

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, JUNE 11, 1991

SESSION OF 1991 175TH OF THE GENERAL ASSEMBLY

No. 40

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (ROBERT W. O'DONNELL) PRESIDING

PRAYER

The SPEAKER. The prayer will be offered by Rev. Edmond J. Speitel, pastor of St. Michael the Archangel Catholic Church in Levittown, Pennsylvania.

REV. EDMOND J. SPEITEL offered the following prayer:

Shall we pray:

Father in Heaven, You have revealed Your glory to all nations. Through You, authority is rightly administered, laws are enacted, judgment is decreed.

We pray today for Robert Casey, the Governor of this Commonwealth, for the members of this legislature, and for all others who are entrusted to guard our political welfare. Under Your protection, may they discharge their duties with honesty and wisdom.

Bless today, Father, all the citizens of this Commonwealth. Let us find peace and stability - both spiritual and material - in our lives here and happiness hereafter.

We pray to You, our Lord and God. Amen. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was recited by members and visitors.)

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Monday, June 10, 1991, will be postponed until printed. The Chair hears no objection.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1629 By Representatives MELIO, CAPPABIANCA, KOSINSKI, ITKIN, PISTELLA, DERMODY, FAIRCHILD, TULLI, STUBAN, DEMPSEY, STISH, THOMAS, DALEY, JOSEPHS,

McGEEHAN, BISHOP, VEON, OLASZ, RAYMOND, COLAIZZO, SURRA, STABACK, KRUSZEWSKI, HARPER, BELARDI, NAHILL, GIGLIOTTI, BATTISTO, WOGAN, TRELLO, LAUGHLIN, CARONE, J. TAYLOR, TANGRETTI, ROEBUCK, McHALE, KENNEY, KASUNIC, TOMLINSON, FOX and GAMBLE

An Act requiring the Department of Environmental Resources to conduct a waste tire recycling and reuse study; and imposing a surcharge.

Referred to Committee on CONSERVATION, June 11, 1991.

No. 1631 By Representative CESSAR

An Act authorizing the Department of Transportation, with the approval of the Governor, to sell and convey to the Borough of Aspinwall certain excess land situate in the Borough of Aspinwall, Allegheny County.

Referred to Committee on TRANSPORTATION, June 11, 1991.

No. 1632 By Representatives D. R. WRIGHT, DeWEESE, STEIGHNER, STABACK, BOWLEY, MIHALICH, PESCI, BILLOW, BELARDI, LAWLESS, FARGO, HALUSKA, ARMSTRONG, TIGUE, COY, NOYE, COLE, FAIRCHILD, BUSH, KUKOVICH, HANNA, JOSEPHS, ARGALL, TRICH, WILLIAMS, PISTELLA, CLARK, TRELLO, MERRY, JOHNSON, RUDY, DERMODY, JAROLIN, TANGRETTI, KRUSZEWSKI and CARONE

An Act authorizing the Center for Rural Pennsylvania to develop a Statewide, coordinated Long-Distance Teaching Program; and making an appropriation.

Referred to Committee on CONSUMER AFFAIRS, June 11, 1991.

No. 1633 By Representatives D. R. WRIGHT, DeWEESE, COLE, HALUSKA, LLOYD, HARPER, E. Z. TAYLOR, TIGUE, COY, STABACK, DEMPSEY, KUKOVICH, HANNA, JOSEPHS, ARGALL, BOWLEY, TRICH, WILLIAMS, NOYE, FAIRCHILD,

BUSH, MIHALICH, PISTELLA, HASAY, CLARK, TRELLO, MERRY, STEIGHNER, JOHNSON, PESCI, RUDY, DERMODY, TULLI, JAROLIN, BILLOW, TANGRETTI, KRUSZEWSKI, VANCE, BELARDI and CARONE

An Act establishing the Health Care Professional Loan Repayment Program; providing for its administration; conferring powers and duties on the Department of Health; and making an appropriation.

Referred to Committee on HEALTH AND WELFARE, June 11, 1991.

No. 1634 By Representatives D. R. WRIGHT, DeWEESE, BOWLEY, PISTELLA, STEIGHNER, MIHALICH, BILLOW, PESCI, RUDY, E. Z. TAYLOR, JAROLIN, TANGRETTI, KRUSZEWSKI, BELARDI, CARONE, ARMSTRONG, DERMODY, JOHNSON, MERRY, TRELLO, CLARK, WILLIAMS, TRICH, ARGALL, JOSEPHS, HANNA, KUKOVICH, BUSH, DEMPSEY, COLE, STABACK, FAIRCHILD, COY, TIGUE, NOYE and FARGO

An Act relating to rural health care; providing for voice, video or data communication links; establishing eligibility criteria; providing for duties of the Bureau of Planning within the Department of Health; and making an appropriation.

Referred to Committee on CONSUMER AFFAIRS, June 11, 1991.

No. 1635 By Representatives HARPER, RUDY, COLAIZZO, SALOOM, CIVERA and KRUSZEWSKI

An Act requiring disposable toilet seat covers in public restrooms.

Referred to Committee on STATE GOVERNMENT, June 11, 1991.

No. 1636 By Representatives HARPER, BISHOP, GIGLIOTTI, FREEMAN, KUKOVICH, OLIVER and LAUGHLIN

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the use of cash and proceeds of forfeited property in relation to controlled substance forfeitures.

Referred to Committee on JUDICIARY, June 11, 1991.

No. 1637 By Representatives HARPER, NAHILL, BISHOP, GIGLIOTTI, FREEMAN, PRESTON and LAUGHLIN

An Act establishing the criteria and procedures for the expenditure of Commonwealth funds to correct housing problems caused by nonmine subsidence in a municipality; and making an appropriation.

Referred to Committee on URBAN AFFAIRS, June 11, 1991.

No. 1638 By Representatives ROEBUCK, JOSEPHS, WOGAN, THOMAS, JAMES, O'BRIEN, DONATUCCI, BISHOP, McGEEHAN, KOSINSKI and HARPER

An Act making an appropriation to the Historical Society of Pennsylvania for operating expenses.

Referred to Committee on APPROPRIATIONS, June 11, 1991.

No. 1640 By Representatives ITKIN, E. Z. TAYLOR, TANGRETTI, SAURMAN, KUKOVICH, BELARDI, STEIGHNER, KASUNIC, OLASZ, RUDY, PISTELLA, BATTISTO, CAPPABIANCA, McHALE, BUNT, PETRARCA, STABACK, VEON, SALOOM, CESSAR, BISHOP, KRUSZEWSKI, GRUITZA, WOGAN, JAROLIN, BILLOW, MERRY, ARGALL, GIGLIOTTI, HAYES, LESCOVITZ, LAUGHLIN, McCALL, NAHILL, HALUSKA, ARMSTRONG, COLAIZZO, MELIO, MIHALICH, VROON and TRELLO

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), known as the "Public Welfare Code," further providing for business enterprises for the blind.

Referred to Committee on HEALTH AND WELFARE, June 11, 1991.

No. 1641 By Representatives HASAY, BATTISTO, COY, SCHULER, FARGO, MARSICO, BARLEY, ARMSTRONG, VROON, JAROLIN, GERLACH, STEELMAN, TRELLO, NAILOR, E. Z. TAYLOR, HESS, FAIRCHILD, STISH, SAURMAN, GEIST, JOHNSON, NOYE, MERRY, SERAFINI, MELIO, STABACK, BELFANTI, BILLOW, BELARDI, KRUSZEWSKI, TOMLINSON, ULIANA, NAHILL and MICHLOVIC

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for grading for criminal mischief.

Referred to Committee on JUDICIARY, June 11, 1991.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 141 By Representatives ULIANA and McHALE

A Resolution congratulating the City of Bethlehem on the occasion of its 250th Anniversary.

Referred to Committee on RULES, June 11, 1991.

No. 142 By Representatives COY, COLE and WAMBACH

A Resolution commending Philadelphia Electric Company for its environmental conservation efforts relating to reintroducing shad to the Susquehanna River by constructing a fish lift at the Conowingo Dam and by improving water quality in the river and Chesapeake Bay.

Referred to Committee on RULES, June 11, 1991.

No. 143 By Representatives HARPER, LAUGHLIN, COLAIZZO, MELIO, PESCI, BILLOW, ROBINSON, SCRIMENTI, COWELL, CAPPABIANCA, E. Z. TAYLOR and ROEBUCK

A Resolution proclaiming July 28, 1991, as "Modeling and Charm School Day" in Pennsylvania.

Referred to Committee on RULES, June 11, 1991.

SENATE MESSAGE

ADJOURNMENT RESOLUTION FOR CONCURRENCE

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

In the Senate June 10, 1991

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, June 17, 1991, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Monday, June 17, 1991, unless sooner recalled by the Speaker of the House of Representatives.

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

On the question, Will the House concur in the resolution of the Senate? Resolution was concurred in. Ordered, That the clerk inform the Senate accordingly.

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes Mr. Steighner. Mr. STEIGHNER. Thank you, Mr. Speaker. Mr. Speaker, I have no leaves to request at this time. The SPEAKER. The Chair recognizes Mr. Hayes. There are no requests for leaves.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—203

- Acosta, Adolph, Allen, Anderson, Evans, Fairchild, Fajt, Fargo, Langtry, Laughlin, Lawless, Lee, Roebuck, Rudy, Ryan, Saloom

- Angstadt, Argall, Armstrong, Arnold, Barley, Battisto, Belardi, Belfanti, Billow, Birmelin, Bishop, Black, Blaum, Bowley, Boyes, Broujos, Brown, Bunt, Bush, Butkovitz, Caltagirone, Cappabianca, Carlson, Carn, Carone, Cawley, Cessar, Chadwick, Civera, Clark, Clymer, Cohen, Colafella, Colaizzo, Cole, Cornell, Corrigan, Cowell, Coy, DeLuca, DeWeese, Daley, Davies, Dempsey, Dent, Dermody, Donatucci, Durham, Farmer, Fee, Fleagle, Flick, Foster, Fox, Freeman, Freind, Gallen, Gamble, Gannon, Geist, George, Gerlach, Gigliotti, Gladeck, Godshall, Gruitza, Gruppo, Hagarty, Haluska, Hanna, Harley, Harper, Hasay, Hayden, Hayes, Heckler, Herman, Hershey, Hess, Hughes, Itkin, Jadlowiec, James, Jarolin, Johnson, Josephs, Kaiser, Kasunic, Kenney, King, Kosinski, Krebs, Kruszewski, Kukovich, LaGrotta, Leh, Lescovitz, Levdansky, Linton, Lloyd, Lucyk, McCall, McGeehan, McHale, McHugh, McNally, Maiale, Markosek, Marsico, Mayernik, Melio, Merry, Michlovic, Micozzie, Mihulich, Mrkonic, Mundy, Murphy, Nahill, Nailor, Nickol, Noye, Nyce, O'Brien, Olasz, Oliver, Perzel, Pesci, Petrarca, Petrone, Phillips, Piccola, Pistella, Pitts, Preston, Raymond, Reber, Reinard, Richardson, Rieger, Ritter, Robinson, Saurman, Scheetz, Schuler, Scrimenti, Semmel, Serafini, Smith, B., Smith, S. H., Snyder, D. W., Snyder, G., Staback, Stairs, Steelman, Steighner, Stetler, Stish, Strittmatter, Stuban, Sturla, Surra, Tangretti, Taylor, E. Z., Taylor, F., Taylor, J., Telek, Thomas, Tigue, Tomlinson, Trello, Trich, Tulli, Uliana, Van Horne, Vance, Veon, Vroon, Wambach, Williams, Wilson, Wogan, Wozniak, Wright, D. R., Wright, M. N., Wright, R. C., O'Donnell, Speaker

ADDITIONS—0

NOT VOTING—0

EXCUSED—0

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND RECOMMITTED TO COMMITTEE ON RULES

HB 200, PN 210 By Rep. RICHARDSON

An Act amending the act of August 22, 1953 (P. L. 1344, No. 383), known as "The Marriage Law," providing for the distribution of information relating to fetal alcohol syndrome.

HEALTH AND WELFARE.

HB 871, PN 983 By Rep. F. TAYLOR

An Act amending Title 13 (Commercial Code) of the Pennsylvania Consolidated Statutes, conforming the text of the title to the current official text of the Uniform Commercial Code relating to leases, negotiable instruments, bank deposits and collections, funds transfers and uncertificated securities; repealing provisions relating to bulk transfers; and making editorial changes.

BUSINESS AND COMMERCE.

HB 984, PN 1111 By Rep. RICHARDSON

An Act providing for the prevention, detection, treatment and follow-up of cases of hepatitis B among firefighters, paramedics, emergency medical technicians, ambulance attendants, first responders and health professionals; and making an appropriation.

HEALTH AND WELFARE.

BILLS REPORTED AND REREFERRED TO COMMITTEE ON CONSUMER AFFAIRS

HB 956, PN 1068 By Rep. F. TAYLOR

An Act requiring radon testing and notice before certain transactions in real property; and providing a remedy.

BUSINESS AND COMMERCE.

HB 1238, PN 1412 By Rep. F. TAYLOR

An Act requiring testing for and notification of radon results concerning sale or lease of residential property.

BUSINESS AND COMMERCE.

CALENDAR

BILLS ON SECOND CONSIDERATION

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

- HB 1607, PN 1881; HB 1551, PN 1819; HB 1552, PN 1820;**
- HB 1553, PN 1821; HB 1554, PN 1822; HB 1555, PN 1823;**
- HB 1556, PN 1824; HB 1557, PN 1825; HB 1558, PN 1826;**
- HB 1559, PN 1827; HB 1560, PN 1828; HB 1561, PN 1829;**
- HB 1562, PN 1830; HB 1563, PN 1831; HB 1564, PN 1832;**
- HB 1565, PN 1833; HB 1566, PN 1834; HB 1567, PN 1835;**
- HB 1568, PN 1836; HB 1569, PN 1837; HB 1570, PN 1838;**
- HB 1571, PN 1839; HB 1572, PN 1840; HB 1573, PN 1841;**
- HB 1574, PN 1842; HB 1575, PN 1843; HB 1576, PN 1844;**
- HB 1577, PN 1845; HB 1578, PN 1846; HB 1579, PN 1847;**
- HB 1580, PN 1848; HB 1581, PN 1849; HB 1582, PN 1850;**
- HB 1583, PN 1851; HB 1584, PN 1852; HB 1585, PN 1853;**
- HB 1586, PN 1854; HB 1587, PN 1855; HB 1588, PN 1856;**
- HB 1589, PN 1857; and HB 1590, PN 1858.**

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 303, PN 1251**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing immunity to program administrators and supervisors.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. DeWEESE. Mr. Speaker, I move that SB 303 be recommitted to the Judiciary Committee.

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

* * *

The House proceeded to third consideration of **HB 1346, PN 1564**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for police removal of vehicles.

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

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

The question is, shall the bill pass finally?
Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS—203

Acosta	Evans	Langtry	Roebuck
Adolph	Fairchild	Laughlin	Rudy
Allen	Fajt	Lawless	Ryan
Anderson	Fargo	Lee	Saloom
Angstadt	Farmer	Leh	Saurman
Argall	Fee	Lescovitz	Scheetz
Armstrong	Fleagle	Levdansky	Schuler
Arnold	Flick	Linton	Scrimenti
Barley	Foster	Lloyd	Semmel
Battisto	Fox	Lucyk	Serafini
Belardi	Freeman	McCall	Smith, B.
Belfanti	Freind	McGeehan	Smith, S. H.
Billow	Gallen	McHale	Snyder, D. W.
Birmelin	Gamble	McHugh	Snyder, G.
Bishop	Gannon	McNally	Staback
Black	Geist	Maiale	Stairs
Blaum	George	Markosek	Steelman
Bowley	Gerlach	Marsico	Steighner
Boyes	Gigliotti	Mayernik	Stetler
Broujos	Gladeck	Melio	Stish
Brown	Godshall	Merry	Strittmatter
Bunt	Gruitza	Michlovic	Stuban
Bush	Gruppo	Micozzie	Sturla
Butkovitz	Hagarty	Mihalich	Surra
Caltagirone	Haluska	Mrkonic	Tangretti
Cappabianca	Hanna	Mundy	Taylor, E. Z.
Carlson	Harley	Murphy	Taylor, F.
Carn	Harper	Nahill	Taylor, J.
Carone	Hasay	Nailor	Telek
Cawley	Hayden	Nickol	Thomas
Cessar	Hayes	Noye	Tigue
Chadwick	Heckler	Nyce	Tomlinson
Civera	Herman	O'Brien	Trello
Clark	Hershey	Olasz	Trich
Clymer	Hess	Oliver	Tulli
Cohen	Hughes	Perzel	Uliana
Colafella	Itkin	Pesci	Van Horne
Colaizzo	Jadlowiec	Petrarca	Vance
Cole	James	Petrone	Veon
Cornell	Jarolin	Phillips	Vroon
Corrigan	Johnson	Piccola	Wambach
Cowell	Josephs	Pistella	Williams
Coy	Kaiser	Pitts	Wilson

DeLuca	Kasunic	Preston	Wogan
DeWeese	Kenney	Raymond	Wozniak
Daley	King	Reber	Wright, D. R.
Davies	Kosinski	Reinard	Wright, M. N.
Dempsey	Krebs	Richardson	Wright, R. C.
Dent	Kruszewski	Rieger	
Dermody	Kukovich	Ritter	O'Donnell,
Donatucci	LaGrotta	Robinson	Speaker
Durham			

NAYS—0

NOT VOTING—0

EXCUSED—0

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

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

BILL ON FINAL PASSAGE

The House proceeded to consideration on final passage of **HB 1143, PN 1759**, entitled:

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), known as the "Public Welfare Code," providing for training for family day-care providers; providing for an annual State plan for child-care services; further providing for powers and duties of the Department of Public Welfare; and making repeals.

On the question recurring,
Shall the bill pass finally?

DECISION OF CHAIR RESCINDED

The **SPEAKER**. Without objection, the Chair rescinds its statement that HB 1143 was agreed to on third consideration as amended. The Chair hears no objection.

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

Mr. **EVANS** offered the following amendments No. A1085:

Amend Bill, page 17, by inserting between lines 27 and 28

Section 8. (a) Nothing in Article VI of the act, or any other provision of this act shall be deemed to authorize the imposition of any requirements, other than those authorized by Article IX of the act, in the operation of any child-care facility operated by a bona fide church or other religious body which is subject to the supervision of the Department of Public Welfare under Article IX of the act.

(b) Except insofar as required by Federal law, neither the Commonwealth nor its agencies or political subdivisions shall require, as a condition of eligibility to provide services for which Federal, State or local assistance is available, the imposition of regulations or governmental standards, other than those authorized by Article IX of the act, in the operation of any child-care facility operated by a bona fide church or other religious body which is subject to the supervision of the Department of Public Welfare under Article IX of the act.

Section 9. Nothing in this act shall be construed to affect or impair the right of any church or religious group operating a child-care program pursuant to Article IX of the act to conduct any religious instruction, worship, or other religious activity at the child-care facility or within the child-care program.

Amend Sec. 8, page 17, line 28, by striking out "8" and inserting

10

Amend Sec. 9, page 18, line 10, by striking out "9" and inserting

11

Amend Sec. 9, page 18, line 16, by striking out "Section 8" and inserting

Sections 8, 9 and 10

Amend Sec. 9, page 18, line 20, by striking out "8" and inserting

10

On the question,

Will the House agree to the amendments?

The **SPEAKER**. On the amendment, the Chair recognizes Mr. Evans.

