

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, JUNE 15, 1993

SESSION OF 1993

177TH OF THE GENERAL ASSEMBLY

No. 41

HOUSE OF REPRESENTATIVES

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

THE SPEAKER PRO TEMPORE (PHYLLIS MUNDY) PRESIDING

PRAYER

REV. CLYDE W. ROACH, Chaplain of the House of Representatives, from Harrisburg, Pennsylvania, offered the following prayer:

Let us pray:

Gracious Father, yesterday in this legislative chamber, all of us prayed for our Governor, Robert Casey, and our Senator, Arlen Specter. We prayed that You would be with them and their families as they underwent operations to correct and begin the healing of their bodies. We prayed that You would make them completely whole.

O God, in spite of our doubts and fears, You heard our prayers, and according to the media, the operations were flawless. Lord, we believe; help Thou our unbelief.

You proved once again that there is a balm in Gilead, that there is a physician there. Continue to let Your healing virtues flow in the bodies of Robert and Arlen, and hasten the day when they can assume their responsibilities and be among us once again.

We thank You also for inspiring the prayers of all in this House and for the words of encouragement expressed by its leadership.

In Your dear name we pray. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. Without objection, the approval of the Journal of Monday, June 14, 1993, will be postponed until printed. The Chair hears no objection.

JOURNAL APPROVED

The SPEAKER pro tempore. Without objection, the Journal of Monday, February 1, 1993, is approved as printed.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1783 By Representatives RICHARDSON, BUXTON, VEON, PESCI, BELFANTI, KUKOVICH, ROBINSON, PISTELLA, PRESTON, CORRIGAN, JOSEPHS, ACOSTA, BISHOP, CARN, EVANS, HUGHES, JAMES, KIRKLAND, LINTON, OLIVER, ROEBUCK, THOMAS, WILLIAMS and DALEY

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, prohibiting investments in corporations doing business in the Republic of South Africa and Namibia.

Referred to Committee on EDUCATION, June 15, 1993.

No. 1784 By Representatives RICHARDSON, BUXTON, BELFANTI, KUKOVICH, ROBINSON, PISTELLA, PRESTON, CORRIGAN, JOSEPHS, ACOSTA, BISHOP, CARN, EVANS, HUGHES, JAMES, KIRKLAND, LINTON, OLIVER, ROEBUCK, THOMAS and WILLIAMS

An Act amending the act of February 17, 1906 (P.L.45, No.11), entitled "An act to regulate the deposits of State funds, to prescribe the method of selecting State depositories, to limit the amount of State deposits, to provide for the security of such deposits, to fix the rate of interest thereon, to provide for the publication of monthly statements of moneys in the general and sinking funds, to declare it a misdemeanor to give or take anything of value for obtaining the same, and prescribing penalties for violations of this act," prohibiting State depositories from maintaining financial transactions with the Republic of South Africa and Namibia.

Referred to Committee on FINANCE, June 15, 1993.

No. 1785 By Representatives RICHARDSON, BUXTON, VEON, PESCI, BELFANTI, KUKOVICH, ROBINSON, PISTELLA, PRESTON, JOSEPHS, ROONEY, ACOSTA, BISHOP, CARN, EVANS, HUGHES, JAMES, KIRKLAND, LINTON, OLIVER, ROEBUCK, THOMAS and WILLIAMS

An Act amending the act of February 1, 1974 (P.L.34, No.15), known as the Pennsylvania Municipal Retirement Law, further

providing for divestiture of investments with corporations doing business in South Africa and Namibia.

Referred to Committee on LOCAL GOVERNMENT, June 15, 1993.

No. 1786 By Representatives RICHARDSON, BUXTON, VEON, PESCI, BELFANTI, KUKOVICH, ROBINSON, PISTELLA, PRESTON, JOSEPHS, ROONEY, ACOSTA, BISHOP, CARN, EVANS, HUGHES, JAMES, KIRKLAND, LINTON, OLIVER, ROEBUCK, THOMAS and WILLIAMS

An Act amending the act of December 18, 1984 (P.L.1005, No.205), known as the Municipal Pension Plan Funding Standard and Recovery Act, prohibiting investments in corporations doing business in the Republic of South Africa and Namibia.

Referred to Committee on LOCAL GOVERNMENT, June 15, 1993.

No. 1787 By Representatives RICHARDSON, BUXTON, PESCI, BELFANTI, KUKOVICH, ROBINSON, PISTELLA, PRESTON, JOSEPHS, MASLAND, ACOSTA, BISHOP, CARN, EVANS, HUGHES, JAMES, KIRKLAND, LINTON, OLIVER, ROEBUCK, THOMAS and WILLIAMS

An Act providing priorities for the reinvestment of public moneys currently invested in the Republic of South Africa and Namibia; and making repeals.

Referred to Committee on FINANCE, June 15, 1993.

No. 1788 By Representatives RICHARDSON, BUXTON, VEON, PESCI, BELFANTI, KUKOVICH, ROBINSON, PISTELLA, PRESTON, JOSEPHS, ACOSTA, BISHOP, CARN, EVANS, HUGHES, JAMES, KIRKLAND, LINTON, OLIVER, ROEBUCK, THOMAS and WILLIAMS

An Act requiring cities to enact responsible investment ordinances providing for the withdrawal of city funds from banks and business entities doing business with the Republic of South Africa and Namibia.

Referred to Committee on LOCAL GOVERNMENT, June 15, 1993.

No. 1789 By Representatives RICHARDSON, BUXTON, VEON, PESCI, BELFANTI, KUKOVICH, ROBINSON, PISTELLA, PRESTON, JOSEPHS, ACOSTA, BISHOP, CARN, EVANS, HUGHES, JAMES, KIRKLAND, LINTON, OLIVER, ROEBUCK, THOMAS, WILLIAMS, CORRIGAN and ROONEY

An Act requiring State-related universities and member institutions of the State System of Higher Education to divest themselves of investments in the Republic of South Africa and Namibia.

Referred to Committee on EDUCATION, June 15, 1993.

No. 1790 By Representatives DURHAM, L. I. COHEN, TRELLO, PETRONE, GEORGE, TIGUE, BAKER, LAUB, M. N. WRIGHT, MILLER, RUBLEY, MICOZZIE, HUTCHINSON, GODSHALL, PERZEL, KENNEY, ARMSTRONG, E. Z. TAYLOR, ROONEY, DRUCE, ADOLPH, CIVERA, TOMLINSON, BUNT, COLAFELLA, STRITTMATTER, CAWLEY, MAITLAND, LAUGHLIN, KASUNIC and MERRY

An Act amending the act of March 11, 1971 (P.L.104, No.3), known as the Senior Citizens Rebate and Assistance Act, further defining "income."

Referred to Committee on AGING AND YOUTH, June 15, 1993.

No. 1791 By Representatives DURHAM, BARLEY, SAURMAN, PHILLIPS, E. Z. TAYLOR, M. N. WRIGHT, MICOZZIE, MILLER, SCHEETZ, HECKLER, GODSHALL, HUTCHINSON, FLICK, STEIL, RAYMOND, CLARK and LYNCH

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further regulating strikes by employees of school entities.

Referred to Committee on LABOR RELATIONS, June 15, 1993.

No. 1792 By Representatives DURHAM, L. I. COHEN, D. R. WRIGHT, COLAFELLA, GEORGE, TIGUE, BAKER, M. N. WRIGHT, MILLER, RUBLEY, HUTCHINSON, GODSHALL, PERZEL, KENNEY, ARMSTRONG, McCALL, PETRONE, DRUCE, CIVERA, ADOLPH, ROONEY, BUNT, STRITTMATTER, CAWLEY, MAITLAND, LAUGHLIN, KASUNIC and MERRY

An Act amending the act of August 14, 1991 (P.L.342, No.36), known as the Lottery Fund Preservation Act, further defining "income."

Referred to Committee on AGING AND YOUTH, June 15, 1993.

No. 1793 By Representatives FREEMAN, LEVDANSKY, JOSEPHS, LaGROTTA, BATTISTO, HANNA, SURRA, MELIO, STURLA, PETRARCA, HUGHES and RITTER

An Act amending the act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act, providing for a schedule for recycling.

Referred to Committee on CONSERVATION, June 15, 1993.

No. 1794 By Representatives FREEMAN, JAROLIN, VAN HORNE, LAUGHLIN, RICHARDSON, STURLA, WOGAN, STABACK, BATTISTO, SURRA, PISTELLA, JOSEPHS, STEELMAN and RITTER

An Act amending the act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act, further providing for the definition of "leaf waste."

Referred to Committee on CONSERVATION, June 15, 1993.

No. 1795 By Representatives ITKIN, PETRONE, McNALLY, VAN HORNE, MURPHY, COWELL, KAISER, TRELLO and PISTELLA

An Act amending the act of April 13, 1972 (P.L.184, No.62), known as the Home Rule Charter and Optional Plans Law, providing an additional limited optional procedure for the adoption of a home rule charter by second class counties.

Referred to Committee on URBAN AFFAIRS, June 15, 1993.

No. 1796 By Representatives HARLEY, NYCE, SERAFINI, BARLEY, TRELLO, TRICH, SEMMEL, GERLACH, STEIL, CLYMER and DRUCE

An Act amending the act of November 24, 1976 (P.L.1176, No.261), known as the Mobile Home Park Rights Act, further providing for evictions, for park rules and regulations, for maintenance and repairs, for underskirting and tie-down equipment and for overnight guests; and providing for sale of manufactured homes and for sewer and water facilities.

Referred to Committee on URBAN AFFAIRS, June 15, 1993.

No. 1797 By Representatives HARLEY, NYCE, SERAFINI, BARLEY, TRELLO, TRICH, SEMMEL, GERLACH, STEIL, CLYMER and DRUCE

An Act providing for the establishment of a Manufactured Housing Ombudsman and fixing the powers and duties of the ombudsman; establishing the Manufactured Housing Hearing Board and providing for its membership, powers and duties; establishing a restricted account; and making an appropriation.

Referred to Committee on URBAN AFFAIRS, June 15, 1993.

No. 1798 By Representatives HARLEY, NYCE, SERAFINI, BARLEY, TRELLO, TRICH, SEMMEL, GERLACH, STEIL, CLYMER and DRUCE

An Act amending the act of December 22, 1983 (P.L.306, No.84), known as the Board of Vehicles Act, providing for warranty and presale information.

Referred to Committee on URBAN AFFAIRS, June 15, 1993.

No. 1799 By Representatives HARLEY, NYCE, SERAFINI, BARLEY, TRELLO, TRICH, SEMMEL, GERLACH, STEIL, CLYMER and DRUCE

An Act amending the act of November 17, 1982 (P.L.676, No.192), known as the Manufactured Housing Construction and Safety Standards Authorization Act, further providing for establishment of manufactured home standards.

Referred to Committee on URBAN AFFAIRS, June 15, 1993.

No. 1800 By Representatives HARLEY, NYCE, SERAFINI, BARLEY, TRELLO, TRICH, SEMMEL, GERLACH, STEIL, CLYMER and DRUCE

An Act requiring all principal owners of manufactured housing communities located in this Commonwealth to register annually with the Department of Community Affairs.

Referred to Committee on URBAN AFFAIRS, June 15, 1993.

No. 1801 By Representatives HARLEY, NYCE, SERAFINI, BARLEY, TRELLO, TRICH, SEMMEL, GERLACH, STEIL, CLYMER and DRUCE

An Act providing for manufactured housing community cooperatives; establishing the Manufactured Housing Community Purchase Fund; allowing residents to purchase their community when there is a change in use; providing for loans by the Pennsylvania Housing Finance Agency; and making an appropriation.

Referred to Committee on URBAN AFFAIRS, June 15, 1993.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 130 By Representatives RICHARDSON, BUXTON, VEON, MUNDY, PESCI, BELFANTI, KUKOVICH, STABACK, ROBINSON, PISTELLA, PRESTON, CORRIGAN, JOSEPHS, ROONEY, MASLAND, ACOSTA, BISHOP, CARN, EVANS, HUGHES, JAMES, KIRKLAND, LINTON, OLIVER, ROEBUCK, THOMAS, WILLIAMS, LaGROTTA and DALEY

A Resolution memorializing the President of the United States to begin negotiations with certain African states to end apartheid in South Africa.

Referred to Committee on RULES, June 15, 1993.

SENATE BILLS FOR CONCURRENCE

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

SB 974, PN 1440

Referred to Committee on APPROPRIATIONS, June 15, 1993.

SB 1014, PN 1240

Referred to Committee on INSURANCE, June 15, 1993.

SB 1015, PN 1241

Referred to Committee on BUSINESS AND ECONOMIC DEVELOPMENT, June 15, 1993.

BILL REMOVED FROM TABLE

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

Mr. ITKIN. Madam Speaker, I move that SB 1098 be removed from the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILL ON SECOND CONSIDERATION

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

SB 1098, PN 1382.

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

HB 1720, PN 1998

By Rep. EVANS

An Act amending the act of August 23, 1967 (P.L.251, No.102), known as the Industrial and Commercial Development Authority Law, further providing for definitions, for applicable elected representatives, for purposes and powers, for powers of the financing authority, for financing authority indebtedness, for financing authority loans, for industrial and commercial development authorities, for bonds and for competition in award of contracts.

APPROPRIATIONS.

BILLS REREPORTED FROM COMMITTEE

HB 24, PN 2130 (Amended)

By Rep. EVANS

An Act providing for protection of public health and prevention of fraud and deception by prohibiting the manufacture or sale of, the offering for sale or exposing for sale of or the having in possession with intent to sell adulterated, misbranded or deleterious foods.

APPROPRIATIONS.

HB 294, PN 1791

By Rep. EVANS

An Act amending the act of May 17, 1921 (P.L.789, No.285), known as The Insurance Department Act of one thousand nine hundred and twenty-one, further providing for group policies.

APPROPRIATIONS.

HB 296, PN 1792

By Rep. EVANS

An Act amending the act of May 11, 1949 (P.L.1210, No.367), referred to as the Group Life Insurance Policy Law, further providing for types of policies, for policies issued to employers or trustees of employer funds, for policies issued to creditors, for policies issued to unions and for policies issued to trustees of joint funds; and providing for policies issued to associations.

APPROPRIATIONS.

HB 297, PN 1793

By Rep. EVANS

An Act amending the act of June 11, 1947 (P.L.551, No.247), known as The Fire, Marine and Inland Marine Rate Regulatory Act, further providing for rate filings.

APPROPRIATIONS.

HB 298, PN 1794

By Rep. EVANS

An Act amending the act of June 11, 1947 (P.L.538, No.246), known as The Casualty and Surety Rate Regulatory Act, further providing for rate filings.

APPROPRIATIONS.

HB 734, PN 798

By Rep. EVANS

An Act designating a bridge in Union Township, Lawrence County, as the Richard E. Rentz Memorial Bridge.

APPROPRIATIONS.

HB 1512, PN 1713

By Rep. EVANS

An Act reenacting the act of July 9, 1984 (P.L.676, No.145), entitled "An act establishing within the Pennsylvania Higher Education Assistance Agency Regional Computer Resource Centers and Regional Computer Resource Center boards."

APPROPRIATIONS.

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 24, PN 2130; HB 294, PN 1791; HB 296, PN 1792;
HB 297, PN 1793; HB 298, PN 1794; HB 734, PN 798; and
HB 1512, PN 1713.**

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

SB 1068, PN 1369

By Rep. EVANS

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for the Public School Employees' Retirement System and the State Employees' Retirement System; adding and amending certain definitions; further providing for older workers, for eligibility for and the computation of annuities and other retirement benefits, for contributions and other payments made by employers, for the powers and duties of the Public School Employees' Retirement Board and the State Employees' Retirement Board, for the rights and duties of members, for the management of funds and accounts, for taxation, attachment and assignment of funds and for certain domestic relations matters.

APPROPRIATIONS.

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

Mr. GEIST. Madam Speaker, could you please tell us whether or not we are going to run any bills or not right away so we can go to caucus, or are we going to be running legislation and then going?

The SPEAKER pro tempore. The Chair advises the gentleman that we will be running some bills that have been caucused upon.

LEAVES OF ABSENCE

The SPEAKER pro tempore. The Chair recognizes Mr. Steighner.

Mr. STEIGHNER. I thank you.

I would like to request a leave for today for Representative COWELL from Allegheny County.

The SPEAKER pro tempore. Without objection, leave of absence is granted for the gentleman, Mr. Cowell.

The Chair recognizes the gentleman, Mr. Perzel.

Mr. PERZEL. We have no leaves, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

MASTER ROLL CALL

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

(Members proceeded to vote.)

VOTE STRICKEN

The SPEAKER pro tempore. The clerk will strike the vote.

BILL RECOMMITTED

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

Mr. ITKIN. Madam Speaker, I move that SB 1098 be recommitted to the Appropriations Committee.

On the question,

Will the House agree to the motion?

Motion was agreed to.

MASTER ROLL CALL RETAKEN

The SPEAKER pro tempore. The Chair apologizes for a technical problem. We are about to take the master roll call. Members will proceed to vote.

(A roll-call vote was taken, but due to a malfunction, the vote was not recorded.)

The SPEAKER pro tempore. The Chair once again apologizes for a technical problem. We have to take the master roll call once again. Members will proceed to vote.

The following roll call was recorded:

PRESENT—202

Acosta	Farmer	Lloyd	Ryan
Adolph	Fee	Lucyk	Santoni
Allen	Fichter	Lynch	Sather
Argall	Fleagle	Maitland	Saurman
Armstrong	Flick	Manderino	Saylor
Baker	Freeman	Markosek	Scheetz
Barley	Gamble	Marsico	Schuler
Battisto	Gannon	Masland	Scrimenti
Bebko-Jones	Geist	Mayernik	Semmel
Belardi	George	McCall	Serafini
Belfanti	Gerlach	McGeehan	Smith, B.

Birmelin	Gigliotti	McNally	Smith, S. H.
Bishop	Gladeck	Melio	Snyder, D. W.
Blaum	Godshall	Merry	Staback
Boyes	Gordner	Michlovic	Stairs
Brown	Gruitza	Micozzie	Steelman
Bunt	Gruppo	Mihalich	Steighner
Bush	Haluska	Miller	Steil
Butkowitz	Hanna	Mundy	Stern
Buxton	Harley	Murphy	Stetler
Caltagirone	Hasay	Nailor	Stish
Cappabianca	Heckler	Nickol	Strittmatter
Carn	Hennessey	Nyce	Sturla
Carone	Herman	O'Brien	Surra
Cawley	Hershey	O'Donnell	Tangretti
Cessar	Hess	Olasz	Taylor, E. Z.
Chadwick	Hughes	Oliver	Taylor, J.
Civera	Hutchinson	Perzel	Thomas
Clark	Itkin	Pesci	Tigue
Clymer	Jadlowiec	Petrarca	Tomlinson
Cohen, L. I.	James	Petrone	Trello
Cohen, M.	Jarolin	Pettit	Trich
Colafranca	Josephs	Phillips	True
Colaizzo	Kaiser	Piccola	Tulli
Cornell	Kasunic	Pistella	Uliana
Corrigan	Keller	Pitts	Vance
Coy	Kenney	Platts	Van Home
Curry	King	Preston	Veon
Daley	Kirkland	Raymond	Vitali
DeLuca	Krebs	Reber	Waugh
Dempsey	Kukovich	Reinard	Williams
Dent	LaGrotta	Richardson	Wogan
Dermoddy	Laub	Rieger	Wozniak
Donatucci	Laughlin	Ritter	Wright, D. R.
Druce	Lawless	Roberts	Wright, M. N.
Durham	Lederer	Robinson	Yandrisevits
Egoff	Lee	Roebuck	Yewcic
Evans	Leh	Rohrer	Zug
Fairchild	Lescovitz	Rooney	
Fajt	Levdansky	Rubley	DeWeese,
Fargo	Linton	Rudy	Speaker

ADDITIONS—0

NOT VOTING—0

EXCUSED—1

Cowell

LEAVES ADDED—2

Bush

Freeman

LEAVES CANCELED—1

Freeman

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

HB 1704, PN 2131 (Amended)

By Rep. FEE

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for protective material required.

