instruction for pupils. No days on which the schools are closed shall be counted as days taught, and no time shall be counted as a pupil session for any activity to which admission is charged. No school district shall be required to change its graduation schedule or require graduating students to return to school after graduation to make up class days lost due to severe weather conditions or, in the school year 1979-1980 for situations beyond the control of the school district as a result of major construction and renovation to the school building. No district which makes a bona fide effort as determined by the Secretary of Education to provide one hundred eighty (180) days of instruction for graduating students shall receive less subsidy payments or reimbursements than it would otherwise be entitled to receive on account of the school year because of the provisions of this section. Unless otherwise provided by this act, the board of school directors in any district or joint board may keep such other schools or departments as it may establish open during such time as it may direct.

Twenty days of actual teaching shall constitute a school month.

(b) The provisions of subsection (a) shall not apply when a strike or work stoppage results in the loss of instructional days. At the conclusion of a strike or work stoppage, the board of school directors may elect to revise the school calendar to make up any or all of the days lost due to the strike or work stoppage. However, the board shall not extend the school year beyond the originally scheduled closing date or schedule classes over the vacation period originally established for the Christmas and New Year's holiday season.

(c) For each day not rescheduled, the employe shall forfeit one one-eightieth (1/180) of his annual salary or wages. The school district shall forfeit a sum equal to the daily wages or salaries of the striking employes from its basic subsidy payments calculated under the Equalized Subsidy for Basic Education as provided in section 2501 of this act. In the case of an intermediate unit or an area vocational-technical school, the respective agency shall forfeit a sum equal to the daily wages or salaries of the striking employes. The constituent districts of the respective agency shall have a sum proportionate to the district's percentage of enrollment deducted from the Equalized Subsidy for Basic Education as provided in section 2501 of this act. The amount forfeited by the employer shall not exceed the total amount of subsidy paid or due.

(d) The provisions of subsections (b) and (c) shall not apply in the case of a lockout or work stoppage constituting an unfair labor practice by the employer under the act of July 23, 1970 (P.L.563, No.195), known as the "Public Employe Relations Act."

Amend Sec. 3, page 5, line 27, by striking out "3" and inserting

4

Amend Sec. 3, page 5, line 29, by striking out "REMAINING PROVISIONS OF THIS ACT" and inserting
amendment affecting sections 1133 and 1361

Amend Sec. 3, page 5, by inserting after line 30

(c) The remainder of this act shall take effect immediately.

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

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

Mr. FREIND. Thank you, Mr. Speaker.

We are not going to put the members through a vote on each issue on germaneness. I mean, I do not have to get hit with a ton of bricks. I am perceptive. But we do feel that there are two amendments that clearly are germane, one of which we have in front of us right now.

We have considered this issue before and in varying forms have passed it on several occasions in the House and have defeated it on several occasions in the House, and what this one does is deal with the 180-day rule.

Collective bargaining, the way it is set up in its pure form if it is going to work right, simply stated says that he who gets hurt the longest and the most will be the first one to fold. That is what strikes are all about. Any time you have an outside influence which comes in from the outside and tilts the balance one way or another, you ruin the delicate fabric of collective bargaining. The problem that you have in teachers strikes is a provision of the School Code, and I say the School Code because this is in the School Code, and that is the 180-day rule that requires 180 days of classes to be taught. There is, therefore, no disincentive for the teachers not to strike, because they know when the strike is over they are going to get in 180 days, unless there is a huge strike like California where they were out for 90 or 100 days.

This amendment is one of the recommendations—anticipating a question from Mr. Cowell—that was consistently made to the Fisher committee by the school districts, and what it says is this: When there is a work stoppage, the school board may—not shall, but may—waive the 180-day rule. For those days which are not made up, the teachers are docked their salary on the proportion of 1 over 180. In addition, the school district loses subsidy money in the amount that they gain by not paying salaries for teachers strikes.

POINT OF ORDER

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

The SPEAKER pro tempore. The gentleman from Somerset, Mr. Lloyd, will state his point of order.

Mr. LLOYD. Mr. Speaker, I think there is a rule of the House that says that amendments are supposed to be distributed to the members. Most of us in this area of the House do not have this amendment. Because of its controversial nature, I would request that copies be provided before we have to vote. Thank you.

The SPEAKER pro tempore. The Chair has been informed that the distribution has been made. To those members who have not received copies, would they please raise their hands so that they may receive a copy of the amendments.

Mr. FREIND. Mr. Speaker, to help out the members, this amendment is labeled amendment No. 4.

The SPEAKER pro tempore. The gentleman, Mr. Freind, may continue.

Mr. FREIND. Thank you, Mr. Speaker.

As I said, in the event of a work stoppage, the school board may—not shall but may—waive the 180-day rule. The teachers are docked in the appropriate proportion, and the school districts lose their subsidy in the amount of money they save by a teachers strike. Had we said that the school districts will lose their subsidy for the days missed, in a low-aid-ratio school district that does not receive much money from the State, that would provide an economic incentive for that school district to go on strike. And we are not attempting to paint the teachers as the only guilty ones; there have been school districts that have gone on strike for economic reasons. We have taken care of that by the wording.

In addition, what we say is, you can juggle the calendar around, but you cannot extend the original calendar. If your original calendar says your last day of class is June 13, it stays June 13. You cannot have classes on Christmas, you cannot have classes on New Year's, and you cannot have classes on the week between Christmas and New Year's, and I will tell you why we have said that. When you have a school strike and then the school district extends their calendar to June 30, all you are doing for that last 3 weeks is putting in paper time. Nothing is being taught, the students are not learning a thing, and the only reason you are holding class, with low attendance, is to justify the State subsidy money, the same way as if you hold classes on the week between Christmas and New Year's. You will have a minimal attendance, no one will teach, and no one will learn.

Now, one issue that may come up on this amendment is, what keeps a school district then from keeping a strike going and only putting in 50 or 60 days of class? And my answer to that, Mr. Speaker, is probably the strongest safeguard there is: these school boards, with the exception of Philadelphia, are elected local officials who have to run for reelection. They have to be responsive to their constituency, and as we all know, the heat generates tremendously the longer a strike goes - for the class time missed by the students, for the damage to them entering college, for the damage to their extracurricular activities, and for the problem where both parents work of who is going to take care of the students during school time when they would normally be in school. I think that is an adequate safeguard.

This amendment has been recommended by virtually all of the educational groups. It clearly is germane, because it addresses a problem in the School Code, and I would ask for your support. Thank you, Mr. Speaker.

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

Mr. BURNS. Mr. Speaker, I just listened to the arguments of Mr. Freind, and if you did not listen closely, they sound good. There are some real problems with his arguments.

Number one, he did talk about the school district that spends 80 cents of their own money and only gets 20 cents back from the State, and he said, well, you know, if they strike because they want to save some money, you can blame it on them. And let me tell you that in that one instance he is

correct. One of the superintendents whom he mentioned here today, the man whom he mentioned here today, went through a strike like that in a Bucks County school district and said at a public luncheon that the taxpayers, a year later, were paying for the blood money that was sucked out of the district in order to get even with the teachers. Now, that is number one. That is public record.

Number two is, he has not spoken to anybody who represents a small school district, because if you are only paying 20 cents and you are getting 80 cents from the State, there is no way your board can ever afford a strike. Whether they are right or wrong, they are going to go bankrupt very quickly.

And what else Mr. Freind did not tell you is the fact that while he is talking about basic instructional subsidy, that is only a small drop in the bucket in most districts as to the money the districts are taking in. Nowhere in his amendment does it say that you do not have to pay your property taxes while that district is on strike, or they have to return X number of dollars from your property taxes, or they are not getting transportation money, or they are not getting special ed money, or they are not getting that portion of the teacher retirement that the State pays, and all of those other items. You are only talking about basic instructional subsidy, and when you talk about that, you guys with the small districts better remember, whether your districts are right or wrong, under this amendment they could never afford a strike.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Chester, Mr. Flick.

Mr. FLICK. Thank you, Mr. Speaker.

I think it is important that we here in the House focus on just exactly what this amendment does. My colleague from the county of Delaware focused on it clearly. We are saying, in the event of a strike where there are not 180 days of educational time allotted, in that event, those teachers who have failed to work for 180 days, which is what is in their contract, should not be paid. If you do not work, you should not be paid. The offset, so that the school district would not benefit, was an amount equal to that salary savings that they would see would be deducted.

These are the two points that are contained in this amendment, and these are two points that I think are very reasonable. I would urge the members to support this amendment. Thank you.

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I would urge that we defeat this amendment. The previous speaker emphasized that if you do not work 180 days, you should not be paid 180 days, and I doubt that there is anybody on this floor who would disagree with that statement. And, in fact, under current law, a teacher or a school employee who does not work 180 days is not paid for working 180 days. What is in dispute right now is not whether you get paid for days you do not work; what is in dispute is the flexibility that a school district shall have in terms of scheduling the 180 days of minimum public education per year that is

now required by our Pennsylvania School Code. That is the issue. The issue is not getting paid for days you do not work. People now do not get paid for days that they do not work.

In terms of the 180-day issue—and that is what we are really talking about, the flexibility of a school district to schedule those 180 days—I would submit that this particular amendment is an inappropriate response to the issue of school strikes, or strikes by public school employees. Strikes are basically a labor problem. What this amendment does—and I believe this one is germane—is try to deal with a labor problem through an education answer. It tries to deal with the problem of strikes by school employees by telling school children that in some cases, perhaps many cases, 180 days of school is not really going to be guaranteed them, and 180 days of school is really not all that important.

I would submit that this is a very inappropriate response to that issue of school strikes. I think many people on the floor of this House favor legislation that could effectively eliminate strikes by using last-best-offer arbitration, but we are not debating that alternative today, and we do not have a chance to first consider it. We do not have a chance to consider some of the other alternatives that might be more effective or more appropriate. Instead, what we are confronted with now is a “yes” or “no” vote on what is a highly inappropriate solution, what really, in my mind, is the last effort that we ought to make. If everything else fails, then perhaps we ought to consider this.

We ought to keep in mind the context, the national context, in which we are considering this. We have study after study after study across this country, and certainly some studies here in Pennsylvania, that have suggested that our school districts and our public schools are not doing the job they ought to do and the job that we ought to expect of them. And in some of those studies we will find recommendations that we ought to in fact lengthen the school year, as occurs in some other countries. I think it is totally inconsistent with those recommendations that say our kids ought to spend more time in school and that perhaps the school year ought to be longer; it is totally inconsistent now to be saying that because a strike happens to occur, in those cases we are going to tell school children and their parents and the taxpayers that we are going to give them even less schooling than we now guarantee them under the current law.

I would suggest that there are many other far more appropriate solutions which we ought to be considering first to this issue of school strikes before we decide to begin to retreat from our commitment to 180 days, our guarantee to school children that if it is physically possible, we are going to guarantee them 180 days of school during each and every school year. On that basis, Mr. Speaker, I would urge that we defeat this amendment.

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

Mr. PICCOLA. Thank you, Mr. Speaker.

Would the gentleman, Mr. Burns, yield to interrogation?

Mr. BURNS. Yes, Mr. Speaker.

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

Mr. PICCOLA. Thank you, Mr. Speaker.

During your dissertation in opposition to this amendment, Mr. Speaker, you ended your review by indicating that with regard to certain school districts, they would not be able to afford to have a strike. Could you elaborate on that, Mr. Speaker, and indicate why you believe that to be so and how they will compensate for that?

Mr. BURNS. Thank you, Mr. Speaker. Yes.

Let us take a rural school district, a small school district, whose subsidy from the State is 80 cents for every dollar spent in the basic instructional subsidy formula, and let us suppose that the teachers union in that particular district wanted 10 kids per class as the class size, and of course the district looks at that and says, no way, because it is going to cost us many, many dollars. If this amendment were in the bill, the school district would have to capitulate to that union and do what they wanted, because they could not afford to say no; they could not afford to have a strike, because they are losing 80 cents on every dollar of their basic instructional subsidy from the State.

My district, which gets 20 cents from the State, could afford a strike like that and would welcome a strike like that because they would "save money," but this would be so costly for rural districts that the rural districts could never afford to say no.

Mr. PICCOLA. So what you are saying then, Mr. Speaker, is that with regard to these types of districts, they would have to give in to almost every demand in order to avoid a strike and end up costing their district additional dollars in any event. Is that your argument, Mr. Speaker?

Mr. BURNS. That is exactly right, Mr. Speaker.

Mr. PICCOLA. Thank you, Mr. Speaker.

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

Mr. GALLAGHER. Thank you, Mr. Speaker.

Mr. Speaker, I, too, rise to oppose Mr. Freind's amendment. It is not apropos to try to solve a problem by taking away basic instructional subsidy money. As Representative Burns pointed out, it not only applies to the rural areas, but it applies to the suburban areas, it applies to the cities, and it just takes away the money that they earn for the days that they have worked, for 180 days, just for basic instructional subsidy. But when they are on strike, when a school district is on strike, they still receive the real estate property tax, the wage tax that they collect, the mercantile tax, or every other tax they collect locally, and they still will receive the other school district subsidy money that they receive in their cafeteria work, in their other capital improvements, the bond redemption subsidy reimbursement for that. All that money still comes in, and in some school districts in this State, when it came time to open school, the board said, we are not going to open the door until you capitulate, and they went on strike

and they would go for 20 to 30 days, because they knew how much they could afford. They were the districts in the suburban areas. In Bucks County in particular they did that. They stayed out until they knew they could handle it, because they were still receiving that money and they had enough time left to fill in the 180 days and they would pick it up. So, Mr. Speaker, I urge the members to oppose this amendment as it was presented by Representative Freind.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Mifflin, Mr. DeVerter.

Mr. DeVERTER. Thank you, Mr. Speaker.

Would the gentleman, Mr. Freind, stand for interrogation, please?

Mr. FREIND. Yes, Mr. Speaker.

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

Mr. DeVERTER. Thank you.

Mr. Speaker, your amendment precludes the board from extending the school year beyond the originally scheduled closing date or scheduled classes. The law now says that each student is required to have that 180 days of instruction. Laying aside the fact that the student would miss out by not permitting that extension, what is there in the law that would permit that student to advance a grade, or in the case of seniors, permit those students to graduate when they in fact have not complied with the 180-day rule?

Mr. FREIND. Number one, with respect to seniors, they always graduate now regardless of whether or not there are 180 days. As a matter of fact, they waive 180 days on snow days. We have consistently done that, Mr. Speaker. That is nothing new.

Mr. DeVERTER. Well, what about those students who are coming up through the grades? You know, the waiver may be something that ought to be looked at, too, as far as our students are concerned. What happens to those students? Let us say there are 20 days involved, 20 days of instruction that may be involved in that student moving from one grade to another, and you are not going to permit that school board to extend beyond its regularly scheduled school year those makeup days. What is to happen to those students?

Mr. FREIND. Mr. Speaker, it is for precisely that reason, that concern, that we introduced this amendment. Let me respond to your question this way. If in fact right now with the law as it is we were sure that the students would get 180 days in, legitimate or not, we would say, fine.

Let me read off a few school districts. Incidentally, I hope Representative Burns listens to this about these poor rural districts that cannot strike. California, they struck for 82 days. Their seniors got in 150 days; K through 11 got in 136. United struck for 53 days. I do not have the figures on how many days they got in. Southeastern Greene struck for 53 days. Neshaminy struck for 52; they got in 156 days of class. Ringgold struck for 51; they got in 150 days of class. Elizabeth Forward struck for 50 days; they got 160 days in. Steel Valley struck for 49 days; they got 152 days in. Burgettstown struck for 49. Wilksburg struck for 48. Reynolds struck for 45;

they got 134 days in for their seniors. Highlands struck for 43. William Penn struck for 42; they managed 162 days. Norwin struck for 42 days; they got 165 days in. Aliquippa Borough struck for 40 days; they got 169 in. Yough struck for 40 days; they got 175 in, and there is a list of about 40 more.

It is not working right now, Mr. Speaker. What we are saying is, if you take away the incentive, the economic incentive that the teachers have to strike, you are going to reduce the times of the strikes; you are going to eliminate some strikes; and you are going to make doggone sure that the students in fact get their education, get their days in, and resolve the questions that you legitimately have.

Mr. DeVERTER. Thank you, Mr. Speaker.

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

Mr. COLAFELLA. Mr. Speaker, I rise to oppose the Freind amendment. In addition to the State providing moneys to the schools, there is one thing that has been forgotten in this discussion, and that is that the local school people provide moneys to the school districts. Now, if you are a school board and you do not want to provide a certain kind of an increase in salary and you decide that you are going to cease negotiating and have a 20-day strike, I guarantee you the school board is going to save a considerable amount of money, because the taxpayers in that community have already been assessed their millage. So if the school district just opens for 160 days, that means the school district is going to save a considerable amount of money, and for those reasons you are going to find possibly a tremendous increase in teachers strikes. In addition, you are not going to have real collective bargaining take place. For those reasons, I oppose the Freind amendment.

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

Mr. FLICK. Mr. Speaker, I wonder if the gentleman, Mr. Gallagher, would stand for interrogation?

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

Mr. FLICK. Thank you, Mr. Speaker.

I wonder if the gentleman might share with me— The amendment provides that in the event of a work stoppage, the 180-day rule would be waived, and in the event that school district does not hold 180 days of classes, the teachers would not be paid for those days that they did not teach beneath 180. The amendment provides that the subsidy money withheld would be an amount equal to that amount that the board has saved. If we assume that they have not incurred transportation costs, and therefore, they were not reimbursed, would the gentleman explain to me where the money is that they would lose?

Mr. GALLAGHER. Mr. Speaker, if they cannot make 180 days, if they can only work 150 days, they will not receive 30 days of basic instructional subsidy money. That is all that they will not receive under this amendment.

Mr. FLICK. That amount of money, though, would not have been spent in the form of teachers' salaries. Is that not correct?

Mr. GALLAGHER. Yes; there will be no moneys spent for teachers' salaries from the basic instructional subsidy formula by that school district, but the problem is that, as the amendment is drafted, if they strike for 150 days— Say they strike for 30 days and they can only work 150 days. They will lose for each day that is not rescheduled one one-hundred-eightieth of their annual salary or wages, and the school district shall forfeit a sum equal to the daily wages and salaries of striking employees from its basic instructional subsidy payments calculated under the equalized subsidy for basic education as provided in section 2501. So that is what the amendment talks about. But there are districts that might have 30 days of strike and might not be able to make 180 days in the calendar year, and they are not reimbursed; they are only reimbursed for the days that they worked. Does that solve your question?

Mr. FLICK. Thank you, Mr. Speaker.

You have just confirmed my contention that the school districts will not lose, because they have not had the expenses for salaries for those days that were not taught. They are not losing one one-hundred-eightieth of the school subsidy; they are losing an amount equal to the wages that they did not pay.

Thank you, Mr. Speaker. I would urge everyone—

Mr. GALLAGHER. Pardon me, Mr. Speaker. You will have to reread the amendment. They will lose the same amount themselves. In other words, what the amendment says is that that district that is out on strike for 30 days will not receive 30 days of basic instructional subsidy as calculated under the formula. The district will not receive it; the district will not be putting it in their coffers, and they will not be able to pay for salaries, but in the meantime they are still earning the money from the real estate tax, from the property tax, the wage tax, the mercantile tax, and all the other subsidies that they receive when they are in session. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Chester, Mr. Flick.

Mr. FLICK. Mr. Speaker, I think it is important here— One of our colleagues mentioned earlier, we certainly are concerned with the quality of education in our schools. And I think that to continue to arbitrarily say 180 days must be taught regardless of when it is taught, whether it is taught in the summer, during normal holidays, or what flies in the face of quality of instruction, if the students are not in a position where they are going to be receptive to the level of instruction that is being given, then they in fact have lost whether we have mandated 180 days or not.

The amendment proposes to merely add to this impetus of quality of instruction by making certain that those days of instruction are in fact on days which the students are in a position and are willing to participate in that instruction.

Mr. Speaker, I urge an affirmative vote on the amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lehigh, Mr. Afflerbach.

Mr. AFFLERBACH. Mr. Speaker, will the gentleman, Mr. Freind, stand for further interrogation, please?

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

Mr. AFFLERBACH. Under earlier interrogation by the gentleman, Mr. DeVerter, I believe Mr. Freind read from a list which contained a number of districts that had struck for 49 days, 50 days, 60 days, 82 days. Did each of these districts complete 180 days of instruction during the year in which they struck?

Mr. FREIND. No, Mr. Speaker. In fact, when I read them off, I read for you the number of days they struck and the number of days they got in. Do you want me to zip down it real quick for you?

Mr. AFFLERBACH. No; that is quite all right. I did have the correct understanding.

How were these districts alleviated from the responsibility of conducting 180 days of instruction?

Mr. FREIND. Quite simply, the department simply did not enforce it because there was no way they could enforce it. So what I am saying, Mr. Speaker, is that what you have right now is a constant violation of the 180-day rule, but without the disincentive, knowing that if you strike for 3 or 4 weeks, you can get the 180 days in. It is just not enforced. I mean, California got in 136 days. That is 44 days short of 180. It goes down like that. Reynolds got in 134 days, and it goes on and on. It is happening right now.

Mr. AFFLERBACH. Therefore, districts that have struck have not been required to meet the 180-day rule if in fact it became impractical to do that. Is that correct?

Mr. FREIND. Well, yes and no. They are violating the law, okay? The department has not enforced it at this point. Nothing would prohibit the department from coming in and saying, guess what, you are not in sync with 180, so none of your students have put in a year. That could happen. That is an administrative decision on the part of the Department of Education. And as we discussed with HB 1181 and HB 1293, administrations come and go, standards come and go as to what they are going to do.

Mr. AFFLERBACH. Are you aware of whether or not there have been any appeals to the court in the instances where the administration, the Department of Education, has waived the 180-day requirement?

Mr. FREIND. I am not aware of any, Mr. Speaker. That is not to say that there have not been; I do not know.

Mr. AFFLERBACH. Thank you.

I have completed the interrogation and would like to speak on the amendment.

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

Mr. AFFLERBACH. Mr. Speaker, I think it is quite obvious that in all areas where districts have had a strike that did not allow them to meet the 180-day requirement, that requirement has been waived. There apparently is a mechanism which has not been challenged to the courts, or if it has been challenged, has been upheld as an appropriate mechanism.

I think this amendment certainly shifts a balance of power. As the gentleman, Mr. Burns, elaborated eloquently earlier, there is no question that an amendment of this nature would shift a bargaining advantage to the wealthier districts and shift a disadvantage to the poorer districts that are very dependent upon State subsidy.