Mr. **EVANS**. Mr. Speaker, this particular amendment that I am offering is an amendment that there has been an awful lot of discussion around, and I would like to, if the House would just give me a few seconds, just give some explanation, some background, some history, to where we are and give some sense and hope that all members on both sides of the aisle will recognize, and I hope that this will resolve the problems that we have. But let me just express to you what this amendment exactly does.

This amendment would prevent the Department of Public Welfare from imposing any requirements, other than those authorized by Article IX of the Public Welfare Code, in the operation of child care programs operated by a church or other religious body supervised under Article IX.

As a condition for eligibility for Federal, State, or local funds, the State cannot impose regulations, other than those authorized by Article IX, in the operation of religious-affiliated child care programs.

The amendment also clarifies that nothing in the act shall be construed to affect the right of religious-affiliated child care programs from offering religious instruction, worship, or other religious activity. The effect of this provision is to limit the Department of Public Welfare to those areas of regulation specified and included in Article IX for supervising institutions. This will insure that the State regulations for religious-affiliated programs and facilities are consistent with Article IX.

Mr. Speaker, the reason I offer this amendment is in response to concerns expressed by religious groups that feared that the Department of Public Welfare may impose regulations that exceed its authority under the law.

I believe it is critical that the members understand that the current version of HB 1143 already recognizes a compromise that I have made with the Catholic Conference by insuring that the religious-affiliated programs will remain supervised and not licensed. Let me repeat that: They will remain supervised and not licensed. This is an important distinction for the conference, and I have made that accommodation. I am also willing to go further to clarify the possible limitation which Article IX of the Welfare Code places on the department.

In various meetings between Democratic and Republican staff of Aging and Youth and with the minority whip, the

essence of this proposed amendment has evolved. I urge you, on both sides of the aisle, to adopt this amendment, which expresses legislative intent to insure compliance without exceeding the requirements of the law.

If you recall last time when this issue was up a couple of weeks ago, my particular attempt is basically to insure that those organizations that have concerns are addressed. I am hoping that members on both sides of the aisle will find that this particular amendment will address those particular concerns. Thank you, Mr. Speaker.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes Mr. Lee.

Mr. LEE. Point of parliamentary inquiry.

The SPEAKER. The gentleman will state his point.

Mr. LEE. It is my understanding that Representative Taylor will also be offering amendments to the act, and if I understand these amendments correctly, Representative Taylor's amendments would go farther than Representative Evans' amendments, so therefore, we would get in a situation where we would probably enact Representative Evans' amendment; then we would be debating whether we would be enacting Representative Taylor's amendment, and the two amendments would be duplicative. It would seem to make more sense if we acted on Representative Taylor's amendment first; then if that failed, then we could act on Representative Evans' amendment. And I was wondering, how do we go about that?

The SPEAKER. Will the gentleman suspend.

First of all, the order of business is as follows: The gentleman, Mr. Evans, has been recognized to offer an amendment. At a subsequent time, the other folks offering amendments will be recognized, including the lady, Mrs. Taylor. If the lady, Mrs. Taylor's amendment amends the same section as the amendment currently being offered and if the Evans amendment is adopted and subsequently the Taylor amendment is adopted, any inconsistencies in language are resolved in favor of the subsequent amendment. So people have the opportunity to offer amendments on the same section that has already been amended, but each succeeding amendment takes precedence over the previous one.

Mr. LEE. Thank you, Mr. Speaker.

The question I have here is, they are amending different pages of the bill, different sections. One amends page 2 and page 12, and the other amends page 17, and it seems like we might be enacting two sections that are in conflict with each other, and it would just make more sense if we allowed Representative Taylor to offer her amendment first and then, if that fails, go on to Representative Evans' amendment.

The SPEAKER. It is very difficult for the Chair to respond hypothetically.

The Chair is in possession of two Taylor amendments, and in your original inquiry, I thought you were referring to the Taylor amendment which is substantively similar, which amends page 17 between lines 27 and 28, which is the same as

here. This is an appropriate order of business, and the lady has the opportunity to offer an amendment to any section, the same as any other member does.

Mr. LEE. Thank you.

I guess I cannot clear this up, but I just thought it would make more sense to do it that way. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Evans, has the floor and may proceed.

Mr. EVANS. Basically, Mr. Speaker, I would again ask members to strongly look at the amendment I have offered. I believe that the amendment that I offer deals with the specific concerns that members on both sides of the aisle have regarding this particular issue. I have indicated before that I am more than willing to insure that those concerns that—

The SPEAKER. Will the gentleman suspend.

PARLIAMENTARY INQUIRY

REQUEST TO DIVIDE AMENDMENTS

The SPEAKER. For what purpose does the lady rise?

Mrs. TAYLOR. Mr. Speaker, I rise on a point of parliamentary procedure.

I would like to ask the Speaker if it is possible for Mr. Evans' amendment to be divided. I would like to see if it could be divided, the two first paragraphs and starting the division right before section 9.

The SPEAKER. Well, the Chair is going to try and make some sense out of this. The original question was a parliamentary inquiry about whether the amendment was divisible, which technically is an inquiry which can interrupt the gentleman, but for the motion to divide, the gentleman will have to relinquish the floor. The inquiry is whether it can be divided after the word "act" and before the word "Section 9."

Mrs. TAYLOR. That is correct, Mr. Speaker.

The SPEAKER. The answer is no. The amendment is not divisible at that point because there is no reference back to the point in the bill at which this language can be inserted.

Mrs. TAYLOR. I thank the Speaker.

The SPEAKER. Is there anyone else seeking recognition on this amendment?

Mrs. TAYLOR. Yes.

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

Mrs. TAYLOR. Mr. Speaker, I believe that I am recognized in this body certainly as a friend and not a foe of programs to improve child care.

I would bring to the attention of the members that we have a very important amendment to offer at a later time, and this amendment of Representative Evans' is proposed as a neutral amendment. Presumably, he is presenting this as a compromise between the amendment that I will offer and the language in HB 1143. While I appreciate the attempt to resolve the conflicts, I believe that the language is neither neutral nor a good compromise.

His amendment has two sections. One, the first section, in section 8, at best leaves the religious child caregivers in the same position where we have been for years, having an

ongoing dispute with DPW (Department of Public Welfare). But section 9, Mr. Speaker—I know you are not listening, but you should be listening on this—it is very, very dangerous, because it implies that government can intrude into the religious caregiver providers except in three very narrowly defined areas.

Mr. Speaker, I believe that section 9 is going to throw right back in the laps of the bureaucrats the onus of trying to tell the religious child care providers what falls in the realm of religion and what does not. I believe that it falls woefully short of resolving the problem. In fact, I believe that it could make things a lot worse. At worst, it gives the department—yes, the DPW—the impression of statutory authority for intrusion into the philosophy and the mission of the religious institutions.

Mr. Speaker, I believe that the amendment does not resolve the problem. I think we will be back discussing it time and time again if we do not resolve it when we have an opportunity to address the amendment that I will be offering in a short period of time, and I would ask the members to oppose the Evans amendment.

The SPEAKER. The Chair recognizes Mr. Hayes.

Mr. HAYES. Thank you, Mr. Speaker.

In general, Mr. Speaker, the amendment offered by the gentleman, Mr. Evans, is an amendment that started out at least as an effort, an effort on the part of people on both sides of the aisle, to fashion a provision, an amendment, that would take this House of Representatives out of the line of fire that we have found ourselves in over the last couple of weeks, and before I elaborate on that, I would like to thank the gentleman, Mr. Evans, for his patience with those lawmakers and groups who have been working on amendments to HB 1143, making it possible to come to the floor today and have a discussion about what should or should not be contained in this legislation.

But getting back to this particular amendment - the one that is before us; the one offered by the gentleman, Mr. Evans - if you take the language which pertains to section 8, the first two paragraphs of the amendment, that language is the language that was negotiated over the last couple of weeks that in large measure took this House of Representatives out of a line of fire and would have made it a lot more comfortable in terms of further considering HB 1143. However, the gentleman, Mr. Evans, on his own initiative then, added language pertaining to section 9, and that language has jarred those people in and out of this Assembly, and we are back into the line of fire again.

If the gentleman would have stopped with the first two paragraphs, there would have been a great deal of cooperation; spirit of compromise; I think, good feeling on many people in this House of Representatives. And while the gentleman, Mr. Evans, was not looking for a way to discomfort you and me, he squarely has when he adds that language. Squarely has he done that.

Now, later the Representative from Chester, Elinor Taylor, will be offering a couple of amendments, one of which covers

the language that we are talking about minus section 9. I would ask that the Assembly consider placing the first two paragraphs of the amendment which we have before us— It cannot be divided; we will have to go to another amendment. The lady, Mrs. Taylor, has such an amendment. I personally could not care less whether Mrs. Taylor offers the amendment or Mr. Evans offers that amendment. I was part of the negotiations, and my name is not even on the amendment, and I could not care less. But somehow we have to get ourselves out of the line of fire and still have a good HB 1143, There is no need for that language. It raises red flags.

We should be trying for conciliation rather than division, and on the basis of that, I am going to, if we have to, oppose this particular amendment and opt in favor of one which will be offered later by the lady, Mrs. Taylor. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Birmelin.

Mr. BIRMELIN. Thank you, Mr. Speaker.

I would like to stand in opposition to this amendment as well, and I think the two previous speakers have fairly well outlined the reasons for their opposition, and if you have the amendment in front of you, I would again draw your attention to section 9, where it says that nothing in this act shall be construed to affect or impair the right of any church or religious organization operating a child care program to certain activities. It says religious instruction, worship, or other religious activities.

What you have done, as Representative Hayes has so eloquently put, if you put in this language, you then begin to give the Department of Public Welfare parameters with which they may determine what is religious and what is not in a child care situation - making them the determiners, for instance, of whether or not a 4-year-old should pray before he eats his lunch, whether or not they should listen to the teacher read to them verses or Bible stories, and things that may seem to be religious but may also be educational and may fall under some sort of gray area that the Department of Public Welfare would be allowed to make some sort of ruling on.

I think you are on very dangerous grounds with this portion of this amendment, and therefore, for the sake of our religious instruction in day-care centers across Pennsylvania, I think we need to reject this amendment, not because it is completely bad but because it has a portion of it that is not good and could bode ill.

Defer to the Taylor amendment. Vote “no” on the Evans amendment. Thank you.

The SPEAKER. The Chair recognizes Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, I came here today intending to vote with Representative Taylor. I must admit, the last 15 minutes has totally baffled me as to who is on which side and what we are arguing about.

I do not understand how putting something into the law which says that we are not intending nor shall any regulatory body construe what we have done to impair someone’s right to practice religion in a day-care center. Mr. Birmelin talks

about reading Bible stories. It seems to me, that is what this language is intended to allow us to do.

I do not understand why these two amendments—and I guess part of the confusion is that Mrs. Taylor has two amendments—but I do not understand why we cannot vote for 1085 and 1070 both and achieve the purpose that is intended. I do not see why there should be a problem with putting something in the law which says to DPW, thou shalt not interfere in any religious activity that is going on at a day-care center. Whether that covers everything or not is not the point. We are not saying that there are not other things, too, that they should not be allowed to construe, but what we are trying to say is that they shall not forbid a day-care center from having a religious exercise, and unless somebody can give me a lot more persuasive reason than I have heard so far, I for one do not want to be on the record as voting against something that guarantees people the right to have religion in a day-care center. That sounds to me like saying that we do not want prayer in the public schools. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Freind.

Mr. FREIND. Thank you, Mr. Speaker.

I rise to oppose this amendment, and to respond to the very good points raised by Representative Lloyd, the reason why many of us are opposing this amendment and the reason why a host of organizations - such as Pennsylvanians for Biblical Morality, Pennsylvania Family Institute, Keystone Christian Education Association, and the Pennsylvania Catholic Conference - are opposing this is because although well intentioned, section 9 sets an extremely dangerous precedent. What it does, granted with good intentions, is permit the State, the bureaucracy, to determine what is religious activity and what is not. When we do that, we go far beyond the issue of day care. We set a precedent which is dangerous in all of our society. The Taylor amendment does it in another way which does not permit the bureaucracy to determine what is religious and what is not but still clearly safeguards the health and welfare of the students.

For this reason, because of the danger of section 9, I sincerely hope we defeat this amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Evans.

Mr. EVANS. Mr. Speaker, I am not asking anyone to take my interpretation of what the language says. What I am asking people to do is look at amendment 1085 and read the exact language as it is written on the paper. In section 9 it says, "Nothing"—I repeat that—"Nothing in this act shall be construed to affect or impair the right of any church or religious group operating a child-care program pursuant to Article IX of the act to conduct any religious instruction, worship, or other religious activity at the child-care facility or within the child-care program." The word is not "may." The word is not "if." The word is "shall," and my understanding is that when we write things like "shall," that means just what it means.

My friend, Mr. Speaker, on the other side of the aisle who is a very learned lawyer knows full well that that word is very clear, that it is definitive, that it is not debatable. It is an issue that is stated very clearly. I stated that issue very clearly because I believe that the issues that were raised by some of my friends on the other side of the aisle are very legitimate issues. Yes, we do differ somewhat in terms of to what degree we allow flexibility, but one thing I do not disagree with, Mr. Speaker, is in the words that "Nothing in this act shall be construed to affect or impair the right of any church or religious group operating a child-care program pursuant to Article IX...." That is not debatable, Mr. Speaker. There is not anyone on any side of the aisle who can debate with me in terms of those particular phrases.

So I am saying to you, Mr. Speaker, that I am not dealing with the question of interpretation. I am dealing with something that is specifically written in front of you and things that you can see for yourself, and that is not something that is debatable, Mr. Speaker. No one can debate exactly what that language is and how it is written on this amendment. The word says "shall," "shall not," "shall not."

So we need to be clear, Mr. Speaker, that really the problem coming from some people is they cannot really in their heart and mind be totally against what I am saying, because I believe that I achieved their concerns that they have.

I would ask everybody on both sides of the aisle to support this amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Stuban.

Mr. STUBAN. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of this amendment. A few days ago when this bill was brought to the floor and the discussion was here, it was clearly stated that the problem was that if we did not interpret something in this bill, we were going to lose Federal funding. I believe with this amendment we are clearly stating in here that we do not want to lose Federal dollars. We want religious organizations to be religious organizations. We do not want to interfere with those organizations.

I see without some stipulations what is happening here in our public schools without prayer in our public schools. We are allowing religious organizations to do this. I think the interpretations that people are bringing on the floor here that we are treading on new ground, I believe it is about time we tread on new ground here, we give these organizations a right to pray if they want to pray, a right to do what they want to do.

And I also think that, you know, when we talk about religious organizations, I would want my Catholic Church, if they had a day center, to be proud of having that day center. Come in there and say, check me, look me over, we are the tops, we are the best, and we do pray here, and we do things like that.

So I rise here in support of the amendment. Thank you.

The SPEAKER. The Chair recognizes Mr. Cowell.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I, too, rise in support of the Evans amendment. If our objective is to make it perfectly clear that nothing in this legislation is going to restrict the right of a church-affiliated program to conduct religious instruction, you cannot make it any more clear. You cannot be more explicit than Representative Evans is in his proposed amendment. If that is the issue, this is the way to go. We ought not to be doing backdoor approaches and clouding that particular point in other language and in a lot of other issues.

Representative Evans' language is right on target. It is very clear. Its purpose is clear. I would urge that we support the amendment.

The SPEAKER. The Chair recognizes Mr. Pitts.

Mr. PITTS. Thank you, Mr. Speaker.

In response to the last three speakers, if they were correct in their arguments, you would not have such a prestigious law firm as Ball and Skelly, one of the premier constitutional authorities in this country, who advise the Catholic Conference and the Keystone Christian Education Association, telling them specifically on this specific wording that this is a danger. They do not want some bureaucrat interpreting what religious instruction is. If you teach a child that it is wrong to lie or to be obedient, is that religious instruction? If you teach them not to use drugs, is that religious instruction? Some bureaucrat may make that determination based on this language, and the best legal authorities of these organizations that have circulated memos to us have advised specifically that this amendment is a danger and it should be voted down, that they should put in the language of the Taylor amendment.

I urge a "no" vote on the Evans amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mrs. Taylor.

Mrs. TAYLOR. Mr. Speaker, I believe that the basic issue here is certainly not interference. The basic issue here is, who will determine the religious activities? If the members of this House want to put that responsibility with those in the Department of Welfare, then you should vote for the amendment. If you do not wish to place that in the hands of the bureaucrats but rather in the hands of the elected officials, then you should vote against it, because it is true that the Department of Welfare does have the regulatory oversight, and if there was ever a question, I assure you that that is where the decision would be made.

I strongly urge a "no" vote on this amendment.

The SPEAKER. The Chair recognizes Mr. McNally.

Mr. McNALLY. Mr. Speaker, sometimes the debate here in the hall of the House rises or falls to a level that I have a difficult time understanding, and so I wonder if the gentleman, Mr. Pitts, would yield to a brief interrogation.

The SPEAKER. The gentleman indicates that he will. The gentleman may proceed.

Mr. McNALLY. Mr. Speaker, as I understood the gentleman a few minutes ago, the objection he has to the Evans amendment—and I am really trying to understand what the objection is—is that something in this amendment would

allow or at least he fears that it would allow a government official to decide what is or what is not religious instruction or religious activity or worship. Is that correct?

Mr. PITTS. Mr. Speaker, in response to the gentleman, if you look at section 9, we feel that this is drawn so narrowly that it provides that a State bureaucrat would be able to make that decision on what is religious instruction.

Mr. McNALLY. Well, then supposing that this language was not in there, who would decide then—Supposing that this language was not present, who would then decide what is or what is not religious activity, instruction, worship, et cetera?

Mr. PITTS. Well, this is creating an exception - except for religious instruction, worship, and other religious activity - indicating that anything else than that is covered.

Mr. McNALLY. Well, supposing that this language was not present, what would prevent a government official from saying that religious activity was prohibited?

Mr. PITTS. There is a problem, I am informed, with the existing law, and that is why we need the Taylor amendment. There is an ongoing debate right now with the existing law.

Mr. McNALLY. The existing law or the current bill that is before us?

Mr. PITTS. With the existing law.

Mr. McNALLY. Well, then supposing that we delete this language, someone would still be deciding what is or is not religious activity, et cetera.

Mr. PITTS. Not with the way the Taylor amendment is drafted. In this case, as far as the Evans amendment is concerned, yes, that is correct, but not with the way the Taylor amendment is drafted. The Taylor amendment is really drafted like the—

Mr. McNALLY. To let people do whatever they want?

Mr. PITTS. No. The way the Taylor amendment is drafted, it is really patterned after the existing law with the Christian schools, which says that they have to toe the line as far as the health and safety issues and the background checks are concerned, but everything else is exempted.

Mr. McNALLY. But ultimately there is going to be some person who is going to decide what is and what is not religious activity, instruction, or worship, whether that be a government bureaucrat or the person who is owning or operating the school. Is that not correct?

Mr. PITTS. Under the Taylor amendment the department would decide whether the child care was meeting the regulations as far as the health and safety standards are concerned, but it would exempt the other things.

Mr. McNALLY. So under the Taylor amendment the operators of the child care facility would decide what is or is not religious instruction or worship.

Mr. PITTS. That is correct.

Mr. McNALLY. And, Mr. Speaker, I am just thinking of cases that have been presented to the U.S. Supreme Court and I suppose perhaps to the courts of this Commonwealth in which people allege that smoking marijuana was a religious activity, in which they decided for themselves what was or was not religious activity.

What kind of limitation would the Taylor amendment or other language provide to prevent sort of off-the-wall definitions of "religious activity"?

Mr. PITTS. Well, first of all, that is against the law, clearly.

Mr. McNALLY. I am sorry. Repeat that.