GAME AND FISHERIES.

CALENDAR

BILL ON SECOND CONSIDERATION

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

SB 880, PN 1290.

Mr. GANNON. Madam Speaker?

The SPEAKER pro tempore. For what purpose does the gentleman, Mr. Gannon, rise?

Mr. GANNON. Madam Speaker, to object to going over HB 587.

The SPEAKER pro tempore. We have not gone over HB 587 yet, sir.

Mr. GANNON. Pardon me?

The SPEAKER pro tempore. We have not gone over HB 587 yet, sir.

Mr. GANNON. Would you recognize me at the time that comes up?

The SPEAKER pro tempore. Yes, sir.

BILLS ON THIRD CONSIDERATION

HB 587 PASSED OVER

The SPEAKER pro tempore. HB 587, PN 638, over for the day.

The Chair recognizes the gentleman, Mr. Gannon.

Mr. GANNON. Madam Speaker, I want to object to going over HB 587.

Madam Speaker, I would like to object to this bill going over and notify the members that I would like it called up for tomorrow's session under rule 21 of the House rules.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The House proceeded to third consideration of HB 1692, PN 1960, entitled:

An Act appropriating money from the Sunny Day Fund to the Department of Commerce for various projects throughout this Commonwealth for fiscal year 1993-1994.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—202

Acosta Farmer Lloyd Ryan
Adolph Fee Lucyk Santoni

Allen Fichter Lynch Sather
Argall Fleagle Maitland Saurman
Armstrong Flick Manderino Saylor
Baker Freeman Markosek Schetz
Barley Gamble Marsico Schuler
Battisto Gannon Masland Scrimenti
Bebko-Jones Geist Mayernik Semmel
Belardi George McCall Serafini
Belfanti Gerlach McGeehan Smith, B.
Birmelin Gigliotti McNally Smith, S. H.
Bishop Gladeck Melio Snyder, D. W.
Blaum Godshall Merry Staback
Boyes Gordner Michlovic Stairs
Brown Gruitza Micozzie Steelman
Bunt Gruppo Mihalich Steighner
Bush Haluska Miller Steil
Butkovitz Hanna Mundy Stern
Buxton Harley Murphy Stetler
Caltagirone Hasay Nailor Stish
Cappabianca Heckler Nickol Strittmatter
Cam Hennessey Nyce Sturla
Carone Herman O'Brien Surra
Cawley Hershey O'Donnell Tangretti
Cessar Hess Olasz Taylor, E. Z.
Chadwick Hughes Oliver Taylor, J.
Civera Hutchinson Perzel Thomas
Clark Itkin Pesci Tighe
Clymer Jadowiec Petrarca Tomlinson
Cohen, L. I. James Petrone Trello
Cohen, M. Jarolin Pettit Trich
Colafella Josephs Phillips True
Colaizzo Kaiser Piccola Tulli
Cornell Kasunic Pistella Uliana
Corrigan Keller Pitts Vance
Coy Kenney Platts Van Horne
Curry King Preston Veon
Daley Kirkland Raymond Vitali
DeLuca Krebs Reber Waugh
Dempsey Kukovich Reinard Williams
Dent LaGrotta Richardson Wogan
Dermody Laub Rieger Wozniak
Donatucci Laughlin Ritter Wright, D. R.
Druce Lawless Roberts Wright, M. N.
Durham Lederer Robinson Yandrisevits
Egolf Lee Roebuck Yewcic
Evans Leh Rohrer Zug
Fairchild Lescovitz Rooney
Fajt Levdansky Rubley DeWeese,
Fargo Linton Rudy Speaker

NAYS—0

NOT VOTING—0

EXCUSED—1

Cowell

The two-thirds majority required by Act 32 of 1985 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 SB 686, PN 1067, entitled:

An Act making an appropriation from the Public School Employees' Retirement Fund to provide for expenses of the Public School Employees' Retirement Board for the fiscal year July 1, 1993, to June 30, 1994, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1993.

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

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

The question is, shall the bill pass finally?

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

YEAS—196

Acosta	Fee	Lynch	Ryan
Adolph	Fichter	Maitland	Santoni
Allen	Fleagle	Manderino	Sather
Argall	Flick	Markosek	Saurman
Armstrong	Freeman	Marsico	Scheetz
Baker	Gamble	Masland	Schuler
Barley	Gannon	Mayernik	Scrimenti
Battisto	Geist	McCall	Semmel
Bebko-Jones	George	McGeehan	Serafini
Belardi	Gerlach	McNally	Smith, B.
Belfanti	Gigliotti	Melio	Smith, S. H.
Birmelin	Gladeck	Merry	Snyder, D. W.
Bishop	Godshall	Michlovic	Staback
Blaum	Gordner	Micozzie	Stairs
Boyes	Gruitza	Mihalich	Steelman
Brown	Gruppo	Miller	Steighner
Bunt	Haluska	Mundy	Stern
Bush	Hanna	Murphy	Stetler
Butkovitz	Harley	Nailor	Stish
Buxton	Hasay	Nickol	Strittmatter
Caltagirone	Hennessey	Nyce	Sturla
Cappabianca	Herman	O'Brien	Surra
Carn	Hershey	O'Donnell	Tangretti
Carone	Hess	Olasz	Taylor, E. Z.
Cawley	Hutchinson	Oliver	Taylor, J.
Cessar	Itkin	Perzel	Thomas
Chadwick	Jadlowiec	Pesci	Tigue
Civera	James	Petrarca	Tomlinson
Clark	Jarolin	Petrone	Trello
Clymer	Josephs	Pettit	Trich
Cohen, L. I.	Kaiser	Phillips	True
Cohen, M.	Kasunic	Piccola	Tulli
Colafella	Keller	Pistella	Uliana
Cornell	Kenney	Pitts	Vance
Coy	King	Platts	Van Horne
Curry	Kirkland	Preston	Veon
Daley	Krebs	Raymond	Vitali
DeLuca	Kukovich	Reber	Waugh
Dempsey	LaGrotta	Reinard	Williams
Dent	Laub	Richardson	Wogan
Dermody	Laughlin	Rieger	Wozniak
Donatucci	Lawless	Ritter	Wright, D. R.
Druce	Lederer	Roberts	Wright, M. N.
Durham	Lee	Robinson	Yandrisevits
Egolf	Leh	Roebuck	Yewcic
Evans	Lescovitz	Rohrer	Zug
Fairchild	Levdansky	Rooney	DeWeese,
Fajt	Linton	Rublely	Speaker
Fargo	Lloyd	Rudy	
Farmer	Lucyk		

NAYS—3

Colaizzo Heckler Steil

NOT VOTING—3

Corrigan Hughes Saylor

EXCUSED—1

Cowell

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 return the same to the Senate with the information that the House has passed the same without amendment.

* * *

The House proceeded to third consideration of **SB 687, PN 1359**, entitled:

An Act making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the fiscal year July 1, 1993, to June 30, 1994, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1993.

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

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

The question is, shall the bill pass finally?

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

YEAS—202

Acosta	Farmer	Lloyd	Ryan
Adolph	Fee	Lucyk	Santoni
Allen	Fichter	Lynch	Sather
Argall	Fleagle	Maitland	Saurman
Armstrong	Flick	Manderino	Saylor
Baker	Freeman	Markosek	Scheetz
Barley	Gamble	Marsico	Schuler
Battisto	Gannon	Masland	Scrimenti
Bebko-Jones	Geist	Mayernik	Semmel
Belardi	George	McCall	Serafini
Belfanti	Gerlach	McGeehan	Smith, B.
Birmelin	Gigliotti	McNally	Smith, S. H.
Bishop	Gladeck	Melio	Snyder, D. W.
Blaum	Godshall	Merry	Staback
Boyes	Gordner	Michlovic	Stairs
Brown	Gruitza	Micozzie	Steelman
Bunt	Gruppo	Mihalich	Steighner
Bush	Haluska	Miller	Steil
Butkovitz	Hanna	Mundy	Stern
Buxton	Harley	Murphy	Stetler
Caltagirone	Hasay	Nailor	Stish
Cappabianca	Heckler	Nickol	Strittmatter
Carn	Hennessey	Nyce	Sturla
Carone	Herman	O'Brien	Surra
Cawley	Hershey	O'Donnell	Tangretti

Cessar	Hess	Olasz	Taylor, E. Z.
Chadwick	Hughes	Oliver	Taylor, J.
Civera	Hutchinson	Perzel	Thomas
Clark	Itkin	Pesci	Tigue
Clymer	Jadlowiec	Petrarca	Tomlinson
Cohen, L. I.	James	Petrone	Trello
Cohen, M.	Jarolin	Pettit	Trich
Colaifella	Josephs	Phillips	True
Colaizzo	Kaiser	Piccola	Tulli
Cornell	Kasunic	Pistella	Uliana
Corrigan	Keller	Pitts	Vance
Coy	Kenney	Platts	Van Horne
Curry	King	Preston	Veon
Daley	Kirkland	Raymond	Vitali
DeLuca	Krebs	Reber	Waugh
Dempsey	Kukovich	Reinard	Williams
Dent	LaGrotta	Richardson	Wogan
Dermody	Laub	Rieger	Wozniak
Donatucci	Laughlin	Ritter	Wright, D. R.
Druce	Lawless	Roberts	Wright, M. N.
Durham	Lederer	Robinson	Yandrisevits
Egolf	Lee	Roebuck	Yewcic
Evans	Leh	Rohrer	Zug
Fairchild	Lescovitz	Rooney	
Fajt	Levdansky	Rublely	DeWeese,
Fargo	Linton	Rudy	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—1

Cowell

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

* * *

The House proceeded to third consideration of **HB 337, PN 2031**, entitled:

An Act regulating toxic materials used in packaging and components thereof; and providing for additional duties of the Department of Environmental Resources, for certain procedures, for remedies and enforcement and for civil and criminal penalties.

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

BILL PASSED OVER TEMPORARILY

Mr. COY. Madam Speaker?

The SPEAKER pro tempore. The Chair recognizes Mr. Coy.

Mr. COY. Could we go over this bill temporarily, please, until we have had a chance to caucus on it?

The SPEAKER pro tempore. HB 337 is over temporarily.

FILMING PERMISSION

The SPEAKER pro tempore. The Chair wishes to advise members that she has given permission to Lynne Hayes-Freeland, reporter for KDKA news, to film with audio on the floor of the House during the proceedings on general coverage.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 991, PN 1075**, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, further providing for preferred provider organizations.

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

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

The question is, shall the bill pass finally?

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

YEAS—202

Acosta	Farmer	Lloyd	Ryan
Adolph	Fee	Lucyk	Santoni
Allen	Fichter	Lynch	Sather
Argall	Fleagle	Maitland	Saurman
Armstrong	Flick	Manderino	Saylor
Baker	Freeman	Markosek	Scheetz
Barley	Gamble	Marsico	Schuler
Battisto	Gannon	Masland	Scrimenti
Bebko-Jones	Geist	Mayernik	Semmel
Belardi	George	McCall	Serafini
Belfanti	Gerlach	McGeehan	Smith, B.
Birmelin	Gigliotti	McNally	Smith, S. H.
Bishop	Gladeck	Melio	Snyder, D. W.
Blaum	Godshall	Merry	Staback
Boyes	Gordner	Michlovic	Stairs
Brown	Gruitza	Micozzie	Steelman
Bunt	Gruppo	Mihalich	Steighner
Bush	Haluska	Miller	Steil
Butkovitz	Hanna	Mundy	Stern
Buxton	Harley	Murphy	Stetler
Caltagirone	Hasay	Nailor	Stish
Cappabianca	Heckler	Nickol	Strittmatter
Cam	Hennessey	Nyce	Sturla
Carone	Herman	O'Brien	Surra
Cawley	Hershey	O'Donnell	Tangretti
Cessar	Hess	Olasz	Taylor, E. Z.
Chadwick	Hughes	Oliver	Taylor, J.
Civera	Hutchinson	Perzel	Thomas
Clark	Itkin	Pesci	Tigue
Clymer	Jadlowiec	Petrarca	Tomlinson
Cohen, L. I.	James	Petrone	Trello
Cohen, M.	Jarolin	Pettit	Trich
Colaifella	Josephs	Phillips	True
Colaizzo	Kaiser	Piccola	Tulli
Cornell	Kasunic	Pistella	Uliana
Corrigan	Keller	Pitts	Vance
Coy	Kenney	Platts	Van Horne
Curry	King	Preston	Veon

Daley	Kirkland	Raymond	Vitali
DeLuca	Krebs	Reber	Waugh
Dempsey	Kukovich	Reinard	Williams
Dent	LaGrotta	Richardson	Wogan
Dermody	Laub	Rieger	Wozniak
Donatucci	Laughlin	Ritter	Wright, D. R.
Druce	Lawless	Roberts	Wright, M. N.
Durham	Lederer	Robinson	Yandrisevits
Egolf	Lee	Roebuck	Yewcic
Evans	Leh	Rohrer	Zug
Fairchild	Lescovitz	Rooney	
Fajt	Levdansky	Rubley	DeWeese,
Fargo	Linton	Rudy	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—1

Cowell

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 REREPORTED FROM COMMITTEE

HB 1811, PN 2104

By Rep. EVANS

An Act providing for financial institutions' security; establishing the Banking Resolution Fund and providing for its administration; providing for stock savings associations and for structural changes of financial institutions; conferring powers and duties on the Secretary of Banking, the Department of Banking and the board of directors of the Pennsylvania Savings Association Insurance Corporation; and making repeals.

APPROPRIATIONS.

BILL RECOMMITTED

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

Mr. ITKIN. Madam Speaker, I move that HB 1811 be recommitted to the Rules Committee.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 1195, PN 2029**, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, requiring notices to policyholders concerning the servicing of policies.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

BILL PASSED OVER TEMPORARILY

Mr. RYAN. Madam Speaker?

The SPEAKER pro tempore. The Chair recognizes Mr. Ryan.

Mr. RYAN. Could you hold this bill for a moment, please; go over it temporarily?

The SPEAKER pro tempore. HB 1195 will be over temporarily.

* * *

The House proceeded to third consideration of **HB 1003, PN 956**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for the Constable Education and Training Program and for powers and duties of constables; and making repeals.

On the question,

Will the House agree to the bill on third consideration?

Mr. HECKLER offered the following amendments No. A0944:

Amend Sec. 1 (Sec. 2944), page 6, by inserting after line 30 (11) In consultation with the Insurance Commissioner, monitor the price and availability of the liability insurance required by section 2942(b) (relating to powers and duties) and, if deemed necessary by the board, provide information and coordination to assure the availability and competitive pricing of such insurance.

Amend Sec. 1 (Sec. 2944), page 7, line 1, by striking out "(11)" and inserting (12)

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman, Mr. Heckler.

Mr. HECKLER. Thank you, Madam Speaker.

This amendment is agreed to by the prime sponsor of the bill. It attempts to address the issue of insurance which is mandated in the bill for constables and is of concern to some of the constables throughout the State. This amendment requires the board that is created by the bill to take steps, in cooperation with the Insurance Commissioner, to assure availability and affordability of that required insurance.

I would urge its adoption. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—202

Acosta	Farmer	Lloyd	Ryan
Adolph	Fee	Lucy	Santoni
Allen	Fichter	Lynch	Sather
Argall	Fleagle	Maitland	Saurman
Armstrong	Flick	Manderino	Saylor
Baker	Freeman	Markosek	Scheetz
Barley	Gamble	Marsico	Schuler
Battisto	Gannon	Masland	Scrimenti
Bebko-Jones	Geist	Mayernik	Semmel
Belardi	George	McCall	Serafini
Belfanti	Gerlach	McGeehan	Smith, B.
Birmelin	Gigliotti	McNally	Smith, S. H.
Bishop	Gladeck	Melio	Snyder, D. W.
Blaum	Godshall	Merry	Staback
Boyes	Gordner	Michlovic	Stairs
Brown	Gruitza	Micozzie	Steelman
Bunt	Gruppo	Mihalich	Steighner
Bush	Haluska	Miller	Steil
Butkovitz	Hanna	Mundy	Stern
Buxton	Harley	Murphy	Stetler
Caltagirone	Hasay	Nailor	Stish
Cappabianca	Heckler	Nickol	Strittmatter
Carn	Hennessey	Nyce	Sturla
Carone	Herman	O'Brien	Surra
Cawley	Hershey	O'Donnell	Tangretti
Cessar	Hess	Olasz	Taylor, E. Z.
Chadwick	Hughes	Oliver	Taylor, J.
Civera	Hutchinson	Perzel	Thomas
Clark	Itkin	Pesci	Tigue
Clymer	Jadlowiec	Petrarca	Tomlinson
Cohen, L. I.	James	Petrone	Trello
Cohen, M.	Jarolin	Pettit	Trich
Colafigli	Josephs	Phillips	True
Colaizzo	Kaiser	Piccola	Tulli
Cornell	Kasunic	Pistella	Uliana
Corrigan	Keller	Pitts	Vance
Coy	Kenney	Platts	Van Horne
Curry	King	Preston	Veon
Daley	Kirkland	Raymond	Vitali
DeLuca	Krebs	Reber	Waugh
Dempsey	Kukovich	Reinard	Williams
Dent	LaGrotta	Richardson	Wogan
Dermody	Laub	Rieger	Wozniak
Donatucci	Laughlin	Ritter	Wright, D. R.
Druce	Lawless	Roberts	Wright, M. N.
Durham	Lederer	Robinson	Yandrisevits
Egolf	Lee	Roebuck	Yewcic
Evans	Leh	Rohrer	Zug
Fairchild	Lescovitz	Rooney	
Fajt	Levdansky	Rubleby	DeWeese,
Fargo	Linton	Rudy	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—1

Cowell

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. SAURMAN offered the following amendment No. A2694:

Amend Sec. 1 (Sec. 2944), page 7, by inserting between lines 7 and 8

(12) Review and investigate complaints made against constables and deputy constables and to suspend constables or deputies or take other disciplinary action where warranted.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes Mr. Saurman.

Mr. SAURMAN. Thank you, Madam Speaker.

Madam Speaker, I have had two specific occasions where constables have acted beyond what I consider to be reasonable action, using threats and so forth, and when I attempted to find out whom that should be reported to for correction, I was informed that once the courts had opted out of this program, no one now controls the constables. We have a lot of what I would consider to be loose cannons out there and no control mechanism. This amendment would simply say that the training board that trains them would have the power to discipline them, to hear complaints and to take proper action.

I would appreciate support of this amendment. Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Caltagirone.

Mr. CALTAGIRONE. Madam Speaker, I reluctantly will have to oppose this amendment, because basically what it is going to do is put elected officials under the disciplinary control and removal from office, something which we hold very dearly as elected officials, to an appointed board.