Earlier, the gentleman, Mr. Freind, indicated that in private industry there are several ways to deal with a strike. He cited three - stockpiling inventory, leaving the State, whatever the third one was, I do not recall at the moment. I suggest there is also a fourth way of dealing with a strike and that is to negotiate a fair, equitable, and humane agreement. Private industry, by and large, has chosen to do that just as public school districts and cities and other municipalities have done when they collectively bargain with their employees.

I think this amendment, by virtue of the fact that it creates a disparity across the Commonwealth in a shifting of advantage and disadvantage between districts, is something that we do not want to do in Pennsylvania. One of the strong points of Act 195 has been the fact that it is uniform among the 501 districts. It does not grant a particular advantage to one district as opposed to another district. I would therefore urge defeat of the amendment.

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

Mr. BURNS. Thank you, Mr. Speaker.

I do not want to belabor the point, and I wish I had the ability of the minority leader and the majority leader to speak up here with a golden tongue to get the idea across. There is no one in this Commonwealth and especially no one in this House who wants to see a labor dispute, especially in the schools. Mr. Freind for years has been upset about that, and believe it or not, Mr. Burns for years has been upset about that, because the only losers in this whole thing are the youngsters. They lose. The taxpayers do not lose, and that is almost what is wrong with this amendment.

If you are going to be a labor negotiator, it seems to me that you have got to go in with the scales balanced. You have got to go in with neither side having an unfair advantage over the other. All of this talk about 180 days comes about because it seems that the teachers, since they make up the days, have an unfair advantage. The problem is, nobody sees the other side of it. The districts have an unfair advantage in many cases, because they do not give the money back that comes to the schools. We only talk about a very minor piece of that money, the State's public school subsidy formula. At the best, that is designed to give 50 percent. In some cases in our rural districts, it gives maybe 80 percent; in some cases in our more popular districts, it gives 20 percent. Now, unless all of the money that comes to the schools, not just the State's public school subsidy portion of it, is given back to the State by the district in the case of a strike, then there is no equality on the scales. That is the problem with the whole situation, and that is what people cannot understand, because in every other industry when a person goes out, they lose a day's pay for a day's strike, and no one disagrees with that. But in every other

industry when the person is out, the company loses a day's sales or products or whatever for every day they are out, so it is an even situation.

The problem with the public school situation—and I personally do not know how to solve it. I wish I would; I would be a hero in Pennsylvania—is if some way we could balance the scales. This amendment does not balance the scales.

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

Mr. HALUSKA. Mr. Speaker, I have heard a lot of discussion here about the 180-day rule. I think we are working under an illusion to even think that any school district in Pennsylvania actually has 180 days of instruction. We are talking about attendance days. I would venture to say that if we accomplish 170 days of instruction in any of our public schools, we are indeed fortunate. And even to further break it down, if we break those instructional days down to instructional hours, I would guarantee you you would lose an additional 5 days. This is common practice. Up until the last couple of years in Pennsylvania, seniors never even attended school the last 2 weeks. It was a common practice to graduate at least a week before the last day of school. We had no complications from that. They encountered and they accomplished all their curriculum studies and it was a common practice. It is just within the last 2 years that they do not permit them to have graduation until the last day of scheduled classes.

Now, I just wonder what we are concerned about here. Are we concerned about the teachers or should we be primarily concerned about the children? There are many things that happen when we do not have school when there are strikes on. It is something that takes at least 4 or 5 years to get the district back in form, because you have a lot of disruption, you have a lot of distrust, the teachers versus the administration versus the school board.

I think it is very important for us to resolve this issue. I think this amendment would go a great way in trying to stop a lot of the abuse that is taking place at this particular time. We are not going to do any harm to education by implementing this rule. I ask for an affirmative vote on this amendment.

The SPEAKER pro tempore. The Chair recognizes, for the second time on this issue, the gentleman from Allegheny, Mr. Cowell.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, so much of the debate that we have heard over the last 30 to 40 minutes has really reflected the problem with the amendment rather than its advantages. We heard much interrogation and we heard comment and we heard debate back and forth about who would be the winners and the losers, and whether teachers would lose or whether school districts would win or whether some school districts would lose money. In fact, if you look at the 501 districts and you create different scenarios, and each work stoppage is in fact a different scenario, you could identify circumstances where a school district might in fact be excessively penalized by this amendment and, in fact, you could identify circumstances

where a school district could in fact make money; that is, save money and perhaps solve budget problems by being willing to endure or take a long strike. So I do not think there is any definitive answer about the winners and the losers.

But that whole debate is symptomatic of the problem which I tried to mention earlier, because it does not take into consideration the kids. It does not take into consideration the school year. This, again, is a very inappropriate answer. It is an education answer to what is fundamentally a labor problem. We have a labor problem with school strikes, and we ought to deal with them, and we ought to deal with that labor problem by amending Act 195 rather than telling school children and taxpayers and families around this State that we are going to go in the direction opposite of all recent trends and all recent recommendations.

Dr. Haluska just mentioned that a couple of years ago seniors used to skip the last couple of weeks of school. Recognizing that they ought to be there for the full year, most school districts have postponed graduation until that normal time, and they are telling seniors as well as juniors as well as second- and first-graders, we think it is important that you put in at least 180 days. We ought not to retreat from that. If anything, we ought to be talking about strengthening the school year, improving it, guaranteeing more time for students from those dollars that taxpayers are providing at the State and local levels. This represents, however, a retreat; it represents an inappropriate education answer to that labor problem. Again I urge the rejection of this amendment.

The SPEAKER pro tempore. For the second time on this issue, the Chair recognizes the gentleman from Beaver, Mr. Colafella.

Mr. COLAFELLA. Mr. Speaker, the National Commission on Excellence in Education last year proposed 235 school days a year. What this amendment will do is reduce the amount of school days the youngsters in Pennsylvania will attend. I think it will cause an increase in school strikes, because the balance of favor will go towards the school boards. That is why they are in favor of this particular bill, because it will give them a greater balance of power whenever they negotiate, which I think will cause an increase in strikes, and students will be attending school 140 and 150 days when President Reagan's commission has asked for 235 days. I rise to oppose this legislation, and I hope you vote that way.

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

Mr. HALUSKA. Mr. Speaker, I would like to contradict that statement. I personally feel that if teachers are aware of the fact that they are not going to get paid for the days that they strike, you are going to lessen the number of strikes in the Commonwealth of Pennsylvania. The teachers can hardly afford to lose 10, 15, or 20 days of pay. Most of the teachers find they have a very difficult time making out with what they are getting. I have had experience with teachers. In fact, I have some in my own family, some of my own children, and I have been on the school board for some 24 years, and I negotiated five contracts, and the ultimate goal of all of them is to

get that check. When they know they are not going to be paid, I can assure you that the majority of the schoolteachers are going to have a say in what is transpiring rather than a negotiating team. I ask for an affirmative vote on this amendment.

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

Miss SIRIANNI. Mr. Speaker, I rise in support of the amendment. I have been listening to the debate here, and many people feel the school board is going to lose; many people feel the teachers are going to lose. Is it not a fact that they both have to lose in order to stop strikes in Pennsylvania? So is that not the way it should be? Therefore, I think we should all support Mr. Freind's amendment.

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

Mr. MANDERINO. Mr. Speaker, very briefly, I rise in opposition to the Freind amendment. I think the gentleman, Mr. Burns, hit the nail on the head. If you want to try to do something about the labor disputes and the settlement of those disputes easier, everyone or each side on the issue must lose in the solution that you suggest. In this solution only teachers lose. Only persons, as Mr. Haluska said, who cannot afford to lose 10, 12, 15 days of pay will lose. There is no loser so far as the local taxpayer who is represented by the school board. The school board loses nothing. Mr. Freind recommended to you the passage of this amendment, saying that the school board will lose nothing, that the local school district will not be out one dime, that they will not have to pay the teachers and they will not receive their subsidy. But remember, they do collect a lot of their tax money at home that supports the schools. They will continue to keep every penny of that. So the solution that has been proposed here to the labor disputes, or the settlement of the labor disputes early, penalizes only one side.

The school board has the power by this amendment to cause an economic loss, an economic loss, to the teachers. The school district and the taxpayers of the district cannot suffer an economic loss under this amendment, and that is the reason we ought to defeat it. If this amendment would say—and I am not sure that anybody would suggest that it should say—but if it would say that all the taxes that are collected that would have gone to pay teachers during those same days that the teachers will not be paid should be forfeited to a fund of the Commonwealth, then maybe it would be balanced on either side, and I am not suggesting that we do that, because I would not like to see any school district lose the local taxpayers' money. But this amendment certainly is not fair. It puts all the power to cause economic loss in the school board, and the losers, the economic losers, can only be the teachers. Mr. Speaker, I ask for a negative vote.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington, Mr. Daley.

Mr. DALEY. Mr. Speaker, I just want to echo the majority leader's comments. Mr. Freind elaborated a number of times about the California school strike, and being my hometown and I taught in that school district, I think I can speak from

some authority that in California the problem was exacerbated by the board in terms of creating economic harm to the teachers. If this amendment passes, Mr. Speaker, what the California School Board had done to the teachers will now be legitimized, and I urge defeat of this amendment.

The SPEAKER pro tempore. The Chair recognizes, for the second time, Mr. Freind.

Mr. FREIND. Very briefly, Mr. Speaker. I think we all agree on one thing; at least I am pretty sure we all do. We all agree that we have a tremendous problem with respect to teachers strikes in the Commonwealth of Pennsylvania that is getting worse all the time. It is not new; it is 14 years old now.

We do not have a monopoly on being right, but what we have done is prepare a package to try to deal with the problem. If you do not like these solutions, I ask and I urge you to come up with another solution that will deal with the problem.

I read you the statistics; I showed you how students are being shortchanged 40, 50, and 60 days, and they are the losers, and it goes on and it goes on and it goes on. If you have a strike in private industry and the workers are out for 40 days, they lose all 40 days, and it is something that they have to weigh, thinking about how good is the new contract going to be; is it going to justify my losing this money that I will never see again? You have a situation right now where if you go out and strike for 40 days and you make up 30, you only lose 10 days. You have a situation right now where the 180-day rule is being violated regularly, and the students are the losers.

I am not too concerned about the board losing or the teachers losing. I think what has to happen, most importantly, is for the students to win. This amendment is designed to bring the parties together to create meaningful negotiation, to lessen, if not to completely eliminate, the devastating impact of strikes. I sincerely hope that you will support this amendment. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—40

Bowser	Freind	Jackson	Pitts
Brandt	Fryer	Kennedy	Robbins
Burd	Gamble	Klingaman	Ryan
Cessar	Geist	Letterman	Saurman
Clymer	Gladeck	Levi	Scheetz
DeVerter	Godshall	McClatchy	Schuler
Fargo	Haluska	Merry	Sirianni
Flick	Hasay	Noye	Swift
Foster, W. W.	Hershey	Peterson	Taylor, E. Z.
Foster, Jr., A.	Honaman	Phillips	Vroon

NAYS—156

Afflerbach	Donatucci	McCall	Rieger
Alderette	Dorr	McHale	Rudy
Angstadt	Duffy	McMonagle	Rybak
Arty	Durham	McVerry	Saloom
Baldwin	Evans	Mackowski	Salvatore
Barber	Fattah	Madigan	Semmel
Battisto	Fee	Maiale	Serafini
Belardi	Fischer	Manderino	Seventy
Belfanti	Freeman	Manmiller	Showers

Blaum	Gallagher	Markosek	Smith, B.
Book	Gallen	Mayernik	Snyder, D. W.
Boyes	Gannon	Michlovic	Snyder, G. M.
Broujos	George	Micozzie	Spencer
Bunt	Greenwood	Miller	Spitz
Burns	Grieco	Miscevich	Stairs
Caltagirone	Gruitza	Moehlmann	Steighner
Cappabianca	Gruppo	Morris	Stevens
Carn	Hagarty	Mowery	Stewart
Cawley	Harper	Mrkonic	Stuban
Cimini	Hayes	Murphy	Sweet
Civera	Herman	Nahill	Taylor, F. E.
Clark	Hoeffel	O'Brien	Telek
Cohen	Hutchinson	O'Donnell	Tigue
Colafella	Itkin	Olasz	Trello
Cole	Jarolin	Oliver	Truman
Cordisco	Johnson	Perzel	Van Horne
Cornell	Kasunic	Petrarca	Wachob
Coslett	Kosinski	Petrone	Wambach
Cowell	Kowalshyn	Piccola	Wargo
Coy	Kukovich	Pievsky	Wass
Deluca	Lashingier	Pistella	Weston
DeWeese	Laughlin	Pott	Wiggins
Daley	Lehr	Pratt	Williams
Davies	Lescovitz	Preston	Wilson
Dawida	Levin	Punt	Wogan
Deal	Linton	Rappaport	Wozniak
Dietz	Livengood	Reber	Wright, D. R.
Dininni	Lloyd	Reinard	Wright, J. L.
Dombrowski	Lucyk	Richardson	Wright, R. C.

NOT VOTING—3

Armstrong	McIntyre	Smith, L. E.
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EXCUSED—3

Marmion	Irvis,
Zwikel	Speaker

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

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. FREIND offered the following amendments No. A2466:

Amend Title, page 1, line 10, by inserting after "TERMINATION;"

further providing for the minimum number of days;

Amend Bill, page 5, by inserting between lines 26 and 27

Section 3. Section 1501 of the act, amended June 30, 1980 (P.L.279, No.80), is amended to read:

Section 1501. Minimum Number of Days; School Month.— All public kindergartens, elementary and secondary schools shall be kept open each school year for at least one hundred eighty (180) days of instruction for pupils. No days on which the schools are closed shall be counted as days taught, and no time shall be counted as a pupil session for any activity to which admission is charged. No school district shall be required to change its graduation schedule or require graduating students to return to school after graduation to make up class days lost due to severe weather conditions or, in the school year 1979-1980 for situations beyond the control of the school district as a result of major construction and renovation to the school building. No district which makes a bona fide effort as determined by the Secretary of Education to provide one hundred eighty (180) days of instruction for graduating students shall receive less subsidy payments or reimbursements than it would otherwise be entitled to receive on account of the school year because of the provisions of this section. Unless otherwise provided by this act, the board of school directors in any district or joint board may keep such other schools or depart-

ments as it may establish open during such time as it may direct. In the event it appears that a school district will not be able to keep schools open in any school year for a minimum of one hundred eighty (180) days of instruction for pupils as a result of a work stoppage, the Secretary of Education shall petition the court of common pleas in which jurisdiction lies to issue an order to terminate the work stoppage. The Secretary of Education shall assist the school district in providing one hundred eighty (180) days of instruction for the pupils in accordance with the officially adopted calendar of instructional days approved by the board of school directors.

Twenty days of actual teaching shall constitute a school month.

Amend Sec. 3, page 5, line 27, by striking out "3" and inserting

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Amend Sec. 3, page 5, line 29, by striking out "REMAINING PROVISIONS OF THIS ACT" and inserting amendments affecting sections 1133 and 1361 of the act

Amend Sec. 3, page 5, by inserting after line 30

(c) The remaining provisions of this act shall take effect immediately.

On the question,

Will the House agree to the amendments?

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

Mr. FREIND. Thank you, Mr. Speaker.

We are flexible, if nothing else. That last vote told us that you did not want to waive the 180-day rule. This amendment echos that sentiment, and what it says is this: When it appears that because of a strike a school district may not get in the 180 days, the Secretary of Education is mandated to petition the appropriate court of common pleas to request an injunction to end the school strike to get in the 180 days. It also empowers the Secretary of Education to assist the school district in any way possible to get in the 180 days on the regularly scheduled calendar.

I would think, as you have shown already that you want the 180-day rule, that this would be, believe it or not, a relatively uncontroversial amendment. It merely gives the Secretary of Education standing to petition the court for an injunction so that the students will get in 180 days. I sincerely request your support for it.

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

Mr. GALLAGHER. Mr. Speaker, I rise to oppose Mr. Freind's amendment.

What this does is put into the hands of the Secretary a mandate when there is a strike to go to court and ask for an injunction so that the 180 days are executed. I find that this is not the proper place and time, the proper bill, to offer such an amendment. In the present situation today when there is a strike in a school district, and many times it has happened, the school board goes to the court and asks for an injunction or the public goes to the court and asks for an injunction so that the school district can go back to order and provide the education that they feel is necessary. Act 195 provides for that to be considered by the court, three different various reasons as to

why an injunction should be issued. I find that this amendment suggested by Representative Freind is just trying to put the onus on the Secretary of Education as a mandate for him to go to court to ask for an injunction so that the injunction be issued by the court to provide 180 days. I urge the members to oppose this amendment.

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

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, I did not time the debate on the last amendment, but I certainly listened to the content of what was said. If I heard correctly—and I certainly hope I did—this General Assembly said that we are concerned for the benefit of our children and for the education of our children. This General Assembly was saying that if our students are supposed to get 180 days, they should get 180 days, and they should not be shortchanged, and we should make certain that they do.

The Constitution says that we are to provide this kind of an education and assure that it is obtained. I do not understand why there would be a problem with saying then that the Secretary of Education should be told by us to make certain that the 180 days that are there are in fact enforced and that our children get 180 days and are not being shortchanged by any negotiations which take place between teachers and a union. It is our students whom we ought to be concerned about, and this amendment speaks to that concern. If we in fact want to be sure that our children are getting what they are entitled to, then we can hardly turn our backs on this amendment which says, let us make sure our kids get 180 days, because if 180 days is what they are supposed to get for their educational purposes, let us see that they get it. Thank you.

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

Mr. BURNS. Thank you, Mr. Speaker.

If there was nothing in present law that looked out for the youngsters to make sure that the youngsters could get 180 days, I would totally agree with this amendment. Fortunately, there is something in present law, and that is the portion of that law that allows the school board, the ones that are most directly involved, to protect the rights of those youngsters. They can do that by going to the courts and petitioning the courts to demand that the strike be ended, an injunction be issued, and that the youngsters get 180 days.

Now, if you say that the Secretary of Education should be able to do that, then you have taken a person outside of that district, a person who could be 300 or 400 miles away, totally, completely separated from all of the issues in the strike, knowing very little, only hearsay of what is happening, and you are putting a requirement on him to go to the court in the particular county where the school district is. That, to me, is silly. The school district, the nine people who are elected by the taxpayers to protect the rights of those youngsters, have that right now. They have done it in the past, and this has really never been a problem. I would suggest that it is not going to be a problem, and I would suggest that you vote against this amendment.

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

Mr. TIGUE. Thank you, Mr. Speaker.

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

Mr. Speaker, in looking at the amendment, the last sentence which you are changing, "The Secretary of Education,..." et cetera, it says, "...in accordance with the officially adopted calendar of instructional days...." A question: Does that mean that the school board could not extend the school days beyond the accepted calendar?

Mr. FLICK. Yes, Mr. Speaker.

Mr. TIGUE. So in other words, if a school district were on strike for 10 school days, that board, if the strike were settled, could not go beyond, let us say it was a June 10 date, they could not extend that to June 20 according to this amendment?

Mr. FLICK. Mr. Speaker, in reading the amendment, I would suggest to you that this is a two-tiered amendment. The Secretary would be empowered to seek a court injunction to mandate the 180 days. The school calendar provision would be provided where the Secretary would assist the school district to obtain 180 days.

Mr. TIGUE. Okay, Mr. Speaker, but still it does not answer the question.

According to the amendment, it would seem that even with the Secretary of Education becoming involved in the process, he or she could not allow, or in fact it prohibits the board from extending the calendar.

Mr. FLICK. I was mistaken in my first answer to you, which I thought I had corrected in my second answer.

It is two tiered. The Secretary—

Mr. TIGUE. I understand the part about tiers. My question is simply, under this amendment, could a school board extend a calendar?

Mr. FLICK. Yes, they can.

Mr. TIGUE. Yes, they can?

Mr. FLICK. Yes, they can. Allow me to explain it more clearly. I failed in my first attempt.

The Secretary of Education would have to seek an injunction if it appeared the 180 days of education were threatened by a work stoppage. The second part of the amendment provides that the Secretary of Education would assist the school district in providing for 180 days. They are two separate and distinct provisions.

Mr. TIGUE. Okay, Mr. Speaker, but you have to read on, and it says, "...in accordance with the officially adopted calendar of instructional days approved by the board of school directors."

Mr. FLICK. May I have one second, please? Staff and officials are having trouble getting together.

Mr. TIGUE. Sure.

Mr. FLICK. We are all in agreement that the calendar could be extended. It is our intent to allow that option.

Mr. TIGUE. Okay, I understand, Mr. Speaker, the intent.

I have concluded my interrogation. Thank you.

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

Mr. TIGUE. Mr. Speaker, according to the wording, there seems to be a question which has arisen whether or not we are actually saying what we are intending. In addition, it would seem that if you are going to make the board and, in fact, the collective-bargaining unit go by the original calendar, the Secretary of Education would have to become involved in the process the first day of a strike. Otherwise, they could not meet the scheduled calendar. So either the wording is amiss, there is a problem with the wording, or the intent is cleverly disguised so that it would prevent any strike of longer than 1 day. So I would urge the defeat of this amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

Mr. FLICK. Mr. Speaker, my colleague mentioned that this might possibly be a carefully veiled attempt to restrict the extension of the school calendar. I would like to assure the members of the House that that was not the intent of this amendment. It is possible it might be read that way, certainly, and I do not disagree with those who might choose to interpret it that way. That is not the intent, and it can equally be read the other way, which would allow the school calendar to be extended.

I think it is very important at this time to mention that we have, for going on an hour, I guess, discussed the importance of the 180-day rule to the education of our children, yet we have failed in law to provide any enforcement at the State level. We have a "may" provision that the school board members may go into court and seek an injunction, but I remind you that we, the State, are unable to do that at this point, and if we feel that the 180 days is important, then I would suggest that if we add this amendment to SB 928, we will have strengthened the State's insistence on providing 180 days of education, on providing quality education. We will have also accomplished the fact that the Secretary of Education will become a party to the solution, not a part of the problem. I think we have aided our school boards, aided our schoolteachers, and most importantly aided our children and their parents and members of the communities we represent. I think it is very important that you consider the intent of this amendment, and I would certainly urge you to support it. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

Mr. COWELL. Would the gentleman, Mr. Flick, consent to interrogation, please?

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

Mr. COWELL. Mr. Speaker, on the issue which you have just discussed, and that is the intent of the language in the first sentence of your amendment where you speak about the Secretary of Education shall petition the court of common pleas, you have indicated in response to a prior question that it is not your intent that the 180-day calendar there refer to the original calendar approved by the school board. Was my understanding of your response correct?