Mr. PITTS. I said, first of all, that is against the law, and the courts will determine—

The SPEAKER. Will the gentleman suspend.

The Taylor amendment is not before the House. The gentleman should restrict his questions to the Evans amendment.

Mr. McNALLY. Well, Mr. Speaker, may I make a comment at this time?

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

Mr. McNALLY. Mr. Speaker, I support the Evans amendment. The objection seems to be that section 9 in the amendment would allow a government official to decide what is or is not religious activity, but every law that we pass, each bit of language that we enact is circumscribed by a rule of reason. I think that people in this House and in our State Government and throughout society understand and know a reasonable definition of "religious activity" and "worship" and "instruction."

If we do not have this language, something worse could happen, that a sect, a fringe sect, religious group, could decide for themselves what is and is not religious activity, instruction, or worship, and they could, under that kind of broad definition of "religion," do a whole bunch of things which no one in this House would want them to do.

I think that we need a rule of reason in determining religious instruction. I think that the Evans amendment provides that rule of reason, at the same time protecting legitimate, rational religious activity within a very, very broad definition of "religious activity" to cover, I think, all legitimate forms of worship and to exclude those kinds of worship which we all know, regardless of our denomination, regardless of our religious beliefs, are really just some sort of front for illegal and unhealthy activity. Thank you.

The SPEAKER. The Chair recognizes Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, I would like to interrogate Mr. Freind.

The SPEAKER. The gentleman indicates he is willing to be interrogated. The gentleman may proceed.

Mr. LLOYD. Mr. Speaker, if we do not adopt the Evans amendment and we do not adopt the Taylor amendment to which everybody is referring, is there anything in this bill which will prohibit a bureaucrat in the Department of Public Welfare or elsewhere in State Government from second-guessing or intervening to determine whether something is or is not permissible religious activity in a day-care center operated by a religious group?

Mr. FREIND. Well, Mr. Speaker, the best way to respond to you is, if neither amendment passes, what we basically have is the existing law, even with this new law, existing law where there have been a host of problems which beset our church-

affiliated day-care centers. We have in our file a host of those problems where the State is claiming they have authority where in fact the church-related organizations claim they do not.

It gets down to section 10 as opposed to section 9. Now, they do not argue with respect to section 9, which says, you can come in anytime you want and inspect, and section 9 also says clearly, whether or not you are church affiliated, you have to toe the line with respect to health and safety of the children. Nobody is arguing that. The problem is the State is trying to say that in addition to the for-profit child-care agencies, which relate to section 10, they have jurisdiction on the church-related in section 10, which is what is causing the problem.

Mr. LLOYD. Mr. Speaker, why can I not consistently vote for this amendment and the Taylor amendment?

Mr. FREIND. Well, number one, Mr. Speaker, it is not up for me to say—I am not being smart to say how you can vote. The danger of the way the Evans amendment is drafted, even though it is well intentioned, is it is clearly now in the law permitting the bureaucrats to determine what is religious activity. That is the problem in the way it goes about it. His motives are wonderful. He is trying to solve the problem. I am not at all criticizing his intention or his motivation, but he is doing it in such a way that opens Pandora's box.

Now, the Speaker is quite right that the Taylor amendment is not before us, but I am certain that if you have looked at the Taylor amendment, you see that it goes about it an entirely different way by saying, here is your authority and nothing else.

Mr. LLOYD. All right. The last question is, assuming that this amendment is defeated and the Taylor amendment is defeated, you believe, on the point addressed in section 9, that we are better off?

Mr. FREIND. If the Taylor amendment is defeated and the Evans amendment is defeated, we still have enormous problems with the interpretation by the department of existing law.

Mr. LLOYD. But we are better off with that problem than we are with the problem that would be created under section 9.

Mr. FREIND. I agree with that; yes, because we have not clearly in writing opened the Pandora's box; yes.

Mr. LLOYD. Thank you.

The SPEAKER. The Chair recognizes Mr. Birmelin.

Mr. BIRMELIN. Thank you, Mr. Speaker.

Let me just give you a simple illustration that I think may help our understanding of this problem. If you were to look at the room that we are seated in here and consider this all the activities that could take place in a day care, what section 9 of this amendment does is it takes a portion of this room—and let us, for the sake of argument, use the Speaker's rostrum and the raised platform there—and says that those activities are outside the realm of the Department of Public Welfare, but the Department of Public Welfare will determine how big that area is and it will determine what they cannot touch in it. So what they are doing is they are establishing the parameters

of what religious activity is. Do not shake your head you know. You do not know what you are talking about.

It is a situation where you are establishing religious parameters by government, which I think is a suggestion that Representative McNally made, and I am afraid of that. I am afraid to say, let DPW decide what is religious activity and what is not, because when we begin to do that, we begin to diminish the practice of the freedom of religion, and by doing that you place in the hands of DPW those areas that they can say how big or how small those activities can be. That is what you are doing. That is the key to this amendment and that is why it is dangerous. It allows the government to draw a circle around, draw a band around, what they will consider to be the activities that they will not get involved in.

I think we need to avoid that and vote "no."

The SPEAKER. Is the gentleman, Mr. Evans, seeking recognition?

Mr. EVANS. Yes, Mr. Speaker.

The SPEAKER. On unanimous consent, the gentleman is recognized.

Mr. EVANS. Mr. Speaker, I would just like to clarify a few things. I, one, have existing law right here, existing law, what the Department of Public Welfare can do right now under 911, which they refer to Article IX, and I can read to you very specifically what they can do, and you need to keep in mind what they can do and what we are suggesting here. You need to be clear that we have stated very emphatically, and I will repeat what we have stated in the amendment and then go to what they can do now.

What we are suggesting, if you look at the amendment and you go back to section 8, it says, "Nothing in Article VI of the act, or any...provision of this act shall be deemed to authorize the imposition of any requirements, other than those authorized by Article IX of the act...." Article IX of the act. Then it says, "Except insofar as required by Federal law, neither the Commonwealth nor its agencies or political subdivisions shall require, as a condition of eligibility to provide services for which Federal, State or local assistance is available, the imposition of regulations or government standards, other than those authorized by Article IX of the act....," which I will go back to. And then I come down to section 9 and I say, "Nothing in this act shall be construed to affect or impair the right of any church or religious group operating a child-care program pursuant to Article IX of the act to conduct any religious instruction, worship, or other religious activity...."

So it amazes me, Mr. Speaker. When individuals describe to you that some bureaucrat will be making a determination of what is religious activity, I do not see where that is, because then I am going to read to you just a little bit of what Article IX says. In Article IX it describes what the department can look at. It describes the department can look at maintenance, supervision of the institution, proper maintenance, custody, safety, welfare of the children. Those are the issues. I will show this to anybody, Mr. Speaker, that this is existing law right now, that the department cannot do any more than what we have passed. So when individuals describe that some

bureaucrat for some reason will be tinkering with instructions and religious activity, I do not know where anybody reads that.

I am not talking about rhetoric; I am talking about fact. I am talking about what is in front of us, not what some law firm has said, not what somebody thinks some law firm has said, not what somebody has speculated what some law firm has said, not someone who is testing their ability in terms of how well they know the law, but I am talking about what is in black and white. Now, if someone can tell me otherwise than what is in black and white, then I will agree with you, but I think that the language that we have provided is rather emphatic. There is no in-between, and there is no way you can read between the lines.

So remember, Article IX is existing law. Here is the amendment, the amendment for yourself that you are reading in front of you, and I believe it is very clear with the language that you are reading. So I ask you to look at the language and make your decision based on the information that is being provided to you.

I hope that members on both sides of the aisle will support this amendment. Thank you, Mr. Speaker.

The SPEAKER. For the information of the members, it has always been a practice in this body to allow the author of an amendment or a bill to speak first on the bill or amendment and then to speak last, and that is a courtesy that we generally afford.

Now, the gentleman, Mr. Evans, rose first and spoke and there were a number of other speakers, and then subsequently the Chair asked, is there anyone else seeking recognition? No one took the floor. No one sought recognition. The Chair recognized Mr. Evans. He spoke for the second time and exhausted under the rules his times at the mike. Subsequent to that there were seven other speakers who have addressed the House. The Chair recognized Mr. Evans only on unanimous consent for the third time. Mr. Evans has now spoken.

Is there anyone else who is seeking recognition at this point?

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—81

Acosta	Daley	McCall	Scrimenti
Arnold	Dermody	McHale	Staback
Battisto	Evans	McNally	Steelman
Belardi	Fajt	Maiale	Steighner
Belfanti	Freeman	Mayermik	Stetler
Billow	Gruitza	Melio	Stuban
Bishop	Harper	Michlovic	Sturla
Blaum	Hayden	Mihalich	Tangretti
Bowley	Hughes	Mrkonic	Taylor, F.
Broujos	Itkin	Mundy	Thomas
Caltagirone	James	Murphy	Trich
Cappabianca	Jarolin	Oliver	Van Horne
Carn	Josephs	Pesci	Veon
Carone	Kasunic	Pistella	Wambach
Cohen	Kosinski	Preston	Williams
Colaizzo	Krebs	Richardson	Wozniak
Cole	Kukovich	Rieger	Wright, D. R.
Cowell	Laughlin	Ritter	
Coy	Levdansky	Robinson	O'Donnell,

DeLuca	Linton	Roebuck	Speaker
DeWeese	Lucyk	Saloom	

NAYS—122

Adolph	Farmer	King	Reinard
Allen	Fee	Kruszewski	Rudy
Anderson	Fleagle	LaGrotta	Ryan
Angstadt	Flick	Langtry	Saurman
Argall	Foster	Lawless	Scheetz
Armstrong	Fox	Lee	Schuler
Barley	Freind	Leh	Semmel
Birmelin	Gallen	Lescovitz	Serafini
Black	Gamble	Lloyd	Smith, B.
Boyes	Gannon	McGeehan	Smith, S. H.
Brown	Geist	McHugh	Snyder, D. W.
Bunt	George	Markosek	Snyder, G.
Bush	Gerlach	Marsico	Stairs
Butkovitz	Gigliotti	Merry	Stish
Carlson	Gladeck	Micozzie	Strittmatter
Cawley	Godshall	Nahill	Surra
Cessar	Gruppo	Nailor	Taylor, E. Z.
Chadwick	Hagarty	Nickol	Taylor, J.
Civera	Haluska	Noye	Telek
Clark	Hanna	Nyce	Tigue
Clymer	Harley	O'Brien	Tomlinson
Colaafella	Hasay	Olasz	Trello
Cornell	Hayes	Perzel	Tulli
Corrigan	Heckler	Petrarca	Uliana
Davies	Herman	Petrone	Vance
Dempsey	Hershey	Phillips	Vroon
Dent	Hess	Piccola	Wilson
Donatucci	Jadlowiec	Pitts	Wogan
Durham	Johnson	Raymond	Wright, M. N.
Fairchild	Kaiser	Reber	Wright, R. C.
Fargo	Kenney		

NOT VOTING—0

EXCUSED—0

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. For the information of the members, after the announcements we will be in recess until 2 o'clock.

DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes Mr. Cohen for an announcement.

Mr. COHEN. Mr. Speaker, I would like to call a Democratic caucus for 1:15. The House Democrats will caucus at 1:15. I urge the attendance of all Democratic members.

REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes Mr. Noye.

Mr. NOYE. Thank you, Mr. Speaker.

Mr. Speaker, the Republicans should report to the caucus room at 1:15; 1:15.

FINANCE COMMITTEE MEETING

The SPEAKER. The Chair recognizes Mr. Trello. Mr. TRELLO. Mr. Speaker, there will be a meeting of the House Finance Committee Thursday morning at 10 o'clock in room 39E. A memo will be following. Thank you.

RECESS

The SPEAKER. The House will now be in recess until 2 p.m.

AFTER RECESS

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

RULES SUSPENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. DeWEESE. Mr. Speaker, I move that rule 22 be suspended to permit HB 1486, HB 1487, and HB 1527 to go immediately to the calendar without going to the Rules Committee when they are reported out of the Transportation Committee.

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

The following roll call was recorded:

YEAS—197

Acosta	Fairchild	Laughlin	Rudy
Allen	Fajt	Lawless	Ryan
Anderson	Fargo	Lee	Saloom
Angstadt	Farmer	Leh	Saurman
Argall	Fee	Lescovitz	Scheetz
Armstrong	Fleagle	Levdansky	Schuler
Arnold	Flick	Linton	Scrimenti
Barley	Foster	Lloyd	Semmel
Battisto	Fox	Lucyk	Serafini
Belfanti	Freeman	McCall	Smith, B.
Billow	Freind	McGeehan	Smith, S. H.
Birmelin	Gallen	McHale	Snyder, D. W.
Bishop	Gamble	McHugh	Snyder, G.
Black	Gannon	McNally	Staback
Blaum	Geist	Maiale	Stairs
Bowley	George	Markosek	Steelman
Boyes	Gerlach	Marsico	Steighner
Broujos	Gigliotti	Mayernik	Stetler
Brown	Gladeck	Melio	Stish
Bunt	Godshall	Merry	Strittmatter
Bush	Gruitza	Michlovic	Stuban
Butkovitz	Gruppo	Mihalich	Sturla
Caltagirone	Haluska	Mrkonic	Surra
Cappabianca	Hanna	Mundy	Tangretti
Carlson	Harley	Murphy	Taylor, E. Z.
Carn	Harper	Nahill	Taylor, F.
Carone	Hasay	Nailor	Taylor, J.
Cawley	Hayden	Nickol	Telek
Cessar	Hayes	Noye	Thomas
Chadwick	Heckler	Nyce	Tigue
Civera	Herman	O'Brien	Tomlinson
Clark	Hershey	Olasz	Trello
Clymer	Hess	Oliver	Trich
Cohen	Hughes	Perzel	Tulli
Colaafella	Itkin	Pesci	Uliana
Colaizzo	Jadlowiec	Petrarca	Van Horne
Cole	James	Petrone	Vance

Cornell	Jarolin	Phillips	Veon
Corrigan	Johnson	Piccola	Vroon
Cowell	Josephs	Pistella	Wambach
Coy	Kaiser	Pitts	Williams
DeLuca	Kasunic	Preston	Wilson
DeWeese	Kenney	Raymond	Wogan
Daley	King	Reber	Wozniak
Davies	Kosinski	Reinard	Wright, D. R.
Dempsey	Krebs	Richardson	Wright, M. N.
Dent	Kruszewski	Rieger	
Dermody	Kukovich	Ritter	O'Donnell,
Durham	LaGrotta	Robinson	Speaker
Evans	Langtry	Roebuck	

NAYS—0

NOT VOTING—6

Adolph	Donatucci	Micozzie	Wright, R. C.
Belardi	Hagarty		

EXCUSED—0

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

BILLS REPORTED FROM COMMITTEE AND CONSIDERED FIRST TIME

HB 1486, PN 1712 By Rep. PETRARCA

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," further providing for the sales and use tax in relation to gasoline and certain motor fuels; imposing a public transportation sales and use tax; establishing the Public Transportation Assistance Fund; and making editorial changes.

TRANSPORTATION.

HB 1487, PN 1713 By Rep. PETRARCA

An Act amending the act of January 22, 1968 (P. L. 42, No. 8), known as the "Pennsylvania Urban Mass Transportation Law," further defining certain transit entities; revising and adding definitions; removing certain limitations on State grants; providing for the distribution and use of funds for operations, capital projects, asset maintenance costs and other programs of transit entities; providing for the distribution and use of funds for planning, development and rural expansion; replacing demand response entitlement grants with community transportation programs; authorizing the Department of Transportation to make grants for community transportation programs; and providing additional powers and duties of the Department of Transportation and the Treasury Department.

TRANSPORTATION.

HB 1527, PN 1789 By Rep. PETRARCA

An Act amending the act of April 9, 1929 (P. L. 343, No. 176), known as "The Fiscal Code," providing that moneys in the Motor License Fund shall not be appropriated for the Pennsylvania State Police.

TRANSPORTATION.

BILLS RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. DeWEESE. Mr. Speaker, I move that HB 1486, HB 1487, and HB 1527 be recommitted to the Appropriations Committee.

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

CALENDAR CONTINUED

CONSIDERATION OF HB 1143 CONTINUED

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

Mrs. TAYLOR offered the following amendments No. A1070:

Amend Sec. 1, page 2, by inserting between lines 10 and 11 Section 602. Limitation.—It is the policy of the Commonwealth to preserve the primary right of parents or persons standing in loco parentis to a child to choose the education, training and care for the child. Nothing contained in this article shall empower the Commonwealth or any of its officers, agencies or political subdivisions to require licensing of or to impose regulations or standards for government approval regarding the program, administrative or staff qualifications, or guidance and discipline at any facility operated by a bona fide church or other religious body which provides child care, as a condition of eligibility to provide services for which Federal, State or local assistance is available, without the consent of said facility. Nothing in this article is intended to exempt any child care provider from the requirements of 23 Pa.C.S. § 6344 (relating to information relating to prospective child-care personnel) or other State-mandated health and safety requirements.

Amend Bill, page 12, by inserting between lines 17 and 18 Section 3. The act is amended by adding a section to read:
Section 923. Limitation.—It is the policy of the Commonwealth to preserve the primary right of parents or persons standing in loco parentis to a child to choose the education, training and care for the child. Nothing contained in this article shall empower the Commonwealth or any of its officers, agencies or political subdivisions to require licensing or approval of or to impose regulations or standards for government approval regarding the program, administrative or staff qualifications, or guidance and discipline at any facility operated by a bona fide church or other religious body which provides child care, without the consent of said facility. Nothing in this article is intended to exempt any child care provider from the requirements of 23 Pa.C.S. § 6344 (relating to information relating to prospective child-care personnel) or other State-mandated health and safety requirements.

Amend Sec. 3, page 12, line 18, by striking out "3" and inserting

4

Amend Sec. 4, page 14, line 1, by striking out "4" and inserting

5

Amend Sec. 5, page 15, line 14, by striking out "5" and inserting

6

Amend Sec. 6, page 16, line 10, by striking out "6" and inserting

7

Amend Sec. 7, page 17, line 26, by striking out "7" and inserting

8

Amend Sec. 8, page 17, line 28, by striking out "8" and inserting

9

Amend Sec. 9, page 18, line 10, by striking out "9" and inserting

10

Amend Sec. 9, page 18, line 16, by striking out "8" and inserting

9

Amend Sec. 9, page 18, line 20, by striking out "8" and inserting

9

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes Mrs. Taylor.

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

First of all, I am certainly sponsoring this amendment not as one who opposes quality care for those who need and use child care but as one who has been a longtime advocate for our children.

I am sponsoring this amendment as one who has stood beside the prime sponsor of the bill, HB 1143, Representative Evans, and the chairman of the Aging and Youth Committee, Mr. Stuban, on the need for this House to address this important issue. I have been very encouraged that we are finally getting a thorough review of the child care legislation.

I want to thank publicly Representative Evans for the courtesy that he has shown in holding this bill over so we could address the problem and find a solution that we all can live with.

I sponsor this amendment along with 26 other members of the House. I have had many more calls to my office, and those names could also be added. I am encouraged because the list shows strong representation from both sides of the aisle, and certainly this is an amendment that can be considered to be bipartisan.

What does the amendment do? The amendment would prevent Commonwealth agencies from requiring licensure or to impose regulatory standards for government approval regarding the program, administrative or staff qualifications, or discipline at any facility operated by a bona fide church or other religious body which provides child care as a condition of eligibility to provide services for which government funding is available.

Mr. Speaker, let me stress that this amendment does not, I repeat, does not exempt any child care provider from the background checks necessary to guard against child abuse, nor will it exempt them from other mandated health and safety requirements.