So I must reluctantly ask the members to please vote "no" against this amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question, the Chair recognizes Mrs. Taylor.

Mrs. TAYLOR. Madam Speaker, may I interrogate Representative Caltagirone?

The SPEAKER pro tempore. The gentleman indicates he will stand for interrogation. The lady may proceed.

Mrs. TAYLOR. Madam Speaker, it is my understanding that the constable is elected but his deputies are appointments. Is that correct?

Mr. CALTAGIRONE. Appointed with the approval of a judge in a county court.

Mrs. TAYLOR. But not elected. Thank you very much. Thank you very much.

May I make a statement?

The SPEAKER pro tempore. The lady may proceed.

Mrs. TAYLOR. In my county we have many deputies from all walks of life, some who are trained and perform their duties very well. In one instance, we have a professor, chairman of a department at a State university, who probably makes more

money as a deputy than he does at his own job, but I am not sure that he is trained and I am not sure that he is responsible in that particular job and duty.

So therefore, I would certainly urge the adoption of the Saurman amendment.

The SPEAKER pro tempore. The Chair thanks the lady. The Chair recognizes the gentleman, Mr. Blaum.

Mr. BLAUM. Thank you, Madam Speaker.

Madam Speaker, I also rise to oppose the Saurman amendment.

The members may remember when we passed this legislation which created the education and training board under PCCD, under the Pennsylvania Commission on Crime and Delinquency. This board which we created and will be re-created with this legislation does not have the ability to carry out the duties and responsibilities that this amendment gives it. The education and training boards—we have them for deputy sheriffs; we are going to have them for constables—are not the place to put disciplinary procedures that may or may not be brought against constables.

So I would ask the members to vote “no” on this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Caltagirone.

Mr. CALTAGIRONE. Madam Speaker, I would also like to point out to the members that the amendment speaks to the elected constables as well as the deputy appointed constables, so that it would in fact affect both the elected constables and the appointed constables.

It has also been pointed out to me as to whether or not this amendment would even be constitutional. I do not care to raise that issue, but I would again remind you that based on the advice that we have received, I would urge the members to vote “no” on this amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes Mr. Saurman for the second time.

Mr. SAURMAN. Thank you, Madam Speaker.

If this amendment is defeated, we will perpetuate a system, whether elected or whatever, that allows a body of people to act irresponsibly without any way to address that particular problem.

Madam Speaker, this is a serious situation. I was called on one occasion at 10 o'clock at night by a young woman in tears because she had been intimidated by one of these supercops. We have created a monster that has to be controlled. Unless there is a control mechanism, then I would suggest that the bill should be defeated. Somehow this must be addressed. This amendment provides for someone to look into that situation and someone to take action in terms of suspension.

Whether or not elected, no one has the right to violate the constitutional rights of individuals simply because he has a badge and a revolver at his side, and the instance that I am talking about took place after training. So training does not answer the problem, and we have a serious problem that needs to be corrected immediately, and I would urge the adoption of this amendment to do that. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—72

Adolph	Fichter	Levdansky	Saurman
Allen	Fleagle	Maitland	Saylor
Argall	Flick	Marsico	Scheetz
Armstrong	Geist	Mayernik	Schuler
Baker	Gerlach	Micozzie	Serafini
Barley	Gladeck	Nailor	Smith, B.
Birmelin	Hasay	O'Brien	Smith, S. H.
Bunt	Hennessey	Perzel	Stairs
Cessar	Herman	Pettit	Steelman
Chadwick	Hershey	Phillips	Stern
Civera	Hess	Piccola	Strittmatter
Clark	Hughes	Pitts	Taylor, E. Z.
Cornell	Kenney	Raymond	True
Dempsey	Laub	Reber	Tulli
Durham	Lawless	Rohrer	Vance
Fairchild	Lederer	Rubley	Van Horne
Fargo	Lee	Ryan	Wogan
Farmer	Leh	Sather	Zug

NAYS—129

Acosta	Fajt	Lucyk	Rooney
Battisto	Fee	Lynch	Rudy
Bebko-Jones	Freeman	Manderino	Santoni
Belardi	Gamble	Markosek	Scrimenti
Belfanti	Gannon	Masland	Semmel
Bishop	George	McCall	Snyder, D. W.
Blaum	Gigliotti	McGeehan	Staback
Boyes	Godshall	McNally	Steighner
Brown	Gordner	Melio	Steil
Bush	Gruitza	Merry	Stetler
Butkovitz	Gruppo	Michlovic	Stish
Buxton	Haluska	Mihalich	Sturla
Caltagirone	Hanna	Miller	Surra
Cappabianca	Harley	Mundy	Tangretti
Carr	Heckler	Murphy	Thomas
Carone	Hutchinson	Nickol	Tigue
Cawley	Itkin	Nyce	Tomlinson
Clymer	Jadlowiec	O'Donnell	Trello
Cohen, L. I.	James	Olasz	Trich
Cohen, M.	Jarolin	Oliver	Uliana
Colafella	Josephs	Pesci	Veon
Colaizzo	Kaiser	Petrarca	Vitali
Corrigan	Kasunic	Petrone	Waugh
Coy	Keller	Pistella	Williams
Curry	King	Platts	Wozniak
Daley	Kirkland	Preston	Wright, D. R.
DeLuca	Krebs	Reinard	Wright, M. R.
Dent	Kukovich	Richardson	Yandrisevits
Dermody	LaGrotta	Rieger	Yewcic
Donatucci	Laughlin	Ritter	
Druce	Lescovitz	Roberts	DeWeese,
Egolf	Linton	Robinson	Speaker
Evans	Lloyd	Roebuck	

NOT VOTING—1

Taylor, J.

EXCUSED-1

Cowell

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?

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS-189

Acosta	Fargo	Lloyd	Ryan
Adolph	Farmer	Lucyk	Santoni
Allen	Fee	Lynch	Sather
Argall	Fleagle	Maitland	Saylor
Armstrong	Flick	Manderino	Scheetz
Baker	Freeman	Markosek	Schuler
Barley	Gannon	Marsico	Scrimenti
Battisto	Geist	Masland	Semmel
Bebko-Jones	George	McCall	Serafini
Belardi	Gerlach	McGeehan	Smith, B.
Belfanti	Gigliotti	McNally	Smith, S. H.
Birmelin	Gladeck	Merry	Snyder, D. W.
Bishop	Godshall	Michlovic	Staback
Blaum	Gordner	Micozzie	Stairs
Boyes	Gruitza	Mihalich	Steelman
Brown	Gruppo	Miller	Steighner
Bunt	Haluska	Mundy	Steil
Bush	Hanna	Murphy	Stetler
Butkovitz	Harley	Nailor	Stish
Buxton	Hasay	Nickol	Strittmatter
Caltagirone	Heckler	Nyce	Sturla
Cappabianca	Hennessey	O'Brien	Surra
Carn	Herman	O'Donnell	Tangretti
Carone	Hershey	Olasz	Taylor, E. Z.
Cawley	Hess	Oliver	Taylor, J.
Cessar	Hughes	Perzel	Thomas
Chadwick	Hutchinson	Pesci	Tigue
Civera	Itkin	Petrarca	Trello
Clark	Jadlowiec	Petrone	Trich
Clymer	James	Pettit	True
Cohen, L. I.	Jarolin	Phillips	Tulli
Cohen, M.	Josephs	Piccola	Uliana
Colafrella	Kaiser	Pistella	Vance
Colaizzo	Kasunic	Pitts	Van Horne
Cornell	Keller	Platts	Veon
Coy	Kenney	Preston	Vitali
Curry	King	Raymond	Waugh
Daley	Kirkland	Reber	Williams
DeLuca	Krebs	Richardson	Wogan
Dempsey	Kukovich	Rieger	Wozniak
Dent	LaGrotta	Ritter	Wright, D. R.
Dermody	Laughlin	Roberts	Yandrisevits
Donatucci	Lawless	Robinson	Yewcic
Durham	Lederer	Roebuck	Zug
Egolf	Lee	Rohrer	
Evans	Leh	Rooney	DeWeese,
Fairchild	Lescovitz	Rubley	Speaker

Fajt Linton Rudy
NAYS-13

Corrigan	Laub	Melio	Stern
Druce	Levdansky	Reinard	Tomlinson
Fichter	Mayernik	Saurman	Wright, M. N.
Gamble			

NOT VOTING-0

EXCUSED-1

Cowell

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 1780, PN 2048**, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, imposing restrictions on the utilization of PennSERVE moneys for certain compensation; and making a repeal.

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

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

The question is, shall the bill pass finally?

On the question, the Chair recognizes Sheila Miller.
Mrs. MILLER. Thank you, Madam Speaker.

I am asking for support of this legislation and for the record wanted to point out that the comments which were made on the floor when the House unanimously agreed to this legislation the other week continue to hold true. Thank you.

The SPEAKER pro tempore. The Chair thanks the lady.

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER pro tempore. The Chair recognizes Mr. Caltagirone.

Mr. CALTAGIRONE. Madam Speaker, I would like to submit some remarks for the record.

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

Mr. CALTAGIRONE submitted the following remarks for the Legislative Journal:

PENNSYLVANIA HOUSE OF REPRESENTATIVES

BILL ANALYSIS

COMMITTEE: DATE: 3/25/93
BILL NO.: HB 1003

Judiciary
PRIME SPONSOR: Caltagirone
PREPARED BY: Paul W. Dunkelberger
PRINTER'S NO.: 956
PHONE NO.: 7-8514

A. PRELIMINARY SUMMARY:

House Bill 1003 would revise the fee schedules for constables and provide for their training and certification.

B. EXISTING LAW:

Title 13 of Purdon's Statutes.

C. PROBLEM OR DEFICIENCY IN EXISTING LAW:

Presently, Title 13 continues to provide for the general subject of constables, their fees and their powers. In 1990, the General Assembly enacted Act 147, which dealt comprehensively with the subject of constables providing for their supervision, training and certification. Before Act 147 took effect, the Court Administrator of Pennsylvania filed in the Supreme Court a petition seeking a declaratory judgment as to the constitutionality and validity of Act 147 of 1990. On November 6, 1991, the Supreme Court, voting 5-1, held that Act 147 violated the separation of powers doctrine of the Pennsylvania Constitution insofar as it attempted to place constables within the judicial branch and under supervisory authority of the judicial branch. The Court struck down Act 147 in its entirety.

Because of the Supreme Court decision, there have been disruptions in the pay of constables in various parts of the Commonwealth, particularly Allegheny County. Additionally, we have a constable system operating in the Commonwealth in which the constables themselves are neither trained nor certified to perform their specific duties.

D. OBJECTIVES OF SPONSOR TO RESOLVE THE PROBLEM:

House Bill 1003 would allow constables and deputy constables actual mileage for travel by motor vehicle at the rate equal to the highest rate allowed by the Internal Revenue Service consistent with current law in other areas.

A schedule of fees is set forth in civil cases dealing with 12 specific types of constable's service. Also, a schedule of fees in criminal cases is set forth as to 12 different forms of service.

In civil cases, constable fees must be paid in advance to the Court for services desired to be performed. Such fees shall not be refundable to the plaintiff if a case is settled or debt is satisfied less than forty-eight hours prior to a scheduled sale or ejectment, in which case the constable or deputy constable shall be paid for holding the sale or carrying out an ejectment respectively.

Fees shall be paid by the Court to the constable as soon as possible and in every case not more than fifteen days in civil cases and thirty days in criminal cases after the service is performed and a proper request for payment is submitted, provided that in criminal cases where the books and accounts of the relevant county offices are payable on a monthly basis, payment shall be made not more than fifteen days after the close of the month.

For civil and criminal services not specifically provided for, the Court shall pay the same fee as it pays for services provided for herein which it determines to be similar to those performed.

In all criminal cases where the defendant is discharged or indigent or the case is dismissed, the Court shall assess to the county the fee provided in this section, except that, in cases of private criminal complaints wherein the defendant is discharged prior to the indictment or the filing of any information, or the case is otherwise dismissed at the summary offense hearing, the Court shall assess the fee to the complainant.

Section 1.3 of House Bill 1003 establishes within the Pennsylvania Commission on Crime and Delinquency an advisory board to be known as the Constables' Education and Training Board. The

Board shall be composed of seven members appointed by the Governor with the consent of a majority of the members elected to the Senate. The composition of the Board shall be as follows: three persons who shall be constables; one person who shall be a district justice; one person who shall be a judge of a court of common pleas; one person who shall be a court administrator; and one person who shall be a nonjudge member of the bar of this Commonwealth. The members of the Board shall serve without compensation but shall be reimbursed the necessary and actual expenses incurred in attending meetings of the Board and in the performance of their duties under this act. Members of the Board may be removed by the appointing authority for good cause upon written notice from such appointing authority specifically setting forth the cause for removal. The members of the Board shall elect a chairman from among the members to serve for a period of one year. A chairman may be elected to serve for successive terms. The Governor shall designate the first chairman for organizational purposes only.

The Board, with the review and approval of the Pennsylvania Commission on Crime and Delinquency, shall: (1) establish, implement and administer the Constables' Education and Training Program according to the minimum requirements set forth in this act; (2) establish, implement and administer requirements for the minimum course of study and training for constables and deputy constables; (3) establish, implement and administer requirements for courses of study and in-service training for constables and deputy constables; (4) establish, implement and administer requirements for a continuing education program for constables and deputy constables; (5) approve or revoke the approval of any school which may be utilized for the educational and training requirements of this act; (6) establish the minimum qualifications for instructors and certified instructors; (7) consult and cooperate, and may contract, with universities, colleges, law schools, community colleges and institutes for the development of basic and continuing education courses for constables and deputy constables; (8) promote the most efficient and economical program for constables and deputy constables training by utilizing existing facilities, programs and qualified State and local personnel; (9) certify constables and deputy constables who have satisfactorily completed the basic and continuing education and training requirements of this act and issue appropriate certificates to them; (10) make rules and regulations and perform other duties as may be reasonably necessary or appropriate to administer the education and training program for constables and deputy constables; and (11) make an annual report to the Governor and to the General Assembly concerning all of the following: administration of the Constables' Education and Training Program; the activities of the Board, the costs of the program; and proposed changes, if any.

House Bill 1003 provides that the Constables' Education and Training Program shall include training for a total of 80 hours, the content of which shall be determined by regulation. Any constable or deputy constable who is in office at the time of the effective date of this amendatory act shall be afforded one and only one opportunity prior to the expiration of his current term to satisfactorily complete this program by examination without the necessity of class attendance.

The Board, with review and approval of the Commission, shall establish a mandatory continuing education program for constables and deputy constables, which shall include no more than 40 hours per year, concerning subjects the Board may deem necessary and appropriate for the continued education and training of constables and deputy constables.

All constables and deputy constables who are in office as of the effective date of this amendatory act shall be deemed to be certified under and in compliance with this Act for the balance of their current term of office.

Additionally, no constable or deputy constable shall carry or use a firearm in the performance of his or her duties unless he or she is currently certified or qualified in firearms pursuant to at least one of the following: (a) the Act of June 18, 1974 (P.L. 359, No. 120), referred to as the Municipal Police Education and Training Act; (b) the Act of February 9, 1984 (P.L. 3, No. 2),

known as the Deputy Sheriffs' Education and Training Act; or (c) any other firearms program which has been approved by the Board with the review and approval of the Commission.

House Bill 1003 establishes a special restricted account within the General Fund of the State Treasury, which shall be known as the Constables' Education and Training Account, for the purposes of financing training program expenses, the costs of administering the program and all other costs associated with the activities of the Board and the implementation of this Act. The bill would assess as a cost in each case before a district justice a surcharge of \$5.00 per docket number in each criminal case and \$5.00 per named defendant in each civil case, except that no county shall be required to pay this surcharge on behalf of any indigent or other defendant in a criminal case. The surcharges collected under this Act, if collected by a constable or deputy constable, shall be turned over within one week to the issuing authority. The issuing authority shall, within one week of collecting or receiving any surcharges, remit the same to the Department of Revenue for deposit into the account. Disbursements from the account shall be made by the Commission. The Auditor General shall conduct an audit of the account as he or she may deem necessary or advisable from time to time, but not less than once every three years.

E. ISSUES AND POLICY QUESTIONS:

Should Title 13 be amended to provide for constable fees, training and certification?

F. INTEREST GROUPS: (supporting and opposing)

The Constables Association of Pennsylvania, the District Justice Association, the Pennsylvania Commission on Crime and Delinquency, and the Pennsylvania Association of County Commissioners support this legislation.

G. FISCAL IMPACT: (cost, source of revenue)

None.

H. WHO WILL BE AFFECTED AND HOW:

Constables and deputy constables.

I. OTHER SIMILAR PROPOSED LEGISLATION:

- 1) current session - None.
- 2) prior session - Act 102 of 1992.

J. SUGGESTED AMENDMENTS:

None.

On the question recurring,
Shall the bill pass finally?

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

YEAS—202

Acosta	Farmer	Lloyd	Ryan
Adolph	Fee	Lucyk	Santoni
Allen	Fichter	Lynch	Sather
Argall	Fleagle	Maitland	Saurman
Armstrong	Flick	Manderino	Saylor
Baker	Freeman	Markosek	Scheetz
Barley	Gamble	Marsico	Schuler
Battisto	Gannon	Masland	Scrimenti
Bebko-Jones	Geist	Mayermik	Semmel
Belardi	George	McCall	Serafini
Belfanti	Gerlach	McGeehan	Smith, B.
Birmelin	Gigliotti	McNally	Smith, S. H.
Bishop	Gladeck	Melio	Snyder, D. W.

Blum	Godshall	Merry	Staback
Boyes	Gordner	Michlovic	Stairs
Brown	Gruitza	Micozzie	Steelman
Bunt	Gruppo	Mihalich	Steighner
Bush	Hafuska	Miller	Steil
Butkovitz	Hanna	Mundy	Stern
Buxton	Harley	Murphy	Stetler
Caltagirone	Hasay	Nailor	Stish
Cappabianca	Heckler	Nickol	Strittmatter
Carn	Hennessey	Nyce	Sturla
Carone	Herman	O'Brien	Surra
Cawley	Hershey	O'Donnell	Tangretti
Cessar	Hess	Olasz	Taylor, E. Z.
Chadwick	Hughes	Oliver	Taylor, J.
Civera	Hutchinson	Perzel	Thomas
Clark	Itkin	Pesci	Tigue
Clymer	Jadlowiec	Petrarca	Tomlinson
Cohen, L. I.	James	Petrone	Trello
Cohen, M.	Jarolin	Pettit	Trich
Colafiglia	Josephs	Phillips	True
Colaizzo	Kaiser	Piccola	Tulli
Cornell	Kasunic	Pistella	Uliana
Corrigan	Keller	Pitts	Vance
Coy	Kenney	Platts	Van Horne
Curry	King	Preston	Veon
Daley	Kirkland	Raymond	Vitali
DeLuca	Krebs	Reber	Waugh
Dempsey	Kukovich	Reinard	Williams
Dent	LaGrotta	Richardson	Wogan
Dermody	Laub	Rieger	Wozniak
Donatucci	Laughlin	Ritter	Wright, D. R.
Druce	Lawless	Roberts	Wright, M. N.
Durham	Lederer	Robinson	Yandrisevits
Egolf	Lee	Roebuck	Yewcic
Evans	Leh	Rohrer	Zug
Fairchild	Lescovitz	Rooney	
Fajt	Levdansky	Rubley	DeWeese, Speaker
Fargo	Linton	Rudy	

NAYS—0

NOT VOTING—0

EXCUSED—1

Cowell

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.