Mr. FLICK. Could you repeat that? I am sorry.

Mr. COWELL. Did I correctly understand you to say that it is not your intent that the 180-day calendar referred to in the first sentence of your amendment mean the 180-day calendar originally approved by the local board of school directors?

Mr. FLICK. Yes.

Mr. COWELL. Mr. Speaker, for clarification, I would simply make reference to a letter which you cosigned earlier today—and this is the one we just discussed a moment; you cosigned it with Representatives Freind, Gladeck, and Saurman—discussing a series of amendments, and this amendment in particular, and you said the Secretary of Education is required to seek an injunction ending a work stoppage when it appears that a 180-day instructional school year cannot be completed under the originally adopted school calendar. Are you saying that your original letter and the message and the interpretation that you shared with your colleagues in a letter today was inaccurate?

Mr. FLICK. Yes.

Mr. COWELL. And that is not your intent then?

Mr. FLICK. It is not our intent to limit to the original calendar the 180 days of instruction. We wish to provide by this amendment—and I must admit the amendment and the memo were hastily prepared—the intent is to say we want the Secretary of Education to be involved and go into court, if it appears under the original 180-day calendar, to seek an injunction. Then we wish the Secretary of Education to assist in providing for 180 days of education in that school district which has suffered a work stoppage - not necessarily the original calendar, though.

Mr. COWELL. Mr. Speaker, if I may be recognized to make some remarks?

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

Mr. COWELL. Thank you, Mr. Speaker.

Given the explanation that we have just received, and with the understanding that the first sentence of this amendment is not intended to limit a school board to the original calendar initially approved by that school board, the initial 180-day calendar, I am going to speak in favor of this amendment. I do not think that this amendment does anything terribly dramatic, but there is one significant impact that it can have, and I speak from a point of view of a local strike that occurred within my own district just 2 years ago. In that particular situation, parents and other taxpayers were very concerned about the length of a strike which was under way and concerned about the ultimate impact on the 180-day calendar and their own school board's ability, even after adjusting the calendar,

to insure 180 days of school that particular year. Some of those parents who had that concern went into court, because their local school board was reluctant to go into court and at that time had made a decision not to seek any injunctive relief. Those parents went into court, sought an injunction, and were told by the local court of common pleas that they had no standing and in fact the only body or the only agency which could seek any relief in that school strike or any school strike situation was the local school board, and if the local school board made a decision not to seek any relief, there was nothing else that anyone could do.

I think that is highly inappropriate, and I, with a number of other legislators in this room, I guess last year it was, introduced a bill to give other people in that school district some standing to seek injunctive relief in the case of a strike, particularly a strike that was threatening the ability of the school district to offer 180 days of school. That would be my preference. This amendment obviously does not extend standing in court to parents or other taxpayers but instead provides for another alternative; i.e., the Secretary of Education to seek injunctive relief when it appears that the 180-day calendar cannot be guaranteed under any circumstances, even as the gentleman had suggested earlier in response to a question, even if the school district would revise its calendar.

Therefore, with the hope of providing some alternative in cases where school districts choose not to or do not want to for whatever reason seek injunctive relief, with the hope of providing some other alternative and some hope for parents and taxpayers who are trying to get their kids back in school, and trying to insure that at least 180 days of school will be available, I would speak in support of this amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes, for the second time on the amendment, the gentleman from Montgomery, Mr. Saurman.

Mr. SAURMAN. Thank you, Mr. Speaker.

Earlier Representative Burns indicated, if I heard correctly, that we have no problem, that the system already exists and that there is a mechanism in place. I would hate to have him address a meeting of the parents of the California School District or even those of Philadelphia. That mechanism has not failed, and while there was great glee and praise given to the mediator in the California school strike publicly, it was my immediate response that the job that was done was terrible because those students never did recover the lost days that they were entitled to. Not only are days lost, but the opportunities in educational aspects other than just those that are learned from books.

We have an opportunity, by this amendment, to reaffirm our conviction that our students are entitled to 180 days. We are saying, in fact, that for the first time we are going to put the State firmly behind the local school district, assisting them in making certain that these days are provided. I think it is time that we do something. We do have a problem, we have had a problem, and it is long past time that we do something about that problem. Thank you.

The SPEAKER pro tempore. The Chair recognizes the minority whip.

Mr. HAYES. Mr. Speaker, I would yield to Mr. Burns. I believe he wants to respond to Mr. Saurman.

The SPEAKER pro tempore. The gentleman from Bucks, Mr. Burns, is recognized for the second time on the amendment.

Mr. BURNS. Thank you, Mr. Speaker.

Mr. Speaker, I do not know, and I am not quite sure Mr. Saurman knows, what happened out in the California School District strike. I was not a part of it; I do not live near there and neither does he; and I do not know all the issues involved. But I do know that I did represent a district that went through a 52-day strike. That strike was in the Neshaminy School District and it was a devastating strike. The school board did have the power to go before the local court, the local court of common pleas, and finally when the pressure was put on the board by the parents, the board did go. The great advantage of the board going and not the Secretary was that the judge in that case in Bucks County, and I believe it was Judge Garb, said, look, guys, I am not really going to rule on this, but I want both of you, both the teachers who are arguing against the injunction and the board who is arguing for the injunction, I want you back in my chambers and nobody is going to leave there until that school strike is settled. And that is exactly what happened, and that is how that strike ended. The local school board, when forced by local parents, took their legal avenue to go to the judge. The judge then sat them down and settled the strike.

I think that was a very positive action that was taken by Judge Garb, and I think it was the type of thing and it was the only thing at that point that could have ended that strike. Had the Secretary of Education come in and done the same thing, the judge would have ruled either "yea" or "nay" but could not have grabbed the Secretary of Education and said, sit down in my chambers until this is settled. The Secretary of Education did not have that power. The only people who had the power to do that were the board who was petitioning the courts and the union who was saying to the judge, do not grant this injunction, and the judge just grabbed them both, basically, by the lapels, sat them down in his chambers, and did not let them out of there until the strike was settled. That is the great advantage of having the board do it rather than the Secretary of Education.

The SPEAKER pro tempore. The Chair recognizes the minority whip.

Mr. HAYES. Thank you, Mr. Speaker.

Mr. Speaker, there are only a couple of things that this General Assembly can do to help guarantee that it carries out its constitutional mandate to provide a thorough and efficient system of education for the young people of this Commonwealth. There are only a few things that we can do that we can guarantee. We can write law on and on and on, but ultimately there are only a few things that we can do, at least try to do. One thing that we did, or our predecessors did, was establish school districts in which children would go to school. They

went one step further, our predecessors did, and they said that those children should be allowed to go to school, must go to school, to the extent possible, for 180 days each and every school year.

Now, the gentleman, Mr. Burns, who is a friend of mine and yours, has stated that having the Secretary of Education petition the court is not the most perfect thing to do. Maybe it is not, but I think, Mr. Speaker, that we carry one step further our effort to provide a thorough and efficient system of education for 180 days by having the chief school administrator of this Commonwealth, after all else fails, petition the court to provide injunctive relief to make an effort at providing the necessary days of instruction for our young people.

A great deal occurs out there in those local school districts during a work stoppage. Teachers are in dispute with school boards; school boards are in dispute with teachers. In some instances we have found teachers in dispute with teachers and school board members at odds with their contemporaries on the board. We find the community at odds with itself, with its teachers, with its school board members, and a whole host of things become blended together, making it almost impossible for a resolution to come out of these very, very difficult and bruised circumstances. At that time it may be necessary, and yes, in some instances it was sorely needed, to have an outside person come to the forefront and provide the leadership for a community that has been unable to do it for itself because of a whole host of reasons. That person, as our agent, that person, the Secretary of Education, the man or woman who is charged with looking over the daily affairs of our school districts, most importantly the education of our young people, can come forward at the right moment and provide that institutional leadership that is necessary.

We create the school districts; they are but our agents - they, the school board members. They are not an end unto themselves. If they prove unable to provide that local leadership, as has happened in some instances—and certainly the blame is not all theirs - there are community considerations, teacher considerations, and a host of other things - but regardless of that blend or mix of reasons, they are unable to provide that local leadership, there is an incapacity, there is a debility—the Secretary of Education, by law, should come to the mercy of the children and provide at least an effort to provide injunctive relief.

The amendment may not be perfectly drawn. We have heard the proponents speak of its intent, at least, and I believe that this is but one more step that this General Assembly can take. We created the school districts and the school boards; we said there must be 180 days, and this amendment goes forward but one more step in trying to guarantee that 180 days. If we do not do that, we will have a crazy quilt. We will have a hodgepodge of days, numbers of days, across this Commonwealth. Can anyone take the microphone and say, it matters not whether one child is given 180 days and another only 150? If you can accept that logic, then any number goes.

This General Assembly must try to guarantee a minimum number of days. I do not think that you do that punitively by

bringing sanction through amendment on the floor of this House. There have been Representatives trying that today. We tried that yesterday and I suppose we will try it tomorrow, but I do not think that that is the most perfect thing to do. I believe it is most perfect if we try to provide institutional leadership, have the person to do that the Secretary of Education, and try, to the best of our ability as a General Assembly, to provide what we all agree is most perfect, and that is, providing a uniform number of days of instruction for our young people.

I have heard some talk about seniors here today. What about the child in kindergarten? Yes, the seniors go home a day early or a week early, or 2 weeks early. That is not sufficient reason to throw out the 180-day rule for all children. Some stood at this microphone today or other microphones and would have you believe that that would be true for all children. Not good law, not good policy. So what if the seniors go home a day early? The kindergarten children should not go home a week early. The third-graders should not go home 3 weeks early. If we give the seniors a bit of vacation, so be it, but that should not be a policy that goes clear across K through 12.

Let us provide institutional leadership, and let us provide it from the Commonwealth level if it fails at the local level; if it fails in those districts that we created; if it fails at the school board level; if it fails at the schoolteacher level; if it fails at the citizen level. Let us provide institutional leadership, and we do that through our Secretary of Education.

I support the amendment which has been offered by the gentleman, Mr. Freind.

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

Mr. LEVIN. We just heard a wonderful analysis of an amendment that we do not have in front of us. It is very unfortunate that Mr. Hayes spoke so eloquently about allowing the Secretary to interfere after all else fails. Now, if that is what this amendment said, I think there might be many of us who would feel that that had some merit, but I would suggest that you read it again. It requires the Secretary to immediately intervene. He cannot use his discretion. This bill is drafted as a "shall" requirement. It also indicates very clearly in its draftsmanship that—it can at least be interpreted to be drafted—it shall be when it cannot be completed under the originally adopted school calendar.

Now, the gentlemen have told us that it is their legislative intent that it not be read that way, even though they sent a letter out very clearly indicating that that is what they meant. Well, quite frankly, let me let you in on a little secret. The secret is that the courts pay no attention to what we say on this floor. If you do not believe that, just stay here a little while and you will listen to the decisions that come down. They do not have to follow what we say here is legislative intent; they read what we say.

Now, it is very clear if you read this thing that it can be interpreted in two different ways. The first is a ghastly way, that the Secretary is required to immediately seek an injunc-

tion on the first or second day of the strike, or at least as soon as those portions of the school year that were left open for snow days are gone. The sponsors say that is not what they intended, but the bill says that; the amendment says that.

We are not requiring the Secretary of Education to use his discretion. We are not telling him to act when all else fails. We are not telling him to let the school district have a chance. We are telling him to do it immediately, and we all know that that is what the sponsors meant. It is a bad amendment; vote it down.

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

Mr. HALUSKA. Mr. Speaker, a number of years ago we had some 2,000 school districts in the Commonwealth of Pennsylvania. By the wisdom of this legislature, they forced consolidation, I think, into 502 school districts. The idea was at that particular time that instead of working with their county superintendents, each school district should have direct contact with the Superintendent of Public Instruction at the State level, and I would venture to say that there is hardly a week that goes by that every superintendent is not in contact with the Department of Education on some particular issue.

Now, if that be the case, that throughout the school term they must contact the Secretary of Education, it goes to say that they should be allowed, when they are in difficulty, to contact the Secretary of Education to try to resolve a major issue in the educational process. I know of a number of districts who had strikes and they got into a position where they could not move. They contacted the Department of Education and the Secretary of Education said to them that he had no authority, no power, to intercede to resolve the issue.

So I feel, personally, that if we call upon the Secretary to lead us in instructional programs throughout the year, we should, when we are in distress, be able to turn to the Secretary to try to resolve the issues that affect the children of this Commonwealth. I ask for an affirmative vote on this amendment.

The SPEAKER pro tempore. The Chair recognizes the minority whip.

Mr. HAYES. Thank you, Mr. Speaker.

I appreciate the kind words spoken by Mr. Levin as to my comments concerning this amendment. If the gentleman had listened during my presentation, I did mention that maybe there are those who could take exception to some of the words or the way some of the sentences have been arranged or what have you. I respectfully suggest, Mr. Speaker, that the amendment is not nearly as ghastly as my friend, Mr. Levin, would have you believe.

I would say to the sponsors of the amendment, you could have probably drafted it a little bit better. What I was speaking to, Mr. Speaker, was what type of policy this House of Representatives should embark upon. I do not believe that we solve the problem that we have by being punitive. I do not believe we solve the problem by just walking off the field. I do not believe we solve the problem by allowing it to fester singularly and only at the local level. I believe this General

Assembly has a responsibility to search for a solution. I believe that this is one step toward this General Assembly's ultimate reach of such a solution. I believe at this time the General Assembly, this House of Representatives, should speak affirmatively on this matter. If there are to be some word changes, I believe that can come about, but I believe this House of Representatives should express itself, hopefully in the affirmative, that we cannot stand at square one in neutral.

Again, I caution, let us not try to find punitive solutions. Some have tried that on earlier days, some have tried yet today, and I presume there will be those tomorrow who reach out with a stick or two swatting this person or that group. That is not the way you solve this type of problem. I do believe that we can begin to solve it by providing this type of mechanism. It is not nearly as ghastly as Mr. Levin would have us believe, although I appreciate his friendship and his sincerity.

I would say to the sponsors, if you have to draft this amendment again sometime, try to put it together just a little bit differently. In the meantime, I believe it is in adequate form for it to receive our support today. Thank you, Mr. Speaker.

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

Mr. LLOYD. Thank you, Mr. Speaker.

Just as we do not face up to issues by walking off the floor, we do not face up to issues by calling black white and white black. And that is what the sponsors or the supporters of this amendment would have us do. They can suggest all they want what their intent is, but the fact of the matter is that they distributed a letter in which they stated that they want the Secretary of Education to go in and seek an injunctive relief when 180 days cannot be given within the originally scheduled calendar.

Now, Mr. Hayes can say until the cows come home that that is not what this says or maybe it ought to be changed, but I would suggest that the proper thing to do, rather than forcing people into a vote either to say we are against strikes entirely or to say that we are not in favor of having the Secretary of Education having standing, but the proper thing for the sponsors to do would be to withdraw this amendment and redraft it so those of us who want to give the Secretary of Education standing could vote to do that. We certainly have enough time for that; we have got three or four more amendments here that Mr. Davies intends to offer. I would encourage Mr. Freind to redraft this amendment so that we do not get into this hassle about the Secretary of Education's having to go into court the first day that you cannot complete the 180 days within the regular school calendar, and then I think he might be able to pass his amendment. Otherwise, I would ask for a "no" vote.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lehigh, Mr. Afflerbach.

Mr. AFFLERBACH. Thank you, Mr. Speaker.

In addition to echoing the comments of my good friend, Mr. Lloyd, I would like to also point out that this amendment

should be an affront to any member who has ever taken this floor in defense of local decisionmaking. Furthermore, if there was ever an attempt to create a czar of education in Pennsylvania, this certainly opens the door. I urge defeat of the amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Delaware, Mr. Freind.

Mr. FREIND. Mr. Speaker, I am always one to admit I am wrong when it occurs, and it does with disgusting regularity. I will be honest with you, though. I do not think there is any problem with the drafting of this amendment. Since, however, my colleagues have indicated that they like the concept but have a problem with the wording, what we are going to do is withdraw the amendment. We are calling Legislative Reference right now to solve the problem. Thank you.

Mr. MANDERINO. You had better have it done in the Senate, because we are going to run this bill as soon as we are ready.

Mr. FREIND. Mr. Speaker, I withdraw my withdrawal of the amendment, if I may be recognized?

The SPEAKER pro tempore. You may.

Mr. FREIND. Mr. Speaker, let us read the amendment. It has two parts. First it says, "In the event it appears that a school district will not be able to keep schools open in any school year for a minimum of one hundred eighty (180) days of instruction for pupils as a result of a work stoppage, the Secretary of Education shall petition..." for the injunction. We all know that existing law says that a school year ends no later than June 30, so what this amendment says in the first part is that when it appears that because of a strike you will not be able to get in 180 days by June 30, then the Secretary of Education shall petition for an injunction. The word "appears" was used on purpose. It is difficult to know with certainty, because of snow days and holidays, when for sure you will not get 180 days in. You already have the latitude of the school board at any time to petition the court for an injunction when, in their opinion, it is in the public interest. All we are saying here is that when in a school year—which by law, not by my opinion or intent, ends on June 30—when it appears to the Secretary that you cannot get the 180 in, then he petitions for the injunction.

The second part says—and it is empowering him, not mandating; well, it is mandating him, but it is general—the Secretary shall assist the local school district in whatever way possible to get their 180 days in in the regularly scheduled time. And what does that mean? What it is saying is putting him on the dime to help however he can. Maybe one way is he personally comes down and he tries to help out with the intervening parties. He makes himself available, and his department, in any way he can to assist them in their goal, in their goal, which all of us have, to complete the 180 days in the regularly scheduled calendar. But anyone who looks at that language knows it is two-part and that in fact the first part relates "in any school year," which ends June 30. It is not the inten-

tion for us to require the Secretary to go for the injunction if it will run past the regularly scheduled calendar.

I apologize for the mistake in the memo. We only had the amendments ready and we wanted to let you know in advance. The memo was drafted hastily—the memo—and that is why the two sections were confused. We had another amendment, which was considered, that related to the original calendar, the 180-day-rule amendment. This one does not. This one does not require a court to look into what we intended. This one on its face makes it very clear that you have two separate and distinct parts. You have already said you want to keep 180 days. What this amendment does is make sure that we keep the 180 days. Notwithstanding the comments of some of my colleagues, whom I respect very much, I feel there is no problem with the drafting. It is a good amendment. At least it is a step forward, and I sincerely hope you will support it. Thank you, Mr. Speaker.

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

Mr. MANDERINO. Mr. Speaker, I rise in opposition to the amendment. No matter how many times you say it, it just is not so, Mr. Speaker. Statutory construction requires that the courts give meaning to all of the language that the legislature uses. Statutory construction also requires that the courts interpret the language of the legislature so as to find that the legislature did not mean to legislate an absurdity. To say that the second sentence in this amendment means nothing is absurd. It must mean something; it is there. A court will try to determine what it means, and it will only look to the language of the amendment, and you and I both know that.

The amendment is clear. The amendment says, "The Secretary of Education shall assist the school district in providing one hundred eighty (180) days of instruction for the pupils in accordance with"—and listen carefully; it is your language—"in accordance with the officially adopted calendar of instructional days approved by the board of school directors." Now, that means if they approved one and do not wish to approve a different one and do not wish to change it, they do not have to change it. It says they must adopt a calendar. Can you see the mischief that that school board can do if it wants the Secretary of Education to intervene immediately? It certainly will not change the calendar; it will not approve a different calendar than was originally approved. And that is what these words mean, and that is what they were meant to mean, and that is why your memo said what it said. It said that because what that memo carries with it is what was intended by this language. I submit that to every member of this House, and coming here today and saying that this language does not mean that does not change the language. And saying that we are going to put intent on the record does not mean a thing to the court. They will only look at legislative intent when the language does not carry the meaning to the court. The language certainly will carry the meaning to the court. To say that the Secretary of Education will assist the school district in providing 180 days within the approved calendar, approved by the board of education or the board of school directors, means exactly that.

And Mr. Levin is entirely correct when he said once that board adopts a calendar, except for a few snow days that you might have allowed, the Secretary of Education will be forced, under this amendment, to petition the court to terminate the strike immediately. And there are no guidelines on when the court can terminate that strike. It does not say here that he petitions the court if irreparable harm will be done. It does not say he will petition the court if 180 days cannot be gotten in with a reasonable extension of the schedule. It simply says that if under the originally adopted calendar 180 days cannot be taught, he can petition the court to terminate the work stoppage.

Mr. Speaker, we spoke here before on the other amendments that were placed before the House that in any solution that we should find legislatively to the problems that might exist in the labor relations between school boards and school-teachers, we ought to be very careful that what we do is fair, evenhanded, so far as the teachers are concerned and so far as the school board is concerned. This, as every other amendment that Mr. Freind has drawn and so far presented, is not fair and is not evenhanded. It comes down on the side of the school board and the board of education. It leaves with the school board, with the board of education, the power to make the schedule, to make the calendar, and not to approve anything different than what they originally set forth, which puts the club or the hammer in their hands, the school board's hands, to the disadvantage of the teachers of this Commonwealth.

Mr. Speaker, I ask for a negative vote on this, because this amendment is drawn in the spirit of all the Freind amendments that I have seen on this bill today - in the spirit of unfairness or not evenhandedness to the parties that are involved, the parties being the board of education and the teachers. This is not an amendment well drawn to be fair to both sides. In his zeal to do something—and I am sure in the zeal of many of the members here to do something—about a perceived problem, they are trying to do something that lacks the fairness and evenhandedness that we ought to look for, ought to require, and ought to achieve, in any solution to the problem.

Why is it, if a problem is perceived to exist, that we have not until this time found the solution? The solution is not easy, and the solution is not in writing an amendment and telling the members what it means, and then when the obvious unfairness, the obvious disadvantage, to the language drawn is brought forth, that we simply decide that the language we have written does not mean what it says. It is not so easy, and I will repeat as I started this commentary, no matter how many times we say it, that will not make it so. The language is written here, and that language is what the court will interpret. They will not interpret that we meant to legislate an absurdity, and they will not go to your statements of legislative intent in order to resolve the issue that is clear from the language written in the amendment. I ask for a negative vote, Mr. Speaker.

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

Mr. FLICK. Thank you, Mr. Speaker.

I think it is very important to make three points. Number one, we are voting on the amendment that you have before you; we are not voting on a memo that was circulated that contains an error.