Mr. Speaker, in my opinion, this amendment will permit us to solve once and for all an ongoing controversy which was evident during the last debate. I believe this amendment spells out very clearly who can do what. I believe that the passage of this amendment will serve only to strengthen child care in the Commonwealth. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Evans.

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

The SPEAKER. The lady indicates she is willing to be interrogated. The gentleman may proceed.

Mr. EVANS. Mr. Speaker, you indicate that your amendment does not exempt religious-affiliated child care programs. I guess my question, the way I read it, is that it appears that your amendment does exempt religious-affiliated child care programs from administrative, staff, program, and disciplinary requirements. Could you explain what you mean by administrative requirements?

Mrs. TAYLOR. Mr. Speaker, I believe that it is the same model that we use when we are speaking about nonpublic schools.

Mr. EVANS. I did not get that answer. Could you repeat that again, Mr. Speaker? What was that answer to that question?

Mrs. TAYLOR. The answer to the question was that it follows the same model that we use for nonpublic schools.

Mr. EVANS. Mr. Speaker, I do not think we are talking about schools. I think we are talking about day-care facilities or day care. What I am trying to find out from you is, I am trying to get a sense when you explain to me that religious-affiliated organizations will be exempt from administrative requirements. Could you give me a specific example?

Mrs. TAYLOR. Mr. Speaker, I think simply we could say that as long as those administrators follow the administrative policies along the lines of safety and child abuse, that there would be no other qualifications involved.

We are talking about hiring practices as long as they meet the hiring qualifications set up for day cares.

Mr. EVANS. That, Mr. Speaker, does not appear to be clear in terms of what you are saying around the issue of practices. What I asked you for, and if it is possible, Mr. Speaker, I am asking you if you can give me a specific example.

Mrs. TAYLOR. I believe it is those administrators that advise and supervise the day-care workers.

Mr. EVANS. You say you believe, but you are not sure.

Mrs. TAYLOR. I am sure.

Mr. EVANS. Just now are you sure or are you exactly, because what I am trying to do is get a sense when you express, regarding your amendment, about exempting religious-affiliated child care programs from administrative and staff programs. I think, Mr. Speaker, you and I both have a concern that these particular facilities are under some type of supervision and that they should not be exempt in any particular way because of the concerns of our children. What I am trying to get from you, Mr. Speaker, in a very specific way, are these organizations going to be treated in a way differently than any other organizations in terms of the health and welfare of children?

Let me give you an example, Mr. Speaker. In your opinion, do those administrative requirements refer to staff-to-children ratio in group size?

Mrs. TAYLOR. Mr. Speaker, with your permission, I would like to yield that question to Mr. Freind.

Mr. FREIND. Mr. Speaker, when you are talking about, for example, staff ratio to children there, this amendment

clearly, if that staff ratio were insufficient to insure the health and safety of the children, then clearly the department would have jurisdiction.

Mr. EVANS. Let me repeat the question to you.

Mr. FREIND. Sure.

Mr. EVANS. I said, in your opinion, do those administrative requirements refer to staff-to-children ratio in group size? For example, Mr. Speaker, under the law there is a ratio of supervision of something like 1 to 10, 1 to 6, depending on the size of the particular— For infants, for example, there is a staff ratio of 1 to 4; toddlers, 1 to 5; preschoolers, 1 to 10; school-age children, 1 to 12, and I am trying to get from you, being that that is an administrative requirement, would this—

Mr. FREIND. The answer is no.

Mr. EVANS. The answer is no.

Mr. FREIND. The answer is clearly no. The entire thrust of this amendment is very basic, the same as we have with respect to nonpublic education. The State has a clear and compelling interest in regulation, and these institutions must toe the line when it involves the health and safety of the children. For other administrative requirements, they are not subject to those regulations.

Mr. EVANS. Such as?

Mr. FREIND. Such as what you just brought out. Such as the qualifications that an attendant or a supervisor has to have. There is an extremely long list of these administrative procedures in the regulations. What we are saying is a church-related institution, just like our church-supported schools with existing law, should not come under these.

Mr. EVANS. Mr. Speaker, I would like to lead into something else.

My understanding around program requirements, I would like to understand what program requirements you are concerned about. I would like to read some of the current regulations for day-care centers that apply to over 2,800 day-care centers serving over 100,000 children in Pennsylvania.

Mr. FREIND. Mr. Speaker, could you yield for a second?

Mr. EVANS. Yes.

Mr. FREIND. Mr. Speaker, we cannot hear.

The SPEAKER. This colloquy has not captured the attention of the members of the House, and unfortunately has not captured their respect as well. The Chair would urge members in the aisles to please take their seats.

The Chair would urge the gentlemen in the colloquy to move ahead. The gentleman is recognized and may proceed.

Mr. EVANS. Please tell me, Mr. Speaker, if your amendment means that religious-affiliated child care programs would be exempt from the following: A written plan of daily activities and routines in addition to free play shall be established. Ongoing efforts shall be made to provide for the early identification of all children suspected of having physical and social and intellectual and emotional problems. In addition, we have here, children and staff shall be required based on the aspect of unsupervision, because of its religious affiliation. In addition here, Mr. Speaker, what we have is a program for children. What I mentioned to you - would they be exempt

from daily activities that shall promote the development of skills and social comprehension; shall the staff not use any form of physical punishment; those things - would they be exempt from that, Mr. Speaker?

Mr. FREIND. Absolutely yes, they would. Now clearly, if they are not, on their own, addressing these, this is going to hurt their marketability. But just as we relate to nonpublic education, the mere fact that an entity is providing a public service by providing day care does not mean, if they are church affiliated, that they come under every regulation under the sun.

The interest of the State, Mr. Speaker, as is the case with respect to nonpublic education, the interest of the State clearly here is to attend to the health and safety of the children. This amendment makes it abundantly clear that these church-related facilities must toe every regulation the State comes up with which relates to the health and safety of the children. The mere fact that they are providing day care and might receive a voucher does not mean that this State should exercise blackmail over these institutions and force them to toe the line with respect to other regulations.

Mr. EVANS. Mr. Speaker, does your amendment exempt religious-affiliated child care programs from regulations relating to staff qualifications?

Mr. FREIND. Yes, it does, with the exception that they all must undergo the background check mandated under existing law with respect to criminal records, and let me tell you why, Mr. Speaker.

For example, in the regulations there are a number of individuals in day care which must be accredited. "Accredited" means that you went to a university or an institution which voluntarily submitted itself to accreditation. There are a host of institutions out there, both in Pennsylvania and in the United States, which, for church reasons, do not submit to accreditation. We should not be sticking our nose into that as long as we are absolutely convinced that in the important things, the health and safety of the children, that those organizations are toeing the line.

Mr. EVANS. So what you are saying, Mr. Speaker, is although there may be certain types of requirements that we have in the area of staff qualifications which indicate certain aspects of this particular bill, you are saying that there should be certain exemptions made in the case of religious-affiliated organizations.

Mr. FREIND. That is absolutely, clearly, and categorically, precisely what we are saying, Mr. Speaker.

Mr. EVANS. In spite of the fact that when we look at the health and welfare of our children and by having some type of basic requirements of the individuals who are responsible for our particular children, then you are saying that we should not look at the aspect of their qualifications?

Mr. FREIND. You know, Mr. Speaker, I thought I made it clear that on health and safety, these organizations have to toe the line. But let me tell you about the parents who send their children to these institutions. They are sick and tired of a bunch of bureaucrats telling them what is best for their chil-

dren. They feel as parents that they are in the best situation to know what is best for their children, and if they decide to make a choice to send their children to a church-affiliated day-care center, absolutely no, the State should not have the right to come in and exercise blackmail by making them cut through all of the red tape of bureaucracy. The bottom line of the end product which has never been demonstrated: that the bureaucrats know nearly as much as the parents.

Mr. EVANS. Mr. Speaker, I do not think that was the issue. I think that the issue I was attempting to raise with you was an issue about qualifications of individuals who are responsible for monitoring and supervising our children. I do not think, Mr. Speaker, what I said to you was that bureaucrats should necessarily dictate that, but what I was attempting to say to you is, just like we have certifications in our elementary schools, in our middle schools, in our high schools, in our colleges, that we want to have some sense, Mr. Speaker, that individuals who are monitoring our young people and watching over our young people have some sense of basic qualifications and some basic sense of education, Mr. Speaker. I do not think you would disagree with that.

Mr. FREIND. Well, Mr. Speaker, to respond to that question, and I am under the impression that in fact it is a question—

The SPEAKER. Will the gentleman suspend.

I think once again the colloquy has lost the interest of the House. The Chair would urge the gentleman to frame his inquiries as questions and not as statements, and the Chair would urge the gentlemen, both, to stay on point.

The gentleman may continue.

Mr. FREIND. May I respond?

Number one, Mr. Speaker—

The SPEAKER. The gentleman may not respond. No question has been propounded yet.

Mr. FREIND. Oh. I thought he gave me the high sign to go ahead. I mean, I understood it was a question, but that is all right.

The SPEAKER. Will the gentleman frame a question, please, for the gentleman.

Mr. EVANS. Mr. Speaker, my question is to you, are you saying to me or to this House that these individuals who may be teaching in religious-affiliated organizations should not have some form of qualification?

Mr. FREIND. Number one, Mr. Speaker, when you mention certification, keep in mind that there is no certification requirement whatsoever in nonpublic education. That is number one. Number two, the greatest assurance that these individuals are taking good care of the children is the choice the parents make to send them to that church-related day-care center. And what I am saying, Mr. Speaker, is that we ought to be consistent in day care the same way we are in our church-affiliated schools.

Mr. EVANS. Next, I would like to just correct the record. I did not say, Mr. Speaker, "certification"; I said "qualification."

Mr. FREIND. Mr. Speaker, you said "certification" five times. You said certification in elementary, certification in secondary, et cetera. But why quarrel.

Mr. EVANS. Mr. Speaker, I repeat myself again. I said—if you want to be correct—I said in elementary, in middle school, in high school, and in college it requires qualifications, that we set qualifications in this General Assembly in order to have individuals teach our children. The question I was asking you, Mr. Speaker, which you avoided answering, you raised the issue of certification. I talked nothing about certification. I asked the question around qualification. That is the question I asked, Mr. Speaker.

Mr. FREIND. Mr. Speaker, we set no qualifications in nonpublic education. We set no qualifications except they pass the background check on a criminal record.

Mr. EVANS. Mr. Speaker, I would like to discontinue the interrogation and just make a comment regarding the amendment.

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

Mr. EVANS. As you know, Mr. Speaker, everyone in this House knows that I have been working on these issues for a number of years, and in all the years I have been working on these child care issues, I have basically attempted to come up with a resolution that basically does not interfere with the aspect of religious-affiliated organizations. Unfortunately, Mr. Speaker, the House chose to reject the amendment that I offered.

I believe, Mr. Speaker, that this amendment here goes too far. I believe, Mr. Speaker, that the kinds of concerns that all of us will have on both sides of the aisle if this amendment is adopted, that fundamentally it will not have the types of supervision that all of us are concerned with, Mr. Speaker, and as a result, Mr. Speaker, I would ask that we reject this particular amendment. Thank you.

The SPEAKER. The Chair recognizes Mr. Freind.

Mr. FREIND. Thank you, Mr. Speaker.

I just as vigorously request this House to support this amendment. It is important to remember—and we discussed this earlier during the debate on the Evans amendment—that right now our church-related day-care centers are frequently experiencing problems with the Department of Welfare, which is going far afield of its power with respect to regulation.

Let us try to simplify this. We all agree that in this day and age, for many, many people, day care is a necessity, and we agree that we want to encourage day care and have government play a part in it. It permits people to be on the job rolls earning income rather than being on the welfare rolls. And because we make that admission, we also admit that institutions that are providing day care are in fact providing a very important service.

Obviously, if they provide that service, there have to be minimum standards to which they adhere, and those standards should be to insure, whether they are public or whether they are church-related— Mr. Speaker, could I have some order, please.

The SPEAKER. The Chair has the sense that the members are probably moving very quickly toward their decision on this matter. The Chair urges the members to be courteous to the speaker. The gentleman may proceed.

Mr. FREIND. The mere fact that they are performing this public service should not subjugate them to overregulation by bureaucrats. The people who care the most about these children by definition are the parents, and the parents choose to send them to these institutions.

The face of the Taylor amendment makes it extremely clear that in areas of health and safety, even church-affiliated organizations have to toe the line.

Mr. Speaker, we are not reinventing the wheel here. I would like to read you language: "Nothing contained in this act shall empower the Commonwealth, any of its officers, agencies or subdivisions to approve the course content, faculty, staff or disciplinary requirements of any religious school referred to in this section...." That is Act 178 of 1986 which this body approved by a vote of 177 to 21, overwhelmingly. The same principles which this body overwhelmingly approved then are contained in the Taylor amendment.

I would like to point out one other thing. The Federal Government has no requirements whatsoever in this regard beyond the requirements which the State might impose. So if in fact we pass the Taylor amendment and then pass the bill, in no way are we jeopardizing Federal funding.

This amendment basically says, let us put the power ultimately in the ones who by definition have the most vested interest in the children, and that is the parents, and that is why it is worthy of support. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Broujos.

Mr. BROUJOS. Will the speaker, Mrs. Taylor, please consent to questioning?

The SPEAKER. The lady, Mrs. Taylor, indicates she is willing to be interrogated. The gentleman may proceed.

Mr. BROUJOS. May I ask the speaker if the question of section 602 in the amendment was presented to Ball and Skelly for an opinion?

Mrs. TAYLOR. Mr. Speaker, will he repeat that question?

Mr. BROUJOS. Yes. Was the question of this 602 presented to Ball and Skelly for an opinion as to the impact and interpretation similar to the section 9 that was presented to Ball and Skelly?

Mrs. TAYLOR. Absolutely.

Mr. BROUJOS. It was presented.

Mrs. TAYLOR. Yes.

Mr. BROUJOS. And did he render an opinion?

Mr. FREIND. Mr. Speaker, it is important to remember that Ball and Skelly is not just an independent entity. They represent both the Pennsylvania Catholic Conference—

Mr. BROUJOS. I would appreciate a "yes" or "no" answer to that.

Mr. FREIND. —and the Keystone Christian Education Association. On that behalf, they indicated that this amendment was not only desirable but absolutely necessary, not only to accompany this bill but to deal with the problem which our

church-related entities are facing time and again and again under existing law.

Mr. BROUJOS. Mr. Speaker, is it not true then that if Ball and Skelly said that the mere introduction of section 9, saying that nothing can be construed to affect or impair the right of a church to conduct any religious instruction, opens up the decision as to the parameters of those definitions so that it permits the department to interpret as they want, is that not true in this section also?

Mr. FREIND. No, it is not, Mr. Speaker. If you look at the difference in the Taylor amendment, the Taylor amendment says to Welfare, here are the things you can do and nothing else; you have responsibility for health and safety, but you do not get involved in administration; you do not get involved in teacher qualifications; you do not get involved in discipline. It does not have the language in the Evans amendment which permitted the Department of Welfare to come in and interpret what was a religious activity and what was not. That was the danger of the Evans amendment, not present here in the Taylor amendment.

Mr. BROUJOS. Is it not true that your argument was in section 9 of the Evans amendment that by the use of the term "activity" and the use of the term "conduct," you then, by merely listing it, opened up the DPW to regulate and decide what was or was not activity? Was that not your argument?

Mr. FREIND. Are you talking about the Evans amendment now, Mr. Speaker?

Mr. BROUJOS. The Evans amendment. I said that.

Mr. FREIND. The concern there was the word "religious." We would be permitting bureaucrats to determine what is religious and what is not. That would have been an incredibly dangerous precedent. That was the major thrust of the opposition.

Mr. BROUJOS. So now, Mr. Speaker, by using the words "guidance and discipline," are you not opening up DPW to deciding whether or not a particular activity is guidance or is discipline and therefore it can regulate it, even though you intended not to?

Mr. FREIND. In this amendment, Mr. Speaker?

Mr. BROUJOS. That is correct.

Mr. FREIND. Not at all. This amendment makes it very clear that the Department of Welfare has absolute, complete jurisdiction of any and all regulations with respect to the health and safety of the children.

Mr. BROUJOS. No further questions.

I have a statement, Mr. Speaker.

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

Mr. BROUJOS. Well, what has happened, essentially, now is that under the Evans amendment, an argument under section 9, the argument presented by the proponents of the Taylor amendment was simply that by mentioning, by listing, the word "activities" and the word "conduct," DPW could then regulate it. Now, under section 602 of the Taylor amendment, the very same device is used, and it says, nothing shall empower the Commonwealth to require licensing and other standards with respect to guidance and discipline.

So the same identical argument could be made. Why in the world would you want to mention section 602 when, by merely mentioning it, you open up DPW to regulate it? The language used was, it gives DPW, under the Evans amendment, the right to set parameters of what is religious activity. Now, why does that not apply here, that DPW is given the right to set the parameters of what is guidance and what is discipline? It is what you call a two-valued orientation. It is a good argument for section 9, but it does not apply to the Taylor amendment.

Frankly, I supported section 9 and the Evans amendment simply because it was proper to use that language, and the specious argument used at the time did not apply, and I supported that. By like manner now, I can support the Taylor amendment, because it does deal with a specific proscription against guidance and discipline. I submit to the floor that I support it and I decry the double standard applying to two amendments and two different times with two different standards. Thank you.

The SPEAKER. The Chair recognizes Mr. Birmelin.

Mr. BIRMELIN. Thank you, Mr. Speaker.

I would like to just make two comments. I will keep them brief, because I think the Speaker is very perceptive and that is probably why he was voted to be there. The House is losing its patience for this debate, but there were two issues, I think, that were raised that do need to be addressed.

Number one was that by Mr. Evans, who said that we are concerned about qualifications of the people who are serving in these religious day-care centers, and he was concerned that because this amendment would exempt them from meeting the State's administrative and staff qualifications, somehow or other that means that we would have incompetent or worse yet types of people who are serving in these day cares. Representative Freind pointed out that this language is consistent with that which we do today in religious schools in the elementary and secondary levels.

The issue of whether or not somebody has to have a college degree in order to help to watch little preschool children, I think, is really stretching the point. Following that logic, I guess Mr. Evans thinks we ought to have qualifications for mothers and fathers and have some State standards so that you can be a mother or dad. Well, I think that is stretching it too far, and I do not think we need to look for those types of qualifications. These day-care centers are peopled with folks who really care about the kids. They put out a quality service, and as Steve Freind said, if they are not doing it, they simply will not be in business for very long. So I do not think the issue is qualifications nor should the State be requiring them.

The second is the issue raised by Representative Broujos, and that is, what is good for the goose is good for the gander, and if we are going to argue against section 9 of the Evans amendment, then we ought to be able to argue the same way in the Taylor amendment. But the difference is that we do not say that the DPW has no expertise and no involvement ever in such things as staff qualifications, et cetera. We did object, however, to the State having an opportunity to define what

religious activity is, and there is a major difference between those two amendments on that point.

I would respectfully ask the House to support the Taylor amendment. It addresses the fundamental issue of giving religious day-care centers the freedom to operate and practice their religious beliefs in a way that is going to be good for the children, good for the parents, and good for society.

We ask for your support for the Taylor amendment.

The SPEAKER. The Chair recognizes Mr. Cowell.

Mr. COWELL. Mr. Speaker, Representative Evans' legislation is a piece of consumer protection legislation. It is a piece of legislation designed to protect some of Pennsylvania's youngest and most vulnerable consumers, our youngest kids, and so I think it is appropriate that, in light of that interest, we take extraordinary steps, perhaps do some extraordinary things, to provide the kind of protection that those young, vulnerable consumers in this State require.