FILMING PERMISSION

The SPEAKER pro tempore. The Chair wishes to advise members that she has given permission to Terry Ruggles, reporter for WCAU-TV Philadelphia, and David Harrington, a photographer for the same station, to film on the floor of the House during the proceedings on general coverage.

BILLS ON THIRD
CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 1281, PN 2032**, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, providing special occasion permits for fraternal benefit societies.

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

Mr. JAROLIN offered the following amendments No. A2740:

Amend Title, page 1, line 18, by removing the period after "societies" and inserting

; and providing for legal opinions.

Amend Bill, page 2, by inserting between lines 7 and 8

Section 2. The act is amended by adding a section to read:

Section 211.1. Legal Opinions.—Upon written request by a licensee, the board or its counsel shall issue a legal opinion regarding any subject matter relating to this act or any regulation promulgated pursuant to it. This legal opinion shall be binding on the enforcement bureau.

Amend Sec. 2, page 2, line 8, by striking out "2" and inserting

3

Amend Sec. 3, page 3, line 7, by striking out "3" and inserting

4

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

The SPEAKER pro tempore. On the question, the gentleman, Mr. Jarolin, is recognized.

Mr. JAROLIN. Thank you, Madam Speaker.

On this particular amendment here, it is just a clarification on how violations by the Pennsylvania State Police should be enforced. As it currently stands, licensees in the Commonwealth find it extremely difficult in complying with existing liquor laws because of different opinions between the Liquor Control Board, the Bureau of Liquor Enforcement, and the Office of Administrative Law Judges. This is to clarify it that they will follow the Liquor Code regulations.

I urge that my fellow colleagues vote for this amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—202

Acosta	Farmer	Lloyd	Ryan
Adolph	Fee	Lucyk	Santoni
Allen	Fichter	Lynch	Sather
Argall	Fleagle	Maitland	Saurman
Armstrong	Flick	Manderino	Saylor
Baker	Freeman	Markosek	Scheetz
Barley	Gamble	Marsico	Schuler
Battisto	Gannon	Masland	Scrimenti
Bebko-Jones	Geist	Mayernik	Semmel
Belardi	George	McCall	Serafini
Belfanti	Gerlach	McGoohan	Smith, B.
Birmelin	Gigliotti	McNally	Smith, S. H.
Bishop	Gladeck	Melio	Snyder, D. W.
Blaum	Godshall	Merry	Staback
Boyes	Gordner	Michlovic	Stairs

Brown	Gruitza	Micozzie	Steelman
Bunt	Gruppo	Mihalich	Steighner
Bush	Haluska	Miller	Steil
Butkovitz	Hanna	Mundy	Stern
Buxton	Harley	Murphy	Stetler
Caltagirone	Hasay	Nailor	Stish
Cappabianca	Heckler	Nickol	Strittmatter
Carn	Hennessey	Nyce	Sturja
Carone	Herman	O'Brien	Surra
Cawley	Hershey	O'Donnell	Tangretti
Cessar	Hess	Olasz	Taylor, E. Z.
Chadwick	Hughes	Oliver	Taylor, J.
Civera	Hutchinson	Perzel	Thomas
Clark	Itkin	Pesci	Tigue
Clymer	Jadlowiec	Petrarca	Tomlinson
Cohen, L. I.	James	Petrone	Trello
Cohen, M.	Jarolin	Pettit	Trich
Colafrilla	Josephs	Phillips	True
Colaizzo	Kaiser	Piccola	Tulli
Cornell	Kasunic	Pistella	Uliana
Corrigan	Keller	Pitts	Vance
Coy	Kenney	Platts	Van Horne
Curry	King	Preston	Veon
Daley	Kirkland	Raymond	Vitali
DeLuca	Krebs	Reber	Waugh
Dempsey	Kukovich	Reinard	Williams
Dent	LaGrotta	Richardson	Wogan
Dermody	Laub	Rieger	Wozniak
Donatucci	Laughlin	Ritter	Wright, D. R.
Druce	Lawless	Roberts	Wright, M. N.
Durham	Lederer	Robinson	Yandrisevits
Egolf	Lee	Roebuck	Yewcic
Evans	Leh	Rohrer	Zug
Fairchild	Lescovitz	Rooney	
Fajit	Levdansky	Rublely	DeWeese,
Fargo	Linton	Rudy	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—1

Cowell

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. COY offered the following amendment No. A2840:

Amend Sec. 2 (Sec. 408.4), page 2, line 12, by inserting after "years,"

nationally chartered veterans' organization and any affiliated lodge or subdivision of such organization.

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

The SPEAKER pro tempore. On that question, the Chair recognizes Mr. Coy.

Mr. COY. Thank you, Madam Speaker.

The intent is to include nationally chartered veterans organizations as one more eligible group who can apply for the special 3-day permit. Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The gentleman, Mr. Mihalich, is recognized.

Mr. MIHALICH. Madam Speaker, I would like to comment on the amendment, which I agree with, and make some comments on it that also pertain to the entire bill. The concept of special occasion permits is not well known among many members, and I did not realize that until yesterday. A special occasion permit does not give anybody a license to go out and go into business anytime they want to.

There are eight categories of special occasion permits under the law now, which include firemen, emergency companies, churches, synagogues, sportsmen's clubs, and last year the total number of special occasion permits issued was less than 500. With the addition of these two categories under the Coy amendment and under my bill, I would not expect that the Control Board would issue more than 100 to 200 more licenses in 1 year's time.

The process itself does not require them just to send a piece of paper in and require some kind of a piece of paper that says you go ahead and go into business. What happens when a special occasion permit is to be applied for is that the applying organization must pass a resolution at their meeting. They must certify to it, attest to it, send the request in to the Control Board who then sends out an investigator to check the premises where this occasion will be taking place to make sure that the facilities are proper and that the place where liquor or beer would be dispensed would be properly isolated from the general public.

It is that portion which I find that some people did not understand. This is not willy-nilly. It is not a loose kind of operation where a bunch of people get together and say, let us go out and have a party and sell some booze. It is not that, and for those reasons I do approve of the Coy amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question, the Chair recognizes Mr. Snyder.

Mr. SNYDER. Thank you, Madam Speaker.

Madam Speaker, although this bill is being run today, I feel that, as Republican chairman of the Liquor Control Committee, to get on the record that this amendment is lacking in its clarity in terms of how it defines specifically what a veterans organization is.

Although I am not standing to oppose the amendment, Madam Speaker, I would hope that this bill would be addressed in the Senate with additional amendments to clarify the meaning of "veterans organization." Specifically, Madam Speaker, I would like to reference the Small Games of Chance Act, Act 156 of 1988. In that act, section 3 defines a veterans organization, and I would suggest that when the bill is considered by the Senate, that the amendment be further clarified with language similar to what is found in that act. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes Mr. Clymer.

Mr. CLYMER. Thank you, Madam Speaker.

Madam Speaker, I would just urge the members to vote "no" on this amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—192

Acosta	Farmer	Lucyk	Rudy
Adolph	Fee	Lynch	Ryan
Allen	Fichter	Maitland	Santoni
Argall	Fleagle	Manderino	Sather
Armstrong	Flick	Markosek	Saurman
Baker	Freeman	Marsico	Saylor
Barley	Gamble	Masland	Scrimenti
Battisto	Gannon	Mayernik	Semmel
Bebko-Jones	Geist	McCall	Serafini
Belardi	George	McGeehan	Smith, B.
Belfanti	Gerlach	McNally	Smith, S. H.
Bishop	Gigliotti	Melio	Snyder, D. W.
Blaum	Gladeck	Merry	Staback
Boyes	Godshall	Michlovic	Stairs
Brown	Gordner	Micozzie	Steelman
Bunt	Gruitza	Mihalich	Steighner
Bush	Gruppo	Miller	Steil
Butkovitz	Haluska	Mundy	Stetler
Buxton	Hanna	Murphy	Stish
Caltagirone	Harley	Nailor	Strittmatter
Cappabianca	Hasay	Nickol	Sturla
Carn	Heckler	Nyce	Surra
Carone	Hennessey	O'Brien	Tangretti
Cawley	Herman	O'Donnell	Taylor, E. Z.
Cessar	Hess	Olasz	Taylor, J.
Chadwick	Hughes	Oliver	Thomas
Civera	Hutchinson	Perzel	Tigue
Clark	Itkin	Pesci	Tomlinson
Cohen, L. I.	Jadlowiec	Petrarca	Treffe
Cohen, M.	James	Petrone	Trich
Colafella	Jarolin	Pettit	Tulli
Colaizzo	Josephs	Phillips	Uliana
Cornell	Kaiser	Piccola	Vance
Corrigan	Kasunic	Pistella	Van Horne
Coy	Keller	Pitts	Veon
Curry	Kenney	Platts	Vitali
Daley	King	Preston	Waugh
DeLuca	Kirkland	Raymond	Williams
Dempsey	Kukovich	Reber	Wogan
Dent	LaGrotta	Reinard	Wozniak
Dermody	Laub	Richardson	Wright, D. R.
Donatucci	Laughlin	Rieger	Wright, M. N.
Druce	Lawless	Ritter	Yandrisevits
Durham	Lederer	Roberts	Yewcic
Egolf	Lee	Robinson	Zug
Evans	Lescovitz	Roebuck	
Fairchild	Levdanskyy	Rooney	DeWeese,
Fajt	Linton	Rubley	Speaker
Fargo	Lloyd		

NAYS—10

Birmelin	Krebs	Scheetz	Stern
Clymer	Leh	Schuler	True
Hershey	Rohrer		

NOT VOTING—0

EXCUSED—1

Cowell

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

The Chair recognizes Mr. Clymer.

Mr. CLYMER. Thank you, Madam Speaker.

Madam Speaker, I rise on final debate on HB 1281. I rise to oppose HB 1281 that would, with the amendments, further expand the use of alcoholic beverages in the Commonwealth of Pennsylvania.

Madam Speaker, nothing has changed since our votes on the Super Sunday regarding alcohol still continues to be the number one drug abuse substance in not only Pennsylvania but in the Nation. A recent survey indicated a growing addiction among high school students.

The financial cost to our society is appalling. Madam Speaker, let me just quote from a news article that appeared some time ago in which former Surgeon General of the United States Antonia Novello is quoted, and the title of the article is "Alcohol's damage to youth is assailed" in which the former Surgeon General said this: "About a third of the youths committing serious crimes consumed alcohol just before the offense.

"More than 70 percent of teen suicides involved frequent use of alcohol or drugs.

"Alcohol is a factor in more than half of the rapes among college-age students; 55 percent of the alleged rapists and 53 percent of the victims were under the influence of alcohol at the time."

The former Surgeon General continues, "Nearly 40 percent of drownings and 75 percent of fatal accidents with all-terrain vehicles involved use of alcohol.

"For every injury death, there are 16 hospitalizations and 381 injuries requiring medical care."

She said, "I was shocked by the data on date rape: Among high school female students, 18 percent..." She said that about 350,000 children—350,000 children—in the eighth grade are binge drinkers and that the number climbs to 690,000 for 10th graders.

Madam Speaker, these figures are not hidden from this General Assembly. They recognize the problems that we have with alcohol abuse.

Madam Speaker, I am not speaking against the fraternal organizations or the veterans groups that now have been included in the bill. I am simply saying that we have to create

public policy here in this General Assembly, and that is, are we going to increase the proliferation of alcoholic beverages in our State or not?

For those and other reasons, I would urge a "no" vote on this proposal. Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Shall the bill pass finally?

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

YEAS—159

Acosta	Fee	Manderino	Santoni
Adolph	Fichter	Markosek	Scrimenti
Allen	Flick	Marsico	Semmel
Argall	Freeman	Mayernik	Serafini
Baker	Gamble	McCall	Smith, B.
Barley	George	McGeehan	Snyder, D. W.
Battisto	Gerlach	McNally	Staback
Bebko-Jones	Gigliotti	Melio	Stairs
Belardi	Gladeck	Merry	Steelman
Belfanti	Gordner	Michlovic	Steighner
Bishop	Gruitza	Mihalich	Stejl
Blaum	Gruppo	Miller	Stetler
Boyes	Haluska	Mundy	Stish
Brown	Hanna	Murphy	Strittmatter
Bunt	Harley	Nailor	Sturla
Bush	Hasay	Nyce	Surra
Butkovitz	Hennessey	O'Brien	Tangretti
Buxton	Herman	O'Donnell	Taylor, E. Z.
Caltagirone	Hughes	Olasz	Taylor, J.
Cappabianca	Itkin	Oliver	Thomas
Carn	James	Perzel	Tigue
Carone	Jarolin	Pesci	Tomlinson
Cawley	Josephs	Petrarca	Trello
Cessar	Kaiser	Petrone	Trich
Cohen, L. I.	Kasunic	Pettit	Tulli
Cohen, M.	Keller	Piccola	Uliana
Colafella	Kenney	Pistella	Vance
Colaizzo	Kirkland	Preston	Van Horne
Cornell	Kukovich	Reber	Veon
Corrigan	LaGrotta	Reinard	Vitali
Coy	Laub	Richardson	Williams
Curry	Laughlin	Rieger	Wogan
Daley	Lawless	Ritter	Wozniak
DeLuca	Lederer	Roberts	Wright, D. R.
Dempsey	Lee	Robinson	Wright, M. N.
Dent	Lescovitz	Roebuck	Yandrisevits
Dermody	Levdansky	Rooney	Yewcic
Donatucci	Linton	Rubley	
Evans	Lloyd	Rudy	DeWeese,
Fajt	Lucyk	Ryan	Speaker
Farmer			

NAYS—43

Armstrong	Fleagle	Leh	Sather
Birmelin	Gannon	Lynch	Saurman
Chadwick	Geist	Maitland	Saylor
Civera	Godshall	Masland	Scheetz
Clark	Heckler	Micozzie	Schuler
Clymer	Hershey	Nickol	Smith, S. H.
Druce	Hess	Phillips	Stern
Durham	Hutchinson	Pitts	True
Egolf	Jadlowiec	Platts	Waugh
Fairchild	King	Raymond	Zug
Fargo	Krebs	Rohrer	

NOT VOTING—0

EXCUSED—1

Cowell

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 (H. WILLIAM DeWEESE) PRESIDING

* * *

The House proceeded to third consideration of **HB 1462, PN 1906**, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, providing for additional activities of limited wineries.

On the question,

Will the House agree to the bill on third consideration?

Ms. BISHOP offered the following amendments No. A2615:

Amend Sec. 1 (Sec. 505.2), page 3, line 15, by inserting before "For"

(i)

Amend Sec. 1 (Sec. 505.2), page 3, by inserting between lines 22 and 23

(ii) This clause shall not apply in cities of the first class.

On the question,

Will the House agree to the amendments?

AMENDMENTS WITHDRAWN

The SPEAKER. Does the lady from Philadelphia seek recognition on the amendment?

The lady indicates the amendment is being withdrawn. The Chair thanks the lady.

On the question recurring,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

On the question, the Chair recognizes the gentleman from Lehigh, Mr. Snyder.

Mr. SNYDER. Thank you, Mr. Speaker.

Mr. Speaker, I rise in favor of passage of HB 1462.

I would just like to, first of all, clarify a few points. Mr. Speaker, this is not legislation for special occasion permits. The legislation we just voted on previously just expanded the ability for liquor and beer licenses to thousands of organizations in the Commonwealth. This is a permit, Mr. Speaker, for

only allowing wineries in Pennsylvania, of which there are approximately 42, to participate in food and wine expositions in Pennsylvania. Mr. Speaker, also, currently the limited wineries are allowed to participate in these expositions but under a procedure that is rather complicated and expensive to enforce. This streamlines the process and enables the limited wineries to be able to acquire these permits in a much easier and more efficient manner.

Finally, Mr. Speaker, I speak in favor of HB 1462 because wineries in Pennsylvania are a growing part of our economy. Currently, Mr. Speaker, the wine industry pumps more than \$1.3 billion into our economy, either directly or indirectly, through the jobs and wages and taxes that it produces.

The total gallons of wine has nearly doubled in the last decade in Pennsylvania. Pennsylvania is currently ranked 12th in the Nation in annual wine production.

Finally, Mr. Speaker, the Pennsylvania Liquor Control Board this month is trying to promote Pennsylvania wineries throughout Pennsylvania in selected State stores. This legislation will enable the wineries to further promote their products and market them to Pennsylvanians and create additional Pennsylvania jobs.

I ask for support of this legislation. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Shall the bill pass finally?

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

YEAS—192

Acosta	Farmer	Lucyk	Ryan
Adolph	Fee	Lynch	Santoni
Allen	Fichter	Maitland	Sather
Argall	Flick	Manderino	Saurman
Baker	Freeman	Markosek	Saylor
Barley	Gamble	Marsico	Scheetz
Battisto	Gannon	Masland	Schuler
Bebko-Jones	Geist	Mayernik	Scriminti
Belardi	George	McCall	Sermuel
Belfanti	Gerlach	McGeehan	Serafini
Birmelin	Gigliotti	McNally	Smith, B.
Bishop	Gladeck	Melio	Smith, S. H.
Blaum	Godshall	Merry	Snyder, D. W.
Boyes	Gordner	Michlovic	Staback
Brown	Gruitza	Mihalich	Stairs
Bunt	Gruppo	Miller	Steelman
Bush	Hafuska	Mundy	Steighner
Butkovitz	Hanna	Murphy	Steil
Buxton	Harley	Nailor	Stetler
Callagironne	Hasay	Nickol	Stish
Cappabianca	Heckler	Nyce	Strittmatter
Carn	Hennessey	O'Brien	Sturla
Carone	Herman	O'Donnell	Surra
Cawley	Hughes	Olasz	Tangretti
Cessar	Hutchinson	Oliver	Taylor, E. Z.
Chadwick	Itkin	Perzel	Taylor, J.
Civera	Jadlowiec	Pesci	Thomas
Clark	James	Petrarca	Tigue
Cohen, L. I.	Jarolin	Petrone	Tomlinson
Cohen, M.	Josephs	Pettit	Trello
Colafella	Kaiser	Piccola	Trich
Colaizzo	Kasunic	Pistella	Tulli
Cornell	Keller	Pitts	Uliana

Corrigan	Kenney	Platts	Vance
Coy	King	Preston	Van Horne
Curry	Kirkland	Raymond	Veon
Daley	Krebs	Reber	Vitafi
DeLuca	Kukovich	Reinard	Waugh
Dempsey	LaGrotta	Richardson	Williams
Dent	Laub	Rieger	Wogan
Dermody	Laughlin	Ritter	Wozniak
Donatucci	Lawless	Roberts	Wright, D. R.
Druce	Lederer	Robinson	Wright, M. N.
Durham	Lee	Roebuck	Yandrisevits
Egolf	Leh	Rohrer	Yewcic
Evans	Lescovitz	Rooney	
Fairchild	Levdansky	Rubley	DeWeese,
Fajt	Linton	Rudy	Speaker
Fargo	Lloyd		

NAYS—10

Armstrong	Hershey	Phillips	True
Clymer	Hess	Stern	Zug
Fleagle	Micozzie		

NOT VOTING—0

EXCUSED—1

Cowell

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 1097, PN 1191**, entitled:

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, providing for a procedure for certain electors.