Number two, I think that we all recognize the Secretary of Education now has an obligation to assist the boards in obtaining 180 days of instruction within their expressed calendar year. We are not saying, we are not saying that the 180-day calendar adopted by the board must be maintained. We have said that very clearly.

I think that if the members will read carefully the amendment, as my colleague, Representative Freind, has stressed, and I need not read it again, it is very clearly drawn; it is in two parts, and it does not do what the gentleman who most recently spoke would have you believe.

I would ask for a positive vote and a show of support that we do want our Secretary of Education, the superintendent for the State, if you have it, to be involved when in fact there are work stoppages within our school districts. I do not believe we want the Secretary of Education to be sitting back saying, I have no authority; I have no power; this is a local matter; I cannot intervene.

Now, you be the judge. Do we want the State to render assistance to our local school boards in providing the 180 days that we have mandated at the State level? I think it is entirely consistent that we vote positively on this amendment, and I ask your support. Thank you.

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

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

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

Mrs. TAYLOR. Mr. Speaker, in the assessment that was made by the majority leader, Mr. Manderino, in the interpretation of the language in your amendment, could you explain to me and the members of this House what wrongdoing or what evil would be the result from that language?

Mr. FREIND. Yes, Mr. Speaker.

Number one, as I have indicated before, I do not agree with the majority leader on his reading. I think the reading of the amendment is very clear. But if he were correct, I fail to see the evil that would occur. Number one, I assume that the Secretary of Education knows how to read, and if he in fact reads the amendment, he will know that he is not required to go into court until it appears you are in danger of not getting 180 days in during the school year, which ends June 30. Even if he cannot read and goes in prematurely, the court can indicate to him that the issue is not ripe, that there is not a danger at this point that they will not get their 180 in by June 30. No harm is

done there whatsoever. He may then come back in when the issue is ripe, when it appears they cannot get the 180 in by June 30. And even if the court disagreed, the very worst that would happen, the thing that we have been trying to end anyway, a teachers strike, Mr. Speaker, would end. So I fail to see any evil that can occur by either reading of the amendment.

Mrs. TAYLOR. Thank you, Mr. Speaker.
May I make a statement?

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

Mrs. TAYLOR. It seems to me that all of us have sat here for about 2 hours and listened to the debate. Things may or may not be clear in our minds as we cast our vote, but the one thing that has come through in almost every speech that has been given is that we must have concern for the children.

Now, I suggest, Mr. Speaker, that if that is true, the greatest way that people can show in this General Assembly that concern, the greatest way they can reduce this 2-hour debate to some kind of a meaningful message to those back home would be to put up an affirmative vote for Mr. Freind's amendment. Thank you very much.

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

Mr. MANDERINO. The lady, Mrs. Taylor, may have fooled others, but you did not fool me in the interrogation of Mr. Freind. You gave him a chance to speak the third time.

In any event, Mr. Speaker, the wording of the amendment simply says at the end, "...in accordance with the officially adopted calendar of instructional days approved by the board of school directors." If the interpretation that Mr. Freind wants us all to put on this amendment were the correct interpretation, those words that I just read would not be in the amendment. The amendment would simply read that the Secretary of Education shall assist the school district in providing 180 days of instruction, period. That is not what it says. It says that the Secretary will provide assistance in the 180 days of instruction in accordance with the officially adopted calendar of instructional days approved by the board of school directors. That language is going to be given meaning. There is no question about it. That language will be given meaning, and the meaning that will be given is the meaning that I have suggested and Mr. Levin has suggested, and the school board will be sitting there with the capability, with the power to either change the calendar or not change the calendar, depending upon what the school board's wishes are.

I say to you again, you are intervening in such a manner that you are not intervening with an even hand toward the school board and the teachers. And if you are going to intervene at all with any additional legislation, it ought to be legislation that is fair to both sides. Mr. Speaker, again I ask for a negative vote.

PARLIAMENTARY INQUIRY

REQUEST TO DIVIDE AMENDMENTS

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

Mr. COHEN. Mr. Speaker, could this amendment be divided? Could we vote on each sentence separately, Mr. Speaker?

The SPEAKER pro tempore. The Chair believes that we have had this under discussion for about 2 hours. Has the gentleman just reached a conclusion of dividing the question?

Mr. COHEN. Yes. I have listened to this discussion for about 2 hours, and that is why I am raising the question.

The SPEAKER pro tempore. Thank you for your timely action. Where does the gentleman desire to divide the amendment?

Mr. COHEN. At the end of the first sentence, after "stoppage."

The SPEAKER pro tempore. Could the gentleman be more specific?

Mr. COHEN. At the end of the first underlined sentence, at the period after "stoppage" on the seventh underlined line.

The SPEAKER pro tempore. The Chair is pleased to announce that it cannot be divided, in the opinion of the Parliamentarian and the Chair.

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

The following roll call was recorded:

YEAS—53

Blaum	Fryer	Jackson	Pott
Book	Gamble	Jarolin	Robbins
Brandt	Geist	Kennedy	Rudy
Burd	Gladeck	Klingaman	Ryan
Clymer	Godshall	Letterman	Saurman
Cohen	Hagarty	McClatchy	Scheetz
Cowell	Haluska	McVerry	Sirianni
DeVerter	Hasay	Markosek	Smith, L. E.
Dawida	Hayes	Mayernik	Spitz
Fargo	Herman	Moehlfmann	Taylor, E. Z.
Flick	Hershey	Mowery	Vroon
Foster, W. W.	Honaman	Noye	Wilson
Foster, Jr., A.	Hutchinson	Pitts	Wright, J. L.
Freind			

NAYS—144

Afflerbach	Donatucci	McHale	Rybak
Alderette	Dorr	McIntyre	Saloom
Angstadt	Duffy	McMonagle	Salvatore
Arty	Durham	Mackowski	Schuler
Baldwin	Evans	Madigan	Semmel
Barber	Fattah	Maiale	Serafini
Battisto	Fee	Manderino	Seventy
Belardi	Fischer	Manmiller	Showers
Belfanti	Freeman	Merry	Smith, B.
Bowser	Gallagher	Michlovic	Snyder, D. W.
Boyes	Gallen	Micozzie	Snyder, G. M.
Broujos	Gannon	Miller	Spencer
Bunt	George	Miscevich	Stairs
Burns	Greenwood	Morris	Steighner
Caltagirone	Grieco	Mrkonic	Stevens
Cappabianca	Gruitza	Murphy	Stewart
Carn	Gruppo	Nahill	Stuban
Cawley	Harper	O'Brien	Sweet
Cessar	Hoefel	O'Donnell	Swift
Cimini	Itkin	Olasz	Taylor, F. E.

Civera	Johnson	Oliver	Telek
Clark	Kasunic	Perzel	Tigue
Colafella	Kosinski	Peterson	Trello
Cole	Kowalshyn	Petrarca	Truman
Cordisco	Kukovich	Petrone	Van Horne
Cornell	Lashingier	Phillips	Wachob
Coslett	Laughlin	Piccola	Wambach
Coy	Lehr	Pievsky	Wargo
Deluca	Lescovitz	Pistella	Wass
DeWeese	Levi	Pratt	Weston
Daley	Levin	Preston	Wiggins
Davies	Linton	Punt	Williams
Deal	Livengood	Rappaport	Wogan
Dietz	Lloyd	Reber	Wozniak
Dininni	Lucyk	Reinard	Wright, D. R.
Dombrowski	McCall	Rieger	Wright, R. C.

NOT VOTING—2

Armstrong Richardson

EXCUSED—3

Marmion Irvis,
Zwinkl Speaker

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

HOUSE BILL INTRODUCED AND REFERRED

No. 2232 By Representatives FRYER,
A. C. FOSTER, JR., SHOWERS, LEVI,
GAMBLE and DUFFY

An Act amending the "Municipal Police Pension Law," approved May 29, 1956 (1955 P. L. 1804, No. 600), further providing for payments to the fund.

Referred to Committee on LOCAL GOVERNMENT, May 30, 1984.

COMMITTEE MEETINGS CANCELED

The SPEAKER pro tempore. The Chair recognizes the gentleman from Clearfield, Mr. George.

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, I would like to announce that the committee meeting of the Conservation Committee will be canceled, and we will be holding it next week. Thank you.

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

Mr. TRELLO. Mr. Speaker, the Finance Committee meeting that was scheduled off the floor of the House is canceled, and the Finance Committee meeting scheduled for tomorrow is canceled and will be rescheduled for next week.

The SPEAKER pro tempore. The Chair thanks the gentleman.

REMARKS ON VOTES

The SPEAKER pro tempore. The Chair recognizes the gentleman from Butler, Mr. Steighner.

Mr. STEIGHNER. Thank you, Mr. Speaker.

Mr. Speaker, when the vote was taken on amendment A2483 to SB 928 for germaneness, my switch was inoperative. I would like to be recorded in the negative.

The SPEAKER pro tempore. The Chair thanks the gentleman, and his remarks will be spread upon the record.

The Chair recognizes the gentleman from Blair, Mr. Geist.

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

On SB 928, amendment 2465, both Merle Phillips and I are inaccurately recorded and would like to be recorded as "no" votes.

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

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

Mr. MILLER. Thank you, Mr. Speaker.

On the vote on HB 1837, my switch was inoperative. I wish the record to reflect I would have voted in the affirmative.

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

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 1592, PN 1985 By Rep. HUTCHINSON

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

TRANSPORTATION.

HB 1725, PN 2210 By Rep. HUTCHINSON

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for special registration plates for news reporters.

TRANSPORTATION.

HB 2095, PN 2831 By Rep. HUTCHINSON

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, changing the methods of determining noise violations.

TRANSPORTATION.

SB 1181, PN 1596 By Rep. HUTCHINSON

An Act designating a section of Route 11 (Legislative Route 25) in Snyder County as the "Charles E. Attig, Jr. Memorial Highway."

TRANSPORTATION.

SB 1217, PN 2039 (Amended)

By Rep. HUTCHINSON

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the allocation of proceeds from the oil company franchise tax.

TRANSPORTATION.

CONSIDERATION OF SB 928 CONTINUED

On the question recurring,

Will the House agree to the bill on third consideration?

The SPEAKER pro tempore. Does the gentleman, Mr. Freind, have an amendment to offer?

Mr. FREIND. Mr. Speaker, it has not been a real good day for me, so I would like to salvage something, maybe a short round of applause. Despite the fact that I have missed the 5:20, I am going to withdraw the rest of the amendments. Thank you.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. DAVIES offered the following amendment No. A2519:

Amend Sec. 2 (Sec. 1361), page 5, line 22, by inserting after "LAW."

No costs may be incurred to transport students for extracurricular activities which are religious in nature.

On the question,

Will the House agree to the amendment?

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

Mr. DAVIES. Thank you, Mr. Speaker.

This amendment simply addresses a continuation or tries to have a reference of a cleavage between church and State. It states that no costs may be incurred in the transportation of students for extracurricular activities which are religious in nature, so that if the extracurricular activity is of that nature in that particular event or those types of events, the transportation does not have to be provided for that type of exercise.

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

Mr. GALLAGHER. Mr. Speaker, as I understand it, it is amendment No. 2519. What Representative Davies is asking is that no costs be incurred to transport students for extracurricular activities which are religious in nature. I see no real objection to that kind of an amendment, so I have no objections, Mr. Speaker. I urge the members to support Mr. Davies' amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—184

Afflerbach	Fargo	Levi	Reber
Angstadt	Fattah	Levin	Reinard
Arty	Fee	Linton	Rieger
Baldwin	Fischer	Livengood	Robbins
Battisto	Flick	Lloyd	Rudy
Belardi	Foster, W. W.	Lucyk	Ryan
Belfanti	Foster, Jr., A.	McCall	Rybak
Blaum	Freeman	McClatchy	Saloom
Book	Freind	McHale	Salvatore
Bowser	Fryer	McIntyre	Saurman
Boyes	Gallagher	McMonagle	Scheetz
Brandt	Gallen	McVerry	Schuler
Broujos	Gamble	Mackowski	Semmel
Bunt	Gannon	Madigan	Serafini
Burd	Geist	Maiale	Seventy
Burns	George	Manmiller	Showers
Caltagirone	Gladeck	Markosek	Sirianni

Cappabianca	Godshall	Mayernik	Smith, B.
Carn	Greenwood	Merry	Smith, L. E.
Cessar	Grieco	Michlovic	Snyder, D. W.
Cimini	Gruitza	Micozzie	Snyder, G. M.
Civera	Gruppo	Miller	Spencer
Clark	Hagarty	Miscevich	Stairs
Clymer	Haluska	Moehlmann	Steighner
Cohen	Harper	Morris	Stevens
Colafella	Hasay	Mowery	Stewart
Cole	Hayes	Mrkonic	Stuban
Cordisco	Herman	Murphy	Sweet
Cornell	Hershey	Nahill	Swift
Coslett	Hoefel	Noye	Taylor, E. Z.
Cowell	Honaman	O'Brien	Taylor, F. E.
Coy	Hutchinson	Olasz	Telek
Deluca	Itkin	Oliver	Tigue
DeVerter	Jackson	Perzel	Trello
DeWeese	Jarolin	Peterson	Van Horne
Daley	Johnson	Petrone	Vroon
Davies	Kasunic	Phillips	Wachob
Dawida	Kennedy	Piccola	Wambach
Dietz	Klingaman	Pievsky	Wass
Dininni	Kosinski	Pistella	Weston
Dombrowski	Kowalyszyn	Pitts	Wilson
Donatucci	Lashinger	Pott	Wogan
Dorr	Laughlin	Pratt	Wozniak
Duffy	Lehr	Preston	Wright, D. R.
Durham	Lescovitz	Punt	Wright, J. L.
Evans	Letterman	Rappaport	Wright, R. C.

NAYS—9

Alderette	Manderino	Petrarca	Wargo
Cawley	O'Donnell	Truman	Williams
Kukovich			

NOT VOTING—6

Armstrong	Deal	Spitz	Wiggins
Barber	Richardson		

EXCUSED—3

Marmion	Irvis,
Zwikel	Speaker

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

On the question,

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

Mr. DAVIES offered the following amendment No. A2525:

Amend Sec. 2 (Sec. 1361), page 5, line 22, by inserting after "LAW."

Extracurricular transportation costs per student shall not exceed cost per student for transportation of public school students.

On the question,

Will the House agree to the amendment?

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

Mr. DAVIES. Mr. Speaker, in the interest of trying to keep costs within reasonable bounds, this merely states that extracurricular transportation costs for students shall not exceed the cost per student of transportation for the same type of activity for public school students. This is an attempt at trying to keep a cap on the costs of extracurricular transportation.

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

Mr. LAUGHLIN. Mr. Speaker, would the gentleman please stand for interrogation?

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

Mr. LAUGHLIN. Mr. Speaker, what kind of a comparison are you going to make when you say that extracurricular transportation costs per student shall not exceed that for a public school student? What kind of a ratio are you talking about there? I mean, there can be all kinds of trips that are involved with distances between athletic events or anything of that nature. Is that what you are speaking of when you say "extracurricular"?

Mr. DAVIES. What I am saying is essentially that the costs per student per student mile essentially be equitable in the public and the private, parochial sector - in other words, in seeking equity - in providing that actually neither one would exceed the other in cost containment. The biggest concern in the study that has been done by the department reflects a very significant difference in those costs, and this is an offer of trying to establish some point-to-point consideration in that cooperative effort of this type of transportation to get a handle on those particular current cost figures reflected in the department's study.

Mr. LAUGHLIN. Mr. Speaker, you are indicating then that there should be a statewide cost for transmittal of a student from one point to another with regard to transportation? Are you talking about within a district? Within a county? Mr. Speaker, it is very vague as to what your intention here is with the amendment. Would you kindly clarify that for me?

Mr. DAVIES. Well, I always maintained that probably the best thing to do would be start from scratch and start all over and go regional. But whatever the district can do to alleviate those differences, if they can make it point to point or there is some way that they can establish a return of the private, parochial students to the public school and that they all share in that extracurricular bus, if that be it, then that way, or if it is a matter of five students and instead of sending a full bus, they adopt a van or something, it is the best effort that the administration of those districts can do to achieve equality in the cost of that transportation.

Mr. LAUGHLIN. Thank you, Mr. Speaker.

Mr. Speaker, the gentleman has answered the questions to his satisfaction. Would you mind if I took a moment for a few remarks?

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

Mr. LAUGHLIN. Mr. Speaker, it is quite obvious to me that the amendment as drafted is very simplistic in its statement but very complicated in carrying out the wishes of the gentleman. I would ask for a negative vote. I do not believe that we can set a figure statewide on what it costs for transportation for individual students within areas because of the distances that are involved, the numbers that are involved, so on and so forth. For that reason, Mr. Speaker, I would ask for a negative vote.

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

Mr. BURNS. Mr. Speaker, in the last several weeks my colleague, Representative Laughlin, and I have disagreed on a lot of things, but on this one we are right on target.

The amendment is completely unclear. Do you really mean that if it costs school district A 10 cents a mile, that you could transport nonpublic youngsters any distance as long as it is 10 cents a mile, or does it mean that there should be a statewide average of maybe 5 cents a mile, and if it is over that, your district cannot do it?

It is such an unclear amendment and it is a disadvantage right off the bat to the nonpublic school, because the nonpublic schools in many cases are not centrally located in a district such as the public schools would be. So if you just take whatever the cost is for a particular extracurricular activity - to take a baseball team from private school A to the field that they are going to play on, vice taking public school B to the field that they are playing on - because of the distance involved, it could be a great difference, and there is just no way to figure out what this amendment means unless you have statewide X dollars per mile and that is it and you hold to that. We do not have that.

In this kind of an amendment, I would have to agree with Representative Laughlin that it is just absolutely, totally unclear and could be interpreted 100 different ways at this point in time. I would recommend we vote against the amendment.

The SPEAKER pro tempore. The Chair recognizes, for the second time, Mr. Davies.

Mr. DAVIES. On his point A, he was correct that it would be restricted to, if he said 10 cents a mile, it would be figured on that particular basis at that amount. On point B, that if there was a variance in the distance from one field to another, it would not make any difference because they would still be under the restraint of the 10-cents-a-mile figure, and that, of course, would be done within the district that is now supplying that transportation. So it is easy to make it difficult and cloud something as simplistic as this with the issue of certain distances and so forth and so on, but it is simply a statement that the expenditures will be equal. That is all. Your first two points were right on target. That is exactly what it says.

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

Mr. McCLATCHY. Mr. Speaker, I think the amendment is unworkable, and I ask for a negative vote.

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

The following roll call was recorded:

YEAS—17

Armstrong	Dorr	Jackson	Sirianni
Brandt	Fargo	Moehlmann	Smith, B.
Broujos	Foster, Jr., A.	Scheetz	Snyder, G. M.
Colafella	Hayes	Schuler	Tigue
Davies			

NAYS—178

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

NOT VOTING—4

Burd	McIntyre	Richardson	Spitz
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EXCUSED—3

Marmion	Irvis,
Zwinkl	Speaker

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

On the question recurring,

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

Mr. FREIND. Mr. Speaker, if I may, point of order.

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

Mr. FREIND. This is the amendment that Legislative Reference just sent down to clarify the problem that some of our colleagues pointed out in the last amendment that was defeated. I will be happy to read it, or if you want to wait until it is circulated, but we cleared up the problem that Mr. Levin and Mr. Manderino were kind enough to point out.

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

Mr. MANDERINO. I am sorry, Mr. Speaker.

The SPEAKER pro tempore. Would Mr. Freind repeat his message to the majority leader.

Mr. FREIND. As I say, the amendment is in. It is the amendment which we discussed, the last amendment defeated, where we clarified the problem that was pointed out by our colleagues. I could either read it, or it is up to you, Mr. Speaker, whether you want to wait until it is circulated or if you want to just read it to the members.

Mr. MANDERINO. Mr. Speaker, that amendment is 2540. It has not been duplicated. There have been amendments duplicated that carry later numbers. It seems to me that that is an amendment that they are now deciding to offer that they had not decided to offer before.

Mr. FREIND. Mr. Speaker, that came right down from Legislative Reference about 30 seconds ago. In fact, Representative Flick personally went up just now to Legislative Reference to get it.

We may be a lot of things, Mr. Speaker, but we are up front.

Mr. MANDERINO. Well, one of our problems is we are waiting 3 hours for an amendment on this side of the aisle.

Mr. FREIND. Well, when you have clout, you have clout, Mr. Speaker.

Mr. MANDERINO. I would like the Legislative Reference Bureau director representative who is here to note that the majority leader wants to know why we have to wait 3 hours and Mr. Freind can get an amendment in less than 15 minutes.

In any event, Mr. Speaker, the rules of the House are that it has to be duplicated and should be duplicated, because it does not do much more than the last amendment and I think the members ought to see that.

BILL PASSED OVER TEMPORARILY

The SPEAKER pro tempore. Is it the majority leader's wishes that we go over the bill temporarily, or what?

Mr. MANDERINO. Mr. Speaker, there is other business that we must transact, and I think if they can get the thing duplicated, we will just come back to this bill.

The SPEAKER pro tempore. Very good.

Without objection, SB 928 will go over temporarily. The Chair hears no objection.

CONSIDERATION OF HB 1566 RESUMED

On the question recurring,

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

Mr. BATTISTO offered the following amendment No. A2532:

Amend Sec. 10, page 5, by inserting between lines 21 and 22

(d) Applicability.—This act shall apply only to those clubs located in municipalities which have adopted the provisions of this act by affirmative vote in a municipal referendum in accordance with the provisions of this section.

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

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Monroe, Mr. Battisto.

Mr. BATTISTO. Thank you, Mr. Speaker.

Mr. Speaker, this amendment will follow the amendment which we approved this morning, the Hayes amendment. This amendment will be inserted following the Hayes amendment. It will be section (d).

According to the provisions of this bill to this point, small games of chance would be legal in all clubs. I feel that is the reverse way to go. I feel the referendum should be conducted first. Therefore, following the provisions of the Hayes amendment, this is inserted as letter (d), and it says, "This act shall apply only to those clubs located in municipalities which have adopted the provisions of this act by affirmative vote in a municipal referendum in accordance with the provisions of this section," and, of course, they would be (a), (b), and (c) above.

The rationale, of course, is very simple. It does not make any sense to allow small games of chance to be legal and then to conduct a referendum and, if the vote is "no," to rescind and take them out. It seems to me that is putting the cart before the horse; it seems to me that the referendum should be conducted first, and I feel that it is the logical way to proceed. I ask for adoption of the amendment.