I cannot for the life of me figure out why it is all right for State Government to regulate health care programs that might be administered by religiously affiliated organizations and why it is okay for us to protect senior citizens who might receive services in nursing homes that are run by church-affiliated or religious-affiliated organizations but it is not all right for us to apply some basic protective principles to very young children who happen to be in a similar situation. I do not understand how this legislature, in good conscience, can separate those two and treat our youngest kids in a way that I consider to be a disadvantage for them while we are quite comfortable providing protections for senior citizens and others in similar situations.

The proponents of the Taylor amendment argue that we do not really need these protections; it is going to be all right because the parents will take care of it, because the parents are going to make a decision to place these kids in these day-care programs. That is true across the board. Parents generally are making the decisions to place their kids in all of these day-care programs, regardless of whether or not they happen to be church affiliated. So I do not really see that that has anything to do with it.

A parent can be misled; a parent, himself or herself, can in fact be abused as they make that kind of decision. The fact that a parent is making a decision to put a kid in one of these programs seems to provide no certainty that the program is one of quality. In fact, the whole purpose of this legislation is at least in part responsive to the fact that even parents, well-intentioned parents, have not necessarily been enlightened consumers and have not necessarily had full access to all the kind of information about programs, whether they are public or private, that would allow them to be informed consumers.

The proponents of this amendment have suggested that it is going to be okay because these programs that might be in some way or another conducted by a religiously affiliated organization are still going to be covered by all the health and safety requirements, but that is not true. In response to Representative Evans' inquiry, a proponent of this amendment admitted that the regulation that says that kids shall not at

any time be left unsupervised, indoors or outdoors, will not apply. That seems to be a pretty fundamental health and safety issue, but a proponent of the amendment says that regulation would not apply and should not apply.

Why should we not tell somebody, even if they happen to be running a church-affiliated program, that you cannot leave kids unsupervised? Why should we not tell program administrators, whether they are running a program that is church affiliated or not, that you should not release this 3-year-old or this 4-year-old to somebody other than the child's parent unless you have written permission? What is wrong with that? That seems to be a pretty fundamental health and safety issue to which the proponents of this amendment say church-affiliated programs should be exempt, and I do not understand the logic to that. That certainly, in my opinion, does not reflect the best interest of children.

There were a number of other regulations that certainly have as their purpose health and safety issues which proponents of this amendment argued would not and should not apply. We have a different interpretation, I guess, of health and safety. I think it is a question of health and safety when you say that you cannot be left unsupervised. Apparently the proponents of this legislation are quite comfortable with a far different interpretation.

Finally, one of the proponents of this amendment said, well, if the schools or these programs do not do a good job in dealing with these issues, even though these regulations do not apply, that market conditions will take care of it; they will not have a very marketable program. Let us keep in mind that this legislature has very frequently chosen to intervene in the marketplace to protect consumers. Marketability does not always suffice. Sometimes our most vulnerable consumers, sometimes our least informed consumers, sometimes our most desperate consumers, are the ones who are abused by market conditions rather than protected by the marketplace, and I would suggest we keep that in mind as we consider this amendment.

We are dealing with reform legislation that is very important to young children in this State, and the proponents of the Taylor amendment would now have us not only fail to progress but in fact take a step backwards. They would have us, for the first time, exempt these particular programs in question from any licensing requirements. So they would not only protect those programs from future requirements, added requirements, but they would say, now, suddenly, we are going to retreat, take a step backwards, and exempt you from that which has been imposed upon you in the past, and I think that is inconsistent with the whole purpose of the Evans legislation.

There has been an inclination to compare these programs to nonpublic schools and to compare the rationale for the Taylor amendment to the treatment that we give to nonpublic schools. Let us keep in mind that they are not the same. They are far different. Programs for very young children are different than those programs that we make available or that others make available to school-age children.

Let us also keep in mind that this day-care business is an emerging business. There are a lot of folks who would like the idea to get into this business, particularly if they can make a buck, some of it from the government, and not be subject to any regulations.

Under the Taylor amendment, it would not be too difficult for me to cloak myself in some quasi-religious cloth and say, I am opening up my home to seven kids, and I am going to provide day-care services, and because I have cloaked myself in some quasi-religious cloth, I am exempt from any regulations that might otherwise apply to this program I am offering in my home. And given the availability of public dollars, and more public dollars, and given the emergence of a growing demand on the part of citizens in this Commonwealth for these kinds of services, you do not have to stretch your imagination too far to think of circumstances where somebody will step into this crack and abuse it, take advantage of it.

Finally, proponents of the amendment have been quick to quarrel with the judgment of the bureaucrats, and we all like to pick on the bureaucrats. Let us keep in mind that the regulations that would proceed from this statute might in fact be drafted by a bunch of bureaucrats, but all the regulations that ultimately take effect in this Commonwealth are subject to legislative review and legislative veto, if that is the wish of this General Assembly, and so we are not handing over a blank check to the bureaucrats to define things or to make interpretations. If there are regulations to be imposed, they will be imposed only with the consent of this legislature and not without the consent of this legislature.

Mr. Speaker, it seems that more and more we are seeing people come to State Government as well as the Federal Government and suggest that they want us to give them our money, to give them the taxpayers' money in this State, but they do not want any of the rules to apply. Several days ago this General Assembly sent a loud and clear message to another such group. We had some folks at our State-related schools who said, give us a half a billion dollars a year, but do not apply some of those rules; we do not like them because we are really private institutions. This legislature spoke very clearly to that issue. We said, if you want our money, if you want the taxpayers' money, even if technically, even if legally you might be a private institution, we are going to apply some of the public safeguards.

I think we ought to send that same message to those who want to use public dollars for day-care programs. We ought to send it loud and clear, and we ought to defeat the Taylor amendment.

The SPEAKER. The Chair recognizes Mr. McNally.

Mr. McNALLY. Mr. Speaker, I rise to oppose the Taylor amendment, and I hesitated to speak on this subject, except I took the time to read this amendment and see what it says, and I really just cannot believe that we might adopt this kind of provision.

Now, I realize that many of us share very strong religious values—we believe in our church and our synagogue—and that those values are felt very strongly by all of our constitu-

ents, and I realize that many times we feel that those values and those beliefs are under attack from people who ridicule and scorn those ideas and those beliefs and those values. But we cannot let that scorn, that public ridicule, get to us; we cannot let it make us so paranoid that we begin to do things that defeat our own purpose, that run contrary to the very values which we espouse.

The legislation that we are here debating is supposed to establish some better system of child care in this State. As Representative Cowell said, it is a consumer protection piece of legislation, to protect those children and those parents who are consuming child care in this State.

What we have here is an amendment that says that nothing would empower the State or any of its agencies to require licensing or to impose regulations regarding the program, administrative or staff qualifications, or guidance and discipline at any facility without that facility's consent. That makes those regulations absolutely meaningless, absolutely meaningless, with respect to those religious institutions.

I do not know what kind of regulations the proponents of this amendment are afraid of. I do not think I have really heard any explanation of the kinds of unreasonable regulations they think might occur. But, for example, I wonder if we had a regulation that might say that there must be someone available to the staff of that facility who can evaluate a child's development to see if there are any problems with that child's development in terms of their learning ability, any problems that might occur in terms of their emotional problems or their health. Maybe a child might be observed by an expert to have a problem with sight or hearing that may not be noticeable to an individual who has nothing more than good intentions. Sometimes expertise is what is required. Why should parents be sending money to institutions and facilities which lack the expertise to evaluate children? I think that we owe it to the kids of this Commonwealth to make sure not only that they are taken care of but that their problems can be resolved so that when they do have a learning disability or when they do have some other kind of problem, there will be someone who has the understanding and the education and the experience to know what that problem is and to help the parents find a solution and a remedy to that problem.

This amendment allows these facilities basically to do whatever they want to do, and as Representative Cowell alluded a few moments ago, there are problems that are inevitably going to arise when we let people do whatever they want to do, and if you do not believe it, look at the front page of the Pittsburgh Post-Gazette and see what happens when an institution and a facility is allowed to decide, without any kind of control or accountability, how much a person, for example, is going to be paid - a \$100,000 pay raise for the president of the University of Pittsburgh. And I just wonder, if we exempt these child care facilities from State regulation, what is going to happen? I think and I predict that in years to come, if this amendment is adopted, we are going to be back here listening and seeing stories like this one on the front page about child care in Pennsylvania and what is going wrong with it.

I urge the defeat of this amendment. Thank you.

The SPEAKER. The Chair recognizes Mrs. Langtry.

Mrs. LANGTRY. Thank you, Mr. Speaker.

I rise in support of the amendment.

Mr. Speaker, we have heard a lot of conversation about laws, rules, regulations, and so on and so forth. Let us talk about kids and parents for a moment.

Mr. Speaker, this legislation says very clearly that it is the policy of the Commonwealth to preserve the primary right of parents to choose the education, training, and care for their child - the right of parental choice. That is one part of this amendment and, frankly, a most important part, and if we both agree with no other part, this is a very important element in the bill.

Mr. Speaker, I would like to speak, if I could, as a parent—no longer a parent of young children—in relation to day-care centers. In my area, my community, we have some very, very fine day-care-center services and programs. We also have church-affiliated day-care and education service programs. But let me tell you one thing, and this is based on experience; it is based on what is going on in my community: If I had young children today who were to go to day care, I would send them to the church day care in my community. They have been very responsible. They have a wonderful program going. The waiting lists are huge. There just is not enough room to get in there. These day cares were built because the parents freely chose to send their children to these day-care centers, and just think, these day-care centers did it all without the State telling them what to do.

So, Mr. Speaker, because of the freedom of choice in this amendment, because I do not believe that parents are too unintelligent to select appropriate day care for their children, and because I do believe that the government ought not to butt in where parents are capable, I rise in support of this amendment and urge the support of others. Thank you very much.

The SPEAKER. The Chair recognizes Mr. Stuban.

Mr. STUBAN. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose this amendment. It is surprising for me to sit through all of this discussion here, and I have worked closely not only with the committee but I have also worked closely with Representatives Evans and Elinor Taylor and other people who were involved and interested in day care, and this issue had never arisen. We now, at the last minute, come out here with a religious war in day care. I cannot believe that in all the discussion we had as we proceeded to bring this legislation to the floor, people were asking for quality day care, day care that was regulated, asking the State to get more involved in these issues.

I do not believe in hiding under the guise of religion, and we have seen what has happened across the United States; we have seen what happened to people hiding under the guise of religion. That does not keep them from being abusive people. That does not keep them from having problems in their day cares. We are now looking at family day cares, and one of the speakers said here before and I can see, under the guise of reli-

gion, where we could set up a lot of family day-care centers and bring people in here to take care of children and now we do not regulate them, and that is the issue that we are addressing.

We have family day-care centers out there that are not being regulated now. We want to license them; we want inspections, and I personally believe that if you take the subsidy, you are taking the dollars for this program, and as I said earlier on the floor, whether you are church related or whatever you are related, I do not believe you should hide behind this. You should be proud that you run a good institution and a good place, and hiding behind this is beyond me.

I would ask for a negative vote on this amendment.

The SPEAKER. The Chair recognizes Mr. Freind.

Mr. FREIND. Thank you, Mr. Speaker.

Even more than the educational process, by definition, day care is much more closely aligned to the parent, and in fact, when they send their children to day care, those individuals take the place of parents.

There are many individuals in this Commonwealth who, for their own reasons, want to send their children to religious day-care centers. Are we to drive those religious day-care centers away because of our desire to attack the heart of the issue of separation of church and state, go right to the heart of them and overregulate them? This is not a witch-hunt, Mr. Speaker. I mean, the roll call goes on and on. I mean, tell that to Lebanon Christian Academy day-care center; tell that to the Church of the Open Door day-care center in Lebanon; tell that to Bethel Baptist Church in Sellersville; tell that to St. Ignatius Catholic Church day school in West Lawn, Pennsylvania.

Time and again this department is issuing cease and desist orders saying that they have to be licensed. Let me just give you a couple of examples of what happens when you are licensed. When you are licensed, you come under all of their regulations.

For example—and this is a fact—disciplinary methods shall not humiliate, shame, or frighten the child. What does that mean? If you tell a child you are going to tell his mother or father, does that shame or frighten him? If you use any discipline whatsoever, does that shame or frighten him or her?

Daily activity shall promote the development of skills and positive self-identity. I would love to know what that term means.

Play equipment and materials shall be provided that are appropriate to the developmental needs, individual interests, and ages of the children. Who makes that decision if they are regulated, Mr. Speaker?

Play equipment and materials shall be applicable to the following areas of the child's development: affective, cognitive, communicative, physical, and social. What do those terms mean?

They are required to have a program in affective development. Affective development is the process by which the child acquires behaviors that relate to, arise from, or influence feelings, emotions, attitudes, interests, and values.

If we require church-affiliated institutions to come under these regulations, we have absolutely pierced the heart of the issue of separation of church and state. They have the service to offer. They have the service that many of the parents of Pennsylvania want. Are we to drive them away because of our mentality that somehow the, quote, "experts" who come up with these types of regulations know better than the parents, the ones who bore them and raised them and loved them the most? I think not, Mr. Speaker.

Absolutely, the State has a responsibility for the health and safety of the children. This amendment makes it clear. Let us not continue this assault any longer on institutions that are providing all of us a service, and thank God we have them.

I heard a question mean, you have seen what happens with religion in this country. Absolutely, I have seen what happens with religion, and although there can be excesses to everything, religion more than anything else is what has made this country what it is today, for which there should be no apologies whatsoever.

This is not just a good amendment; it is not just a necessary amendment; it is a great amendment, and I hope we put up a vote not just for the children of Pennsylvania but for their parents. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—149

Adolph	Donatucci	Kosinski	Ryan
Allen	Durham	Kruszewski	Saloom
Anderson	Fairchild	LaGrotta	Saurman
Angstadt	Fajt	Langtry	Scheetz
Argall	Fargo	Laughlin	Schuler
Armstrong	Farmer	Lawless	Scriminti
Arnold	Fee	Lee	Semmel
Barley	Fleagle	Leh	Serafini
Belardi	Flick	Lloyd	Smith, B.
Belfanti	Foster	Lucyk	Smith, S. H.
Billow	Fox	McCall	Snyder, D. W.
Birmelin	Freind	McHugh	Snyder, G.
Black	Gallen	Markosek	Staback
Blaum	Gamble	Marsico	Stairs
Boyes	Gannon	Mayernik	Steighner
Broujos	Geist	Melio	Stish
Brown	George	Merry	Strittmatter
Bunt	Gerlach	Micozzie	Surra
Bush	Gigliotti	Mrkonic	Tangretti
Butkovitz	Gladeck	Nahill	Taylor, E. Z.
Caltagirone	Godshall	Nailor	Taylor, F.
Carlson	Gruppo	Nickol	Telek
Cawley	Hagarty	Noye	Tomlinson
Cessar	Haluska	Nyce	Trello
Chadwick	Hanna	O'Brien	Tulli
Civera	Harley	Olasz	Uliana
Clark	Hasay	Perzel	Vance
Clymer	Hayes	Pesci	Vroom
Colafrella	Herman	Petrarca	Wilson
Colaizzo	Hershey	Petrone	Wogan
Cole	Hess	Phillips	Wozniak
Cornell	Jadlowiec	Piccola	Wright, D. R.
Corrigan	Jarolin	Pistella	Wright, M. N.
Coy	Johnson	Pitts	Wright, R. C.
DeLuca	Kaiser	Raymond	
Davies	Kasunic	Reber	O'Donnell,
Dempsey	Kenney	Reinard	Speaker
Dent	King	Rieger	

NAYS—54

Acosta	Gruitza	McHale	Rudy
Battisto	Harper	McNally	Stelman
Bishop	Hayden	Maiale	Stetler
Bowley	Heckler	Michlovic	Stuban
Cappabianca	Hughes	Mihalich	Sturla
Carn	Itkin	Mundy	Taylor, J.
Carone	James	Murphy	Thomas
Cohen	Josephs	Oliver	Tigue
Cowell	Krebs	Preston	Trich
DeWeese	Kukovich	Richardson	Van Horne
Daley	Lescovitz	Ritter	Veon
Dermody	Levdansky	Robinson	Wambach
Evans	Linton	Roebuck	Williams
Freeman	McGeehan		

NOT VOTING—0

EXCUSED—0

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

On the question recurring,

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

Mr. HERMAN offered the following amendment No. A1093:

Amend Sec. 1, page 11, by inserting between lines 22 and 23

(d) Miscellaneous Provisions

Section 632. Subsidized Child Day Care.—(a) In determining eligibility for subsidized child day care for parents or caretakers receiving vocational training, such training shall be deemed to include all of the following:

(1) Four-year baccalaureate degree programs at a college or university.

(2) Postgraduate degree programs at a college or university.

(3) English as a second language programs of fewer than twenty hours per week.

(4) General Education Development (GED) programs of fewer than twenty hours per week.

(b) Any regulation of the department inconsistent with subsection (a) is hereby abrogated to the extent of such inconsistency.

On the question,

Will the House agree to the amendment?

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

Mr. HERMAN. Thank you, Mr. Speaker.

The amendment I am offering is amendment 1093 to this bill, and the intention of this amendment is to put into statute as well as to revise State policy in regard to subsidized child day care for persons who wish to advance themselves by going to college and advance their education in hopes to get a better job someday.

Specifically, this would put in legislative statute and add to this bill that those persons who are of low income and qualify for subsidized child day care would be eligible for keeping their subsidized child day care should they enroll in institutions of continuing education. Those would include, first, 4-year baccalaureate degree programs at a college or university; second, postgraduate degree programs at a college or university; third, English as a second language programs of fewer

than 20 hours per week; and fourthly, GED (general education development) programs of fewer than 20 hours per week.

Mr. Speaker, I offer this amendment because currently the Department of Public Welfare regulations prohibit individuals from qualifying for Title 20 subsidized child day-care programs if they are enrolled in these types of programs, and by not allowing individuals to qualify for subsidized day care on the basis they are enrolled in a continuing education program, such persons, low-income persons, are discouraged from furthering their education and thus disenfranchised from greater employment opportunities. They are thus forced to make a very difficult choice in their life, and that is, do I try to advance myself by enrolling in a college or university to get a better education, thus hopefully a better job, while at the same time realizing that that would negate my child-care subsidy, or do I continue to live the current lifestyle that I have, which means possibly, for many, continued reliance on government subsidized programs to live? So I think that the policy of this Commonwealth of Pennsylvania should be one to encourage people to advance themselves by encouraging them the opportunities to enroll in educational institutions of higher learning so that someday they can get a better job and thus off any government assistance.

The current Department of Public Welfare regulations and policies that are in place are detrimental to low-income persons who currently are eligible for subsidized child day care, especially those who are single mothers or single parents.

I am asking for support for this amendment, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Evans.

Mr. EVANS. Mr. Speaker, I would like to explain why I oppose the Herman amendment.

This amendment provides a piecemeal approach to day care, which is the opposite of what HB 1143 tries to do. It also tries to accomplish in the bill what belongs in regulations. Mr. Stuban, my understanding is, has advised Mr. Herman that he will hold hearings on all the subsidized regulations once they are regulated and published and referred to the Aging and Youth Committee first.

Number two, this amendment expands eligibility for the State subsidized program without examining other aspects of the eligibility that needs to be reexamined. This bill requires us to review all aspects of eligibility for State and Federal funded day care. For example, our current income guidelines are antiquated. They are 10 years old. We need to update them as a first priority. Mr. Herman is well meaning in his effort to help more low-income people become college educated. However, we must first insure that we are providing income-eligible families with an opportunity for basic education.

So I would ask that my colleagues on both sides of the aisle oppose Mr. Herman's amendment. Thank you very much.