On the question,
Will the House agree to the bill on third consideration?
Mr. ARGALL offered the following amendments No. A2682:

Amend Title, page 1, line 11, by inserting after "elections,"
authorizing county boards of elections to place nonbinding referendums on ballots; and
Amend Bill, page 1, by inserting between lines 13 and 14 Section 1. Section 302 of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, is amended by adding a clause to read:

Section 302. Powers and Duties of County Boards.—The county boards of elections, within their respective counties, shall exercise, in the manner provided by this act, all powers granted to them by this act, and shall perform all the duties imposed upon them by this act, which shall include the following:

* * *

(p) To place nonbinding proposals on the ballot in a manner fairly representing the content of a petition for decision by referendum at an election.

Amend Sec. 1, page 1, lines 14 and 15, by striking out all of line 14, "as the Pennsylvania Election Code," in line 15 and inserting

Section 2. The act
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. The gentleman, Mr. Argall, is recognized on his amendment.

Mr. ARGALL. Thank you, Mr. Speaker.

Mr. Speaker, some time ago in Pennsylvania we had a tradition of nonbinding referenda which were permitted and put on the ballot by many different county election boards. It was a very useful way in which to receive input from our constituents. It was a nonbinding referendum but it was utilized by many if not all of our different counties.

Then at some point within the last few years, there was a court decision that said, basically, that since it is not specifically allowed in the law, you cannot do it, thus denying our constituents the option of voting "yes" or "no" on a nonbinding referendum as permitted by county authorities.

So in order to permit this practice to once again be allowed by the various courts across the Commonwealth, my amendment is very simple. It would just note that county boards of elections could place nonbinding—"nonbinding," that is a very important word—proposals on the ballot in a manner fairly representing the content of a petition for decision by referendum at an election.

I would encourage a positive vote on the amendment.

The SPEAKER. On the amendment, the gentleman from Lancaster, Mr. Sturla, is recognized.

Mr. STURLA. Mr. Speaker, will the maker of the amendment stand for interrogation?

The SPEAKER. The gentleman, Mr. Argall, indicates that he will stand for interrogation. Mr. Sturla may proceed.

Mr. STURLA. Mr. Speaker, as I read the amendment, it says that proposals shall be placed on the ballot in a manner fairly representing the content of the petition. Who determines that it is fairly represented?

AMENDMENTS WITHDRAWN TEMPORARILY

Mr. ARGALL. Mr. Speaker, I have been asked to temporarily withdraw this amendment so that the bill can go over for the day. In the meantime, I could probably get a better answer for the gentleman's question as well.

The SPEAKER. The Chair thanks the gentleman.

BILL PASSED OVER

The SPEAKER. The Chair now recognizes Ms. Josephs, who moves that the measure be gone over for the day.

Without objection, the bill will be gone over for the day.

CONSIDERATION OF HB 1195 CONTINUED

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—200

Acosta	Farmer	Lucyk	Santoni
Adolph	Fee	Lynch	Sather
Allen	Fichter	Maitland	Saurman
Argall	Fleagle	Manderino	Saylor
Armstrong	Flick	Markosek	Scheetz
Baker	Freeman	Marsico	Schuler
Barley	Gamble	Masland	Scrimenti
Battisto	Gannon	Mayernik	Semmel
Bebko-Jones	Geist	McCall	Serafini
Belardi	George	McGeehan	Smith, B.
Belfanti	Gerlach	McNally	Smith, S. H.
Birmelin	Gigliotti	Melio	Snyder, D. W.
Bishop	Gladeck	Merry	Staback
Blaum	Godshall	Michlovic	Stairs
Boyes	Gordner	Micozzie	Steelman
Brown	Gruitza	Mihalich	Steighner
Bunt	Gruppo	Miller	Steil
Bush	Haluska	Mundy	Stern
Butkovitz	Hanna	Murphy	Stetler
Buxton	Harley	Nailor	Stish
Caltagirone	Hasay	Nickol	Strittmatter
Cappabianca	Heckler	Nyce	Sturla
Carn	Hennessey	O'Brien	Surra
Carone	Herman	O'Donnell	Tangretti
Cawley	Hershey	Olasz	Taylor, E. Z.
Cessar	Hess	Oliver	Taylor, J.
Chadwick	Hughes	Perzel	Thomas
Civera	Hutchinson	Pesci	Tigue
Clark	Itkin	Petrarca	Tomlinson
Clymer	Jadlowiec	Petrone	Trello
Cohen, L. I.	James	Pettit	Trich
Cohen, M.	Jarolin	Phillips	True
Colafella	Josephs	Piccola	Tulli
Colaizzo	Kaiser	Pistella	Uliana
Cornell	Kasunic	Pitts	Vance
Corrigan	Keller	Platts	Van Horne
Coy	Kenney	Preston	Veon
Curry	King	Raymond	Vitali
Daley	Krebs	Reber	Waugh
DeLuca	Kukovich	Reinard	Williams
Dempsey	LaGrotta	Rieger	Wogan
Dent	Laub	Ritter	Wozniak
Dermody	Laughlin	Roberts	Wright, D. R.
Donatucci	Lawless	Robinson	Wright, M. N.
Druce	Lederer	Roebuck	Yandrisevits
Durham	Lee	Rohrer	Yewcic
Egolf	Leh	Rooney	Zug
Evans	Lescovitz	Rublely	
Fairchild	Levdansky	Rudy	DeWeese,
Fajt	Linton	Ryan	Speaker
Fargo	Lloyd		

NAYS—0

NOT VOTING—2

Kirkland Richardson

EXCUSED—1

Cowell

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 1099, PN 1831**, entitled:

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for absentee ballots; authorizing the filing of certain reports by facsimile; and making an appropriation.

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

The SPEAKER. The gentleman from Montgomery County, Mr. Saurman, will be recognized momentarily.
Does the gentleman intend to offer an amendment to this bill?

Mr. SAURMAN. Yes, Mr. Speaker.

The SPEAKER. The amendment has not been forwarded to the clerk.

Mr. SAURMAN. In that case, Mr. Speaker, I will withdraw it at this time.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Clymer, is recognized for an amendment. The gentleman, Mr. Clymer, withdraws his amendment. The Chair thanks the gentleman.

The gentleman from Westmoreland County, Herman Mihalich, is recognized for an amendment.

Mr. MIHALICH. Mr. Speaker, this amendment simply asks that the already existing provisions in the act be printed on the envelope, on the ballot envelope.

The SPEAKER. The Chair apologizes, must intercede at this moment.

The packet of amendments for the bill has yet to be distributed by the clerk. There are new amendments, and therefore, a new packet is being compiled.

Mrs. TAYLOR. Mr. Speaker?

The SPEAKER. The Chair recognizes the lady.

Mrs. TAYLOR. Mr. Speaker, are you going to post the bill on the board?

BILL PASSED OVER TEMPORARILY

The SPEAKER. We are going to go over the bill temporarily—

Mrs. TAYLOR. Thank you.

The SPEAKER. —and then return to the bill.

RESOLUTION

Mr. PETRONE called up **HR 58, PN 2062**, entitled:

A Resolution directing the Urban Affairs Committee to investigate the Philadelphia Housing Authority and other housing authorities as deemed necessary.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—202

Acosta	Farmer	Lloyd	Ryan
Adolph	Fee	Lucyk	Santoni
Allen	Fichter	Lynch	Sather
Argall	Fleagle	Maitland	Saurman
Armstrong	Flick	Manderino	Saylor
Baker	Freeman	Markosek	Scheetz
Barley	Gambie	Marsico	Schuler
Battisto	Gannon	Masland	Scrimenti
Bebko-Jones	Geist	Mayernik	Semmel
Belardi	George	McCall	Serafini
Belfanti	Gerlach	McGeehan	Smith, B.
Birmelin	Gigliotti	McNally	Smith, S. H.
Bishop	Gladeck	Melio	Snyder, D. W.
Blaum	Godshall	Merry	Staback
Boyes	Gordner	Michlovic	Stairs
Brown	Gruitza	Micozzie	Steelman
Bunt	Gruppo	Mihalich	Steighner
Bush	Haluska	Miller	Steil
Butkovitz	Hanna	Mundy	Stern
Buxton	Harley	Murphy	Stetler
Caltagirone	Hasay	Nailor	Stish
Cappabianca	Heckler	Nickol	Strittmatter
Carn	Hennessey	Nyce	Sturla
Carone	Herman	O'Brien	Surra
Cawley	Hershey	O'Donnell	Tangretti
Cessar	Hess	Olasz	Taylor, E. Z.
Chadwick	Hughes	Oliver	Taylor, J.
Civera	Hutchinson	Perzel	Thomas
Clark	Itkin	Pesci	Tigue
Clymer	Jadlowiec	Petrarca	Tomlinson
Cohen, L. I.	James	Petrone	Trello
Cohen, M.	Jarolin	Pettit	Trich
Colafrilla	Josephs	Phillips	True
Colaizzo	Kaiser	Piccola	Tulli
Cornell	Kasunic	Pistella	Uliana
Corrigan	Keller	Pitts	Vance
Coy	Kenney	Platts	Van Home
Curry	King	Preston	Veon
Daley	Kirkland	Raymond	Vitali
DeLuca	Krebs	Reber	Waugh
Dempsey	Kukovich	Reinard	Williams
Dent	LaGrotta	Richardson	Wogan
Dermody	Iaub	Rieger	Wozniak
Donatucci	Laughlin	Ritter	Wright, D. R.
Druce	Lawless	Roberts	Wright, M. N.
Durham	Lederer	Robinson	Yandrisevits
Egolf	Lee	Roebuck	Yewcic
Evans	Leh	Rohrer	Zug
Fairchild	Lescovitz	Rooney	
Fajt	Levdansky	Rubleby	DeWeese,
Fargo	Linton	Rudy	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—1

Cowell

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

CONSIDERATION OF HB 1097 CONTINUED

DECISION OF CHAIR RESCINDED

The SPEAKER. The Chair rescinds his announcement that HB 1097 is over for the day. The gentlelady from Philadelphia indicates that she is prepared to move this proposal.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. ARGALL reoffered the following amendments No. A2682:

Amend Title, page 1, line 11, by inserting after "elections,"

authorizing county boards of elections to place nonbinding referendums on ballots; and

Amend Bill, page 1, by inserting between lines 13 and 14 Section 1. Section 302 of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, is amended by adding a clause to read:

Section 302. Powers and Duties of County Boards.—The county boards of elections, within their respective counties, shall exercise, in the manner provided by this act, all powers granted to them by this act, and shall perform all the duties imposed upon them by this act, which shall include the following:

* * *

(p) To place nonbinding proposals on the ballot in a manner fairly representing the content of a petition for decision by referendum at an election.

Amend Sec. 1, page 1, lines 14 and 15, by striking out all of line 14, "as the Pennsylvania Election Code," in line 15 and inserting

Section 2. The act

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

3

On the question recurring,

Will the House agree to the amendments?

The SPEAKER. Mr. Argall is recognized on his amendment. The Chair thanks the gentleman for his indulgence.

Mr. ARGALL. Mr. Speaker, I have already explained the purpose of the amendment.

The SPEAKER. The gentleman, Mr. Sturla, is therefore recognized.

Mr. STURLA. Mr. Speaker, on the question I had earlier for Representative Argall, the question as to who determines what is fairly representing the content, he explained to me in the interim that it is the county board of elections that determines the fairness of this, and I guess my concern is that there would be a situation where the question could be placed on the ballot that would benefit the county board of elections and that they could in fact in any way phrase that question that they wanted to and determine that it was fairly representing the content of the petition. I guess I have a problem whenever there is control over your own destiny, and I believe that most referendum questions you can control the outcome by the way the question is worded.

So I guess I would oppose this amendment, just because I do not think it is clear enough in terms of determining who gets to fairly represent things.

The SPEAKER. Representative Josephs is recognized on the Argall amendment.

Ms. JOSEPHS. Thank you, Mr. Speaker.
I have no objection to this amendment.
The SPEAKER. The Chair thanks the lady.

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

The following roll call was recorded:

YEAS—201

Acosta	Farmer	Lloyd	Ryan
Adolph	Fee	Lucyk	Santoni
Ailen	Fichter	Lynch	Sather
Argall	Fleagle	Maitland	Saurman
Armstrong	Flick	Manderino	Saylor
Baker	Freeman	Markosek	Scheetz
Barley	Gamble	Marsico	Schuler
Battisto	Gannon	Masland	Scrimenti
Bebko-Jones	Geist	Mayernik	Semmel
Belardi	George	McCall	Serafini
Belfanti	Gerlach	McGeehan	Smith, B.
Birmelin	Gigliotti	McNally	Smith, S. H.
Bishop	Gladeck	Melio	Snyder, D. W.
Blaum	Godshall	Merry	Staback
Boyes	Gordner	Michlovic	Stairs
Brown	Gruitza	Micozzie	Steelman
Bunt	Gruppo	Mihalich	Steighner
Bush	Haluska	Miller	Steil
Butkovitz	Hanna	Mundy	Stern
Buxton	Harley	Murphy	Stetler
Caltagirone	Hasay	Nailor	Stish
Cappabianca	Heckler	Nickol	Strittmatter
Carn	Hennessey	Nyce	Surra
Carone	Herman	O'Brien	Tangretti
Cawley	Hershey	O'Donnell	Taylor, E. Z.
Cessar	Hess	Olasz	Taylor, J.
Chadwick	Hughes	Oliver	Thomas
Civera	Hutchinson	Perzel	Tigue
Clark	Itkin	Pesci	Tomlinson
Clymer	Jadlowiec	Petrarca	Trelo
Cohen, L. I.	James	Petrone	Trich
Cohen, M.	Jarolin	Pettit	True
Colafrilla	Josephs	Phillips	Tulli
Colaizzo	Kaiser	Piccola	Uliana
Cornell	Kasunic	Pistella	Vance
Corrigan	Keller	Pitts	Van Horne
Coy	Kenney	Platts	Veon
Curry	King	Preston	Vitali
Daley	Kirkland	Raymond	Waugh
DeLuca	Krebs	Reber	Williams
Dempsey	Kukovich	Reinard	Wogan
Dent	LaGrotta	Richardson	Wozniak
Dermody	Laub	Rieger	Wright, D. R.
Donatucci	Laughlin	Ritter	Wright, M. N.
Druce	Lawless	Roberts	Yandrisevits
Durham	Lederer	Robinson	Yewcic
Egolf	Lee	Roebuck	Zug
Evans	Leh	Rohrer	
Fairchild	Lescovitz	Rooney	DeWeese,
Fajt	Levdansky	Rubley	Speaker
Fargo	Linton	Rudy	

NAYS—1

Sturla

NOT VOTING—0

EXCUSED—1

Cowell

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. NICKOL offered the following amendments No. A2749:

Amend Sec. 1 (Sec. 1210.1), page 2, line 2, by inserting after "registration"

card and

Amend Sec. 1 (Sec. 1210.1), page 2, lines 4 and 5, by striking out all of line 4 and "form comprised of a paper ballot and registration affidavit." in line 5 and inserting day, the judge of election shall make a good faith attempt to verify the registration or ascertain if the elector resides or is properly registered in another election district. If the judge of election is unable to verify the registration, the elector, notwithstanding the provisions of section 1210(d), may fill out a standardized form comprised of a registration card and affidavit, along with a paper ballot.

Amend Sec. 1 (Sec. 1210.1), page 2, line 7, by inserting after "this"

standardized

On the question,

Will the House agree to the amendments?

The SPEAKER. Representative Nickol is recognized.

Mr. NICKOL. Thank you, Mr. Speaker.

The intent of HB 1097 is good. It is especially a problem in districts like mine which are growing and a problem in a district like the prime sponsor's where you have a high number of transient voters, where people show up at precincts once they register and they are unsure if they are registered at that precinct. The legislation would provide a mechanism where if they are unable to ascertain their registration, they can fill out a paper ballot and vote by paper ballot. That would be sent in to the county board of election and the county could determine if the person should properly have been registered there and can count the vote accordingly.

What my amendment does is try to clarify some of the provisions. At present in my district, for example, I have some rural routes in multiple districts, in multiple townships, in more than one county. So it is quite a frequent occurrence where someone shows up at the wrong polling place.

What I would like to do is make sure that the judge of elections still takes the initiative and tries to find where the person is properly registered to guide them there and, only if they are unable to do that, to allow the person to vote by paper ballot. My fear is without the clarifying language, it would become too easy, if someone is not in the district register, just to hand them the paper ballot to kind of get rid of them.

I would appreciate support of the amendment. Thank you.

The SPEAKER. Representative Josephs is recognized.

Ms. JOSEPHS. Thank you, Mr. Speaker.

Mr. Nickol and I have worked on this amendment and I only want permission to ask him one question in order to clarify the record about this amendment, if I may.

The SPEAKER. The lady is in order. The gentleman indicates he will stand for interrogation. The lady may proceed.

Ms. JOSEPHS. Thank you, Mr. Speaker.

Mr. Speaker, I just want to draw your attention to the first part of your amendment where you say "page 2, line 2," and would insert after the word "registration" the two words "card and" and ask you to explain why you have inserted those words so that we have a clarifying statement on the record.

Mr. NICKOL. Thank you. I will be glad to.

The staff on the State Government Committee advised me that the proper term for the item that we are talking about in the district register is a "registration card." That is the card-board or the heavy paper item in there in the district register, and on that card appears a registration affidavit which is signed by the voter. So I was told that the proper term would be to use the word "card," and rather than exclude the term "affidavit," the amendment simply inserts the word "card" but also retains the word "affidavit."

Ms. JOSEPHS. Thank you, Mr. Speaker.

Mr. Speaker, I am finished. I have no objection to this amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

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

The following roll call was recorded:

YEAS—200

Acosta	Farmer	Lucyk	Ryan
Adolph	Fee	Lynch	Santoni
Allen	Fichter	Maitland	Sather
Argall	Fleagle	Manderino	Saurman
Armstrong	Flick	Markosek	Saylor
Baker	Freeman	Marsico	Scheetz
Barley	Gamble	Masland	Schuler
Battisto	Gannon	Mayernik	Scrimenti
Bebko-Jones	Geist	McCall	Semmel
Belardi	George	McGeehan	Serafini
Belfanti	Gerlach	McNally	Smith, B.
Birmelin	Gigliotti	Melio	Smith, S. H.
Bishop	Gladeck	Merry	Snyder, D. W.
Blaum	Godshall	Michlovic	Staback
Boyes	Gordner	Micozzie	Stairs
Brown	Gruitza	Mihalich	Steelman
Bunt	Gruppo	Miller	Steighner
Bush	Haluska	Mundy	Steil
Butkovitz	Hanna	Murphy	Stern
Buxton	Harley	Nailor	Stetler
Caltagirone	Hasay	Nickol	Stish
Cappabianca	Heckler	Nyce	Strittmatter
Carn	Hennessey	O'Brien	Sturla
Carone	Herman	O'Donnell	Surra
Cawley	Hershey	Olasz	Tangretti
Cessar	Hess	Oliver	Taylor, E. Z.
Chadwick	Hughes	Perzel	Taylor, J.
Civera	Hutchinson	Pesci	Thomas
Clark	Itkin	Petrarca	Tigue
Clymer	Jadlowiec	Petrone	Tomlinson
Cohen, L. I.	James	Petit	Trello
Cohen, M.	Jarolin	Phillips	True

Colafella	Josephs	Piccola	Tulli
Colaizzo	Kaiser	Pistella	Uliana
Cornell	Kasunic	Pitts	Vance
Corrigan	Keller	Platts	Van Home
Coy	King	Preston	Veon
Curry	Kirkland	Raymond	Vitali
Daley	Krebs	Reber	Waugh
DeLuca	Kukovich	Reinard	Williams
Dempsey	LaGrotta	Richardson	Wogan
Dent	Laub	Rieger	Wozniak
Dermody	Laughlin	Ritter	Wright, D. R.
Donatucci	Lawless	Roberts	Wright, M. N.
Druce	Lederer	Robinson	Yandrisevits
Durham	Lee	Roebuck	Yewcic
Egolf	Leh	Rohrer	Zug
Evans	Lescovitz	Rooney	
Fairchild	Levdansky	Rubley	DeWeese,
Fajt	Linton	Rudy	Speaker
Fargo	Lloyd		

NAYS—0

NOT VOTING—2

Kenney Trich

EXCUSED—1

Cowell

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

The SPEAKER. For the attention of the members, it is the intention of the majority leader to move legislation until 1 o'clock, at which time we will break for lunch.