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

Mr. TRELLO. Mr. Speaker, I can understand the gentleman from the Poconos saying that it is the logical way to go, and I can appreciate where he comes from. I did not quite understand the Hayes amendment this morning when we discussed that, but after discussing it with him, I find that it is a fine piece of language, and I think it makes the bill a little better. I would offer that in rebuttal to Mr. Battisto's remarks and oppose his amendment.

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

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, Representative Battisto has put in perspective that issue, and I would ask the members to support his amendment.

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

Mr. LETTERMAN. Mr. Speaker, I would like to interrogate Mr. Trello, please.

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

Mr. LETTERMAN. Is there an amendment to do this on a county-by-county basis instead of by municipality?

Mr. TRELLO. I have seen no such amendment.

Mr. LETTERMAN. Thank you.

May I make a statement?

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

Mr. LETTERMAN. I was waiting for Mr. Battisto's amendment, because I understood it was to go county by county. Now he takes it by municipality. So therefore, I object to the amendment and ask for its defeat. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

Mr. WASS. Mr. Speaker, may I interrogate Mr. Battisto?

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

Mr. WASS. Mr. Speaker, as far as your amendment goes, if my municipality wanted to have such a provision where their clubs could have the game of chance as provided in the legislation, what would happen? What would be the first thing under your amendment that would have to happen?

Mr. BATTISTO. First of all, a referendum would have to be conducted according to the provisions of this section to determine whether they would want to adopt the provisions of this bill or not. All municipalities would have to engage in that referendum.

Mr. WASS. Mr. Speaker, and who could initiate that referendum?

Mr. BATTISTO. If you read section (a), "Whenever electors equal to at least 25% of the highest vote cast for any office in the municipality at the last preceding general election shall file a petition with the county board of elections of the county for a referendum on the question of issuing licenses, the said county board of elections shall cause a question to be placed on the ballot or on the voting machine board and submitted at the primary immediately preceding the municipal election." In other words, the electors would initiate it.

Mr. WASS. As I understand your amendment then, you are giving the control of this particular activity to the people of the municipality where the games will be played.

Mr. BATTISTO. That is right, Mr. Speaker.

Mr. WASS. Thank you.

That concludes my interrogation. I would like to make a statement.

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

Mr. WASS. Mr. Speaker, I stand here in favor of the amendment. I believe if we are going to participate in such activity, it truly belongs to the people of the area to make the decision. I certainly support the amendment and ask my colleagues to join with me.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes, for the second time on the issue, the gentleman from Monroe, Mr. Battisto.

Mr. BATTISTO. May I just speak once more?

The SPEAKER pro tempore. For the second time, yes, sir.

Mr. BATTISTO. To answer Representative Letterman, he is absolutely right. I intended to make this a countywide referendum. Upon looking very closely at the matter—and I am

not so erudite as some of you who have been here so long, some of you who are more schooled in politics than I—I concluded, number one, I wanted to make it compatible with what we had passed. Number two, in a large county it is possible for a city to gang up on a small rural area and perhaps get out the vote and pass a referendum on a countywide basis which would apply to small municipalities. Therefore, from a practical standpoint, I thought it would be better to make it a municipal election.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Does the gentleman from Allegheny, Mr. Trello, care to be recognized for a second time?

Mr. TRELLO. Yes, Mr. Speaker.

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

Mr. TRELLO. You know, Mr. Speaker, we have had a couple of amendments in regard to referendum and how it should be done. Our job here in Harrisburg is to pass legislation to make laws, not to hide behind local elected officials and pass legislation and send it to them and say, okay, we did our share, now you do yours.

I think the Hayes amendment was a fine amendment, and it addressed the problem and it addressed it well. I do not know what Mr. Battisto thinks or the gentleman who spoke in regard to that thinks is going to happen out there with small games of chance to let everything be open. We are open right here. We did not have any referendums passed on the lottery or the lotto or anything like that. We did not say to the local elected officials, hey, look, we are going to let you decide if you want numbers machines in your communities. We did not say that. We passed it and they went along with it. Now what we are saying to them, to the people who live in the district, is there will be more amendments being offered to make this even more open so everybody can have their fair say in this legislation.

I think the Hayes amendment did the job and it did it well, and I think we should defeat this amendment and let the local elected officials do what they have to do in their respective communities. Let them have their own identity. If they do not want it, then they will vote it down. If they want it, then they will have it. Why should we do it? Let us give them the right to do what they want to run their own communities. That is what I have to say. I say, let us defeat the amendment.

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

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I represent 19 municipalities, and one of the things that I am constantly hearing from them is that we do pass legislation that denies them the right to that final decision. When we have a sensitive, emotional problem that involves legalized gambling, that does cause possible social ills. This is one issue that they do want to be involved with. So I again urge support of the Battisto amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—124

Afflerbach	Fattah	Lashinger	Reinard
Angstadt	Fischer	Laughlin	Robbins
Arty	Flick	Lehr	Rudy
Baldwin	Foster, W. W.	Lescovitz	Ryan
Battisto	Foster, Jr., A.	Levi	Rybak
Belardi	Freeman	Levin	Salvatore
Blaum	Freind	Linton	Saurman
Boyes	Fryer	Lloyd	Scheetz
Brandt	Gallen	Lucyk	Schuler
Broujos	Gannon	McCall	Semmel
Bunt	Geist	McClatchy	Serafini
Burd	George	McHale	Showers
Cawley	Gladeck	Mackowski	Smith, B.
Cimini	Godshall	Madigan	Smith, L. E.
Civera	Greenwood	Merry	Snyder, D. W.
Clymer	Grieco	Michlovic	Snyder, G. M.
Colafella	Gruppo	Micozzie	Stuban
Cordisco	Hagarty	Miller	Swift
Cornell	Haluska	Mowery	Taylor, E. Z.
Coslett	Hayes	Mrkonic	Taylor, F. E.
Coy	Herman	Murphy	Tigue
DeVerter	Hershey	Nahill	Vroon
DeWeese	Hoefel	Noye	Wambach
Davies	Honaman	O'Brien	Wargo
Deal	Hutchinson	Perzel	Wass
Dietz	Itkin	Peterson	Weston
Dininni	Johnson	Phillips	Wiggins
Dorr	Kasunic	Piccola	Wogan
Durham	Kennedy	Pitts	Wright, D. R.
Evans	Klingaman	Punt	Wright, J. L.
Fargo	Kowalshyn	Rappaport	Wright, R. C.

NAYS—70

Alderette	Duffy	Manmiller	Saloom
Barber	Fee	Markosek	Seventy
Belfanti	Gallagher	Mayernik	Sirianni
Book	Gamble	Miscevich	Spencer
Bowser	Gruitza	Moehlmann	Stairs
Burns	Harper	O'Donnell	Steighner
Caltagirone	Hasay	Olasz	Stevens
Cappabianca	Jackson	Oliver	Stewart
Carn	Jarolin	Petrarca	Sweet
Cessar	Kosinski	Petrone	Telek
Clark	Kukovich	Pievsky	Trello
Cohen	Letterman	Pistella	Truman
Cole	Livengood	Pott	Van Horne
Cowell	McIntyre	Pratt	Wachob
Deluca	McMonagle	Preston	Williams
Dawida	McVerry	Reber	Wilson
Dombrowski	Maiale	Rieger	Wozniak
Donatucci	Manderino		

NOT VOTING—5

Armstrong	Morris	Richardson	Spitz
Daley			

EXCUSED—3

Marmion	Irvis,
Zwikl	Speaker

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

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

Mr. HAYES offered the following amendments No. A2514:

Amend Sec. 4, page 2, line 30, page 3, line 1, by striking out both of said lines and inserting

(6) Hold a public hearing to consider the application prior to the issuance of a license at a site within the municipality where the applying club proposes to hold games of chance.

(7) Give notice of the application for license and the date, time and place of the public hearing at least 20 days prior to it being held by posting a notice on the front of the building in which the applying club proposes to hold the games of chance and by publishing an advertisement once in a newspaper of general circulation published or circulated within the municipality in which the license may be issued.

Amend Sec. 4, page 3, line 2, by striking out "(7)" and inserting

(8)

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

The SPEAKER pro tempore. On that question, the Chair recognizes the minority whip.

Mr. HAYES. Thank you, Mr. Speaker.

HB 1566 calls for a hearing to be held in the event that the department rejects an application for licensure. It is only under that circumstance that a public hearing is required.

The amendment that I am offering at the present time would require that a public hearing be held when there has been an application for a license to operate games of chance. That public hearing would have to be advertised in a paper of general circulation in that area which would be affected by the prospective games of chance. Secondly, the hearing would have to be held within the municipality where the prospective license would be located.

If we are going to hold a hearing in those cases where an application is being denied by the department, I think it is only proper and right to have a hearing up front at the outset as to whether or not there are any concerns with regard to the prospective license.

I urge support for amendment 2514. Thank you, Mr. Speaker.

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

Mr. TRELLO. Mr. Speaker, in the true spirit of open government, I support the amendment.

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

Mr. LETTERMAN. In the true spirit of open government, I oppose it.

Mr. Speaker, the clubs are either approved or disapproved. They would not even have a license in the first place, so we do not need any kind of a hearing whatsoever. They are already approved to be there. The churches have already had their shot and every individual has had their shot. We do not need this thing at all. All you are doing is making a bill much more complex and making it so much harder for anyone to even run

a business, and I would not blame them all if they would move out and not pay any taxes at all.

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

The following roll call was recorded:

YEAS—166

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

NAYS—30

Baldwin	Dombrowski	Lucyk	Pievsky
Barber	Evans	McMonagle	Reber
Belfanti	Gruitza	Manderino	Truman
Broujos	Hasay	Miscevich	Van Horne
Cappabianca	Jackson	Moehlmann	Wargo
Carn	Jarolin	Mrkonic	Wiggins
Cawley	Letterman	Oliver	Williams
Cole	Livengood		

NOT VOTING—3

Armstrong	Morris	Richardson
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EXCUSED—3

Marmion	Irvis,
Zwilk	Speaker

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

On the question recurring,

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

Mr. COWELL offered the following amendment No. A2516:

Amend Sec. 5, page 3, lines 17 through 20, by striking out all of said lines and inserting

(3) All license fees and taxes collected pursuant to this subsection shall be returned to the school district situate within the municipality in which the fees and taxes were collected. When more than a single school district is situate within a municipality, the fees and taxes shall be returned in equal parts to each school district. The Department of Revenue may retain a maximum of 2% of the fees and taxes collected for purposes of the administration of this act.

On the question,

Will the House agree to the amendment?

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, the original language of this bill and the intent of the authors of this bill would have any proceeds that are gained through the license fees or the gross receipts tax to be used for purposes of public education. However, if you look at the language currently in the bill on page 3, you will find that that language is very general and provides for no real means of distribution and in fact does not guarantee in any way that these new revenues will actually result in a net increase in the State dollars available for public education and subsequent distribution among our school districts.

The amendment which I am offering with the cosponsorship of Representative Trello, the prime sponsor of this bill, would provide a mechanism and language to guarantee that any license fees and any gross receipts taxes generated as a result of this legislation will in fact go back to the school districts where that club or that particular municipality is located, and where a municipality may in fact cover two school districts, those revenues would be equally shared by those two or more school districts, if any such creature exists.

It also provides that the Department of Revenue shall retain no more than 2 percent of the fees and taxes collected for the purpose of administration. I believe the fiscal note provides or guesses that there will be \$25 million generated. That would mean that no more than \$500,000 could be utilized for the purpose of administering this particular measure.

I urge the adoption of this amendment. Thank you.

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

Mr. TRELLO. Mr. Speaker, I support the amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lackawanna, Mr. Cawley.

Mr. CAWLEY. Thank you, Mr. Speaker.

I would like to interrogate Mr. Cowell, please.

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

Mr. CAWLEY. Thank you.

Mr. Speaker, what if a municipality decides by referendum that they do not want small games of chance in their own municipality? Will that school district within that municipality then receive any moneys?

Mr. COWELL. If a school district includes any municipality that decides that they will permit these kinds of games of chance to be utilized, then any license fees and taxes collected in clubs in that particular municipality will go back to that particular school district where the municipality is located.

In fact, a school district may include or may cover some municipalities that choose not to permit these games as well as some municipalities that choose to permit them.

Mr. CAWLEY. Well, let me ask you this question, Mr. Speaker. There is one school district in the city of Scranton, the Scranton School District. The people in the city of Scranton decide to vote "no," that they do not want small games of chance in any clubs in the city of Scranton. Will the school district from the city of Scranton receive any moneys whatsoever?

Mr. COWELL. Are you saying that the school district and the municipality are coterminous? They are one and the same in terms of boundaries?

Mr. CAWLEY. That is correct.

Mr. COWELL. Then the school district will not receive any revenues, because there will be no clubs within the school district's boundaries generating these revenues.

Mr. CAWLEY. All right. Under the present proposal, will all of the school districts receive moneys in the State - under the present proposal, without your amendment?

Mr. COWELL. Under the current proposal— Let me simply read it. It says, "All license fees and taxes collected pursuant to this subsection shall be used for purposes of public education insofar as permitted by the requirements of the Constitution of Pennsylvania." To my mind, that says nothing in terms of distribution of these moneys. I would compare this to the sales tax law that says revenues generated from the sales tax will be used for public education purposes. That guarantees nothing in terms of any particular school district. So I think that the language in the current law is almost meaningless. It could be used or interpreted in such a way that these new revenues would supplant rather than supplement current revenues. I do not think it guarantees your school district any money.

Mr. CAWLEY. Thank you, Mr. Speaker.

I would like to make a comment, Mr. Speaker.

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

Mr. CAWLEY. I just wanted to bring that point up, because I would like to remind the Representatives, who maybe feel that their constituents do not want gambling in their municipalities, that if this amendment passes, their school districts are not going to receive any moneys. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Westmoreland, Mr. Saloom.

Mr. SALOOM. Mr. Speaker, I, too, rise to ask defeat of this amendment.

The bill, if it does pass in its present form, guarantees that the money would be used for education, for education of every student of the Commonwealth of Pennsylvania. The amendment that has been presented, to me, would be a matter of blackmail. If you do not permit gambling in your community, you do not get any money, and in order to receive any of the money that this bill might provide, you must permit gambling in your community. I ask for defeat of the amendment.

The SPEAKER pro tempore. The Chair recognizes, for the second time, Mr. Cowell.

Mr. COWELL. Mr. Speaker, I rise only to correct the interpretation of the most previous speaker. The gentleman was incorrect when he said that the current language guarantees that the money will be used for public education for every student, and any interpretation similar to that would be wrong, and any interpretation that would suggest that the money would go to every school district would be wrong. In fact, the current bill is deficient in that it does not provide for any distribution method or distribution formula, and it is deficient in that it does not guarantee that this will be extra money, additional money, going to the school districts. I propose with the amendment that I offer with Representative Trello to fill that void, provide for a specific distribution method, and guarantee that these \$25 million that are estimated as new revenues will be additional dollars going to our local school districts. I urge again the adoption of the amendment.

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

Mr. LETTERMAN. I am sorry to have to do this. I do not think this is a workable situation. May I interrogate Mr. Cowell?

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

Mr. LETTERMAN. If I am reading your amendment properly, if I live, say, in Boggs Township and I have a club, an American Legion, in Boggs Township; the school district is in Boggs Township but the contingency of students is made up of 11 townships and 2 or 3 boroughs, and each one of them has a club. Where is the money going to go if there is no school district within the township?

Mr. COWELL. Mr. Speaker, every municipality is covered in a geographic sense by some school district. Boggs Township may not have a school building; it may not have a school administration building, but Boggs Township taxpayers pay money to some school district. I do not know what it happens to be, but whatever school district to which those taxpayers are paying their money, your revenues, the taxes and these fees generated by your club in Boggs Township, will go to that particular school district for the benefit of the taxpayers in all of that district, including those who live in Boggs Township.

Mr. LETTERMAN. Well, your amendment does not say that. If that is your intention, that is fine, but the amendment definitely does not say that. You have it completely backwards; your wording is completely backwards. It sounds as if the school district would only receive wherever that club was. If there was only one club in Boggs Township, to me that means it would be the only one that would pay it. It does not say anything about the rest of the districts that belong to that school district.

Mr. COWELL. If that is a question, Mr. Speaker, I will be glad to respond.

Mr. LETTERMAN. I guess that is another one of Mr. Freind's amendments. We will vote "yes" on it. Thank you.

Mr. COWELL. Is that a question?

Mr. LETTERMAN. No.

Mr. COWELL. Okay.

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

The following roll call was recorded:

YEAS—141

Alderette	Fee	Lucyk	Rudy
Angstadt	Foster, Jr., A.	McCall	Ryan
Baldwin	Fryer	McClatchy	Rybak
Barber	Gallagher	McMonagle	Salvatore
Belardi	Gallen	McVerry	Scheetz
Belfanti	Gamble	Mackowski	Schuler
Blaum	Geist	Madigan	Semmel
Bloom	George	Manmiller	Serafini
Boyes	Gladeck	Markosek	Seventy
Brandt	Godshall	Mayernik	Showers
Broujos	Greenwood	Merry	Sirianni
Bunt	Grieco	Michlovic	Smith, L. E.
Burd	Gruitza	Micozzie	Snyder, D. W.
Burns	Gruppo	Miller	Snyder, G. M.
Caltagirone	Hagarty	Miscevich	Spencer
Cappabianca	Haluska	Mowery	Steighner
Cawley	Harper	Mrkonic	Stewart
Cessar	Hasay	Murphy	Suban
Cimini	Hayes	Nahill	Sweet
Clark	Hoeffel	Noye	Taylor, E. Z.
Cohen	Hutchinson	O'Brien	Taylor, F. E.
Colafella	Itkin	O'Donnell	Telek
Cordisco	Jarolin	Olasz	Tigue
Cornell	Johnson	Oliver	Trello
Coslett	Kasunic	Perzel	Van Horne
Cowell	Kennedy	Peterson	Wachob
Deluca	Kowalshyn	Petrarca	Wambach
DeVerter	Kukovich	Petrone	Wargo
DeWeese	Lashinger	Phillips	Weston
Daley	Laughlin	Piccola	Wilson
Dawida	Lehr	Pistella	Wogan
Dietz	Lescovitz	Preston	Wozniak
Dininni	Letterman	Reber	Wright, D. R.
Dombrowski	Levi	Reinard	Wright, J. L.
Dorr	Levin	Rieger	Wright, R. C.
Duffy			

NAYS—50

Afflerbach	Fargo	Linton	Robbins
Battisto	Fattah	Livengood	Saloom
Bowser	Fischer	Lloyd	Saurman
Carn	Flick	McHale	Smith, B.
Civera	Foster, W. W.	Manderino	Stairs
Clymer	Freeman	Moehlmann	Stevens
Cole	Freind	Pievsky	Swift
Coy	Herman	Pitts	Truman
Davies	Hershey	Pott	Vroon
Deal	Honaman	Pratt	Wass

Donatucci	Jackson	Punt	Wiggins
Durham	Klingaman	Rappaport	Williams
Evans	Kosinski		

NOT VOTING—8

Armstrong	Gannon	Maiale	Richardson
Arty	McIntyre	Morris	Spitz

EXCUSED—3

Marmion	Irvis,
Zwinkl	Speaker

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

On the question recurring,

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

Mr. BELFANTI offered the following amendment No. A2515:

Amend Sec. 1, page 2, line 7, by inserting after "license." The term "club" shall also include any volunteer fire company, volunteer rescue squads or volunteer ambulance associations.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Northumberland, Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

I think the members recall that earlier today I offered an amendment which would have extended the privilege to operate small games of chance to every organization that is eligible to hold a bingo license. During the lunch hour, many of the members of my caucus and some from the other side indicated to me that they felt that that language was too broad, and that if my intention was to include fire companies, ambulance associations, and rescue squads and not to broaden the legislation to include some other types of non-profit organizations, they would have supported the amendment. I therefore drafted an amendment which would only extend the privilege of the small games of chance license to fire companies, rescue squads, and ambulance associations.

I urge everyone's "yes" vote on this amendment. I feel that of all the organizations out there—and I certainly have nothing against the Elks and Legions and other worthwhile organizations that this legislation will benefit—but of all the organizations out there, there is no organization more deserving of the privilege of operating small games of chance than those individuals who put their lives on the line to save people's homes, properties, and lives. I feel that this was an oversight in the original bill, and I hope that this amendment will correct it and make the bill more palatable for final passage in the Senate and signature by the Governor. Thank you.

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

Mr. TRELLO. It was an oversight in the legislation, and I support the amendment.

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

The following roll call was recorded:

YEAS—176

Afflerbach	Durham	Levin	Robbins
Angstadt	Evans	Livengood	Rudy
Arty	Fargo	Lloyd	Ryan
Baldwin	Fee	Lucyk	Rybak
Barber	Fischer	McCall	Saloom
Belardi	Flick	McClatchy	Salvatore
Belfanti	Foster, W. W.	McHale	Saurman
Blaum	Freeman	McIntyre	Semmel
Book	Freind	McMonagle	Serafini
Bowser	Fryer	McVerry	Seventy
Boyes	Gallagher	Mackowski	Showers
Brandt	Gallen	Madigan	Sirianni
Broujos	Gannon	Manmiller	Smith, B.
Bunt	Geist	Markosek	Smith, L. E.
Burd	George	Mayernik	Snyder, D. W.
Burns	Godshall	Merry	Snyder, G. M.
Caltagirone	Greenwood	Michlovic	Spencer
Cappabianca	Grieco	Micozzie	Spitz
Carn	Gruitza	Miller	Stairs
Cawley	Gruppo	Miscevich	Steighner
Cessar	Hagarty	Mowery	Stevens
Cimini	Haluska	Mrkonic	Stewart
Civera	Harper	Murphy	Stuban
Clark	Hasay	Nahill	Sweet
Cohen	Hayes	Noye	Taylor, E. Z.
Colafella	Herman	O'Brien	Taylor, F. E.
Cole	Hoeffel	Olasz	Telek
Cordisco	Honaman	Oliver	Tigue
Cornell	Hutchinson	Perzel	Trello
Coslett	Itkin	Peterson	Truman
Cowell	Jarolin	Petrarca	Van Horne
Coy	Johnson	Petrone	Wachob
Deluca	Kasunic	Phillips	Wambach
DeVerter	Kennedy	Piccola	Wargo
DeWeese	Klingaman	Pievsky	Wass
Daley	Kosinski	Pistella	Weston
Davies	Kowalshyn	Pott	Wiggins
Dawida	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	Rieger	Wright, R. C.