Mr. HERMAN. I would like to speak last on the amendment, Mr. Speaker, if I can, unless others would wish to debate the matter.

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

Mr. HERMAN. I would like to address Mr. Evans' statements in particular.

The Department of Public Welfare regulations have not had an opportunity to be amended since 1984, and currently such regulations are being stalled in the General Counsel's Office in the department. There is no guarantee that such regulations will be revised. But more importantly, as I stated in my initial comments, I think it is very imperative that this body put in legislative statute as well as express very definitively that the policy of this Commonwealth will be to encourage low-income participants to advance themselves through continuing education in the hopes of landing a better job in the future. The current Department of Public Welfare regulations are contrary to that public policy, and that is why this amendment is needed to be adopted by the members of the General Assembly.

Secondly, it is my understanding that by passing this bill, we are going to be receiving an additional \$25 to \$26 million from the Federal Government to implement the guidelines to provide for additional persons to be provided subsidized child day care. What better way to do that, Mr. Speaker, than to provide the opportunities for those persons who on their own, have the desire, have the resolution, those who want to advance themselves willingly and thus get off government subsistence and be productive in today's society. We should be encouraging those people to do that, and the current Department of Public Welfare policies and regulations proscribe that from happening, Mr. Speaker.

This legislation is on the fast track, as we all know. That is why it is important that this amendment be adopted, because those who wish to enroll in institutions which are outlined in this amendment can do so in September at the colleges and universities when they start to enroll in the college programs and they would then be eligible. To wait for the Department of Public Welfare to finally get around to maybe, possibly, adopting such regulations or revising the regulations which they have currently, which are contrary to the policy that I am trying to get passed here today, would be to further delay such a thing from happening. And, Mr. Speaker, I think that is why it is absolutely imperative that we pass this measure today to put this in HB 1143 so that our statutes and the policy of the Commonwealth is clearly spelled out to those low-income persons, especially the single mothers and single parents who wish to receive subsidized child care to be able to go on to college and further their education.

Mr. Speaker, I think the unattractive and very unfortunate dilemma that the current situation provides is one that obviously if a person is receiving subsidized child care, they are automatically low income in order to be eligible. We know that. And if the person wants to advance themselves by enrolling in an institution of higher learning, the Department of Public Welfare automatically, their regulations automatically make them ineligible for subsidized child care. The dilemma is one that is very obvious, and that is that that person is then beset with the question of whether they want to take that opportunity and thus give up their child-care subsidy, which

means that the child will receive substandard child care or no care at all, or else remain in their current situation, which means that they are receiving continued government assistance, including public assistance, possibly, if they are low-income-eligible participants.

So therefore, Mr. Speaker, based on those arguments, I would like to encourage the members of this General Assembly to pass this amendment.

The SPEAKER. Is the gentleman, Mr. Linton, seeking recognition?

The gentleman is in order and may proceed.

Mr. LINTON. Thank you, Mr. Speaker.

Mr. Speaker, I was wondering if the gentleman would stand for a brief period of interrogation?

The SPEAKER. The gentleman indicates that he will. The gentleman may proceed.

Mr. LINTON. Thank you very much.

Would you very cleanly and clearly define for me what the income eligibility would be under your expanded amendment?

Mr. HERMAN. Mr. Speaker, the answer to that question is that it would remain the same under the current bill as well as current Department of Public Welfare regulations. It is in the regulations.

Passage of this amendment would not affect the eligibility requirements for subsidized child day care, only to allow for those persons who are outlined to take advantage of opportunities that I am trying to provide for them.

Mr. LINTON. Mr. Speaker, do you have any estimate or guesstimate of how many additional individuals would be eligible under your expanded definition?

Mr. HERMAN. Mr. Speaker, a fiscal note has been provided. It is on your desk. The fiscal note has indicated that there is no way to determine exactly how many persons will take advantage of this. However, I think it should be pointed out, as in my earlier remarks, two points. One is that by passing this legislation as well as taking advantage of Department of Public Welfare regulations which have been implemented, this Commonwealth will receive an additional \$25 to \$26 million to provide for greater assistance for those eligible participants to take advantage of subsidized child care. Obviously, those funds could be used to implement this amendment. But more importantly, and I will reemphasize, it should be the policy and the law of this Commonwealth to encourage people to advance themselves through additional offerings of higher education so that at some point in time in their life they would not need to have subsidized child day care.

So I look at this amendment, Mr. Speaker, as one which is an investment of good tax dollars; you know, it is an investment into their future and to the future of this Commonwealth. It gets people out of that continual proverbial cycle of remaining on public assistance with nowhere to go rather than taking advantage of current situations that would be available to them to become more gainfully employed and better educated.

Mr. Speaker, as you know, you and I have both heard many times in various committees, as well as on this House

floor, many eloquent speeches that have been made regarding the values of providing for educational opportunities for people so that they become more productive citizens as well as the additional cost being accrued to the Commonwealth of Pennsylvania as a result.

Mr. LINTON. Mr. Speaker, I am trying to get an answer to the questions, and the gentleman is continuing to go beyond that.

I would like to ask another question.

Mr. HERMAN. Go ahead.

Mr. LINTON. Could you indicate to me, and I tried to get an indication earlier on your best guesstimate. You made reference to the \$26 million that the State would be eligible for from the Federal Government. How much of State moneys would you expect that we would have to expend as this program was to be expanded?

Mr. HERMAN. Mr. Speaker, staff has informed me that 75 percent of the Federal funds would be directed toward low-income programs. Staff has informed me, Mr. Speaker, that 75 percent of the Federal funds are to be directed toward low-income programs, of which these would qualify.

Mr. LINTON. Thank you, Mr. Speaker.

May I make a comment?

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

Mr. LINTON. I have attempted through interrogation to get some idea of how much moneys the Commonwealth will be expected to expend with the expansion of this legislation as proposed by Representative Herman. To my satisfaction I have not been able to clearly understand how much we can be expected to expend.

We do have a fiscal note that has been attached. The fiscal note says that it would be approximately \$3,180 for each additional child that is enrolled in the program. We at this point do not know how many individuals that is going to be. We do not have any clear idea on how many additional individuals are going to be able to participate in child-care programs as a result of this amendment. I would think at this point in time, as we move forth with budget deliberations, that we would not want to move forth any legislation of this sort that is going to expand our resources beyond our ability to have tax dollars to pay for them.

Therefore, I would ask for a negative vote on the Herman amendment.

Mr. HERMAN. Mr. Speaker, I previously asked to be the last speaker. Can I speak again on a point of privilege, personal privilege? Unanimous consent?

The SPEAKER. The gentleman is in order and with unanimous consent may proceed.

Mr. HERMAN. Just one last comment, Mr. Speaker. I just want to reemphasize that the Federal funds would provide for costing of this program, but more importantly, that because of the cost savings that are accrued in the future, it would be more worthwhile voting for this.

And as I said, it is an investment in Pennsylvania's future by providing greater opportunities for persons to get educated

and get a better job and certainly off other government assistance programs. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—99

Adolph	Fairchild	Kenney	Ryan
Allen	Fargo	King	Saurman
Anderson	Farmer	Langtry	Scheetz
Angstadt	Fleagle	Lawless	Schuler
Argall	Flick	Lee	Semmel
Armstrong	Foster	Leh	Serafini
Barley	Fox	McHale	Smith, B.
Birmelin	Freind	McHugh	Smith, S. H.
Black	Gallen	Marsico	Snyder, D. W.
Boyes	Gannon	Merry	Snyder, G.
Brown	Geist	Micozzie	Stairs
Bunt	Gerlach	Nahill	Strittmatter
Bush	Gladeck	Nailor	Taylor, E. Z.
Carlson	Godshall	Nickol	Taylor, J.
Cessar	Gruppo	Noye	Telek
Chadwick	Hagarty	Nyce	Tomlinson
Civera	Harley	O'Brien	Tulli
Clark	Hasay	Perzel	Uliana
Clymer	Hayes	Phillips	Vance
Cornell	Heckler	Piccola	Vroon
Cowell	Herman	Pitts	Wilson
Davies	Hershey	Raymond	Wogan
Dempsey	Hess	Reber	Wright, M. N.
Dent	Jadlowiec	Reinard	Wright, R. C.
Dürham	Johnson	Rüdy

NAYS—104

Acosta	Evans	Linton	Roebuck
Arnold	Fajt	Lloyd	Saloom
Battisto	Fee	Lucyk	Scrimonti
Belardi	Freeman	McCall	Staback
Belfanti	Gamble	McGeehan	Steelman
Billow	George	McNally	Steighner
Bishop	Gigliotti	Maiale	Stetler
Blaum	Gruitza	Markosek	Stish
Bowley	Haluska	Mayernik	Stuban
Broujos	Hanna	Melio	Sturla
Butkovitz	Harper	Michlovic	Surra
Caltagirone	Hayden	Mihalich	Tangretti
Cappabianca	Hughes	Mrkonic	Taylor, F.
Carn	Itkin	Mundy	Thomas
Carone	James	Murphy	Tigue
Cawley	Jarolin	Olasz	Trello
Cohen	Josephs	Oliver	Trich
Colafella	Kaiser	Pesci	Van Horne
Colaizzo	Kasunic	Petrarca	Veon
Cole	Kosinski	Petrone	Wambach
Corrigan	Krebs	Pistella	Williams
Coy	Kruszewski	Preston	Wozniak
DeLuca	Kukovich	Richardson	Wright, D. R.
DeWeese	LaGrotta	Rieger	
Daley	Laughlin	Ritter	O'Donnell,
Dermody	Lescovitz	Robinson	Speaker
Donatucci	Levdansky		

NOT VOTING—0

EXCUSED—0

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. FAIRCHILD offered the following amendments No. A1029:

Amend Sec. 4 (Sec. 1010), page 14, line 28, by striking out “twenty-one” and inserting

eighteen

Amend Sec. 5 (Sec. 1016), page 15, line 16, by inserting after “Inspect.—”

(a)

Amend Sec. 5 (Sec. 1016), page 15, line 27, by inserting before “An”

(b)

Amend Sec. 5 (Sec. 1016), page 15, by inserting after line 30

(c) The department shall have the right to enter and inspect any family day care home, whether or not such facility is operated under the auspices of a family day care agency.

Amend Sec. 5 (Sec. 1016), page 16, line 1, by inserting before “If”

(d)

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes Mr. Fairchild. The gentleman is in order and may proceed.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

I was hoping we could reach an agreement, but I think we have a small problem, so let me explain the amendment.

There are two phases, two parts to it. The first part simply drops the age from 21 to 18, and that has to do with the family day-care provider. Currently the regulations for all types of these on the Federal level are 18; our current regulations here are 18. And I am introducing this on behalf of the Family Day Care Providers Association, who, as you know, represent the small groups in your neighborhoods.

The second part of the amendment would explicitly give the Department of Public Welfare the authority to enter and inspect any family day-care home whether or not such facility is operated under the auspices of a family day-care agency. This just clarifies the language and I am sure the intent of the legislation.

PARLIAMENTARY INQUIRY

AMENDMENTS DIVIDED

The SPEAKER. The Chair recognizes Mr. Evans.

Mr. EVANS. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state his inquiry.

Mr. EVANS. Is it possible to divide this amendment?

The SPEAKER. Where is the gentleman seeking to divide it?

Mr. EVANS. I would like to divide it just under “eighteen,” the section from “Amend Sec. 5” down to “before ‘If’.”

The SPEAKER. The amendment is divisible in the manner suggested by the gentleman.

Mr. EVANS. Mr. Speaker, I would like to—and I spoke to Representative Fairchild, and I do not disagree with one portion of his amendment, but I do disagree with the aspect of

the age, changing the age in terms of the bill—and I would like, for the first portion of that, for us to have a discussion around the first aspect in dividing it.

The SPEAKER. The gentleman has moved to divide the amendment A1029 offered by Mr. Fairchild after line 3 and before line 4, between the word “eighteen” and the words “Amend Sec. 5.”

The gentleman is in order. The Chair rules the amendment divided, and the matter now before the House will be 1029, the first part beginning with the first word “Amend” and ending with the word “eighteen.”

On the question,

Will the House agree to part 1 of the amendments?

The SPEAKER. Is anyone seeking recognition to speak on that part of the amendment?

PARLIAMENTARY INQUIRY

Mr. FAIRCHILD. Mr. Speaker, question of parliamentary procedure.

The SPEAKER. The gentleman will state his inquiry.

Mr. FAIRCHILD. When the request is made to divide, who now assumes the authorship of that division?

The SPEAKER. The gentleman is still the author of the substantive amendment. The authorship of the division essentially comes from the Chair on a request to divide.

Mr. FAIRCHILD. Another question: Would this count as my first time on the division then, since we are now dividing and then changing the—

The SPEAKER. This would be the gentleman’s first time on the floor on the subject at hand.

Does the gentleman seek recognition?

Mr. FAIRCHILD. Yes, Mr. Speaker.

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

Mr. FAIRCHILD. Thank you.

Again I think we are going to hear a short debate on the difference between the ages of 21 and 18. Bear in mind where we have come as a society and what 18-, 19-, 20-year-olds can do. Bear in mind that many of our brave young men and women recently fought a war who were an awful lot younger than that. Bear in mind that we have college graduates who are less than age 21 graduating today. Many of the people who go into this field go into it after a 2-year degree, a lot less than 21.

Think of your sons and daughters who may wish to go into this field, and do not deny them the opportunity to become a caring part of the society which this amendment is intended to help. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Evans.

Mr. EVANS. Mr. Speaker, I guess with what the maker of this amendment described, I generally can say to you that I probably would not disagree with him. However, many 18-year-olds fresh out of high school do make excellent babysitters, but they do not, in my view, have the sense of maturity or experience dealing with up to six children, plus their own possibly, all by themselves day in and day out.

The issue that I raise, Mr. Speaker, is an issue about a question of maturity, and I do not believe anybody in this particular room, Mr. Speaker, when you are talking about the responsibility of dealing with our children—and you heard one earlier speaker talk about the need for consumer protection—that, Mr. Speaker, the reason that we have it at the age of 21 is that we are hoping that individuals at that particular age have enough maturity to deal with and to supervise our children. No, I am not saying absolutely there are not some 18-year-olds out there who potentially could work with children, but I do not believe, Mr. Speaker, that we should have a public policy, though we have had it in existence and though someone would tell you that it is in the Federal law, particularly when we start talking about supervising our children and with as many as six children in terms of supervision.

And we are not talking about babysitting, Mr. Speaker. We are talking about day care. There is a distinction with day care versus babysitting. In day care, where you are talking about providing programs, where you are talking about supervising young people, there is a difference.

So I would ask you, Mr. Speaker, to defeat this particular amendment, because in my particular view, Mr. Speaker, I do not believe that it is in the best interest of this Commonwealth to have individuals at the age of 18 supervising or watching our children. Thank you.

The SPEAKER. The Chair recognizes Mr. Snyder.

Mr. D. W. SNYDER. Mr. Speaker, could I please interrogate Representative Evans?

The SPEAKER. The gentleman indicates he is willing to be interrogated. The gentleman may proceed.

Mr. D. W. SNYDER. Mr. Speaker, there seems to be some question on the floor as to the definition of a caregiver. The portion of the text of the legislation that is being amended does not provide for that definition. Could you please clarify whether a caregiver is strictly the provider of the services, the one responsible for the programs, or is a caregiver also an employee of someone who is providing day-care services?

Mr. EVANS. The caregiver, Mr. Speaker, could be in both categories as you describe. It could be someone who is responsible for the education training, the nutritional training, the aspect of insuring that for this particular child, certain standards are met. They are the ones whom we ultimately have to be responsible for.

What we have, Mr. Speaker, here in the bill is the language, which is on page 13, "family day care home." It means any home in which family day care is provided at any one time to four through six children who are not relatives of the caregivers.

Mr. D. W. SNYDER. But, Mr. Speaker, my question really is, let us say Mrs. X is the person who is providing the service to the children in her neighborhood and Mrs. X hires a person to work with her, to assist her in the care of these children. Now, is that employee of Mrs. X also a caregiver under the definition of this statute?

Mr. EVANS. Mr. Speaker, we are not referring to group homes. What we are referring to is family day-care homes

which have no more than six children who can be in that particular home, particularly if it is outside the aspect of someone who may be a part of that caregiver. So we are not talking about family day-care group homes.

Mr. D. W. SNYDER. Mr. Speaker, I understand we are not talking about the concept of group homes, but let us say that a person does have six children in their home plus maybe two relatives—it could be eight children—and that person wishes to hire somebody to come in and provide assistance in the care of those children under the definition of a family day care home. In essence they would be an employee of the person who is providing the care. That is what the question is. Is the definition of "caregiver" anybody who provides any type of service in a family day-care home, or is it the person who is responsible for the licensing and meeting the requirements and not including employees?

Mr. EVANS. The answer would be "no" to your question, Mr. Speaker. In most of these situations that exist, these individuals do not have anyone else working for them or any other type of staff. The ratio of supervision that we are referring to is this one adult to these six individuals that they are watching, Mr. Speaker.

Mr. D. W. SNYDER. So, Mr. Speaker, are you saying that it is your legislative intent that if a caregiver who applies for the license to meet the requirements here hires somebody, even on a part-time basis, to come in and assist, that that person is not considered to be a caregiver and therefore not subject to the age of 21 minimum requirement?

Mr. EVANS. Mr. Speaker, the person who would be responsible is the person whose name we would have the license in, and that qualification would be 21 years of age. If they chose to do that, Mr. Speaker, the one that the Commonwealth will hold responsible is the one who has filed for the license, Mr. Speaker.

Mr. D. W. SNYDER. So then, Mr. Speaker, once again, my previous question was, could a person who is operating a family day-care home be allowed or permitted to hire somebody who is under the age of 21 to assist in providing services within that home?

Mr. EVANS. Correct, Mr. Speaker.

Mr. D. W. SNYDER. So therefore, this amendment, going from age 21 down to 18, would not affect the ability to hire someone under age 21 to work in a family day-care home but would only provide a minimum for the person who is responsible for meeting the requirements of the department?

Mr. EVANS. Correct, Mr. Speaker.

Mr. D. W. SNYDER. Thank you.

On the question recurring,

Will the House agree to part 1 of the amendments?

The following roll call was recorded:

YEAS—99

Adolph	Fairchild	Kasunic	Ryan
Allen	Fargo	Kenney	Saurman
Anderson	Farmer	King	Scheetz
Angstadt	Fleagle	Langtry	Schuler
Argall	Flick	Lawless	Semmel
Armstrong	Foster	Lee	Serafini
Barley	Fox	Leh	Smith, B.