The Chair wanted to make that announcement so that your afternoon plans could be drawn accordingly.

On the question recurring,

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

Mr. HASAY offered the following amendments No. A2820:

Amend Title, page 1, line 11, by inserting after "providing" for school directors' affidavits and

Amend Bill, page 1, lines 14 through 16, by striking out all of said lines and inserting

Section 1. Section 910 of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, amended February 19, 1986 (P.L.29, No.11), is amended to read:

Section 910. Affidavits of Candidates.—Each candidate for any State, county, city, borough, incorporated town, township, ward, school district, poor district, election district, party office, party delegate or alternate, or for the office of United States Senator or Representative in Congress, shall file with his nomination petition his affidavit stating—(a) his residence, with street and number, if any, and his post-office address; (b) his election district, giving city, borough, town or township; (c) the name of the office for which he consents to be a candidate; (d) that he is eligible for such office; (e) that he will not knowingly violate any provision of this act, or of any law regulating and limiting nomination and election expenses and prohibiting corrupt practices in connection therewith; (f) unless he is a candidate for judge of a court of common pleas, the Philadelphia Municipal Court or the Traffic Court of Philadelphia, or for the office of school director in a district where that office is elective or for the office of justice of the peace that he is not a candidate for nomination for the same

office of any party other than the one designated in such petition; (g) if he is a candidate for a delegate, or alternate delegate, member of State committee, National committee or party officer, that he is a registered and enrolled member of the designated party; (h) if he is a candidate for delegate or alternate delegate the presidential candidate to whom he is committed or the term "uncommitted"; and (i) that he is aware of the provisions of section 1626 of this act requiring pre-election and post-election reporting of campaign contributions and expenditures. In cases of petitions for candidates for the General Assembly, the candidate's affidavit shall state (1) that the candidate will satisfy the eligibility requirements contained in sections 5 and 7 of Article II of the Constitution of Pennsylvania; (2) (i) that in the case of a candidate for the office of Senator in the General Assembly that the candidate will be twenty-five (25) years of age on or before the first day of the term for which the candidate seeks election or (ii) that in the case of a candidate for the office of Representative in the General Assembly that the candidate will be twenty-one (21) years of age on or before the first day of the term for which the candidate seeks election; (3) that the candidate shall have been a citizen and inhabitant of Pennsylvania four (4) years and an inhabitant of the respective district one (1) year next before the election (unless absent on the public business of the United States or of this State); and (4) that the candidate has not been convicted of embezzlement of public moneys, bribery, perjury or other infamous crime. In cases of petitions for delegate and alternate delegate to National conventions, the candidate's affidavit shall state that his signature to the delegate's statement, as hereinafter set forth, if such statement is signed by said candidate, was affixed to the sheet or sheets of said petition prior to the circulation of same. In the case of a candidate for nomination as President of the United States, it shall not be necessary for such candidate to file the affidavit required in this section to be filed by candidates, but the post-office address of such candidate shall be stated in such nomination petition. In the case of a candidate for school director, the candidate's affidavit shall state that he is not a candidate for nomination for the same office for any term other than the one designated in the petition.

Section 2. The act is amended by adding a section to read:
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 the amendment, the gentleman, Mr. Hasay, is recognized.

Mr. HASAY. Thank you, Mr. Speaker.

Mr. Speaker, what this amendment says is a school director candidate can only run for one school director position on the ballot. This clarifies it for the voter where you see that school directors that crossfile are crossfiling for 4-year terms and 2-year terms. This says that they only can crossfile and file for one school director position at a time.

The amendment has been agreed to by the prime sponsor, and I would appreciate your support. Thank you.

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

The following roll call was recorded:

YEAS—194

Acosta	Farmer	Levdansky	Ryan
Adolph	Fee	Linton	Santoni
Allen	Fichter	Lucyk	Sather
Argall	Fleagle	Lynch	Saurman

Armstrong	Flick	Maitland	Saylor
Baker	Freeman	Manderino	Scheetz
Barley	Gamble	Markosek	Schuler
Battisto	Gannon	Marsico	Scrimenti
Bebko-Jones	Geist	Masland	Semmel
Belardi	George	Mayernik	Serafini
Belfanti	Gerlach	McCall	Smith, B.
Birmelin	Gigliotti	McGeehan	Smith, S. H.
Bishop	Gladeck	McNally	Snyder, D. W.
Blaum	Godshall	Melio	Staback
Boyes	Gordner	Merry	Stairs
Brown	Gruitza	Michlovic	Steighner
Bunt	Gruppo	Micozzie	Steil
Bush	Haluska	Miller	Stern
Butkovitz	Hanna	Mundy	Stetler
Buxton	Harley	Murphy	Stish
Caltagirone	Hasay	Nailor	Strittmatter
Cappabianca	Heckler	Nickol	Sturla
Carn	Hennessey	Nyce	Surra
Carone	Herman	O'Brien	Tangretti
Cawley	Hershey	O'Donnell	Taylor, E. Z.
Cessar	Hess	Olasz	Taylor, J.
Chadwick	Hughes	Oliver	Thomas
Civera	Hutchinson	Perzel	Tigue
Clark	Itkin	Petrarca	Tomlinson
Clymer	Jadlowiec	Petrone	Trello
Cohen, L. I.	James	Pettit	Trich
Cohen, M.	Jarolin	Phillips	True
Colaella	Josephs	Piccola	Tulli
Colaizzo	Kaiser	Pistella	Uliana
Cornell	Kasunic	Pitts	Vance
Corrigan	Keller	Platts	Van Horne
Coy	Kenney	Raymond	Veon
Curry	King	Reber	Vitali
Daley	Kirkland	Reinard	Waugh
DeLuca	Krebs	Richardson	Wogan
Dempsey	Kukovich	Rieger	Wozniak
Dent	LaGrotta	Ritter	Wright, D. R.
Donatucci	Laub	Roberts	Wright, M. N.
Druce	Laughlin	Robinson	Yandrisevits
Durham	Lawless	Roebuck	Yewcic
Egolf	Lederer	Rohrer	Zug
Evans	Lee	Rooney	
Fairchild	Leh	Rublely	DeWeese,
Fargo	Lescovitz	Rudy	Speaker

NAYS—7

Dermody	Lloyd	Pesci	Steelman
Fajt	Mihalich	Preston	

NOT VOTING—1

Williams

EXCUSED—1

Cowell

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?

Ms. CARONE offered the following amendments No. A2869:

Amend Title, page 1, line 11, by inserting after "elections,"

further providing for the signing of nomination petitions; and

Amend Bill, page 1, lines 14 through 16, by striking out all of said lines and inserting

Section 1. Section 908 of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, amended August 13, 1963 (P.L.707, No.379), is amended to read:

Section 908. Manner of Signing Nomination Petitions; Time of Circulating.—Each signer of a nomination petition shall sign but one such petition for each office to be filled, and shall declare therein that he is a registered and enrolled member of the party designated in such petition: *Provided, however, That where there are to be elected two or more persons to the same office, each signer may sign petitions for as many candidates for such office as, and no more than, he could vote for at the succeeding election. He shall also declare therein that he is a qualified elector of the county therein named, and in case the nomination is not to be made or candidates are not to be elected by the electors of the State at large, or the political district therein named, in which the nomination is to be made or the election is to be held. He shall add his [occupation and] residence, giving city, borough or township, with street and number, if any, and shall add the date of signing, expressed in words or numbers: Provided, however, That if the said political district named in the petition lies wholly within any city, borough or township, or is coextensive with same, it shall not be necessary for any signer of a nomination petition to state therein the city, borough or township of his residence. No nomination petition shall be circulated prior to the thirteenth Tuesday before the primary, and no signature shall be counted unless it bears a date affixed not earlier than the thirteenth Tuesday nor later than the tenth Tuesday prior to the primary.*

Section 2. The act is amended by adding a section to read:

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

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On the question,

Will the House agree to the amendments?

The SPEAKER. The gentlelady, Ms. Carone, is recognized.

Ms. CARONE. Mr. Speaker, this has not been distributed yet. The amendment is not on their desks.

The SPEAKER. The Chair thanks the lady.

BILL PASSED OVER TEMPORARILY

The SPEAKER. Without objection, the House will go over the bill, as amended, temporarily. We will return to the bill as soon as it has been distributed.

FILMING PERMISSION

The SPEAKER. For the attention of the members, Andy Gastmeyer and Steve Hutsko of WPXI television in Pittsburgh, channel 11, will be filming with their audio equipment during general coverage of today's debate.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 1647, PN 1900**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, repealing provisions relating to certain appeals from the Pennsylvania Labor Relations Board.

On the question,

Will the House agree to the bill on third consideration?

Mr. SAURMAN offered the following amendments No. A2675:

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

Amending the act of June 1, 1937 (P.L.1168, No.294), entitled "An act to protect the right of employes to organize and bargain collectively; creating the Pennsylvania Labor Relations Board; conferring powers and imposing duties upon the Pennsylvania Labor Relations Board, officers of the State government, and courts; providing for the right of employes to organize and bargain collectively; declaring certain labor practices by employers to be unfair; further providing that representatives of a majority of the employes be the exclusive representatives of all the employes; authorizing the board to conduct hearings and elections, and certify as to representatives of employes for purposes of collective bargaining; empowering the board to prevent any person from engaging in any unfair labor practice, and providing a procedure for such cases, including the issuance of a complaint, the conducting of a hearing, and the making of an order; empowering the board to petition a court of common pleas for the enforcement of its order, and providing a procedure for such cases; providing for the review of an order of the board by a court of common pleas on petition of any person aggrieved by such order, and establishing a procedure for such cases; providing for an appeal from the common pleas court to the Supreme Court; providing the board with investigatory powers, including the power to issue subpoenas and the compelling of obedience to them through application to the proper court; providing for service of papers and process of the board; prescribing certain penalties," further providing for the Pennsylvania Labor Relations Board; and making a repeal.

Amend Bill, page 1, lines 7 and 8, by striking out all of said lines and inserting

Section 1. Section 4 of the act of June 1, 1937 (P.L.1168, No.294), known as the Pennsylvania Labor Relations Act, amended June 9, 1939 (P.L.293, No.162), May 3, 1943 (P.L.148, No.75), May 11, 1949 (P.L.1221, No.369), October 12, 1990 (P.L.529, No.127) and repealed in part July 31, 1968 (P.L.769, No.240), is amended to read:

Section 4. Pennsylvania Labor Relations Board Created.—(a) There is hereby created a departmental administrative board in the department, to be known as the "Pennsylvania Labor Relations Board" (hereinafter referred to as the "Board"), which shall be composed of three members who shall be appointed by the Governor, but with the advice and consent of two-thirds of all the members of the Senate. Each member of the board at the time of his appointment shall be a citizen of the United States and a resident of the Commonwealth of Pennsylvania, and shall have been a qualified elector in the Commonwealth for a period of at least one year next preceding his appointment. Each member of the board shall be knowledgeable in the area of labor relations and shall possess the reputation for integrity and impartiality necessary to protect the public interest. Not more than two members shall be representatives of management, and not more than two members shall be representatives of labor. No member of the board during his period of service as such shall hold any other office under the law of this Commonwealth or of the United States. One of the original members shall be appointed for a term of two years, one for a term of four years, and one for a term of six years, but their successors shall be appointed for terms of six years each, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he is to succeed. The Governor shall designate one member to serve as chairman of the board.

(b) A vacancy in the board shall not impair the right of the remaining members to exercise all the powers of the board, and two members of the board shall at all times constitute a quorum.

The board shall have an official seal, of which courts shall take judicial notice.

(c) The board shall at the end of every year make a report, in writing, to the Governor, stating in detail the work it has done in hearing and deciding cases, and otherwise, and it shall sign and report in full an opinion in every case decided by it.

(d) The chairman and members of the board shall receive such salaries as the Executive Board shall determine. The members of the board shall be eligible for reappointment. The employes of the board shall be appointed by the Secretary of Labor and Industry, with the approval of the Governor. The board may establish or use such voluntary and uncompensated services as may, from time to time, be needed.

(e) The principal office of the board shall be in the city of Harrisburg, but it may meet and exercise any or all of its powers at any place. The board may, by one or more of its members, or by such agents as it may designate, prosecute in any part of this Commonwealth any inquiry necessary to performance of its functions. A member who participates in such an inquiry shall not be disqualified from subsequently participating in a decision of the board in the same case. Nothing in this act shall be construed to authorize the board to appoint individuals for the purpose of conciliation, mediation or arbitration (or for statistical work), where such service may be obtained from the Department of Labor and Industry.

(f) The board, by and with the approval of the Secretary of Labor and Industry, shall have authority, from time to time, to make, amend, and rescind such rules and regulations as may be necessary to carry out the provisions of this act.

(g) The board, by and with the approval of the Secretary of Labor and Industry, shall have authority to cooperate with other agencies, including any agency of the United States or of another state, in all matters concerning the powers and duties of the board under this act and particularly in relation to agreements providing for the ceding to the board by the National Labor Relations Board of jurisdiction over any cases in any industry (other than mining, manufacturing, communications and transportation, except where predominantly local in character).

Section 2. The provisions of 42 Pa.C.S. § 933(a)(1)(vii) are repealed.

Amend Sec. 2, page 1, line 10, by striking out "2" and inserting

3

Amend Sec. 2, page 1, line 12, by striking out "THIS ACT" and inserting

the repeal of 42 Pa.C.S. § 933(a)(1)(vii)

Amend Bill, page 1, line 13, by striking out all of said line and inserting

Section 4. Board members currently serving on the effective date of this act shall continue in office until the expiration of their respective terms.

Section 5. This act shall take effect as follows:

(1) The following provisions shall take effect in 90 days:

(i) The repeal of 42 Pa.C.S. § 933(a)(1)(vii).

(ii) Section 3 of this act.

(2) The amendment of section 4 of the act shall take effect in 60 days.

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

On the question,

Will the House agree to the amendments?

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

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, it is my understanding that this is an agreed-to amendment. It is an amendment that promotes fairness in the Pennsylvania Labor Relations Board. Currently, that board

consists of three members of union organizations. This amendment would simply say that no more than two members of either management or labor could serve on that board.

I would appreciate your support.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—200

Acosta	Fee	Lucyk	Ryan
Adolph	Fichter	Lynch	Santoni
Allen	Fleagle	Maitland	Sather
Argall	Flick	Manderino	Saurman
Armstrong	Freeman	Markosek	Saylor
Baker	Gamble	Marsico	Scheetz
Barley	Gannon	Masland	Schuler
Battisto	Geist	Mayernik	Scrimenti
Bebko-Jones	George	McCall	Semmel
Belardi	Gerlach	McGeehan	Serafini
Belfanti	Gigliotti	McNally	Smith, B.
Birmelin	Gladeck	Melio	Smith, S. H.
Bishop	Godshall	Merry	Snyder, D. W.
Blaum	Gordner	Michlovic	Staback
Boyes	Gruitza	Micozzie	Stairs
Brown	Gruppo	Mihalich	Steelman
Bunt	Haluska	Miller	Steil
Bush	Hanna	Mundy	Stern
Butkovitz	Harley	Murphy	Stetler
Buxton	Hasay	Nailor	Stish
Caltagirone	Heckler	Nickol	Strittmatter
Cappabianca	Hennessey	Nyce	Sturla
Carn	Herman	O'Brien	Surra
Carone	Hershey	O'Donnell	Tangretti
Cawley	Hess	Olasz	Taylor, E. Z.
Cessar	Hughes	Oliver	Taylor, J.
Chadwick	Hutchinson	Perzel	Thomas
Civera	Itkin	Pesci	Tigue
Clark	Jadlowiec	Petrarca	Tomlinson
Clymer	James	Petrone	Trello
Cohen, M.	Jarolin	Pettit	Trich
Colafiglia	Josephs	Phillips	True
Colaizzo	Kaiser	Piccola	Tullio
Cornell	Kasunic	Pistella	Uliana
Corrigan	Keller	Pitts	Vance
Coy	Kenney	Platts	Van Horne
Curry	King	Preston	Veon
Daley	Kirkland	Raymond	Vitali
DeLuca	Krebs	Reber	Waugh
Dempsey	Kukovich	Reinard	Williams
Dent	LaGrotta	Richardson	Wogan
Dermody	Laub	Rieger	Wozniak
Donatucci	Laughlin	Ritter	Wright, D. R.
Druce	Lawless	Roberts	Wright, M. N.
Durham	Lederer	Robinson	Yandrisevits
Egolf	Lee	Roebuck	Yewcic
Evans	Leh	Rohrer	Zug
Fairchild	Lescovitz	Rooney	
Fajt	Levdansky	Rubley	DeWeese,
Fargo	Linton	Rudy	Speaker
Farmer	Lloyd		

NAYS—0

NOT VOTING—2

Cohen, L. I. Steighner

EXCUSED—1

Cowell

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. SAURMAN offered the following amendments No. A2674:

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

Amending the act of June 1, 1937 (P.L.1168, No.294), entitled "An act to protect the right of employes to organize and bargain collectively; creating the Pennsylvania Labor Relations Board; conferring powers and imposing duties upon the Pennsylvania Labor Relations Board, officers of the State government, and courts; providing for the right of employes to organize and bargain collectively; declaring certain labor practices by employers to be unfair; further providing that representatives of a majority of the employes be the exclusive representatives of all the employes; authorizing the board to conduct hearings and elections, and certify as to representatives of employes for purposes of collective bargaining; empowering the board to prevent any person from engaging in any unfair labor practice, and providing a procedure for such cases, including the issuance of a complaint, the conducting of a hearing, and the making of an order; empowering the board to petition a court of common pleas for the enforcement of its order, and providing a procedure for such cases; providing for the review of an order of the board by a court of common pleas on petition of any person aggrieved by such order, and establishing a procedure for such cases; providing for an appeal from the common pleas court to the Supreme Court; providing the board with investigatory powers, including the power to issue subpoenas and the compelling of obedience to them through application to the proper court; providing for service of papers and process of the board; prescribing certain penalties," further providing for the Pennsylvania Labor Relations Board; and making a repeal.