NAYS—17

Alderette	Foster, Jr., A.	Linton	Scheetz
Battisto	Gamble	Manderino	Schuler
Clymer	Gladeck	Moehlmann	Swift
Deal	Hershey	Pitts	Vroon
Fattah			

NOT VOTING—6

Armstrong	Maiale	O'Donnell	Richardson
Jackson	Morris		

EXCUSED—3

Marmion	Irvis,
Zwinkl	Speaker

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

On the question recurring,

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

Mr. TRELLO offered the following amendment No. A2508:

Amend Sec. 10, page 5, by striking out

“(a) Election to be held.—In any municipality, an election may be held on the date of the primary election immediately preceding any municipal election, but not oftener than once in four years, to determine the will of the electors with respect to the issuance of licenses, within the limits of such municipality, under the provisions of this act. Where an election shall have been held at the primary preceding a municipal election in any year, another election may be held under the provisions of this act at the primary occurring the fourth year after such prior election. Whenever electors equal to at least 25% of the highest vote cast for any office in the municipality at the last preceding general election shall file a petition with the county board of elections of the county for a referendum on the question of issuing licenses, the said county board of elections shall cause a question to be placed on the ballot or on the voting machine board and submitted at the primary immediately preceding the municipal election. The question shall be in the following form:

Do you favor the issuance of licenses to conduct small games of chance in the _____ of _____?”

and inserting

(a) Election to be held.—In any municipality, an election may be held on the date of the primary election immediately preceding any municipal election, but not oftener than once in four years, to determine the will of the electors with respect to the issuance of licenses, within the limits of such municipality, under the provisions of this act. Where an election shall have been held at the primary preceding a municipal election in any year, another election may be held under the provisions of this act at the primary occurring the fourth year after such prior election. Whenever electors equal to at least 25% of the highest vote cast for any office in the municipality at the last preceding general election shall file a petition with the county board of elections of the county, or the governing body of the municipality adopts, by a majority vote, a resolution to place such a question on the ballot and a copy of the resolution is filed with the board of elections of the county, for a referendum on the question of issuing licenses, the said county board of elections shall cause a question to be placed on the ballot or on the voting machine board and submitted at the primary immediately preceding the municipal election. The question shall be in the following form:

Do you favor the issuance of licenses to conduct small games of chance in the _____ of _____?”

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Allegheny, Mr. Trello.

Mr. TRELLO. Mr. Speaker, we have talked today about keeping the local municipality and the constituents there more informed.

We in Harrisburg represent some 59,000, 60,000 people, and we try to enact their wishes on every piece of legislation that comes before us. All this amendment does is allow the local elected officials to act upon the wishes of their constituents and allow two different options for referendum - one by 25 percent of the electorate and the other one by a majority vote of the local elected officials to allow a referendum. I think that is a very reasonable request, and I ask for support for the amendment.

The SPEAKER pro tempore. The Chair recognizes the minority whip.

Mr. HAYES. Mr. Speaker, would the gentleman restate the purpose of his amendment in light of the amendment which I offered earlier, amendment A2472?

Mr. TRELLO. Yes. The only difference between your amendment and my amendment is the fact that we are allowing the local governing body of the municipality to adopt a resolution by a majority vote to place the question on the ballot, in addition to the 25 percent of the electorate—or.

Mr. HAYES. Either-or?

Mr. TRELLO. Either-or.

Mr. HAYES. In other words, the people themselves could initiate the referendum or the governing body, the board of township supervisors or the borough council?

Mr. TRELLO. That is correct.

Mr. HAYES. Mr. Speaker, as long as the people's rights are preserved in initiating the referendum if they care to do so, and I believe the gentleman's amendments do preserve that right, and certainly they would then have a right to express themselves on the ballot, I do not believe that we are foreclosing the people's right to express themselves.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—196

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

Dawida	Kowalshyn	Pistella	Weston
Deal	Kukovich	Pitts	Wiggins
Dietz	Lashingier	Pott	Williams
Dininni	Laughlin	Pratt	Wilson
Dombrowski	Lehr	Preston	Wogan
Donatucci	Lescovitz	Punt	Wozniak
Dorr	Letterman	Rappaport	Wright, D. R.
Duffy	Levi	Reber	Wright, J. L.
Durham	Levin	Reinard	Wright, R. C.

NAYS—0

NOT VOTING—3

Barber Kennedy Richardson

EXCUSED—3

Marmion Irvis,
Zwinkl Speaker

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

Mr. CLYMER. Thank you, Mr. Speaker.

Just one moment, please; I misplaced some papers. I will be right with you.

Mr. GALLEN. Mr. Speaker, maybe Mr. Clymer will yield to me for a minute.

Mr. CLYMER. Sure.

The SPEAKER pro tempore. Why does the gentleman from Berks, Mr. Gallen, rise?

Mr. GALLEN. Well, if Mr. Clymer is not ready, I thought maybe he would yield to me.

The SPEAKER pro tempore. Yes; he has agreed to yield to you, Mr. Gallen.

Mr. GALLEN. Mr. Speaker, would Mr. Trello stand for interrogation?

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

Mr. GALLEN. Mr. Speaker, is it the intention of the author of this bill to reduce the penalties for those people who conduct these games of chance that are specified in here without a license?

Mr. TRELLO. No. The purpose of the bill is to save our clubs and allow the clubs to continue to operate.

Mr. GALLEN. I know what the purpose of the bill is. What I want to know is, was it your intention to reduce the penalties for having punchboards and fishbowl tickets? Was it your intention to reduce those penalties for those people who conduct these games without a license?

Mr. TRELLO. It is my intention to legalize what has already been going on and reduce the penalty, naturally, with it.

Mr. GALLEN. Because if a club were not to secure a license and still conduct these games of chance, under your bill you would reduce the penalty to a \$1,000 fine and not less than 30 days nor more than 120 days in jail. The current penalty is 5 years in prison and a \$10,000 fine. In other words, what you are doing with this bill is saying if you do not secure a license, you will not be subject to the penalties that are currently in the law.

Mr. TRELLO. I think there is a little difference in what you are saying. What you are talking about, there is no limit on what they can wager or bet. With my bill there is a limit of \$100, so we are talking about, you know, two different things.

Mr. GALLEN. I do not think that we are, Mr. Speaker. I think that this bill is badly in need of an amendment to correct the penalty section. I had ordered an amendment. It did not come down in time. But the current penalty for having a punchboard in a club is a first-degree misdemeanor. Now, what you are saying is, if you do not secure a license and you have a punchboard, you are not subject to that penalty.

Mr. TRELLO. Mr. Speaker, those violations that you are talking about cover a multitude of sins, not only punchboards.

Mr. GALLEN. I understand that.

Mr. TRELLO. They cover, you know, casino-type gambling, booking numbers, booking sports bets, organized crime, and those penalties should be severe. I mean, how severe do you want a penalty to be for a \$100 punchboard? I am not revoking those penalties; I am just mandating penalties for the punchboards. But those other penalties will still exist, if they decide to operate in the higher echelons of gambling, so to speak.

Mr. GALLEN. Thank you, Mr. Speaker.

I am finished with my interrogation.

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

Mr. GALLEN. Mr. Speaker, I think that the gentleman who authored this bill has left a loophole in this bill which you could drive a truck through. First of all, there is no real definition. It does not have a definition section. It says, "Games of chance." Then it says, "Punchboards and fishbowl tickets." It does not say that games of chance under this bill are punchboards and fishbowl tickets. There is really not a clear definition there. In addition to that, this penalty section, you could even say that possibly slot machines would fit under this penalty section, if we ever got into court in a case like this.

Mr. Speaker, I would really appreciate if I would have a chance to offer my amendment. I will await Mr. Clymer's debate, and hopefully my amendment will come down, and maybe we can resolve that.

Mr. TRELLO. Mr. Speaker, first of all, we went through great pains to define small games of chance, and the bill explicitly states punchboards and fishbowl tickets; there are no innuendos about slot machines, casino gambling of any

kind. I stand here before you today and if an amendment came down to include those items, I would oppose it - any other type of gambling other than fishbowl tickets and punchboards. There is no indication in that bill that we would allow anything else, and I think the gentleman is groping and trying to put words in our mouth.

What we are talking about, we are not talking about dark alley clubs; we are not talking about Atlantic City, New Jersey. We are talking about people whom you live with every day who own and operate these clubs. If they are bad people, then you do something about it in your legislative district. I am talking about decent people who are doing a great service, a very generous service, to your community in regard to youth programs. Your Memorial Day parade was probably financed and paid for by some of these organizations, and your Fourth of July celebration will probably be paid for by some of these organizations. I think they have been very, very generous.

If we were talking about some shady characters, I could comply with what you are saying. But you know the clubs in your district better than anybody else. Do you think they are bad? Do you ask them to vote for you when you run for election? I mean, you ask them a lot of things. You live with them, you shop with them, your kids go to school with their kids. Are they bad? What am I asking for? I am asking you to keep the clubs in existence, to let them survive. It is not a small games of chance bill; it is a fundraiser bill to save our clubs and some of the vital services they provide our communities.

If you are against them providing these youth programs and our Memorial Day parades and everything that goes with it, then vote against the bill. But if you are here to continue to have them support these programs in your community, openly, with consent by the electorate and your local elected officials, not doing anything behind anybody's back, then vote for the bill. Do yourself a favor and create about \$30 million in revenue that we are losing right now because the games are continually going on right now. Besides that, we are talking about money for education and so forth. They will even be doing a greater service for your community. That is my answer to that. There is no indication in this bill whatsoever about anything but small games of chance, and that is punchboards and fishbowl tickets, period, with a \$100 limit.

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

Mr. REBER. Thank you, Mr. Speaker.

For a point of clarification and to hopefully move this bill along to final passage, I would simply submit to Representative Gallen and his remarks that this bill and the section we are talking about, section 8, the violation of the act, is exactly that - a violation of this particular act. The Pennsylvania Crimes Code that Representative Gallen was speaking about certainly is not being preempted by this bill, and if there is a violation, the arresting authorities or the charging authorities could bring both charges against the individual who is perpetrating the crime. Therefore, I do not feel there is any need for amendment. I feel the bill is proper, I feel the violation section

of the act is proper, and I feel the existing statutes under the Crimes Code of the Commonwealth of Pennsylvania are also proper to address the concerns of Representative Gallen. So let us get along with it and cut the carrying on.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Butler, Mr. Steighner.

Mr. STEIGHNER. Thank you, Mr. Speaker.

Mr. Speaker, very briefly, the prime sponsor of the bill has pointed out the necessity for this legislation. And again, very briefly, the necessity is the existence and the continuous operation of these clubs in Pennsylvania - the continuous operation of the millions of dollars that these clubs continuously pump into the youth organizations, food banks, unemployed organizations, senior citizen organizations in this State. I would only remind the House that if we are not willing to at least assist them by passing this type of legislation, then I think in the not too distant future this legislature is going to have to accept the responsibility of considering where those funds are coming from.

I would simply ask for the favorable consideration of the House on this bill. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to HB 1566, small games of chance. I would like to preface my remarks by saying that I come from a district which has 10 volunteer fire companies, 6 veteran groups, and numerous fraternal and other organizations that would be eligible to receive a license under the present bill. But I am opposing the bill because of the following reasons.

Number one, I see us creating a new bureaucracy similar to the Liquor Control Board, a pattern that we really do not need in the Commonwealth of Pennsylvania. To enforce the 10,000 organizations that would be eligible to receive a license under this bill would require, for administrative and enforcement officers, around 150 people to go out and make sure that these organizations were living up to the law as we have in this proposal before us. And so we have a problem there. You know, things work out well for a year or two, but then the bureaucracy does have problems and then we are faced with the situation that we have with the LCB.

In addition to that, those of us who have attended the hearings on gambling realize that availability is one way that people begin to gamble. They may not, at the outset, have any intention of gambling, but because it is available and they try it, they soon become—not many, but there are enough who become—compulsive gamblers, causing severe social problems for our already fractured society. One thing we do not need is a father or a mother who has lost a good deal of their salary gambling—and you can do it in the kind of legislation that we have proposed here—and then, as we have learned from the hearings, from the testimony of those experts, what happens is that they become unruly in the household, some

become alcoholics, they try drugs, they are very unfair and nasty to their family, and we have this kind of spinoff of a social problem with those people who do become compulsive gamblers.

Then, Mr. Speaker, I think what we are looking at is the psychological impact of this bill. True, it is a small games of chance bill and it certainly is going to help many organizations that are good, clean groups, and I certainly have no problems with those specific organizations. But what I do have a problem with is that the psychological impact will breathe a new, be it as it will, a new breath of fresh air for those special interest groups that want to see gambling come to Pennsylvania - the casino gambling kind of situation that many of us are opposed to - and the lobbyists and others who would like to see that kind of hard gambling come to the beautiful Pocono Mountain resort area—or other areas in Pennsylvania, not only that. This would be something that they would grab onto.

Mr. Speaker, I have received correspondence and communiques from the churches in my district and throughout Pennsylvania who have expressed grave concern over this House bill and have asked that no further legalization of gambling take place in the Commonwealth. So I am supportive of their interests and the fact that they are greatly concerned about what we do here this evening.

Mr. Speaker, I think what we are also doing here—not I think, but I know—is we are structuring and preparing a vehicle that would certainly allow other amendments to be attached to it to further gambling. You know, this bill will not rest by itself as an act, but it will be there to have other amendments attached to it, to have other laws passed that would broaden the scope of legalized gamblings here in the Commonwealth.

Then, Mr. Speaker, we have a situation that came up recently which I feel is noteworthy to mention to the members of the House, and that is the autovend machines that were installed at Penn National Race Track. I just would like to briefly tell the members how this relates to the bill we have before us.

Back in 1981 the legislators passed a law that stated—and let me read from the law itself—that “A licensed corporation,” referring to a race track corporation, “shall only accept and tabulate a wager by a direct telephone call from the holder of a telephone wagering account. No person shall directly or indirectly act as an intermediary, transmitter or agent in the placing of wagers for a holder of a telephone wagering account.” And again, the law is very specific when it says—

Mr. REBER. Mr. Speaker?

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

Mr. REBER. Mr. Speaker, we are talking about final passage of HB 1566, not the 1981 Racing Reform Act. I think the speaker has strayed tremendously from the import of the bill that is presently before the House on final passage, and I would request the Chair to admonish him accordingly.

Mr. CLYMER. Mr. Speaker, I am right on target on the point that I am trying to make, and I disagree with my colleague. Can I finish? I will be very brief.

The SPEAKER pro tempore. Will the gentleman please confine himself to the subject.

Mr. CLYMER. Okay.

The point is this: The intent of this law was dramatically changed with the advent of these autovending machines by Penn National Race Course, and here is what they said when interviewed by a reporter as to, do you not feel that what you are doing is illegal? And I quote from the news article, and I will not mention the man, but he said, as he was talking to the reporter, “It’s simply an extension of tele-betting,” and then there is the name of the member of the Racing Commission. And he said, “The commission is granted broad powers. We feel this is in line with telephone account wagering,” even though the direct phone call is completely ignored and they do it through a mechanical means. He said, “I can’t answer whether this was envisioned” by the legislature. “I didn’t create the law. But with the technologies developed today, why not take advantage of them?” I am finished.

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

Mr. BELFANTI. Mr. Speaker, the gentleman was asked to stick to the bill before us. I do not believe 10 words out of what he said in the last 10 minutes had anything at all to do with fishbowls and punchboards, and that is all we are talking about under this legislation.

The SPEAKER pro tempore. The gentleman was building up to his conclusion. He has reached that point—

Mr. CLYMER. Yes, I have.

The SPEAKER pro tempore. Has the gentleman completed his remarks?

Mr. CLYMER. Yes. I think one more statement—

The SPEAKER pro tempore. And the gentleman will restrict himself to the subject bill before us.

Mr. CLYMER. Thank you, Mr. Speaker. You have been most kind.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Mr. CLYMER. Mr. Speaker, the point is, when we enact legislation such as HB 1566, we have no idea as to how that will be mangled, twisted, expanded for other purposes than what the intent is. So for this reason and the other reasons I have mentioned here, I respectfully ask that my friends on both sides of the aisle oppose HB 1566. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Monroe, Mr. Battisto.

Mr. BATTISTO. Mr. Speaker, I will be brief. Representative Clymer expressed my views fairly well.

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

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

Mr. BATTISTO. Mr. Speaker, could you tell me who is going to be responsible for the enforcement of the various provisions of this bill? What agency?

Mr. TRELLO. The Department of Revenue.

Mr. BATTISTO. Well, you indicate in the bill the Department of Revenue will administer the bill, but would you please just very briefly refer to section 6, page 3, line 23? I just want to read quickly. It says, "Limitations on issuance of licensing revocation. The Department of Revenue shall not issue a license to and shall revoke the license of any club whenever it finds any of the following...." Then it goes on to mention three or four points.

My point is, how is it going to find any of the following? What is it going to do?

Mr. TRELLO. Exactly what they do now. The Department of Revenue has a large force that checks income tax, sales tax, a number of things. The Department of Revenue has indicated to us that they are more than capable of handling this problem.

Mr. BATTISTO. May I make a brief statement, Mr. Speaker?

The SPEAKER pro tempore. Has the gentleman completed his interrogation?

Mr. BATTISTO. Yes.

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

Mr. BATTISTO. It seems, Mr. Speaker, that the problem of enforcement has been prevalent for a long time. For example, I heard people say, on previous gambling bills, so what, we have 30,000 machines out there or we have punchboards out there, therefore why not legalize them? It seems that we have had an ongoing problem of enforcement, and if we legalize additional forms of gambling, we are simply going to compound that problem. I cannot imagine how anybody is going to enforce this bill or any other law when we are talking about 10,000 possible outlets. It seems to me that the cost of enforcement, if they indeed really enforce it, will outstrip the amount of revenue coming in for the bill. I can say that we will make \$26 million if we do not enforce the law, but I cannot understand how this law is going to be enforced. It will not be enforced.

I have one more point to make, Mr. Speaker, and that is, the same people who now play our very lucrative lottery will also be playing these small games of chance, and the membership has got to understand that there is only so much discretionary money out there. You see what has happened to the horseracing industry. It is almost in a shambles. It brings the State nothing. The Lottery Fund will garner about \$1 billion. I daresay that this will intrude upon that fund considerably eventually. I ask for a "no" vote on the bill. Thank you very much.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Blair, Mr. Geist.

Mr. GEIST. Thank you, Mr. Speaker.

I rise in support of this legislation and I would like to tell you a few reasons why.

I represent a legislative district that has many, many social clubs. My grandfathers were members of the German clubs; my father was a member, and veterans clubs. We are now looking at a piece of legislation, and we are not talking about the bad guys; we are talking about the good people. We are talking about the salt of the earth of the city of Altoona; we are talking about the salt of the earth of the city of McKees Rocks.

We have amended this legislation so that if these people want that, they can have it by referendum. I say to you and every other member on the floor of this House, we are not talking about the bad guys; we are not talking about the criminal element; we are not talking about casino gambling. We are talking about the people who make our local governments work. We are talking about the people who have been financing and making the things go, whether it be the VFW teener league in Altoona or the Altoona little league or other teams. We are talking about the good people, and let the good people have what they want. And if they want it, it will be on the ballot and it will be passed. So be it.

I urge support of the bill.

The SPEAKER pro tempore. Does the gentleman from Allegheny, Mr. Trello, care to be recognized?

Mr. TRELLO. Yes, Mr. Speaker. I will be very brief.

One of the speakers indicated that he was concerned about his constituents being addicted to this type of gambling, and he mentioned something about a telephone call on a telecommunications horseracing bet or something. You know, he is talking about gambling where you play a machine and you get some excitement out of it, or where you bet on a horserace and you watch the horse run and you get some excitement out of that. Let me tell you what a punchboard is. It is a square piece of cardboard and you get a little pin, see, and you stick it through the hole. Now, let me tell you, that is so darn exciting that I think everybody should get addicted to that. I mean, come on, let us face it, what are we talking about? We are talking about something that has been in existence for the last 50 years. Some of your parents, relatives, and maybe even your mother and father have pushed that little pin through that hole and got a number where it said they won a teddy bear, or maybe \$5, or the big jackpot that is \$25. Come on, we are talking about the good guys out there who want to exist and keep their clubs going so that your constituents have a place to go and relax.

I say it is a good bill, it is a bill that is long overdue, and I ask you to support it. Thank you very, very much for your indulgence.

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

Mr. A. C. FOSTER. Mr. Speaker, I could not quite stay in my seat after that last statement about these innocuous little boards in which you punch out holes. On too many occasions, the groceries go right down the drain through those little holes in that little board. It is a little bit more addictive than you think.

I could not let that pass as something so innocent. It costs people a lot of money that sometimes they cannot afford.

On the question recurring,
Shall the bill pass finally?

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

YEAS—139

Alderette	Dombrowski	McMonagle	Robbins
Angstadt	Donatucci	McVerry	Rudy
Baldwin	Duffy	Mackowski	Ryan
Barber	Evans	Madigan	Saloom
Belardi	Fee	Maiale	Salvatore
Belfanti	Foster, W. W.	Manderino	Semmel
Book	Fryer	Manmiller	Serafini
Bowser	Gallagher	Markosek	Seventy
Boyes	Gallen	Mayernik	Showers
Brandt	Geist	Merry	Snyder, D. W.
Broujos	George	Michlovic	Spencer
Bunt	Grieco	Micozzie	Stairs
Burd	Gruitza	Miller	Steighner
Burns	Hagarty	Miscevich	Stewart
Caltagirone	Haluska	Moehlmann	Stuban
Cappabianca	Harper	Mrkonic	Sweet
Carn	Hasay	Murphy	Swift
Cawley	Hayes	Nahill	Taylor, F. E.
Cessar	Herman	Noye	Telek
Cimini	Hutchinson	O'Brien	Tigue
Clark	Itkin	Olasz	Trello
Cohen	Jackson	Oliver	Truman
Colafella	Jarolin	Perzel	Van Horne
Cole	Kasunic	Petrarca	Wachob
Cornell	Klingaman	Petrone	Wambach
Coslett	Kosinski	Phillips	Wargo
Cowell	Kukovich	Piccola	Weston
Coy	Laughlin	Pievscky	Wiggins
Deluca	Lescovitz	Pistella	Williams
DeVerter	Letterman	Pott	Wilson
DeWeese	Levi	Pratt	Wogan
Daley	Livengood	Preston	Wozniak
Dawida	Lucyk	Punt	Wright, D. R.
Dietz	McCall	Reber	Wright, R. C.
Dininni	McIntyre	Rieger	

NAYS—57

Afflerbach	Flick	Kennedy	Reinard
Armstrong	Foster, Jr., A.	Kowalshyn	Rybak
Arty	Freeman	Lashingier	Saurman
Battisto	Freind	Lehr	Scheetz
Blaum	Gamble	Levin	Schuler
Civera	Gannon	Linton	Sirianni
Clymer	Gladeck	Lloyd	Smith, B.
Cordisco	Godshall	McClatchy	Smith, L. E.
Davies	Greenwood	McHale	Snyder, G. M.
Deal	Gruppo	Mowery	Stevens
Dorr	Hershey	O'Donnell	Taylor, E. Z.
Durham	Hoeffel	Peterson	Vroon
Fargo	Honaman	Pitts	Wass
Fattah	Johnson	Rappaport	Wright, J. L.
Fischer			

NOT VOTING—3

Morris	Richardson	Spitz
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EXCUSED—3

Marmion	Irvis,
Zwinkl	Speaker

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.