Battisto	Freind	Lucyk	Smith, S. H.
Birmelin	Gallen	McHugh	Snyder, D. W.
Black	Gannon	Marsico	Snyder, G.
Boyes	Geist	Merry	Stairs
Brown	Gerlach	Micozzie	Strittmatter
Bunt	Gladeck	Nahill	Taylor, E. Z.
Bush	Godshall	Nailor	Taylor, J.
Carlson	Gruppo	Nickol	Telek
Cessar	Hagarty	Noye	Tomlinson
Chadwick	Harley	Nyce	Tulli
Civera	Hasay	O'Brien	Uliana
Clark	Hayes	Perzel	Vance
Clymer	Heckler	Phillips	Vroon
Cornell	Herman	Piccola	Wilson
Davies	Hershey	Pitts	Wogan
Dempsey	Hess	Raymond	Wright, M. N.
Dent	Jadlowiec	Reber	Wright, R. C.
Durham	Johnson	Reinard	

NAYS—104

Acosta	Evans	Lloyd	Rudy
Arnold	Fajt	McCall	Saloom
Belardi	Fee	McGeehan	Scrimonti
Belfanti	Freeman	McHale	Staback
Billow	Gamble	McNally	Steelman
Bishop	George	Maiale	Steighner
Blaum	Gigliotti	Markosek	Stetler
Bowley	Gruitza	Mayermik	Stish
Broujos	Haluska	Melio	Stuban
Butkovitz	Hanna	Michlovic	Sturla
Caltagirone	Harper	Mihalich	Surra
Cappabianca	Hayden	Mrkonic	Tangretti
Carn	Hughes	Mundy	Taylor, F.
Carone	Itkin	Murphy	Thomas
Cawley	James	Olasz	Tigue
Cohen	Jarolin	Oliver	Trello
Colafiglia	Josephs	Pesci	Trich
Colaizzo	Kaiser	Petrarca	Van Horne
Cole	Kosinski	Petrone	Veon
Corrigan	Krebs	Pistella	Wambach
Cowell	Kruszewski	Preston	Williams
Coy	Kukovich	Richardson	Wozniak
DeLuca	LaGrotta	Rieger	Wright, D. R.
DeWeese	Laughlin	Ritter	
Daley	Lescovitz	Robinson	O'Donnell,
Dermody	Levdansky	Roebuck	Speaker
Donatucci	Linton		

NOT VOTING—0

EXCUSED—0

The question was determined in the negative, and part 1 of the amendments was not agreed to.

On the question,

Will the House agree to part 2 of the amendments?

The SPEAKER. The matter before the House is the second part of the amendment 1029, beginning with "Amend Sec. 5" and ending with "(d)." The clerk has read the amendment.

Is there anyone seeking recognition on this vote?

Mr. EVANS. This is an agreed-to amendment, Mr. Speaker.

On the question recurring,

Will the House agree to part 2 of the amendments?

The following roll call was recorded:

YEAS—201

Acosta	Durham	Langtry	Roebuck
Adolph	Evans	Laughlin	Rudy
Allen	Fairchild	Lawless	Ryan
Anderson	Fajt	Lee	Saloom
Angstadt	Fargo	Leh	Saurman
Argall	Farmer	Lescovitz	Scheetz
Armstrong	Fee	Levdansky	Schuler
Arnold	Fleagle	Linton	Scrimonti
Barley	Flick	Lloyd	Semmel
Battisto	Foster	Lucyk	Serafini
Belardi	Fox	McCall	Smith, B.
Belfanti	Freeman	McGeehan	Smith, S. H.
Billow	Freind	McHale	Snyder, D. W.
Birmelin	Gallen	McHugh	Snyder, G.
Bishop	Gamble	McNally	Staback
Black	Gannon	Maiale	Stairs
Blaum	Geist	Markosek	Steelman
Bowley	George	Marsico	Steighner
Boyes	Gerlach	Mayermik	Stetler
Broujos	Gigliotti	Melio	Stish
Brown	Gladeck	Merry	Strittmatter
Bunt	Godshall	Michlovic	Stuban
Bush	Gruitza	Micozzie	Sturla
Butkovitz	Gruppo	Mihalich	Surra
Caltagirone	Hagarty	Mrkonic	Tangretti
Cappabianca	Haluska	Mundy	Taylor, E. Z.
Carlson	Hanna	Murphy	Taylor, F.
Carn	Harper	Nahill	Taylor, J.
Carone	Hasay	Nailor	Telek
Cawley	Hayden	Nickol	Thomas
Cessar	Hayes	Noye	Tigue
Chadwick	Heckler	Nyce	Tomlinson
Civera	Herman	O'Brien	Trello
Clark	Hershey	Olasz	Trich
Clymer	Hess	Oliver	Tulli
Cohen	Hughes	Perzel	Van Horne
Colafiglia	Itkin	Pesci	Vance
Colaizzo	Jadlowiec	Petrarca	Veon
Cole	James	Petrone	Vroon
Cornell	Jarolin	Phillips	Wambach
Corrigan	Johnson	Piccola	Williams
Cowell	Josephs	Pistella	Wilson
Coy	Kaiser	Pitts	Wogan
DeLuca	Kasunic	Preston	Wozniak
DeWeese	Kenney	Raymond	Wright, D. R.
Daley	King	Reber	Wright, M. N.
Davies	Kosinski	Reinard	Wright, R. C.
Dempsey	Krebs	Richardson	
Dent	Kruszewski	Rieger	O'Donnell,
Dermody	Kukovich	Ritter	Speaker
Donatucci	LaGrotta	Robinson	

NAYS—0

NOT VOTING—2

Harley Uliana

EXCUSED—0

The question was determined in the affirmative, and part 2 of the amendments was agreed to.

On the question recurring,

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

Mrs. LANGTRY offered the following amendment No. A1212:

Amend Sec. 1 (Sec. 611), page 2, line 24, by inserting after "NEEDS,"

In addition, the department shall promote a policy of preserving, to the fullest extent possible, the primary right of parents or persons standing in loco parentis to choose the child care and early childhood development programs and services for their child.

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

AMENDMENT WITHDRAWN

The SPEAKER. The Chair recognizes the lady, Mrs. Langtry.

Mrs. LANGTRY. Mr. Speaker, this amendment dealt with the right of parents to choose the child care of their choice. This was addressed in the Taylor amendment, and therefore, I am withdrawing my amendment. Thank you.

The SPEAKER. The Chair thanks the lady.

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

Bill as amended was agreed to.

The SPEAKER. 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—203

Acosta	Evans	Langtry	Roebuck
Adolph	Fairchild	Laughlin	Rudy
Allen	Fajt	Lawless	Ryan
Anderson	Fargo	Lee	Saloom
Angstadt	Farmer	Leh	Saurman
Argall	Fee	Lescovitz	Scheetz
Armstrong	Fleagle	Levdansky	Schuler
Arnold	Flick	Linton	Scrimenti
Barley	Foster	Lloyd	Semmel
Battisto	Fox	Lucyk	Serafini
Belardi	Freeman	McCall	Smith, B.
Belfanti	Freind	McGeehan	Smith, S. H.
Billow	Gallen	McHale	Snyder, D. W.
Birmelin	Gamble	McHugh	Snyder, G.
Bishop	Gannon	McNally	Staback
Black	Geist	Maiale	Stairs
Blaum	George	Markosek	Steelman
Bowley	Gerlach	Marsico	Steighner
Boyes	Gigliotti	Mayernik	Stetler
Broujos	Gladeck	Melio	Stish
Brown	Godshall	Merry	Strittmatter
Bunt	Gruitza	Michlovic	Stuban
Bush	Gruppo	Micozzie	Sturla
Butkovitz	Hagarty	Mihalich	Surra
Caltagirone	Haluska	Mrkonic	Tangretti
Cappabianca	Hanna	Mundy	Taylor, E. Z.
Carlson	Harley	Murphy	Taylor, F.
Carn	Harper	Nahill	Taylor, J.
Carone	Hasay	Nailor	Telek
Cawley	Hayden	Nickol	Thomas
Cessar	Hayes	Noye	Tigue
Chadwick	Heckler	Nyce	Tomlinson
Civera	Herman	O'Brien	Trello
Clark	Hershey	Olasz	Trich
Clymer	Hess	Oliver	Tulli
Cohen	Hughes	Perzel	Uliana
Colafiglia	Itkin	Pesci	Van Horne
Colaizzo	Jadlowiec	Petrarca	Vance
Cole	James	Petrone	Veon
Cornell	Jarolin	Phillips	Vroon
Corrigan	Johnson	Piccola	Wambach
Cowell	Josephs	Pistella	Williams
Coy	Kaiser	Pitts	Wilson
DeLuca	Kasunic	Preston	Wogan
DeWeese	Kenney	Raymond	Wozniak
Daley	King	Reber	Wright, D. R.
Davies	Kosinski	Reinard	Wright, M. N.

Dempsey	Krebs	Richardson	Wright, R. C.
Dent	Kruszewski	Rieger	
Dermody	Kukovich	Ritter	O'Donnell,
Donatucci	LaGrotta	Robinson	Speaker
Durham			

NAYS—0

NOT VOTING—0

EXCUSED—0

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

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

BILLS ON THIRD
CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 537, PN 593**, entitled:

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

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

Mr. G. M. SNYDER offered the following amendments No. A0941:

Amend Title, page 1, line 6, by removing the period after "graduates" and inserting
and for reimbursement for portable classrooms.

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

Section 2. Section 2574 of the act is amended by adding a subsection to read:

Section 2574. Approved Reimbursable Rental for Leases Hereafter Approved and Approved Reimbursable Sinking Fund Charges on Indebtedness.—***

(g) Portable classrooms used, pursuant to regulations of the State Board of Education, for the regular instruction of students shall be deemed additions to existing buildings for reimbursement purposes pursuant to this section. Reimbursement shall be only for the time the portable classrooms are used by the school district for instructional purposes and it shall be the duty of the school district to notify the Department of Education when they are no longer being so used.

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

3

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

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

Mr. G. M. SNYDER. Thank you, Mr. Speaker.

My amendment very simply would put into statutory law what is now current practice, and that is that relocatable or portable classrooms could be considered under the reimbursement formula by which the State partially pays for the cost of adding classrooms in public school districts.

The language of my amendment is identical to language that was approved by the House Education Committee last

session. Sometime thereafter, the Department of Education, interestingly enough, reinterpreted the School Code to allow this. I applauded the department's action, even though it came a number of years too late to save our school districts considerable millions of dollars. Therefore, to head off any other mysterious reinterpretation of the School Code, I believe it is appropriate and necessary that this language be put into statutory law.

I ask for your support. Thank you.

The SPEAKER. The Chair recognizes Mr. Freeman.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, although I would have preferred to have kept the subject of the bill to what is at hand, I appreciate what the gentleman, Mr. Snyder, is trying to accomplish. I have no objection to his amendment and I am willing to support the amendment.

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

The following roll call was recorded:

YEAS—202

Acosta	Durham	LaGrotta	Roebuck
Adolph	Evans	Langtry	Rudy
Allen	Fairchild	Laughlin	Ryan
Anderson	Fajt	Lawless	Saloom
Angstadt	Fargo	Lee	Saurman
Argall	Farmer	Leh	Scheetz
Armstrong	Fee	Lescovitz	Schuler
Arnold	Fleagle	Levdansky	Scrimenti
Barley	Flick	Linton	Semmel
Battisto	Foster	Lloyd	Serafini
Belardi	Fox	Lucyk	Smith, B.
Belfanti	Freeman	McCall	Smith, S. H.
Billow	Freind	McGeehan	Snyder, D. W.
Birmelin	Gallen	McHale	Snyder, G.
Bishop	Gamble	McHugh	Staback
Black	Gannon	McNally	Stairs
Blaum	Geist	Maiale	Steelman
Bowley	George	Markosek	Steighner
Boyes	Gerlach	Marsico	Stetler
Broujos	Gigliotti	Mayernik	Stish
Brown	Gladeck	Melio	Strittmatter
Bunt	Godshall	Merry	Stuban
Bush	Gruitza	Michlovic	Sturla
Butkovitz	Gruppo	Micozzie	Surra
Caltagirone	Hagarty	Mihalich	Tangretti
Cappabianca	Haluska	Mundy	Taylor, E. Z.
Carlson	Hanna	Murphy	Taylor, F.
Carn	Harley	Nahill	Taylor, J.
Carone	Harper	Nailor	Telek
Cawley	Hasay	Nickol	Thomas
Cessar	Hayden	Noye	Tigue
Chadwick	Hayes	Nyce	Tomlinson
Civera	Heckler	O'Brien	Trello
Clark	Herman	Olasz	Trich
Clymer	Hershey	Oliver	Tulli
Cohen	Hess	Perzel	Uliana
Colaifella	Hughes	Pesci	Van Horne
Colaizzo	Itkin	Petrarca	Vance
Cole	Jadlowiec	Petrone	Veon
Cornell	James	Phillips	Vroon
Corrigan	Jarolin	Piccola	Wambach
Cowell	Johnson	Pistella	Williams
Coy	Josephs	Pitts	Wilson
DeLuca	Kaiser	Preston	Wogan
DeWeese	Kasunic	Raymond	Wozniak
Daley	Kenney	Reber	Wright, D. R.
Davies	King	Reinard	Wright, M. N.
Dempsey	Kosinski	Richardson	Wright, R. C.

Dent	Krebs	Rieger	
Dermody	Kruszewski	Ritter	O'Donnell,
Donatucci	Kukovich	Robinson	Speaker

NAYS—0

NOT VOTING—1

Mrkonic

EXCUSED—0

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—200

Acosta	Durham	LaGrotta	Roebuck
Adolph	Evans	Langtry	Rudy
Allen	Fairchild	Laughlin	Ryan
Anderson	Fajt	Lawless	Saloom
Angstadt	Fargo	Lee	Saurman
Argall	Farmer	Leh	Scheetz
Armstrong	Fee	Lescovitz	Schuler
Arnold	Fleagle	Levdansky	Scrimenti
Barley	Flick	Linton	Semmel
Battisto	Foster	Lloyd	Serafini
Belardi	Fox	Lucyk	Smith, B.
Belfanti	Freeman	McCall	Smith, S. H.
Billow	Freind	McGeehan	Snyder, D. W.
Birmelin	Gallen	McHale	Snyder, G.
Bishop	Gamble	McHugh	Staback
Black	Gannon	McNally	Stairs
Blaum	Geist	Maiale	Steelman
Bowley	George	Markosek	Steighner
Boyes	Gerlach	Marsico	Stetler
Broujos	Gigliotti	Mayernik	Stish
Brown	Gladeck	Melio	Strittmatter
Bunt	Godshall	Merry	Stuban
Bush	Gruitza	Michlovic	Sturla
Butkovitz	Gruppo	Micozzie	Surra
Caltagirone	Hagarty	Mihalich	Tangretti
Cappabianca	Haluska	Mrkonic	Taylor, E. Z.
Carlson	Hanna	Mundy	Taylor, F.
Carn	Harley	Murphy	Taylor, J.
Carone	Harper	Nahill	Telek
Cawley	Hasay	Nailor	Thomas
Cessar	Hayden	Nickol	Tigue
Chadwick	Hayes	Nyce	Tomlinson
Civera	Heckler	O'Brien	Trello
Clark	Herman	Olasz	Trich
Clymer	Hershey	Oliver	Tulli
Cohen	Hess	Perzel	Uliana
Colaifella	Hughes	Pesci	Van Horne
Colaizzo	Itkin	Petrarca	Veon
Cole	Jadlowiec	Petrone	Vroon
Cornell	James	Phillips	Wambach
Corrigan	Jarolin	Piccola	Williams
Cowell	Johnson	Pistella	Wilson
Coy	Josephs	Pitts	Wogan
DeLuca	Kaiser	Preston	Wozniak
DeWeese	Kasunic	Raymond	Wright, D. R.
Daley	Kenney	Reber	Wright, M. N.
Davies	King	Reinard	Wright, R. C.
Dempsey	Kosinski	Rieger	

Dent	Krebs	Ritter	O'Donnell,
Dermody	Kruszewski	Robinson	Speaker
Donatucci	Kukovich		

NAYS—0

NOT VOTING—3

Noye Richardson Vance

EXCUSED—0

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

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

* * *

The House proceeded to third consideration of **HB 355, PN 376**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for restrictions on use of handicapped parking areas and for the penalty for unlawfully parking in a designated handicapped parking area.

On the question,

Will the House agree to the bill on third consideration?

Mr. KUKOVICH offered the following amendments No. A1307:

Amend Title, page 1, line 4, by removing the period after "area" and inserting
; and further providing for fines for parking violations.

Amend Sec. 1, page 1, line 8, by inserting after "amended" and the section is amended by adding a subsection

Amend Sec. 1 (Sec. 3354), page 2, line 8, by striking out "shall" and inserting
may

Amend Sec. 1 (Sec. 3354), page 2, line 23, by striking out the bracket before "not"

Amend Sec. 1 (Sec. 3354), page 2, line 23, by inserting a bracket before "\$200"

Amend Sec. 1 (Sec. 3354), page 2, line 23, by striking out "\$100" and inserting
\$150

Amend Sec. 1 (Sec. 3354), page 2, by inserting between lines 23 and 24

(g) Special penalty; disposition.—

(1) In addition to any other penalty imposed under this section, any person who is convicted of violating subsection (d)(2) or (3) shall be sentenced to pay a fine of \$50.

(2) All fines collected under this subsection shall be disposed of as follows:

(i) Ninety-five percent shall be paid to the Department of Revenue, transmitted to the Treasury Department and credited to the Department of Public Welfare for use for the Attendant Care Program.

(ii) Five percent shall be paid to the municipality in which the offense occurred.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes Mr. Kukovich.

Mr. KUKOVICH. Thank you, Mr. Speaker.

The prime sponsor of the bill and I have agreed to this. The language is identical to legislation that we passed overwhelmingly last session.

On the question recurring,

Will the House agree to the amendments?

(Members proceeded to vote.)

Mr. RYAN. Mr. Speaker?

The SPEAKER. For what purpose does the gentleman rise?

Mr. RYAN. Mr. Speaker, there are a number of people who were not here last session. I wonder if the gentleman could explain what the amendment does.

VOTE STRICKEN

The SPEAKER. The clerk will strike the vote.

Will the House agree to the amendment? The Chair recognizes Mr. Kukovich.

Mr. KUKOVICH. Thank you, Mr. Speaker.

It takes the language of Representative Geist's bill, which he has introduced, I think, on behalf of the Eastern Paralyzed Veterans, and adds to that a bill that we passed overwhelmingly last session so that a portion of the fine for parking in handicapped spots goes to the Attendant Care Program, which right now has a waiting list of well over 700 people. It is a program that has been supported overwhelmingly by this chamber. It is supported by the Eastern Paralyzed Veterans, United Cerebral Palsy, PCCD (Pennsylvania Coalition of Citizens With Disabilities), and other advocates for individuals who are wheelchair users or persons who need those facilities.

I would once again ask for an affirmative vote.

The SPEAKER. The Chair recognizes Mr. Merry.

Mr. MERRY. Mr. Speaker, if I remember right, I spoke on this bill last year, a very well-intended bill, but I am just wondering if the penalties do not go beyond what is reasonably good sense.

I draw the members' attention to the fact that you may very well hear from your constituents about this. For instance now, we have just recently put in more severe penalties whereby we have allowed the people to identify who was improperly parking in a handicapped zone; I believe we have increased the penalties; we have redirected some of the penalties as to where they go, and now you are suggesting in this bill that if a person is there, in other words, if all the other things have failed - if the policeman did not properly act; if the grocery store owner or whatever the business is did not properly identify things - if the whole enforcement procedure fails, or if it does not fail, then you are going to tow the person's car away.

Now, this is going to be done in areas that can very well add an additional \$45 to \$75 for the cost of a wrecker— Excuse me. I have just been told by some of my colleagues that I am speaking on the bill rather than the amendment. Is the bill before us now, because my sheet up here is blank.

The SPEAKER. The matter before the House is the amendment, and we are having some technical difficulties with the

machine, so perhaps the gentleman would want to continue on unanimous consent until we get the machine fixed.