Amend Bill, page 1, lines 7 and 8, by striking out all of said lines and inserting

Section 1. Section 4 of the act of June 1, 1937 (P.L.1168, No.294), known as the Pennsylvania Labor Relations Act, amended June 9, 1939 (P.L.293, No.162), May 3, 1943 (P.L.148, No.75), May 11, 1949 (P.L.1221, No.369), October 12, 1990 (P.L.529, No.127) and repealed in part July 31, 1968 (P.L.769, No.240), is amended to read:

Section 4. Pennsylvania Labor Relations Board Created.—(a) There is hereby created a departmental administrative board in the department, to be known as the "Pennsylvania Labor Relations Board" (hereinafter referred to as the "Board"), which shall be composed of three members who shall be appointed by the Governor, but with the advice and consent of two-thirds of all the members of the Senate. Each member of the board at the time of his appointment shall be a citizen of the United States and a resident of the Commonwealth of Pennsylvania, and shall have been a qualified elector in the Commonwealth for a period of at least one year next preceding his appointment. No member of the board during his period of service as such shall hold any other office under the law of this Commonwealth or of the United States. No member of the board during his period of service shall be employed by the Commonwealth, a political subdivision or an instrumentality of either. No member of the board during his period of service shall be an officer, employe or representative of a public employer or employe organization, as defined in section

301(1) and (3) of the act of July 23, 1970 (P.L.563, No.195), known as the "Public Employee Relations Act": Provided, That mere membership in an employe organization shall not constitute representation of the employe organization. One of the original members shall be appointed for a term of two years, one for a term of four years, and one for a term of six years, but their successors shall be appointed for terms of six years each, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he is to succeed. The Governor shall designate one member to serve as chairman of the board.

(b) A vacancy in the board shall not impair the right of the remaining members to exercise all the powers of the board, and two members of the board shall at all times constitute a quorum. The board shall have an official seal, of which courts shall take judicial notice.

(c) The board shall at the end of every year make a report, in writing, to the Governor, stating in detail the work it has done in hearing and deciding cases, and otherwise, and it shall sign and report in full an opinion in every case decided by it.

(d) The chairman and members of the board shall receive such salaries as the Executive Board shall determine. The members of the board shall be eligible for reappointment. The employes of the board shall be appointed by the Secretary of Labor and Industry, with the approval of the Governor. The board may establish or use such voluntary and uncompensated services as may, from time to time, be needed.

(e) The principal office of the board shall be in the city of Harrisburg, but it may meet and exercise any or all of its powers at any place. The board may, by one or more of its members, or by such agents as it may designate, prosecute in any part of this Commonwealth any inquiry necessary to performance of its functions. A member who participates in such an inquiry shall not be disqualified from subsequently participating in a decision of the board in the same case. Nothing in this act shall be construed to authorize the board to appoint individuals for the purpose of conciliation, mediation or arbitration (or for statistical work), where such service may be obtained from the Department of Labor and Industry.

(f) The board, by and with the approval of the Secretary of Labor and Industry, shall have authority, from time to time, to make, amend, and rescind such rules and regulations as may be necessary to carry out the provisions of this act.

(g) The board, by and with the approval of the Secretary of Labor and Industry, shall have authority to cooperate with other agencies, including any agency of the United States or of another state, in all matters concerning the powers and duties of the board under this act and particularly in relation to agreements providing for the ceding to the board by the National Labor Relations Board of jurisdiction over any cases in any industry (other than mining, manufacturing, communications and transportation, except where predominantly local in character).

Section 2. The provisions of 42 Pa.C.S. § 933(a)(1)(vii) are repealed.

Amend Sec. 2, page 1, line 10, by striking out "2" and inserting

3

Amend Sec. 2, page 1, line 12, by striking out "THIS ACT" and inserting

the repeal of 42 Pa.C.S. § 933(a)(1)(vii)

Amend Bill, page 1, line 13, by striking out all of said line and inserting

Section 4. Board members currently serving on the effective date of this act shall continue in office until the expiration of their respective terms.

Section 5. This act shall take effect as follows:

(1) The following provisions shall take effect in 90 days:

(i) The repeal of 42 Pa.C.S. § 933(a)(1)(vii).

(ii) Section 3 of this act.

(2) The amendment of section 4 of the act shall take effect in 60 days.

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

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

The SPEAKER. The Chair recognizes the gentleman from Montgomery County.

Mr. SAURMAN. Mr. Speaker, this amendment is offered in the interests of, again, fairness in that under the present circumstances, because of the positions held by the three members of the board, they currently hold high positions in the unions, and it is felt that that should not be the case either with regard to the union aspect or to the management or business side, that one who is a CEO (chief executive officer) should not be on this board and one who is in high office, because of the potential of conflict of interest.

I would like to point out, Mr. Speaker, that this amendment does include a grandfather clause so that it will not affect the present makeup of the board but simply direct Governors in the future to refrain from appointing persons who would create this kind of a conflict.

We would appreciate once again your support. Thank you.

The SPEAKER. The gentleman, Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

While I supported the earlier Saurman amendment, I am opposing this amendment. The Department of Labor and Industry is not in favor of it; neither is the administration.

I believe that the amendment originally was going to be one single piece of legislation. It was split into two, with support from myself and the Department of Labor on the previously adopted amendment and opposition on this one.

I would urge a "no" vote.

The SPEAKER. On the amendment, the gentleman, Mr. Saurman, is recognized for the second time.

Mr. SAURMAN. Thank you, Mr. Speaker.

First, I would like to thank Representative Belfanti for his cooperation on the first part of this amendment and, secondly, just ask that individuals consider this issue of conflict of interest and vote their own particular conscience rather than be dictated to by the department or the administration. Thank you, Mr. Speaker.

The SPEAKER. On the amendment, the gentleman, Mr. Pistella, is recognized.

Mr. PISTELLA. Thank you, Mr. Speaker.

Mr. Speaker, this is not the first time that this legislation has come before us where an attempt has been made to take a member of both a political subdivision and a bargaining unit representative, a person that may in fact be one and the same, and remove them from the position of serving on the Pennsylvania Labor Relations Board. This legislation has been before us in a number of different ways, both as an individual bill and as an amendment. I can only stand here and say to you that I think that this is a mean-spirited attempt to characterize men and women in the labor movement, those men and women that might be public employees that make a sincere effort to participate in government.

If you want to take the logic behind this amendment and take it a step further, one could rationally stand before you and say, why do we not turn around then and prohibit physicians from serving on the board that oversees the physician licensure? Why do we not turn around and make sure that we do not have men and women that sell insurance or work as insurance brokers in this State serve on the board that licenses insurance brokers or insurance agents? Why do we not turn around and say that we are not going to have nurses serve on the board that licenses or participates in the oversight of the practice of licensing nurses in this State?

I think that the men and women of the labor movement serve a very real and important function and have a contribution to make to this Commonwealth. They certainly have the expertise. Though we may not agree with them on every case that might come before them, they certainly have a viable and important role to play in advising State government as to how it should function, no less important than the role that lawyers play, doctors play, nurses play, and other professionals play in the oversight of those functions that affect them in one way, shape, or another.

I would encourage the defeat of the Saurman amendment. I think it is ludicrous of us to stand here and attempt to entertain this legislation as being nothing more than a mean-spirited attempt to attack one or two individuals in this State.

I urge you to vote against this amendment.

The SPEAKER. The Chair thanks the gentleman from Bloomfield and recognizes Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Pistella explained in very understandable detail and rationale as to why this language should be opposed. I would just like to add one or two quick points, and that is, again, with the passage or the adoption of the previous Saurman amendment, we are now guaranteeing that the Pennsylvania Labor Relations Board will have a representative of the corporate sector appointed to the board upon the expiration of the next term. That, I believe, is something good that we have done. In the case of a Republican Governor, should he select two members from the corporate community to be appointed to the Labor Relations Board, there will now be a labor representative, and again, it would be ludicrous for us to say what office that labor representative can or cannot hold and still serve in the capacity on the Pennsylvania Labor Relations Board.

So for those reasons, Mr. Speaker, I would urge members from both sides of the aisle to reject this Saurman amendment. Thank you.

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

The following roll call was recorded:

YEAS—83

Adolph	Farmer	Leh	Ryan
Armstrong	Fichter	Lynch	Sather
Baker	Fleagle	Maitland	Saurman
Barley	Flick	Marsico	Saylor

Birmelin	Gannon	Masland	Scheetz
Brown	Geist	Merry	Schuler
Bunt	Gerlach	Micozzie	Smith, B.
Bush	Gladeck	Miller	Smith, S. H.
Cessar	Godshall	Nailor	Steil
Chadwick	Harley	Nickol	Stern
Civera	Heckler	O'Brien	Strittmatter
Clark	Hennessey	Perzel	Taylor, E. Z.
Clymer	Herman	Pettit	Taylor, J.
Cohen, L. I.	Hershey	Phillips	Tomlinson
Cornell	Hess	Piccola	True
Dempsey	Hutchinson	Pitts	Tulli
Druce	Jadlowiec	Platts	Vance
Durham	King	Raymond	Waugh
Egolf	Laub	Reinard	Wright, M. N.
Fairchild	Lawless	Rohrer	Zug
Fargo	Lee	Rubley	

NAYS—118

Acosta	Fee	Lucyk	Santoni
Allen	Freeman	Mandcrino	Scrimenti
Argall	Gamble	Markosek	Semmel
Battisto	George	Mayernik	Serafini
Bebko-Jones	Gigliotti	McCall	Snyder, D. W.
Belardi	Gordner	McGeehan	Staback
Belfanti	Gruitza	McNally	Stairs
Bishop	Gruppo	Melio	Steelman
Blaum	Haluska	Michlovic	Steighner
Boyes	Hanna	Mihalich	Stetler
Butkovitz	Hasay	Mundy	Stish
Buxton	Hughes	Murphy	Sturla
Caltagirone	Itkin	Nyce	Surra
Cappabianca	James	O'Donnell	Tangretti
Carn	Jarolin	Olasz	Tigue
Carone	Josephs	Oliver	Trello
Cawley	Kaiser	Pesci	Trich
Cohen, M.	Kasunic	Petrarca	Uliana
Colafella	Keller	Petrone	Van Home
Colaizzo	Kenney	Pistella	Veon
Corrigan	Kirkland	Preston	Vitali
Coy	Krebs	Reber	Williams
Curry	Kukovich	Richardson	Wogan
Daley	LaGrotta	Rieger	Wozniak
DeLuca	Laughlin	Ritter	Wright, D. R.
Dent	Lederer	Roberts	Yandrisevits
Dermody	Lescovitz	Robinson	Yewcic
Donatucci	Levdansky	Roebuck	
Evans	Linton	Rooney	DeWeese,
Fajt	Lloyd	Rudy	Speaker

NOT VOTING—1

Thomas

EXCUSED—1

Cowell

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

PARLIAMENTARY INQUIRY

Mr. BELFANTI. Mr. Speaker?

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

Mr. BELFANTI. Thank you, Mr. Speaker.
For a point of parliamentary inquiry.

The SPEAKER. The gentleman may proceed.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, given the fact that the first Saurman amendment removed Title 42 from the title of this legislation and therefore made it a freestanding act, would not the remaining amendments drafted to this legislation be out of order and in fact not germane to the bill, and I am not sure that any of them can be redrafted to a freestanding act since they are all Title 42-related amendments.

The SPEAKER. The gentleman is correct. These amendments are out of order.

Mr. BELFANTI. Thank you, Mr. Speaker. Could we then move to final passage of the legislation?

The SPEAKER. Yes.

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?

PARLIAMENTARY INQUIRY

The SPEAKER. The gentleman, Mr. Masland, from Carlisle is recognized.

Mr. MASLAND. Mr. Speaker, a parliamentary inquiry.

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

Mr. MASLAND. I would like to know if we can reconsider that last amendment, and I would like an explanation as to why all other amendments were ruled out of order as being nongermane.

The SPEAKER. A reconsideration motion is certainly in order, and the leadership of the caucus can inform you as to that process and you can forward that to the desk immediately. I will answer your second question momentarily.

Mr. MASLAND. Mr. Speaker, I would like to challenge the ruling of the Chair that these other amendments are nongermane.

The SPEAKER. Will the gentleman yield momentarily?

Mr. MASLAND. Yes.

The SPEAKER. The answer to the gentleman, at least for the record, and then I will recognize you on a challenge to the Chair, but Mr. Saurman's action changed the measure from a Title 42 proposal to a freestanding bill. All of the amendments that were prepared were prepared for a Title 42 proposal, therefore not germane to a freestanding bill.

For the record, the Chair wanted to make sure that was shared, and now the gentleman, Mr. Masland, is recognized.

Mr. MASLAND. Thank you, Mr. Speaker. I understand.

The SPEAKER. Does the gentleman withdraw his appeal to the ruling of the Chair?

Mr. MASLAND. Yes, I do, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,
Shall the bill pass finally?

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

YEAS—185

Acosta	Fajt	Levdansky	Roebuck
Adolph	Fargo	Linton	Rohrer
Allen	Farmer	Lloyd	Rooney
Argall	Fee	Lucyk	Rudy
Armstrong	Fichter	Lynch	Ryan
Baker	Fleagle	Maitland	Santoni
Barley	Flick	Manderino	Saurman
Battisto	Freeman	Markosek	Scrimenti
Bebko-Jones	Gamble	Marsico	Semmel
Belardi	Geist	Masland	Smith, B.
Belfanti	George	Mayernik	Smith, S. H.
Birmelin	Gigliotti	McCall	Snyder, D. W.
Bishop	Gladeck	McGeehan	Staback
Blaum	Godshall	McNally	Stairs
Boyes	Gordner	Melio	Steelman
Brown	Gruitza	Merry	Steighner
Bunt	Gruppo	Michlovic	Steil
Bush	Haluska	Micozzie	Stetler
Butkovitz	Hanna	Mihalich	Stish
Buxton	Harley	Miller	Sturla
Caltagirone	Hasay	Mundy	Surra
Cappabianca	Heckler	Murphy	Tangretti
Cam	Herman	Nailor	Taylor, E. Z.
Carone	Hershey	Nickol	Taylor, J.
Cawley	Hess	Nyce	Thomas
Cessar	Hutchinson	O'Brien	Tigue
Chadwick	Itkin	O'Donnell	Tomlinson
Civera	Jadlowiec	Olasz	Trello
Clymer	James	Oliver	Trich
Cohen, L. I.	Jarolin	Perzel	Tulli
Cohen, M.	Josephs	Pesci	Uliana
Colafiglia	Kaiser	Petrarca	Vance
Colaizzo	Kasunic	Petrone	Van Home
Cornell	Keller	Pettit	Veon
Corrigan	Kenney	Phillips	Vitali
Coy	King	Piccola	Waugh
Curry	Kirkland	Pistella	Williams
Daley	Krebs	Pitts	Wogan
DeLuca	Kukovich	Platts	Wozniak
Dempsey	LaGrotta	Preston	Wright, D. R.
Dent	Laub	Raymond	Wright, M. N.
Dermody	Laughlin	Reinard	Yandrisevits
Donatucci	Lawless	Richardson	Yewic
Druce	Lederer	Rieger	
Durham	Lee	Ritter	DeWeese, Speaker
Egolf	Leh	Roberts	
Evans	Lescovitz	Robinson	

NAYS—13

Clark	Rubley	Scheetz	Strittmatter
Fairchild	Sather	Schuler	True
Gerlach	Saylor	Stern	Zug
Hennessey			

NOT VOTING—4

Gannon	Hughes	Reber	Serafini
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EXCUSED—1

Cowell

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.

CONSIDERATION OF HB 1097 CONTINUED

The SPEAKER. Returning to page 7 of today's calendar, HB 1097, PN 1191. Representative Carone of Butler County had an amendment, which the clerk read. The amendment has now been distributed.

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

The SPEAKER. The Chair recognizes Representative Carone.

Ms. CARONE. Thank you, Mr. Speaker, and thank you, members, for indulging while we waited for the amendment to be passed out.

This amendment simply does one thing to the nominating petition that we carry out as persons seeking elected office. It removes the category called "occupation." I have discovered many times that I have used the petition that some folks simply do not want to give their occupation, or more likely, they are out of work or unemployed or someone who has not worked and they hesitate as to what to put down.

I do not think it is critical that we need to know what a person's occupation is to allow them as a registered voter to sign petitions for persons seeking elected office. So I would appreciate support of this amendment to remove the category "occupation." Thank you.

The SPEAKER. The Chair thanks the lady.

The gentlelady, Ms. Josephs, is recognized.

Ms. JOSEPHS. Mr. Speaker, thank you.

I have no objection to this amendment.

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

Mr. McNALLY. Mr. Speaker, would the maker of the amendment stand for a brief interrogation?

The SPEAKER. Representative Carone indicates that she will.

Mr. McNALLY. Mr. Speaker, with respect to the signatures placed on a nomination petition, suppose that there are two individuals, a father and son, for example, who reside at the same address and one of them signs the petition and that individual does not happen to be a registered voter. How would one challenging the petition, lacking the occupation, be able to determine which of the two had signed and whether in fact it was a valid signature?

Ms. CARONE. Mr. Speaker, the individual has to sign his signature as he signed his registration card. So if it is "Robert J. Smith" or "Robert R. Smith," the name is exactly the same. I assume "Jr." would also be the distinguishing factor between the father and the son.

Mr. McNALLY. Well, I am wondering, when a person wants to challenge the nomination petition, they would not ordinarily have access to the registration cards, and I wonder if it would be possible then to just by examining the petition determine whether this individual was or was not the registered voter at that address.

Ms. CARONE. It is my belief that with the full signature of the individual who is signing the petition and the address, that it will not be difficult to determine if that person is a registered voter or not. And the handwriting, obviously, should be identifiable as well. Father, son, mother, daughter should not be writing in the same handwriting.

Mr. McNALLY. Mr. Speaker, may I speak on the amendment?

The SPEAKER. The gentleman indicates his interrogation is concluded and he is recognized on the amendment.

Mr. McNALLY. Mr. Speaker, I would have to oppose this amendment. I would like to do what we can to make it easier for candidates to get on the ballot. I would like to do what we can to make it easier for individuals to sign petitions. But the purpose of placing one's occupation on a petition is to assist in identifying the individual who is signing the petition.

When you are in the process of challenging a petition, challenging the signatures on a petition, you do not normally have access to a copy of the signature; you do not have access to the registration cards that the county holds. You know, you are limited in the amount of information that you have, and it is necessary in order to be able to distinguish and identify people with the same name at the same address. The only other kind of distinguishing information you might have is an occupation.

I do not think that it is really burdensome to have people place their occupation. I know that my constituents who may be retired steelworkers or unemployed steelworkers simply list their occupation as "steelworker," and that is a perfectly valid listing.

I do not think that it really presents any impediment to a candidate or to a voter who wants to sign a nomination petition to ask him to include information relating to their occupation. I think it simply assists in the process of validating signatures and determining whether a satisfactory number of valid signatures have been attached to the nomination petition, and so I think that it is a very good piece of information to include. I think that there are really very few burdens or detriments to including it.

So I would ask that the House oppose this amendment.

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

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

Mr. Speaker, I, too, rise in opposition to the Carone amendment.

As was stated earlier by the previous speaker, the listing of the names on the petitions has been a very helpful tool in noting whether or not you have a legitimate voter who signed that petition. I have used that on several occasions to weed out those who have taken nominating petitions to their homes and just signed names from street lists, and having access to the

occupation has been a very useful tool in being able to weed out illegal nominating petitions.