CONSIDERATION OF SB 928 RESUMED

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

Mr. FREIND offered the following amendments No. A2540:

Amend Title, page 1, line 10, by inserting after "TERMINATION;"

further providing for the minimum number of days;

Amend Bill, page 5, by inserting between lines 26 and 27

Section 3. Section 1501 of the act, amended June 30, 1980 (P.L.279, No.80), is amended to read:

Section 1501. Minimum Number of Days; School Month.—

All public kindergartens, elementary and secondary schools shall be kept open each school year for at least one hundred eighty (180) days of instruction for pupils. No days on which the schools are closed shall be counted as days taught, and no time shall be counted as a pupil session for any activity to which admission is charged. No school district shall be required to change its graduation schedule or require graduating students to return to school after graduation to make up class days lost due to severe weather conditions or, in the school year 1979-1980 for situations beyond the control of the school district as a result of major construction and renovation to the school building. No district which makes a bona fide effort as determined by the Secretary of Education to provide one hundred eighty (180) days of instruction for graduating students shall receive less subsidy payments or reimbursements than it would otherwise be entitled to receive on account of the school year because of the provisions of this section. Unless otherwise provided by this act, the board of school directors in any district or joint board may keep such other schools or departments as it may establish open during such time as it may direct. In the event it appears that a school district will not be able to keep schools open in any school year for a minimum of one hundred eighty (180) days of instruction for pupils as a result of a work stoppage, the Secretary of Education shall petition the court of common pleas in which jurisdiction lies to issue an order to terminate the work stoppage. The Secretary of Education shall assist the school district in providing one hundred eighty (180) days of instruction by June 30.

Twenty days of actual teaching shall constitute a school month.

Amend Sec. 3, page 5, line 27, by striking out "3" and inserting

4

Amend Sec. 3, page 5, line 29, by striking out "REMAINING PROVISIONS OF THIS ACT" and inserting amendments affecting sections 1133 and 1361 of the act

Amend Sec. 3, page 5, by inserting after line 30

(c) The remaining provisions of this act shall take effect immediately.

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

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

Mr. FREIND. Thank you, Mr. Speaker. I know the hour is late. I will be very brief.

We believe that this amendment rectifies the drafting problem that some thought we had in the previous amendment.

What it says is it mandates the Secretary of Education, when it appears that a school district, because of a strike, will not get 180 days in by the end of the school year, which is June 30, it mandates him to file a petition in court for an injunction. It also mandates the Secretary of Education to assist the school district in providing 180 days of instruction by June 30, which of course is the end of the school year. You cannot go past June 30.

For the reasons that I set forth before, because you have already said that you support 180 days, this will tell our appointed State official that he must intervene when it appears you are not going to get that 180 days in in a full school year.

I sincerely urge your support for this amendment.

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

Mr. LEVIN. Mr. Speaker, I am still opposed to it. The problem is that it is a "shall" provision; it is not a "may" provision. It does not allow discretion; it does not allow the Secretary to act when all else has failed. It requires him to act *immediately without a set of standards. I do not know enough about the law, quite frankly, to be able to tell you with any degree of frankness what the standards would be that the court would use.*

I think that this kind of provision belongs in a bill that should be carefully considered. I understand that Senator Fisher has been working for the past 6 months in trying to adopt language that would satisfy everyone on this very issue, and yet we are being asked to consider it without any public testimony, without any enlightenment of the consequences of it, because it sounds like a good idea. Maybe I am just too suspicious or maybe it is too late in the day, but I do not think it makes good sense for us to consider something that is this significant without the view of real testimony, and I would ask for a negative vote.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lehigh, Mr. Afflerbach.

Mr. AFFLERBACH. Thank you, Mr. Speaker.

While the gentleman, Mr. Freind, is correct in that this new amendment does remove language that some members found objectionable, it still does not remove the concern that I voiced earlier.

If in fact you wish to create a czar of education in Pennsylvania, then adopt this kind of an amendment, because when you mandate upon a single individual the unilateral control to decide in his or her wisdom when it appears that a strike cannot be settled, then you are in fact giving that single individual the ability and the power to step into every public school labor dispute in Pennsylvania in all 501 districts, and all that person has to say is that it appears to him or to her that the strike cannot be settled in sufficient time to provide 180 days of education, and that appearance might be based upon any number of nebulous items. It might be based upon

that individual's reading of the philosophical dispute; it may be based upon his or her reading of the temperance of the community. In any event, it certainly does invest in a single individual far greater power than we invest in any other single individual who is an appointed official of the Commonwealth. I urge defeat of the amendment.

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

Mr. GALLAGHER. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose this amendment. Even though the language has been changed, the only thing they did was take out the approved calendar by the existing school board and use the words "180 days of instruction by June 30." I think you have to understand that there are many school districts that go beyond June 30 and have gone beyond June 30, so June 30 is not the day, June 30 is not the day that you cannot teach anymore. There have been school districts that have taught after June 30 and got reimbursed. There have been districts that start before September - in August - and they get reimbursed.

So this whole thing, as Mr. Afflerbach has pointed out, has done two different things that are very serious. One is that it puts into the hands of one person the power to decide that he should go to court and ask for an injunction because, in his opinion or their opinion, whoever he is, that district cannot settle their contract, and he is going to go to court and ask the court to abrogate their authority and issue an injunction. What he does there is not going to be the same as what happens in Bucks County, where it was done, where the judge issues an injunction and brings them in the room, into his chambers, and says, settle this contract before I let it out. We had another case in Bucks County where a judge, while he issued the injunction, wrote the new contract and said, you are going to live under this contract, under this injunction, for the whole year. And that was a local judge doing it at the direction and plea by the local board raising that issue.

So what this amendment does, which is very serious, is to give that authority to the Secretary of Education, who is appointed by the Governor, who could decide that any district that has even a 1-day strike needs an injunction and could go right to court and get an injunction. And that is not being fair, and that is not listening to collective bargaining, and that is not paying attention just to the needs of the children. That is taking the bull by the horns and saying, everybody go back to work and forget about the contract and forget about what you negotiated; just pay attention to what I say. That is what this amendment is saying, that the Secretary shall have that kind of authority.

I ask the members to vote "no" on this amendment.

The SPEAKER pro tempore. The Chair recognizes the minority whip.

Mr. HAYES. Thank you, Mr. Speaker.

I believe my friends, Representatives Gallagher and Afflerbach, may be somewhat confused by the language of this amendment in an unnecessary manner. The Secretary of Education shall petition the court, petition the court, but that

is not to say that the court, based upon the facts as he or she understands them, will in fact necessarily follow through with the injunction. There are checks and balances in our system, Mr. Speaker, and for persons to allude to the fact that the Secretary of Education will have singular power in his hands to do a thing certain is just stretching beyond the language of this amendment.

There is no question that the proposed amendment would require the Secretary of Education to step forward, to step forward, when it appears as though 180 days of instruction will not be accorded the young people of a school district in that particular school year to petition the court, but the court in its wisdom can listen to the information brought by the Secretary of Education and those other persons who are knowledgeable about the situation at the local level and make a determination as to whether or not it would be advisable at that moment to in fact order an injunction. But to say that powers rest singularly in the hands of one person goes beyond the language of this amendment.

As I recall the debate a couple of hours ago, people were concerned about whether the Secretary of Education would have to come forward at the moment it appears as though the official school calendar for that district would be violated. I think that the makers of the amendment did right when they took their amendment and had it redrafted and took out that questionable language. We are now talking about the recognized calendar year which ends on 30 June. That is the date that is the working date in Pennsylvania school law with regard to 180 days, and the makers of the amendment have come forward and used that date certain, not the official date of the school calendar that was adopted by the board of school directors several months before but June 30 of that particular calendar year as the date certain.

If this General Assembly really means what it said a few hours ago about how important it is to guarantee to the extent possible that the young people of Pennsylvania are to be guaranteed a thorough and efficient system of education for 180 days a year, it is perplexing to me why those same persons at this point do not offer a mechanism short of punitive measures, short of punitive measures, to come forward and support an amendment such as this. Either we did not mean what we said a few hours ago or we did, and if we did mean what we said about 180 days and the importance of that, the sanctity of that, one could only be persuaded then to support this amendment. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—62

Baldwin	Gamble	Lloyd	Saurman
Belardi	Gladeck	Lucyk	Scheetz
Blaum	Godshall	McClatchy	Seventy
Book	Haluska	McVerry	Sirianni
Brandt	Hayes	Markosek	Smith, L. E.
Burd	Herman	Miscevich	Spencer
Clymer	Hershey	Mowery	Spitz
Cowell	Hoeffel	Murphy	Stuban
DeVerter	Honaman	Noye	Swift

Dawida	Hutchinson	Peterson	Taylor, E. Z.
Duffy	Jarolin	Pitts	Tigue
Fargo	Kennedy	Pott	Vroon
Flick	Klingaman	Robbins	Wass
Foster, Jr., A.	Lashingner	Rudy	Wilson
Freind	Letterman	Ryan	Wright, J. L.
Fryer	Levi		

NAYS—132

Afflerbach	Dininni	Linton	Reber
Alderette	Dombrowski	Livengood	Reinard
Angstadt	Donatucci	McCall	Rieger
Arty	Dorr	McHale	Rybak
Barber	Durham	McIntyre	Saloom
Battisto	Evans	McMonagle	Salvatore
Belfanti	Fattah	Mackowski	Schuler
Bowser	Fee	Madigan	Semmel
Boyes	Fischer	Maiale	Serafini
Broujos	Freeman	Manderino	Showers
Bunt	Gallagher	Manmiller	Smith, B.
Burns	Gallen	Merry	Snyder, D. W.
Caltagirone	Gannon	Michlovic	Snyder, G. M.
Cappabianca	Geist	Micozzie	Stairs
Carn	George	Miller	Steighner
Cawley	Greenwood	Moehlmann	Stevens
Cessar	Grieco	Mrkonic	Stewart
Cimini	Gruitza	Nahill	Sweet
Civera	Gruppo	O'Brien	Taylor, F. E.
Clark	Hagarty	O'Donnell	Telek
Cohen	Harper	Olasz	Trello
Colafella	Hasay	Oliver	Truman
Cole	Itkin	Perzel	Van Horne
Cordisco	Jackson	Petrarca	Wachob
Cornell	Johnson	Petrone	Wambach
Coslett	Kasunic	Phillips	Wargo
Coy	Kosinski	Piccola	Weston
Deluca	Kowalyshyn	Pievsky	Wiggins
DeWeese	Kukovich	Pistella	Williams
Daley	Laughlin	Pratt	Wogan
Davies	Lehr	Preston	Wozniak
Deal	Lescovitz	Punt	Wright, D. R.
Dietz	Levin	Rappaport	Wright, R. C.

NOT VOTING—5

Armstrong	Mayernik	Morris	Richardson
Foster, W. W.			

EXCUSED—3

Marmion	Irvis,
Zwinkl	Speaker

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

The question is, shall the bill pass finally?

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

YEAS—128

Afflerbach	Dawida	Levin	Reber
Alderette	Deal	Linton	Reinard
Angstadt	Dininni	McCall	Rieger
Arty	Dombrowski	McClatchy	Rybak
Barber	Donatucci	McHale	Saloom
Battisto	Duffy	McMonagle	Salvatore

Belardi	Durham	Madigan	Schuler
Belfanti	Evans	Maiale	Serafini
Blaum	Fattah	Manderino	Seventy
Boyes	Fee	Manmiller	Smith, L. E.
Broujos	Fischer	Markosek	Spencer
Bunt	Freeman	Mayernik	Steighner
Burns	Gallagher	Michlovic	Stevens
Caltagirone	Gallen	Micozzie	Stewart
Cappabianca	Gamble	Miller	Sweet
Carn	Gannon	Miscevich	Taylor, F. E.
Cawley	Geist	Morris	Telek
Cessar	George	Mrkonic	Trello
Cimini	Greenwood	O'Brien	Truman
Civera	Grieco	O'Donnell	Van Horne
Clark	Gruitza	Olasz	Vron
Clymer	Haluska	Oliver	Wachob
Cohen	Harper	Perzel	Wambach
Colafella	Hoeffel	Petrarca	Wargo
Cole	Itkin	Petrone	Wass
Cordisco	Jarolin	Phillips	Weston
Coslett	Kasunic	Piccola	Wiggins
Cowell	Kosinski	Pievsy	Williams
Deluca	Kukovich	Pistella	Wogan
DeWeese	Lashinger	Pratt	Wozniak
Daley	Laughlin	Preston	Wright, J. L.
Davies	Lescovitz	Rappaport	Wright, R. C.

NAYS—65

Baldwin	Hagarty	Lloyd	Ryan
Book	Hasay	Lucyk	Saurman
Bowser	Hayes	McVerry	Scheetz
Brandt	Herman	Mackowski	Simmel
Burd	Hershey	Merry	Showers
Cornell	Honaman	Moehlmann	Sirianni
Coy	Hutchinson	Mowery	Smith, B.
Dietz	Jackson	Murphy	Snyder, D. W.
Dorr	Johnson	Nahill	Snyder, G. M.
Fargo	Kennedy	Noye	Stairs
Flick	Klingaman	Peterson	Stuban
Foster, Jr., A.	Kowalshyn	Pitts	Swift
Freind	Lehr	Pott	Taylor, E. Z.
Fryer	Letterman	Punt	Tigue
Gladeck	Levi	Robbins	Wilson
Godshall	Livengood	Rudy	Wright, D. R.
Gruppo			

NOT VOTING—6

Armstrong	Foster, W. W.	Richardson	Spitz
DeVerter	McIntyre		

EXCUSED—3

Marmion	Irvis,
Zwikl	Speaker

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

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

REMARKS ON VOTES

The SPEAKER pro tempore. The Chair recognizes the gentleman from Clarion, Mr. Wright.

Mr. D. R. WRIGHT. Thank you, Mr. Speaker.

On final passage of HB 1566, the roll call has me voting "yes." I wish to be recorded in the negative.

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

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

Mr. VROON. Mr. Speaker, I inadvertently voted in the affirmative on that last vote for SB 928, and I wish to be recorded in the negative. Thank you, Mr. Speaker.

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

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

Mr. LETTERMAN. I wished to vote in the affirmative, and I voted in the negative on SB 928.

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

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

Mr. HALUSKA. I would like to be recorded in the negative. I had mine in the affirmative. Change it to the negative on SB 928, please.

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

The Chair recognizes the gentleman from Northampton, Mr. Gruppo.

Mr. GRUPPO. Mr. Speaker, on the last vote on SB 928, I voted in the negative. I would like to be voted in the affirmative. Thank you.

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

WELCOME

The SPEAKER pro tempore. The Chair is most pleased to welcome a guest of the Chair, the former Democratic chairman of Berks County, Mr. Randy Pyle. He is here as the guest of the Berks County delegation.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 2099, PN 2956**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for industrial cogeneration and small power productions.

On the question,

Will the House agree to the bill on third consideration?

Mr. SWEET offered the following amendments No. A2541:

Amend Chapter Analysis, page 2, line 11, by striking out all of said line

Amend Chapter Analysis, page 2, line 12, by striking out "5108" and inserting 5107

Amend Chapter Analysis, page 2, line 13, by striking out "5109" and inserting 5108

Amend Chapter Analysis, page 2, line 14, by striking out "5110" and inserting

5109

Amend Sec. 1 (Sec. 5101), page 2, line 17, by inserting after "Cogeneration"

, Small Power Production

Amend Sec. 1 (Sec. 5102), page 3, line 6, by removing the period after "COMPENSATION" and inserting

, other than electricity solely from a qualifying facility.

Amend Sec. 1 (Sec. 5102), page 3, line 8, by striking out "Federal"

Amend Sec. 1 (Sec. 5102), page 3, lines 9 and 10, by striking out "(Public Law 95-617, 92 Stat. 3117)" and inserting (PURPA) (16 U.S.C. §§ 796 and 824a-3)

Amend Sec. 1 (Sec. 5103), page 3, line 15, by inserting after "located"

or to which delivery of the qualifying facility's energy is made,

Amend Sec. 1 (Sec. 5103), page 3, lines 25 and 26, by striking out "the estimated useful life of the qualifying facility." and inserting

ten years or a mutually agreed upon term, whichever is longer.

Amend Sec. 1 (Sec. 5103), page 4, line 4, by striking out "WHICH IS LESS THAN" and inserting

or under terms which differ from

Amend Sec. 1 (Sec. 5104), page 4, lines 14 through 17, by striking out all of said lines and inserting

A qualifying facility is a cogeneration facility or a small power producer which meets the criteria contained in 18 CFR Part 202. Such qualifying facility shall not be subject to control or regulation by the commission, except as provided in this chapter, as provided in commission regulations at 52 Pa. Code § 57.31, et seq., or as required by Federal law insofar as it makes sales to an electric utility or uses energy itself. If such qualifying facility makes sales of energy, energy and capacity or thermal energy to any nonutility customer, the commission shall determine, by rule for class of cases or on a case-by-case basis, whether such sales constitute public utility service subjecting the qualifying facility to commission jurisdiction under this title.

Amend Sec. 1 (Sec. 5105), page 4, line 24, by striking out "(A) GENERAL RULE.—"

Amend Sec. 1 (Sec. 5105), page 4, line 26, by striking out "SHALL" and inserting

may

Amend Sec. 1 (Sec. 5105), page 4, line 30, by inserting after "OTHER"

variable

Amend Sec. 1 (Sec. 5105), page 5, line 1, by striking out "SHALL" and inserting

may

Amend Sec. 1 (Sec. 5105), page 5, lines 5 through 10, by striking out all of said lines

Amend Sec. 1 (Sec. 5106), page 7, line 18, by striking out "MINIMUM CAPACITY" and inserting

Capacity

Amend Sec. 1 (Sec. 5106), page 7, lines 19 and 20, by striking out "FOLLOWING MINIMUM STANDARDS SHALL APPLY TO" and inserting

calculation of

Amend Sec. 1 (Sec. 5106), page 7, line 23, by inserting after "COMMISSION"

and shall be as prescribed by the commission by regulation or on a case-by-case basis:

Amend Sec. 1 (Sec. 5106), page 7, line 26, by striking out "THIS SECTION:" and inserting

regulations promulgated by the commission.

Amend Sec. 1 (Sec. 5106), page 7, lines 27 through 30; page 8, lines 1 through 21, by striking out all of said lines on said pages

Amend Bill, page 8, lines 29 and 30; page 9, lines 1 through 7, by striking out all of said lines on said pages

Amend Sec. 1 (Sec. 5108), page 9, line 8, by striking out "5108" and inserting

5107

Amend Sec. 1 (Sec. 5108), page 10, lines 3 through 11, by striking out "IN NO CASE SHALL THE RATES FOR BACKUP OR" in line 3 and all of lines 4 through 11

Amend Sec. 1 (Sec. 5109), page 10, line 12, by striking out "5109" and inserting

5108

Amend Sec. 1 (Sec. 5110), page 10, line 16, by striking out "5110" and inserting

5109

Amend Sec. 1 (Sec. 5110), page 10, lines 18 and 19, by striking out "AND WITHIN 120 DAYS OF THE EFFECTIVE DATE OF THIS SECTION"

Amend Sec. 1 (Sec. 5110), page 10, line 21, by inserting after "regulations."

Within nine months from the date of enactment of this chapter, the commission shall promulgate amended regulations which implement the provisions of this chapter. Prior to issuance of such amended regulations, the existing commission regulations at 52 Pa. Code §§ 57.31-57.39 shall be in effect.

Amend Sec. 1 (Sec. 5110), page 10, lines 22 through 24, by striking out "IMPLEMENT STANDARDS AND RATES FOR THE WHEELING OF" in line 22, all of line 23 and "COMMONWEALTH WITH WHICH IT IS PHYSICALLY POSSIBLE." in line 24 and inserting

file standards and rates for the wheeling of power from a qualifying facility to any other utility in the Commonwealth to which wheeling is physically possible. Such standards and rates shall apply when the wheeling utilities and qualifying facility agree to wheeling, or when the utility is required to wheel power under Federal law.

Amend Sec. 1 (Sec. 5110), page 10, line 30; page 11, line 1, by striking out "which approval shall be granted within 60 days of the petition" and inserting

Within a period of 60 days of receipt of the petition, which period may be extended an additional 60 days as the commission deems necessary, such approval shall be granted

Amend Sec. 1 (Sec. 5110), page 11, lines 15 through 18, by striking out "RATES CHARGED TO RATEPAYERS MAY" in line 15 and all of lines 16 through 18

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Washington, Mr. Sweet.

Mr. SWEET. Thank you, Mr. Speaker.

Mr. Speaker, Representative Wambach and I, with help from Representative Wright, the minority chairman of the Mines and Energy Committee, have negotiated rather long and hard today and have come up with an amendment which we believe solves many of the problems raised by those who were concerned about this bill. The amendment reflects staff input from the Public Utility Commission, and most of the changes are changes that they suggested to us.

The changes most significantly eliminate the provision that provided an automatic floor and which many people were concerned constituted a subsidy somehow to a potential

cogenerator. We have eliminated problems raised by the leveled contract provisions. The provision about sale at retail is given over to the Public Utility Commission to decide and resolve. We have given the PUC additional flexibility in *dealing with the definition of the avoided cost for energy, and finally, we have dealt with the problem of backup.*

I think it is a solid amendment. Representative Wambach joins me in cosponsoring it, and I would ask for an affirmative vote.

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

Mr. WAMBACH. Thank you, Mr. Speaker.

Mr. Speaker, I join Representative Sweet in offering this amendment as a compromise to the amendment that I previously distributed, which I will withdraw.

I think what we have done today in about 3 1/2 hours of negotiations of a hard, tough compromise approach is we have found that those parties involved in the compromise decision walked away from the table a little bit more wounded than they were when they came, and I think that is a sign of a good compromise. When you come, you negotiate hard and you leave the table with something, but not exactly fully what you wanted.