Mr. MERRY. Well, if the matter before the House is the amendment, I will discontinue my remarks and try to address the bill.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—200

Acosta	Durham	LaGrotta	Robinson
Adolph	Evans	Langtry	Roebuck
Allen	Fairchild	Laughlin	Rudy
Anderson	Fajt	Lawless	Ryan
Angstadt	Fargo	Leh	Saloom
Argall	Farmer	Lescovitz	Saurman
Armstrong	Fee	Levdansky	Scheetz
Arnold	Fleagle	Linton	Schuler
Barley	Flick	Lloyd	Scrimenti
Battisto	Foster	Lucyk	Semmel
Belardi	Fox	McCall	Serafini
Belfanti	Freeman	McGeehan	Smith, B.
Billow	Freind	McHale	Smith, S. H.
Birmelin	Gallen	McHugh	Snyder, D. W.
Bishop	Gamble	McNally	Snyder, G.
Black	Gannon	Maiale	Staback
Blaum	Geist	Markosek	Stairs
Bowley	George	Marsico	Steelman
Boyes	Gerlach	Mayernik	Steighner
Broujos	Gigliotti	Melio	Stetler
Brown	Gladeck	Merry	Stish
Bunt	Godshall	Michlovic	Strittmatter
Bush	Gruitza	Micozzie	Stuban
Butkovitz	Gruppo	Mihalich	Sturla
Caltagirone	Hagarty	Mrkonic	Surra
Cappabianca	Haluska	Mundy	Tangretti
Carlson	Hanna	Murphy	Taylor, E. Z.
Carn	Harley	Nahill	Taylor, F.
Carone	Harper	Nailor	Taylor, J.
Cawley	Hasay	Nickol	Telek
Cessar	Hayden	Noye	Thomas
Chadwick	Hayes	Nyce	Tomlinson
Civera	Heckler	O'Brien	Trello
Clark	Herman	Olasz	Trich
Clymer	Hershey	Oliver	Tulli
Cohen	Hess	Perzel	Uliana
Colafella	Hughes	Pesci	Van Horne
Colaizzo	Itkin	Petrarca	Vance
Cole	Jadlowiec	Petrone	Veon
Cornell	James	Phillips	Vroon
Corrigan	Jarolin	Piccola	Wambach
Cowell	Johnson	Pistella	Williams
Coy	Josephs	Pitts	Wilson
DeLuca	Kaiser	Preston	Wogan
DeWeese	Kasunic	Raymond	Wright, D. R.
Daley	Kenney	Reber	Wright, M. N.
Davies	King	Reinard	Wright, R. C.
Dempsey	Kosinski	Richardson	
Dent	Krebs	Rieger	O'Donnell,
Dermody	Kruszewski	Ritter	Speaker
Donatucci	Kukovich		

NAYS—3

Lee	Tigue	Wozniak
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NOT VOTING—0

EXCUSED—0

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

On the question,

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

Mr. GEIST offered the following amendment No. A1106:

Amend Sec. 1 (Sec. 3354), page 2, line 6, by inserting brackets before and after the period and inserting immediately thereafter which shall include a separate sign stating the penalty amount outlined in subsection (f). The department shall, within six months of the effective date of this amendatory act, promulgate regulations relating to the content of the signs, including, but not limited to, language relating to section 2.1 of the act of September 1, 1965 (P.L.459, No.235), entitled "An act requiring that certain buildings and facilities adhere to certain principles, standards and specifications to make the same accessible to and usable by persons with physical handicaps, and providing for enforcement," and the Federal Americans with Disabilities Act of 1990. The regulation shall also provide for the replacement of existing signage when the existing signage is obsolete.

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes Mr. Geist.

Mr. GEIST. Thank you, Mr. Speaker.

This is an agreed-to amendment. It was drafted after the committee met. There was some problem with the language on the sign display. This language clarifies that language and has been agreed to by all the players, and I would ask for an affirmative vote.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—202

Acosta	Durham	LaGrotta	Robinson
Adolph	Evans	Langtry	Roebuck
Allen	Fairchild	Laughlin	Rudy
Anderson	Fajt	Lawless	Ryan
Angstadt	Fargo	Lee	Saloom
Argall	Farmer	Leh	Saurman
Armstrong	Fee	Lescovitz	Scheetz
Arnold	Fleagle	Levdansky	Schuler
Barley	Flick	Linton	Scrimenti
Battisto	Foster	Lloyd	Semmel
Belardi	Fox	Lucyk	Serafini
Belfanti	Freeman	McCall	Smith, B.
Billow	Freind	McGeehan	Smith, S. H.
Birmelin	Gallen	McHale	Snyder, D. W.
Bishop	Gamble	McHugh	Snyder, G.
Black	Gannon	McNally	Staback
Blaum	Geist	Maiale	Stairs
Bowley	George	Markosek	Steelman
Boyes	Gerlach	Marsico	Steighner
Broujos	Gigliotti	Mayernik	Stetler
Brown	Gladeck	Melio	Stish
Bunt	Godshall	Merry	Strittmatter
Bush	Gruitza	Michlovic	Stuban
Butkovitz	Gruppo	Micozzie	Sturla
Caltagirone	Hagarty	Mihalich	Surra
Cappabianca	Haluska	Mrkonic	Tangretti
Carlson	Hanna	Mundy	Taylor, E. Z.
Carn	Harley	Murphy	Taylor, F.
Carone	Harper	Nahill	Taylor, J.
Cawley	Hasay	Nailor	Telek
Cessar	Hayden	Nickol	Thomas
Chadwick	Hayes	Noye	Tomlinson
Civera	Heckler	Nyce	Trello
Clark	Herman	O'Brien	Trich
Clymer	Hershey	Olasz	Tulli

Cohen	Hess	Oliver	Uliana
Colafiglia	Hughes	Perzel	Van Horne
Colaizzo	Itkin	Pesci	Vance
Cole	Jadlowiec	Petrarca	Veon
Cornell	James	Petrone	Vroon
Corrigan	Jarolin	Phillips	Wambach
Cowell	Johnson	Piccola	Williams
Coy	Josephs	Pistella	Wilson
DeLuca	Kaiser	Pitts	Wogan
DeWeese	Kasunic	Preston	Wozniak
Daley	Kenney	Raymond	Wright, D. R.
Davies	King	Reber	Wright, M. N.
Dempsey	Kosinski	Reinard	Wright, R. C.
Dent	Krebs	Richardson	
Dermody	Kruszewski	Rieger	O'Donnell,
Donatucci	Kukovich	Ritter	Speaker

NAYS—1

Tigue

NOT VOTING—0

EXCUSED—0

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. 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 Mr. Geist.

Mr. GEIST. Thank you, Mr. Speaker.

For those people out there who are handicapped, there is probably nothing more frustrating than pulling into a shopping mall and seeing somebody young and healthy take a handicapped parking spot while they have to go somewhere else and try to fend for themselves.

The current handicapped signage fines clearly do not work. We were approached by a group of handicapped people and asked to strengthen that law to bring it up to speed with the Federal regulations; also put signage up that would discourage people from parking and also provide for towing away of vehicles for people who violate.

This is a very good piece of legislation. It has been worked on for a long time, and I would ask for an affirmative vote.

The SPEAKER. The Chair recognizes Mr. Merry.

Mr. MERRY. Mr. Speaker, may I interrogate the maker of the bill?

The SPEAKER. The gentleman indicates he is willing to be interrogated. The gentleman may proceed.

Mr. MERRY. Mr. Speaker, we have amended this bill here now, and as you recognize, I object to some of the portions of the bill. To begin with, now we have amended it twice with certain other things that I think is overburden.

On the sign deal, the purpose of the sign amendment will do what as far as the merchant or the property owner is concerned?

Mr. GEIST. The purpose of the sign is to discourage anyone from parking in the space. Now, as you know, the signage can be on the pavement. People do not see the signage if it snows; it can snow over it. There is no language that says that you can be fined or towed away. This clearly spells out why people should not park in handicapped spots. I hope that it is a deterrent such that nobody actually gets fined or towed away and that those spots can be used by those people who truly need them.

This is not a bill that we are bringing before the House just so we can fine people. This is a bill that is being brought before the House to serve those people who are handicapped, and truly handicapped, and need these kinds of spaces in our mobile society. It is not designed to punish anyone. It is designed to prevent people from using places where they should not be parked.

Mr. MERRY. Now, I appreciate your intent, Mr. Speaker, but I still do not quite understand. For instance, I thought before that you had to have markings on the pavement and a sign. Now, does this require an additional sign in regard to the ones that I have seen here on the public ways?

Mr. GEIST. This will bring us into compliance with both Federal and State legislation for the handicapped. It will also bring our Title 75 up to speed with those Federal and State regulations.

Mr. MERRY. I am sure it does that, but does it not go beyond Federal regulations in requiring a second sign stating the penalties?

Mr. GEIST. Could you repeat the question, please?

Mr. MERRY. Does this amendment and the other language not go beyond Federal regulations in the fact that it may even require a second sign that states the penalties in addition to identifying the reserved parking space?

Mr. GEIST. No. It is my understanding that these comply directly with the Federal regulations.

Mr. MERRY. Okay.

Now, are you saying it does not go beyond Federal regulations as far as signage and it does not require a second sign, an additional purchase beyond what we are presently using?

Mr. GEIST. It does not require a second sign, although it could be established by PennDOT.

Mr. MERRY. Okay.

Mr. GEIST. All the information can be put on one sign.

Mr. MERRY. But is it possible, knowing what signs are out there now, that everyone that has a reserved, you know, handicapped parking sign now will have to buy a new sign?

Mr. GEIST. I do not think they have to buy a new sign. They can just put the additional information below it. And there is also a phase-in on this if you read the amendment.

Mr. MERRY. Okay. In which case, though, they would have to buy an additional sign. If their sign did not comply, they would have to buy a second sign to put on that post.

Mr. GEIST. That is correct, because under the regulations, they are going to be buying a sign anyhow.

Mr. MERRY. All right.

That ends my interrogation, Mr. Speaker. At this time I would like to address the final passage.

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

Mr. MERRY. Mr. Speaker, as some of the members know from my previous remarks, which were not appropriate at the time we were looking at the amendments, I feel that in the interest of doing a very good deed, and I certainly support the intent of providing an available handicapped parking place for the handicapped, and in some cases, and I suggest where I live, they are somewhat isolated, but in any event, when they happen, I think we need stricter enforcement. And I had been led to believe that we had stricter enforcement as of a year ago and there is other language from the Federal Government that provides penalties. I just objected to the wrecker aspects of it, that now we are going to tow this vehicle away after we have fined it, and what purpose does that serve other than maybe make that space immediately available? But beyond that, if you watch the wrecker services as operated by police departments and other municipal authorities, you will find that many times they are nothing but money-making events for private contractors that operate wreckers, and I do not think that is the intent of the maker of the bill here, to create an enrichment for people who are not handicapped. We want to restrict parking in handicapped areas.

I just suggest that this bill goes too far and would urge that the bill not be considered. Really, I hate to make the motion, and I will not, but I really think it would be better off going back to a committee and addressing it in a more tender and gentle manner.

The SPEAKER. The Chair recognizes Mr. Tigue.

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, will the sponsor of the House bill stand for interrogation, please?

The SPEAKER. The gentleman indicates he is willing to be interrogated. The gentleman is in order and may proceed.

Mr. TIGUE. Mr. Speaker, on private property where there are handicapped spots, who is responsible for having the car towed?

Mr. GEIST. The owner of the property.

Mr. TIGUE. So in other words, if I am parked in a handicapped spot illegally at a mall, the owner of the property is responsible for having me towed?

Mr. GEIST. Yes.

Mr. TIGUE. And if that owner does not have me towed, is he then in violation of the law?

Mr. GEIST. No.

Mr. TIGUE. Okay. Thank you, Mr. Speaker.

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

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, once again we have another one of these bills in front of us which attempts to do things and all it does is cause more problems.

What we have done in this bill, Mr. Geist mentioned about Federal regulations, but in fact Federal regulations do not say

you have to have a separate sign. We are now telling all the municipalities, all the malls, all the shop owners, the doctors, the dentists, whoever has a handicapped spot, that you must now affix a separate sign to anything you have stating the amount of the penalty and what will happen. In addition, we have increased the minimum amount of the fine from \$50 to \$100 and imposed the penalty of having your vehicle towed.

Now, no one in this House, including myself, wants to continue to see people abuse handicapped parking spaces, but again we are addressing the wrong people. All we are going to do is force less and less and less enforcement. I mean, how much is enough?

Last year when we debated this, Mr. Ryan mentioned that perhaps we should stop this by having the person shot in the knee, at which point I suggested that perhaps we should just let the air out of their tires.

But again, we are adding this to a group who probably need help, but the point is, we have gone way beyond what is necessarily required to give someone a penalty for parking in a handicapped space.

Please vote against this bill.

The SPEAKER. The Chair recognizes Mr. Cessar.

Mr. CESSAR. Thank you, Mr. Speaker.

I rise in support of this legislation. I think one of the things we should take into consideration is that we are having an older population, and there are more people today who need private parking spots, and I say to you, Mr. Speaker, that this is a step in the right direction. If you stop and look at the parking spots available to those people who need handicapped parking, you will find that most of the shopping centers do not have enough spots. And it just seems to me, Mr. Speaker, that putting another sign on that poster saying "this is the fine" will be a deterrent to that person who will park there.

I support the amendment and this bill, and I urge your concurrence in this vote. Thank you, Mr. Speaker.

On the question recurring,

Shall the bill pass finally?

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

YEAS—191

Adolph	Evans	Kukovich	Robinson
Allen	Fairchild	LaGrotta	Roebuck
Anderson	Fajt	Langtry	Rudy
Angstadt	Fargo	Laughlin	Ryan
Argall	Farmer	Lawless	Saloom
Armstrong	Fee	Leh	Saurman
Arnold	Fleagle	Lescovitz	Scheetz
Barley	Flick	Levdansky	Schuler
Battisto	Foster	Linton	Scrimenti
Belardi	Fox	Lucy	Semmel
Belfanti	Freeman	McCall	Serafini
Billow	Freind	McGeehan	Smith, B.
Birmelin	Gallen	McHale	Smith, S. H.
Bishop	Gamble	McHugh	Snyder, G.
Black	Gannon	McNally	Stairs
Blaum	Geist	Maiale	Steelman
Bowley	George	Markosek	Steighner
Boyes	Gerlach	Marsico	Stetler
Broujos	Gigliotti	Mayernik	Stish
Brown	Gladeck	Melio	Strittmatter
Bunt	Godshall	Michlovic	Stuban
Bush	Gruppo	Micozzie	Sturla

Butkovitz	Hagarty	Mrkonic	Surra
Caltagirone	Haluska	Mundy	Tangretti
Cappabianca	Hanna	Murphy	Taylor, E. Z.
Carlson	Harley	Nahill	Taylor, F.
Carn	Harper	Nailor	Taylor, J.
Carone	Hasay	Nickol	Telek
Cessar	Hayden	Noye	Thomas
Chadwick	Hayes	Nyce	Tomlinson
Civera	Heckler	O'Brien	Trello
Clark	Herman	Olasz	Trich
Clymer	Hershey	Oliver	Tulli
Cohen	Hess	Perzel	Uliana
Colafiglia	Hughes	Pesci	Van Horne
Cole	Itkin	Petrarca	Vance
Cornell	Jadlowiec	Petrone	Veon
Corrigan	James	Phillips	Vroon
Cowell	Jarolin	Piccola	Wambach
Coy	Johnson	Pistella	Williams
DeLuca	Josephs	Pitts	Wilson
DeWeese	Kaiser	Preston	Wogan
Daley	Kasunic	Raymond	Wright, D. R.
Davies	Kenney	Reber	Wright, M. N.
Dempsey	King	Reinard	Wright, R. C.
Dent	Kosinski	Richardson	
Dermody	Krebs	Rieger	O'Donnell, Speaker
Donatucci	Kruszewski	Ritter	
Durham			

NAYS—12

Acosta	Gruitz	Merry	Staback
Cawley	Lee	Mihalich	Tigue
Colaizzo	Lloyd	Snyder, D. W.	Wozniak

NOT VOTING—0

EXCUSED—0

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

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

The SPEAKER. For the information of the members, there will be no more votes cast today, but members who have received amendments to HB's 538 through 545 should retain those amendments, because those bills will be considered tomorrow and the amendments will not be recirculated.

There will be no further votes before the House today.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND RECOMMENDED TO COMMITTEE ON RULES

HB 1630, PN 1938 (Amended)

By Rep. COWELL

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," further providing for the annual budget and for tax levies by school districts.

EDUCATION.

VOTE CORRECTIONS

The SPEAKER. The Chair recognizes Mr. Battisto.

Mr. BATTISTO. Mr. Speaker, to correct the record, please.

On amendment A1029-1 to HB 1143, my switch malfunctioned. I was in the affirmative. I would like to be recorded in the negative. Thank you.

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

The Chair recognizes Mr. McGeehan.

Mr. MCGEEHAN. Mr. Speaker, on final passage of HB 1320, my vote was not recorded. I ask to be recorded in the affirmative.

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

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 1470, PN 1810**, entitled:

An Act providing for the preservation of the State Lottery Fund; further providing for pharmaceutical assistance for the elderly; further providing for transportation assistance to the elderly; providing for pharmaceutical purchasing; conferring powers and duties upon the Department of Aging, the Department of Revenue, and the Department of Transportation; imposing penalties; and making repeals.

On the question,

Will the House agree to the bill on third consideration?

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. DeWEESE. Mr. Speaker, I move that HB 1470 be recommitted to the Appropriations Committee.

On the question,

Will the House agree to the motion?

Motion was agreed to.

* * *

The House proceeded to third consideration of **HB 1313, PN 1511**, entitled:

An Act providing for Commonwealth support for the Agriculture Education Loan Forgiveness Program for Pennsylvania residents who graduate from institutions of higher education and who apply their degrees in agriculture to family farms within this Commonwealth.

On the question,

Will the House agree to the bill on third consideration?

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. DeWEESE. Mr. Speaker, I move that HB 1313 be recommitted to the Appropriations Committee.

On the question,

Will the House agree to the motion?

Motion was agreed to.

* * *

The House proceeded to third consideration of **HB 1492**, **PN 1741**, entitled:

An Act establishing a rural leadership training program; providing for rules and regulations; imposing duties on the Department of Community Affairs; and making an appropriation.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader. Mr. DeWEESE. Mr. Speaker, I move that HB 1492 be recommitted to the Appropriations Committee.

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

* * *

The House proceeded to third consideration of **HB 1131**, **PN 1281**, entitled:

An Act amending the act of June 24, 1937 (P. L. 2045, No. 397), known as "The Support Law," providing that no lien shall be imposed against the real property of persons receiving assistance.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader. Mr. DeWEESE. Mr. Speaker, I move that HB 1131 be recommitted to the Appropriations Committee.

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

* * *

The House proceeded to third consideration of **HB 1491**, **PN 1811**, entitled:

An Act amending the act of December 22, 1981 (P. L. 508, No. 142), known as the "Sunset Act," further providing for the scope of the act, for powers and duties of the Leadership Committee, for evaluation of agencies, for termination of agencies, for continuation of agencies, for newly established agencies, and for termination.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader. Mr. DeWEESE. Mr. Speaker, I move that HB 1491 be recommitted to the Appropriations Committee.

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

VOTE CORRECTIONS

The SPEAKER. The Chair recognizes Mr. Richardson. Mr. RICHARDSON. Mr. Speaker, my switch evidently was inoperative on HB 537, and I would like to be recorded in the affirmative.

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

The Chair recognizes Mr. Staback.

Mr. STABACK. Thank you, Mr. Speaker.

Mr. Speaker, on HB 355 I voted in error in the negative. I would like my vote to show it in the positive.

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

BILLS AND RESOLUTION PASSED OVER

The SPEAKER. Without objection, all remaining bills and the resolution on today's calendar will be passed over. The Chair hears no objection.

ADJOURNMENT

The SPEAKER. The Chair recognizes Mr. Dermody.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, I move that this House do now adjourn until Wednesday, June 12, 1991, at 11 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,
Will the House agree to the motion?
Motion was agreed to, and at 4:20 p.m., e.d.t., the House adjourned.