I think in all of the areas which Representative Sweet indicated, the compromises were hard driven. And I think what it also does, quite frankly, Mr. Speaker, is it does put teeth into this amendatory process in this bill; that it does, in fact, enumerate guidelines for the PUC in a number of the different areas. I think the major provision of the compromise has really dealt with what we were all concerned about which was the ratepayers subsidy issue, which has been eliminated by the capacity credit payment approach.

So I urge all my colleagues to support the amendment being offered by Representative Sweet and myself. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lehigh, Mr. Snyder.

Mr. D. W. SNYDER. Thank you, Mr. Speaker.

I would like to interrogate the maker of the amendment.

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

Mr. D. W. SNYDER. Mr. Speaker, could you please clarify, if the amendment would be passed by this House, what role the public would have in the approval process of agreements between a cogenerator and the utility? In other words, would the public have standing? Would there be an opportunity for public hearings?

Mr. SWEET. Mr. Speaker, in all of the areas that I have outlined, which are the critical areas of debate in this issue, the Public Utility Commission will play a role, and the ordinary rules of procedure that apply to Public Utility Commission proceedings would apply there. By that, I mean that a potential ratepayer who feels he is adversely affected would have standing. Certainly the Office of Consumer Advocate would have standing in that proceeding. The PUC staff, of

course, always makes recommendations in such a proceeding, and so all the interests of those who would be adversely affected would be represented.

Mr. D. W. SNYDER. Mr. Speaker, this House has previously passed legislation that would require public hearings in the case of any rate proposals. Would this be considered a rate proposal and fall under that legislation if you are familiar with it?

Mr. SWEET. I am not intimately familiar with the details of the matter you are talking about, but if a cogenerator filed for approval with the PUC and any of those permits for backup, for wheeling, or any of the other elements we have talked about today would have rate implications for other customers of that utility, and the utility, therefore, was filing for some kind of increase to make up for this agreement, it would therefore be a rate proceeding and would give the public the right to be heard.

Mr. D. W. SNYDER. I thank the speaker.

I have concluded my interrogation.

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

Mr. J. L. WRIGHT. Thank you, Mr. Speaker.

I rise to second and to reinforce the comments made by the preceding speakers and perhaps even to compliment them for the compromise set of amendments that bear their name.

As most of you know, the last several weeks were somewhat controversial for a number of us for the subject concerned. A major problem between two major companies in southeastern Pennsylvania, they worked out a compromise, worked out an agreement within the last couple of days. The differences of opinion within the House amongst those who were familiar with the subject have been worked out, and I very highly recommend that we agree to this amendment and send it on to the Senate for their concurrence.

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

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, cogeneration is an idea that is good and a concept which I believe has a lot of merit and perhaps even one whose time has come. I think what Mr. Sweet's original bill, HB 2099, did was it forced the utility to sit down and talk with Scott Paper about hammering out some kind of an agreement to cogenerate electricity in the Philadelphia area.

What Mr. Wambach's so-called Alabama amendment did, his proposed amendment which he is not offering, was it forced Scott Paper into that same negotiation. As a result, I think what we have seen here is what probably should have happened a long time ago, and that was the two interested parties sitting down and negotiating a contract or a way to do business without the legislature being involved, which I do not think we should anyway. I do not think that the legislature should be involved in setting rates for utilities, and the way this particular amendment is right now, we will not be involved with that. It is an agreement between the two parties with the approval of the PUC.

For that reason, I think that we should all be very supportive of this particular amendment. I support the combined Sweet and Wambach amendment and offer my congratulations to those two gentlemen for making this whole thing possible. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Erie, Mr. Bowser.

Mr. BOWSER. Thank you, Mr. Speaker.

Could I interrogate Mr. Sweet?

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

Mr. BOWSER. Thank you, Mr. Speaker.

Mr. Speaker, as I am hearing this, there was an agreement worked out between the industry and the power company. Is that correct?

Mr. SWEET. Mr. Speaker, there was a private contract made between Scott Paper Company and Philadelphia Electric. That really has nothing to do with the matter before us.

Mr. BOWSER. Why does it not? That is my question; that is what I am getting to. You know, we have had cogeneration in this State for years between similar types of people, and I am wondering if we need new laws to govern this. If these people got together and worked out their problem, can you explain to me why we need this particular bill with your amendment?

Mr. SWEET. Well, first, Mr. Speaker, I doubt if those two parties would have gotten together if there had not been some discussion about this legislation.

The legislation is really to implement what the Federal Government has directed that we do under the PURPA (Public Utility Regulatory Policies Act) law, the Federal legislation passed in 1978. There has been a great deal of concern that the regulations that the Public Utility Commission adopted to implement that law have been clouded by litigation. What we are trying to do here is make it crystal clear what authority the PUC has in this area, and I think we have done that. But this is a good bill which will stimulate and help potential cogenerators like those in the steel industry and the paper industry be able to have good projects in the future. It has nothing really to do in detail with the arrangements made between those private parties in Philadelphia.

Mr. BOWSER. Thank you, Mr. Speaker.

May I make a statement?

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

Mr. BOWSER. Thank you.

I just feel that we keep putting too many laws on the books. I know there is a lot of cogeneration going on in the Commonwealth up to this point, and I think what the speaker said over there that this maybe did help them get together - the threat of this legislation - but be that as it may, I think they would have gotten together. I really do not think we need this legislation, and I for one am going to vote against it. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Butler, Mr. Burd.

Mr. BURD. Thank you, Mr. Speaker.

I wonder if the gentleman, Mr. Sweet, would consent to interrogation?

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

Mr. BURD. Mr. Speaker, I guess just to clear up in my own mind what we are talking about as an agreement is concerned, I have in my possession a letter, I guess, from Philadelphia Electric Company and their letterhead and the whole thing, and it is re Scott Paper Reach Cogeneration Agreement. I will not read the whole thing, but the essence of it and the part that I really do not understand is about the third paragraph down, if you might have that document there. It reads: The agreement states that Scott Paper will not oppose the substitution of alternate legislation similar to that supported by Scott Paper Company in Alabama. If, however, the present proposed legislation known as HB 2099 or a similar piece of legislation is passed, the agreement is now null and void.

Can you explain that to me? I am a little confused there, and I am just at odds to wonder— In other words, you made an agreement, but if the bill passes, the agreement is null and void?

Mr. SWEET. No, Mr. Speaker. You do not understand my response, perhaps, to Mr. Bowser. The agreement I am talking about is an agreement that Mr. Wambach and I made as members of the House.

Mr. BURD. Which deals with the Alabama amendment?

Mr. SWEET. No. Mr. Speaker, the agreement is between two members of this legislature who are actively involved in the problems of cogeneration in trying to come up with a good bill. Mr. Wright and his staff have been very helpful in that regard, as have the PUC and the Consumer Advocate. We are not about the business, Mr. Speaker, of ratifying agreements made by private parties in back rooms. This legislation and the agreement that I have with Mr. Wambach have nothing to do with Philadelphia Electric. I want to underscore that. What Philadelphia Electric says in a news release about their position on legislation or about what their contract may or may not say, has nothing to do with whether this is a good or bad piece of legislation and whether or not Mr. Wambach and I have reached a sound compromise.

Mr. BURD. Mr. Speaker, would the House indulge me for a moment until I take the document down and show it to the gentleman?

Mr. SWEET. I have it, Mr. Speaker. I have it in front of me.

Mr. BURD. Do you have the document?

Mr. SWEET. This is a news release put out by the Philadelphia Electric Company.

Mr. BURD. But I read it that if we go ahead and pass this legislation, whatever agreements have been made between Scott Paper and Philadelphia Electric will become null and void, and I do not think we want to do that.

Mr. SWEET. Mr. Speaker, I have a couple of reactions. Number one, I cannot imagine, and I have been told privately, that the contractual arrangement is not as is baldly

stated in this news release. Number two, the Consumer Advocate, the PUC, and the interested members of this legislature are saying to you that we think we have a sound piece of legislation. If two private parties have agreed to something that says if any bill passes this legislature, HB 2099, their contract is void, then I think their lawyers were very foolish in advising them to sign a contract.

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

Mr. MARKOSEK. Mr. Speaker, perhaps I can help answer the gentleman, Mr. Burd's question, if I may, if I am in order to do so.

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

Mr. BURD. I will yield. Can you answer my question?

Mr. MARKOSEK. Mr. Speaker, I believe what the gentleman is referring to— I have a copy of that particular news release which was put out yesterday, and at that time there was an agreement between Philadelphia Electric and Scott Paper based on the fact that Philadelphia Electric was pushing for a so-called Alabama amendment, which Mr. Wambach had intended to introduce today. However, given the fact that Mr. Wambach and Mr. Sweet have since come to an agreement on another compromise—and I have not talked to Philadelphia Electric—my guess is that they would accept in fact this particular amendment which is being offered now in lieu of the Alabama amendment. It is not quite everything they wanted, but I think they will accept it. It certainly, I think, puts this whole matter where it belongs, and that is between the two negotiating parties with the overseeing of the PUC. So therefore—and I cannot speak for any particular utility—that particular release was made with the Alabama amendment in mind before this particular compromise was arrived at this morning.

Mr. BURD. I thank the gentleman, Mr. Speaker.

I guess I have a pointblank question then that I would like to ask the prime sponsor, Representative Sweet.

Mr. Speaker, to your knowledge and as far as the amendment that you are offering is concerned, does it involve in any way the General Assembly, of which we are all gathered here for, in the ratemaking of any cogeneration of power?

Mr. SWEET. No, Mr. Speaker, it does not. We have eliminated that floor provision that set a minimum rate. All rates will be decided by the Public Utility Commission.

Mr. BURD. And then, Mr. Speaker, for the benefit of maybe those of us who are interested in this, how does your amendment specifically differ from the so-called Alabama amendment?

Mr. SWEET. Mr. Speaker, I went over that in some detail when I first got up.

Mr. BURD. Would you briefly do it, because I was called away from my seat and I did not hear that particular debate.

Mr. SWEET. Well, Mr. Speaker, the Alabama amendment took out all the provisions of HB 2099 and merely said that we would follow Federal law. After a long discussion with Representative Wambach, who studied this matter very carefully,

we resolved that there were several items that needed to be in Pennsylvania law in order to get cogeneration off the dime. Now, that is what we have done, and we have done it in consultation with the PUC, and almost all of the language you see before you has been recommended by the PUC, and most of it is part and parcel of regulations that they have already adopted but which have a cloud over them because of litigation.

I really do not want to take up the time of the House right now in repeating everything I said 10 minutes ago about the details, if I can help it, Mr. Speaker.

Mr. BURD. Well, I will accept that, Mr. Speaker.

I have no further remarks other than the fact that I just wanted to be assured and reassured that this General Assembly is not going to get involved in ratemaking or involved in how rates are made or deciding over and above what the PUC should be doing in that particular case.

Thank you, Mr. Speaker. No further comments.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Montgomery, Mr. Saurman.

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, first let me say that I thoroughly agree with this amendment and intend to support it. However, I would like to just say for the record that I have been disappointed in the manner in which this entire piece of legislation has been addressed. It is a very complex and a very important piece of legislation, a piece of legislation that deserved a great deal more study and a great deal more opportunity for particularly committee members to have an opportunity to learn more about it. That procedure was short circuited, even the amendment which has been arrived at by the genius of Messrs. Sweet and Wambach, I think to the credit of each of them, but nevertheless a short-circuited system. I think that for the record I would be remiss if I did not state that I think that something as important as this ought not to bypass the committee procedure. It was in committee briefly; there were meetings held that were hurried; there was not the opportunity offered for us to thoroughly understand it or to have input. I am very pleased with the outcome but very unhappy with the opportunity to not have had a greater part in the input. Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—195

Afflerbach	Fargo	Livengood	Robbins
Alderette	Fattah	Lloyd	Rudy
Angstadt	Fee	Lucyk	Ryan
Arty	Fischer	McCall	Rybak
Baldwin	Flick	McClatchy	Saloom
Barber	Foster, W. W.	McHale	Salvatore
Battisto	Foster, Jr., A.	McIntyre	Saurman
Belardi	Freeman	McMonagle	Scheetz
Belfanti	Freind	McVerry	Schuler
Blaum	Fryer	Mackowski	Semmel
Book	Gallen	Madigan	Serafini
Boyes	Gamble	Maiale	Seventy
Brandt	Gannon	Manderino	Showers

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

NAYS—1

Bowser

NOT VOTING—3

Armstrong	Gallagher	Richardson
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EXCUSED—3

Marmion	Irvis,
Zwinkl	Speaker

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—189

Afflerbach	Fattah	Linton	Robbins
Alderette	Fee	Livengood	Rudy
Angstadt	Fischer	Lloyd	Ryan
Arty	Flick	Lucy	Rybak
Baldwin	Foster, W. W.	McCall	Saloom
Barber	Foster, Jr., A.	McClatchy	Salvatore
Battisto	Freeman	McHale	Saurman
Belardi	Freind	McIntyre	Scheetz
Belfanti	Fryer	McMonagle	Semmel
Blaum	Gallagher	McVerry	Serafini

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

NAYS—8

Bowser	Fargo	Miller	Punt
Burd	Hutchinson	Pratt	Schuler

NOT VOTING—2

Armstrong	Richardson
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EXCUSED—3

Marmion	Irvis,
Zwinkl	Speaker

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.

RESOLUTIONS REPORTED FROM COMMITTEE

HR 230, PN 3030 (Concurrent)

By Rep. MANDERINO

Memorializing the President, Congress and Secretary of Transportation to require that the ultimate purchaser of Conrail commit to maintaining the current system intact.

RULES.

HR 231, PN 3032

By Rep. MANDERINO

Establishing a bipartisan committee to investigate and study home equity conversions and reversible mortgages.

RULES.

HR 233, PN 3059 (Concurrent)

By Rep. MANDERINO

Creating a Special Investigative Lottery Fund Task Force.

RULES.

**SUPPLEMENTAL CALENDAR A
RESOLUTIONS**

Mr. HALUSKA called up **HR 231, PN 3032**, entitled:

Establishing a bipartisan committee to investigate and study home equity conversions and reversible mortgages.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—195

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

NAYS—0

NOT VOTING—4

Armstrong Barber McIntyre Richardson

EXCUSED—3

Marmion Irvis,
Zwikl Speaker

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

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Mr. GEIST called up **HR 230, PN 3030**, entitled:

Memorializing the President, Congress and Secretary of Transportation to require that the ultimate purchaser of Conrail commit to maintaining the current system intact.

On the question,

Will the House adopt the resolution?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Franklin, Mr. Punt.

Mr. PUNT. Thank you, Mr. Speaker.

I would ask that the Chair add the names of all the members of this House, unless there are any objections, as sponsors of HR 230.

The SPEAKER pro tempore. The gentleman has proposed that all members of the House be added as cosponsors to this resolution. Are there any objections? The Chair hears no objection.

On the question recurring,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—197

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

Coslett	Itkin	Oliver	Trello
Cowell	Jackson	Perzel	Truman
Coy	Jarolin	Peterson	Van Horne
Deluca	Johnson	Petrarca	Vroon
DeVerter	Kasunic	Petrone	Wachob
DeWeese	Kennedy	Phillips	Wambach
Daley	Klingaman	Piccola	Wargo
Davies	Kosinski	Pievsky	Wass
Dawida	Kowalyszyn	Pistella	Weston
Deal	Kukovich	Pitts	Wiggins
Dietz	Lashingner	Pott	Williams
Dininni	Laughlin	Pratt	Wilson
Dombrowski	Lehr	Preston	Wogan
Donatucci	Lescovitz	Punt	Wozniak
Dorr	Letterman	Rappaport	Wright, D. R.
Duffy	Levi	Reber	Wright, J. L.
Durham	Levin	Reinard	Wright, R. C.
Evans			

NAYS—0

NOT VOTING—2

Barber Richardson

EXCUSED—3

Marmion Irvis,
Zwikl Speaker

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

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

* * *

Mr. KOSINSKI called up **HR 233, PN 3059**, entitled:

Creating a Special Investigative Lottery Fund Task Force.

On the question,
Will the House adopt the resolution?

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

Mr. KOSINSKI. Thank you, Mr. Speaker.

At this time I would like to offer amendment A2513. The amendment was suggested by the Rules Committee meeting today, and it places a cap on the total expenses of the task force, exclusive of the members' per diem, which is not to exceed \$100,000.

On the question recurring,
Will the House adopt the resolution?

Mr. KOSINSKI offered the following amendment No. A2513:

Amend Resolution, page 4, by inserting between lines 3 and 4 **RESOLVED**, That the total expenses of the Task Force, exclusive of the members' per diem, shall not exceed \$100,000; and be it further

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

The SPEAKER pro tempore. On the amendment offered by the gentleman from Philadelphia, Mr. Kosinski, the Chair recognizes the gentleman from Lancaster, Mr. Miller.

Mr. MILLER. Mr. Speaker, no question on the amendment. I request recognition by the Chair on final passage.

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

NAYS—4

Bowser Kennedy Mowery Vroon

NOT VOTING—1

Richardson

EXCUSED—3

Marmion Irvis,
Zwikl Speaker

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

On the question,
Will the House adopt the resolution as amended?

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

Mr. MILLER. Thank you, Mr. Speaker.

I wonder if the prime sponsor of the resolution might share with us what his points of investigation are with respect to the Lottery Fund? I am not familiar with his initiative.

The SPEAKER pro tempore. The gentleman indicates he will stand for a period of interrogation. The gentleman is in order.

Mr. KOSINSKI. Mr. Speaker, several reports appeared in the news media over the weekend questioning the investment of annuities in the Capitol Life Insurance Company of Denver, Colorado. This is a subsidiary of the Charter Corporation, which has filed for bankruptcy. According to the news reports, Pennsylvania has invested 39 percent of the annuity contracts from the lottery in Capitol Life. What my resolution calls for—and there is a concurrent resolution offered by Senator Lloyd in the Senate right now—is a special legislative task force to investigate investment practices involving the State Lottery Fund.

There are several questions which do arise. First, how does the State Government negotiate and enter into annuity contracts using State Lottery Fund proceeds? What is the basis of the State Government policy which allows the Capitol Life Insurance Company of Denver to hold an estimated 39 percent of all the annuities bought for the State lottery? Does Capitol Life Insurance have contracts with the Pennsylvania Government worth more than \$160 million, for which the State has paid about \$65 million, and what is the status of those annuity contracts? What is the financial status of Capitol Life Insurance Company in general? Is it for sale, and if so, what effects will its sale have on its contractual relationships with Pennsylvania? Is there any danger that Capitol Life Insurance will not be able to meet its financial obligation involving annuity contracts it has entered into with the State of Pennsylvania? Is Capitol Life at or near financial insolvency? Does our State Government have any options regarding the \$65 million it has already invested in Capitol Life? What is the impact of Capitol Life's capital and surplus balance dropping from a reported \$190 million in 1981 to \$89 million in 1983? Why have all State Government reports and investigations involving Capitol Life been confidential when clearly the public interest is at stake, especially that of the senior citizens who benefit from the lottery proceeds? Why have investment firms like Merrill Lynch and Paine Webber stopped marketing Capitol Life's products? And should Pennsylvania be paying lottery prizes directly through investment in government-backed securities as opposed to purchasing annuities in the private sector?

I hope to get more specific on this, Mr. Speaker, and hope to do so in the future after the investigation.

The SPEAKER pro tempore. The gentleman, Mr. Miller, is in order and may proceed. Mr. Miller, have you completed your interrogation?

Mr. MILLER. Very good, Mr. Speaker. Thank you.

Mr. Speaker, I make a great straight man.

My concern in asking the gentleman his primary initiative was that I would make the personal request to himself and other members who may serve on this committee that when we use the word "investigate" with reference to our Pennsylvania Lottery Fund, that can be an issue that comes back to haunt us. In a number of States that have been successful with the lottery, for one political reason or another, whether right or wrong, that term has been cast about, and it has the effect in the mind's eye of the player of perhaps casting a negative light on the lottery. For whatever reasons that that happens in the player's mind, there is a track record of a downturn in lottery funds in the States where this issue has become overly politicized. I, for one, think the gentleman has a good, solid issue and it ought to be investigated, but I would ask a bit of temperance on any member who would for the heat of the moment jump in to politicizing this thing too much in his district for the wrong reasons. Those downturns in lotteries that have had investigations are a matter of record. You might want to look at New York State 3 years ago. They came up with a real shortfall. We would hope this can be handled in a mature, political fashion. I thank the gentleman.

Mr. KOSINSKI. Mr. Speaker, may I respond?

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

Mr. KOSINSKI. Mr. Speaker, I am a reasonable man, and if I do sit on that committee, I will guarantee you that it will be a reasonable investigation and not a witch hunt. The one problem we do have is that the Lottery Fund must be fiscally and administratively sound, and I think we should show a signal in light of these published reports to the people who invest in the lottery every day for the daily number, the lotto, and the instant tickets.

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

Mr. WASS. Mr. Speaker, may I interrogate the maker of the resolution?

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

Mr. WASS. Mr. Speaker, if I may, just following up with what the previous speaker said to you, for the record, Mr. Speaker, at this time we do not have any factual proof that there has been a misinvestment or a neglect on those working with the investment of the lottery funds.

Mr. KOSINSKI. That is true, Mr. Speaker.

Mr. WASS. Thank you very much.

On the question recurring,
Will the House adopt the resolution as amended?

The following roll call was recorded:

YEAS—197

Afflerbach	Evans	Levin	Rieger
Alderette	Fargo	Linton	Robbins
Angstadt	Fattah	Livengood	Rudy
Armstrong	Fee	Lloyd	Ryan
Arty	Fischer	Lucyk	Rybak

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

NAYS—0

NOT VOTING—2

McIntyre Richardson

EXCUSED—3

Marmion Irvis,
Zwinkl Speaker

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

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

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

HB 2196, PN 3078 (Amended)

By Rep. COLE

An Act establishing a Chesapeake Bay Pollution Abatement Fund to be administered by the State Conservation Commission; and providing for the powers and duties of the commission with respect to the fund.

FEDERAL-STATE RELATIONS.

BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER pro tempore. Without objection, all remaining bills and resolutions on the calendar will go over for the day. The Chair hears no objection.

ADJOURNMENT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Chester, Mr. Hershey.

Mr. HERSHEY. Mr. Speaker, I move that this House do now adjourn until Monday, June 4, 1984, at 1 p.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 7:29 p.m., e.d.t., the House adjourned.