So therefore, I, too, rise in opposition to this amendment. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Druce, from Bucks County is recognized.

Mr. DRUCE. Mr. Speaker, I rise to support the amendment.

I believe that the maker of the amendment stated accurately that if you would compare the signatures of the person in question, you should be able to decipher from those who may be in the same residence where you might have a senior and a junior.

I would also point out to the members that nowhere on the voter registration card does it indicate your occupation, so the only way to do a cross-reference is if you get people together and try to determine who knows whom at a given house. I, for one, happen to be a third; my father is a junior, and on my registration card I appear as the third, and so when I sign the documents, it so appears that way, and if for some reason I exclude that, my signature is clearly discernible from that of my father's.

I would agree with Ms. Carone that I think this is information that is really unnecessary, and if those who object to this believe we need it for the reason of disqualifying those who may not qualify to sign a petition, I think maybe we should use another mechanism that is more accurate than simply putting someone's occupation, which in most cases they list rather ambiguously and certainly, I think, is not helpful in trying to determine who is or is not a registered voter.

So I would urge the members to support the amendment.

The SPEAKER. Ms. Carone for the second time.

Ms. CARONE. I would like to reiterate what was just said, Mr. Speaker. Unless we have a listing of people's occupations and know what their occupation is, there is no way you can identify and use that to distinguish between one person registering on the nominating petition or someone else. I would encourage us to make it unnecessary to list your occupation if you are signing to encourage someone to be nominated to run for office. Thank you.

The SPEAKER. The Chair thanks the lady and recognizes Representative Manderino from Philadelphia.

Ms. MANDERINO. Thank you, Mr. Speaker.

I rise reluctantly to oppose this amendment.

I, too, have given thought to the value and use for the occupation, and I, too, have stood at voters' doors when sometimes embarrassingly maybe an unemployed voter hesitated in terms of what to write in the occupation line, but I also have seen the value of having that occupation line, particularly when it comes to voter fraud.

Having had the occasion to see what we sometimes would call kitchen-table petitions where petitions were filled out by street lists, one of the best ways that you were able to determine and weed out voter fraud was by having the people who live on that particular street, whether it was the committeeman or a neighbor, know that I may not know what Mr. Jones'

signature looks like but I know that Mr. Jones has been a steelworker for 36 years and he is not a retailer, and I know his next-door neighbor, Mrs. Smith, I do not know what her signature looks like but I know that she has been a housewife for 35 years and not a data entry clerk.

For those reasons I think that the benefits of having that as another identifying factor outweigh what I understand and really recognize as sometimes an embarrassing or awkward situation for filling that out, so for those reasons I would ask for a negative vote on this amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady from Philadelphia and recognizes Mr. Preston.

Mr. PRESTON. Thank you, Mr. Speaker.

I guess in the process concerning these petitions, personally I have been in front of the Commonwealth Court and courts in my own petitioning four or five times. I would like to also point out to those people who have spoken on behalf of the amendment, there is nothing really embarrassing here. Everything is done for a reason. This is such a variable as far as verification is concerned.

The court has also determined that it is really not necessary for someone to write down their actual occupation. All that individual has to do is, by the stroke of a pen, draw one straight line or one straight comma, which is basically stating their personal opinion. All the court has said is, as long as that individual who was signing the petition has put a particular mark, so you can just draw a straight line, you can put an "X," you can put an "A," or whatever it is through that. So really, the point is moot, but I think as far as verification is concerned, it is important that the electoral process stay clean and I also think that it stay competitive.

This is a very important variable that people used from time to time over the years, and for those people possibly who may not have that experience in dealing with the legal system possibly as much as I have or other people, it is unfortunate, but it does not really do anything. A person does not have to write their direct occupation. They do not have to write the word "none." They do not have to write "NA." They can just simply draw a line, as long as every block within that area is filled. The court has been recognized because I have tried to challenge that from time to time and have lost three consecutive times with the Commonwealth Court.

So I do not think at this time we really need the Carone amendment, and therefore, I would ask that we vote "no" on the amendment and keep the different variables that we need for points of reference so that people in the future can be able to have a good, clean electoral process. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the Democratic whip, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I wish to share the concerns of Representative McNally, Representative Linton, Representative Manderino, and Representative Preston. I, too, have been through the process of evaluating nominating petitions. The occupation is

one key help in determining whether a petition is valid. After having gone through a lot of challenges, I know there are a lot of people out there who want to evade the process of going door to door. The kitchen-table nominating petitions that Kathy Manderino discussed do represent reality in Philadelphia and, I am sure, throughout the Commonwealth of Pennsylvania.

It is not necessary that the person fill out the occupation himself or herself. The courts have repeatedly upheld the rights of committeemen and workers and circulators of nominating petitions to fill out that information without the person, himself or herself, filling out his or her own occupation. So I think within existing law there are ways any embarrassment could be minimized.

For these reasons I urge defeat of this amendment. Thank you.

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

The following roll call was recorded:

YEAS—87

Bebko-Jones	Gladeck	Marsico	Scrimenti
Birmelin	Godshall	Masland	Serafini
Boyes	Haluska	Melio	Smith, B.
Brown	Hanna	Merry	Smith, S. H.
Bunt	Hasay	Michlovic	Snyder, D. W.
Bush	Heckler	Micozzie	Stairs
Cappabianca	Hennessey	Miller	Steelman
Carone	Herman	Murphy	Steil
Cawley	Hershey	Nickol	Stish
Cessar	Hutchinson	Nyce	Strittmatter
Clymer	Itkin	O'Donnell	Taylor, E. Z.
Cohen, L. I.	Jadlowiec	Phillips	Tigue
Cornell	Josephs	Pitts	Tomlinson
Curry	Kaiser	Platts	True
Dempsey	Krebs	Raymond	Tulli
Druce	Kukovich	Reinard	Uliana
Durham	Lee	Rohrer	Vance
Egolf	Leh	Ryan	Van Home
Fairchild	Levdansky	Saurman	Waugh
Fargo	Lloyd	Saylor	Wright, M. N.
Fleagle	Lynch	Scheetz	Yewcic
Freeman	Maitland	Schuler	

NAYS—115

Acosta	Fajt	Lescovitz	Roebuck
Adolph	Farmer	Linton	Rooney
Allen	Fee	Lucyk	Rublej
Argall	Fichter	Manderino	Rudy
Armstrong	Flick	Markosek	Santoni
Baker	Gamble	Mayernik	Sather
Barley	Gannon	McCall	Semmel
Battisto	Geist	McGeehan	Staback
Belardi	George	McNally	Steighner
Belfanti	Gerlach	Mihalich	Stern
Bishop	Gigliotti	Mundy	Stetler
Blaum	Gordner	Nailor	Sturla
Butkovitz	Gruitza	O'Brien	Surra
Buxton	Gruppo	Olasz	Tangretti
Callagirone	Harley	Oliver	Taylor, J.
Cam	Hess	Perzel	Thomas
Chadwick	Hughes	Pesci	Trello
Civera	James	Petrarca	Trich
Clark	Jarolin	Petrone	Veon
Cohen, M.	Kasunic	Pettit	Vitali

Colafella	Keller	Piccola	Williams
Colaizzo	Kenney	Pistella	Wogan
Corrigan	King	Preston	Wozniak
Coy	Kirkland	Reber	Wright, D. R.
Daley	LaGrotta	Richardson	Yandrisevits
DeLuca	Laub	Rieger	Zug
Dent	Laughlin	Ritter	
Dermody	Lawless	Roberts	DeWeese,
Donatucci	Lederer	Robinson	Speaker
Evans			

NOT VOTING—0

EXCUSED—1

Cowell

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—201

Acosta	Farmer	Lloyd	Santoni
Adolph	Fee	Lucyk	Sather
Allen	Fichter	Lynch	Saurman
Argall	Fleagle	Maitland	Saylor
Armstrong	Flick	Manderino	Scheetz
Baker	Freeman	Markosek	Schuler
Barley	Gamble	Marsico	Scrimenti
Battisto	Gannon	Masland	Semmel
Bebko-Jones	Geist	Mayernik	Serafini
Belardi	George	McCall	Smith, B.
Belfanti	Gerlach	McGeehan	Smith, S. H.
Birmelin	Gigliotti	McNally	Snyder, D. W.
Bishop	Gladeck	Melio	Staback
Blaum	Godshall	Merry	Stairs
Boyes	Gordner	Michlovic	Steelman
Brown	Gruitza	Micozzie	Steighner
Bunt	Gruppo	Mihalich	Steil
Bush	Haluska	Miller	Stern
Butkovitz	Hanna	Mundy	Stetler
Buxton	Harley	Murphy	Stish
Caltagirone	Hasay	Nailor	Strittmatter
Cappabianca	Heckler	Nickol	Sturla
Carn	Hennessey	Nyce	Surra
Carone	Herman	O'Brien	Tangretti
Cawley	Hershey	Olasz	Taylor, E. Z.
Cessar	Hess	Oliver	Taylor, J.
Chadwick	Hughes	Perzel	Thomas
Civera	Hutchinson	Pesci	Tigue
Clark	Itkin	Petrarca	Tomlinson
Clymer	Jadlowiec	Petrone	Trello
Cohen, L. I.	James	Pettit	Trich
Cohen, M.	Jarolin	Phillips	True
Colafella	Josephs	Piccola	Tulli
Colaizzo	Kaiser	Pistella	Uliana
Cornell	Kasunic	Pitts	Vance
Corrigan	Keller	Platts	Van Home

Coy	Kenney	Preston	Veon
Curry	King	Raymond	Vitali
Daley	Kirkland	Reber	Waugh
DeLuca	Krebs	Reinard	Williams
Dempsey	Kukovich	Richardson	Wogan
Dent	LaGrotta	Rieger	Wozniak
Dermody	Laub	Ritter	Wright, D. R.
Donatucci	Laughlin	Roberts	Wright, M. N.
Druce	Lawless	Robinson	Yandrisevits
Durham	Lederer	Roebuck	Yewcic
Egolf	Lee	Rohrer	Zug
Evans	Leh	Rooney	
Fairchild	Lescovitz	Rubley	DeWeese,
Fajt	Levdansky	Rudy	Speaker
Fargo	Linton	Ryan	

NAYS—0

NOT VOTING—1

O'Donnell

EXCUSED—1

Cowell

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.

STATEMENT BY MR. KING

The SPEAKER. The gentleman, Mr. King. For what purpose does the gentleman rise?

Mr. KING. I would like to speak on unanimous consent, Mr. Speaker.

The SPEAKER. Without objection, the gentleman is recognized to speak on unanimous consent.

The House will please be in order. The gentleman, Mr. King, has requested unanimous consent. The gentleman may proceed.

Mr. KING. Thank you, Mr. Speaker.

My comments will be brief.

We have been witness in the last 2 days to both Governor Casey and Senator Specter having undergone major surgical procedures that have been successfully concluded. These endeavors have been buoyed with the heartfelt prayers and well-wishes of all the Commonwealth's citizens. I would like to take this brief moment to put on the record that our two esteemed public servants were treated by the world's finest skilled surgeons and their support teams in two of our Commonwealth-supported hospitals, the University of Pittsburgh and the University of Pennsylvania.

We are in the midst of a major health care reform debate, and while we have many problems to solve in regard to health care, we have seen leaders of other countries come to the United States for their medical treatment. I want to put on the record today that due to the support that has emanated from this chamber in years past to our major Pennsylvania universities, that our Governor and our Senator did not have to leave

this Commonwealth to secure their treatment — treatment that with the grace of God will return them to good health and to the love of their families. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair would like to thank the members for their attention.

STATEMENT BY MAJORITY LEADER

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

Mr. ITKIN. Mr. Speaker, a few minutes ago I was in contact with the Presbyterian University Hospital, where the Governor is hopefully temporarily in residence. Everything is looking great. The Governor is in an ICU (intensive care unit) facility. His vital signs are great, good. Everything looks positive. He is now just beginning to come out of the anesthetic, and of course, he is groggy right now, but we are assured that all the signs are very promising for the Governor, and I thought you would like to know that at this time.

DEMOCRATIC CAUCUS

The SPEAKER. The gentleman from Franklin County, Mr. Coy, is recognized.

Mr. COY. Thank you, Mr. Speaker.

I understand that the House will shortly be declared in recess and that there will be a Rules Committee meeting at 2 o'clock in the majority caucus room, and I would like to call a meeting of the Democratic Caucus at 2:15 in the majority caucus room. The majority leader has indicated that we would return to the floor on or about 4 o'clock if the caucus is concluded at that point in time. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

REPUBLICAN CAUCUS

The SPEAKER. Mr. Geist from Blair County.

Mr. GEIST. Thank you, Mr. Speaker.

The Republicans will caucus at 2:15. We have a very important visitor today coming to caucus, so I would ask the members to be prompt.

The SPEAKER. The Chair thanks the gentleman.

JUDICIARY COMMITTEE MEETING

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

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

I would just like to remind the members of the House Judiciary Committee that we are going to immediately go to room 39E to consider four pieces of legislation. Thank you.

The SPEAKER. Judiciary Committee, 39E immediately.

COMMITTEE MEETING POSTPONED

The SPEAKER. The gentleman, Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, as most members are probably aware, discussions are now taking place on workers' compensation. It is therefore necessary for me to cancel the Labor Relations Committee meeting that was scheduled for today since no staff is available for those meetings.

We are postponing that meeting until 10:30 tomorrow morning in room 302B. I would appreciate all members of Labor Relations being in room 302B at 10:30 tomorrow morning. Thank you.

The SPEAKER. The Chair thanks the gentleman.

Labor Committee meeting tomorrow morning, 302B.

HEALTH AND WELFARE COMMITTEE MEETING

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

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

Mr. Speaker, before the members leave, those members of the House Health and Welfare Committee, we will reconvene our meeting that had been recessed last week in room 140 immediately, now, at the call of the recess; House Health and Welfare Committee meeting now in the majority caucus room, room 140.

The SPEAKER. The Chair thanks the gentleman.

CONFERENCE COMMITTEE MEETING

The SPEAKER. The Chair recognizes Representative Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, the Conference Committee on SB 1 will convene at 2 p.m. in the Senate majority caucus room.

The SPEAKER. The Chair thanks the gentleman.

VOTE CORRECTIONS

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

Mr. SERAFINI. Thank you, Mr. Speaker.

Mr. Speaker, on final passage of HB 1647, I would like to be recorded in the affirmative. Thank you.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from Montgomery County, Mr. Godshall.

Mr. GODSHALL. Thank you, Mr. Speaker.

On HB 1647 I voted in the affirmative. I would like to be recorded in the negative.

The SPEAKER. The Chair thanks the gentleman, and his remarks will be spread across the record.

The gentleman from Philadelphia, Mr. Kenney, is recognized.

Mr. KENNEY. Thank you, Mr. Speaker.

On HB 1097, amendment A2749, I would like to be recorded in the affirmative. Thank you.

The SPEAKER. The Chair thanks the gentleman, and his remarks will be spread across the record.

The Chair recognizes Mr. John Taylor from Philadelphia.

Mr. TAYLOR. Thank you, Mr. Speaker.

Two corrections of a vote.

Mr. Speaker, on amendment 2694 to HB 1003, I was not recorded and I wish to be recorded in the negative, and on amendment 2674 to HB 1647, I wish to be recorded in the negative. Thank you.

The SPEAKER. The gentleman, Mr. O'Brien, is recognized.

Mr. O'BRIEN. Thank you, Mr. Speaker.

On amendment 2674 to HB 1647, I would like to be recorded in the negative. Thank you.

The SPEAKER. The Chair thanks the gentleman, and his remarks will be spread across the record.

The gentleman, Mr. Saylor, is recognized.

Mr. SAYLOR. Mr. Speaker, on SB 686 my button malfunctioned. I would like to be recorded as voting "yes."

The SPEAKER. The Chair thanks the gentleman, and his remarks will be spread across the record.

The gentleman, Mr. Stetler, from York is recognized.

Mr. STETLER. Thank you, Mr. Speaker.

On June 8, when the House voted on amendment 2488 to HB 1098, I was away from my desk. I would like to be recorded in the affirmative.

The SPEAKER. The Chair commends the gentleman on his punctiliousness, and his remarks will be spread across the record.

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

HB 616, PN 2136 (Amended)

By Rep. PETRONE

An Act amending the act of November 24, 1976 (P.L.1176, No.261), known as the Mobile Home Park Rights Act, further providing for evictions, for park rules and regulations, for maintenance and repairs, for underskirting and tie-down equipment and for overnight guests; and providing for sale of manufactured homes and for sewer and water facilities.

URBAN AFFAIRS.

HB 617, PN 2137 (Amended)

By Rep. PETRONE

An Act providing for the establishment of a Manufactured Housing Ombudsman and fixing the powers and duties of the ombudsman; establishing the Manufactured Housing Hearing Board and providing for its membership, powers and duties; establishing a restricted account; and making an appropriation.

URBAN AFFAIRS.

HB 618, PN 682

By Rep. PETRONE

An Act requiring all principal owners of manufactured housing communities located in this Commonwealth to register annually with the Department of Community Affairs.

URBAN AFFAIRS.

HB 619, PN 2138 (Amended)

By Rep. PETRONE

An Act amending the act of December 22, 1983 (P.L.306, No.84), known as the Board of Vehicles Act, providing for warranty and presale information.

URBAN AFFAIRS.

HB 620, PN 2139 (Amended)

By Rep. PETRONE

An Act amending the act of November 17, 1982 (P.L.676, No.192), known as the Manufactured Housing Construction and Safety Standards Authorization Act, further providing for establishment of manufactured home standards.

URBAN AFFAIRS.

HB 784, PN 2140 (Amended)

By Rep. GAMBLE

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for grants or appropriations to historical societies.

TOURISM AND RECREATIONAL DEVELOPMENT.

HB 843, PN 2141 (Amended)

By Rep. GAMBLE

An Act providing for the regulation of travel promoters; requiring that certain bonds be secured for the benefit of customers; requiring bank deposits; and providing penalties.

TOURISM AND RECREATIONAL DEVELOPMENT.

HB 1242, PN 1359

By Rep. GAMBLE

An Act amending the act of August 14, 1963 (P.L.839, No.407), entitled, as amended, "An act creating a county records committee; imposing powers and duties upon it; authorizing the Pennsylvania Historical and Museum Commission to assist and cooperate with it; defining county records; and authorizing the disposition of certain county records by county officers in counties of the second to eighth class," further providing for definitions; providing for a definition of "county" and clarifying the application of the act to include home rule counties; and further providing for the disposition of county records.

TOURISM AND RECREATIONAL DEVELOPMENT.

HB 1721, PN 1999

By Rep. GAMBLE

An Act amending Title 37 (Historical and Museums) of the Pennsylvania Consolidated Statutes, further providing for specific powers and duties.

TOURISM AND RECREATIONAL DEVELOPMENT.

HB 1777, PN 2142 (Amended)

By Rep. GAMBLE

An Act relating to the protection of amusement riders and for actions against amusement ride operators.

TOURISM AND RECREATIONAL DEVELOPMENT.

RULES COMMITTEE MEETING

The SPEAKER. The Chair would like to repeat the announcement that was made earlier today about a Rules Committee meeting today at 2 o'clock in the majority caucus

room; Rules Committee meeting today at 2 o'clock in the majority caucus room.

RECESS

The SPEAKER. This House stands in recess until the call of the Chair.

AFTER RECESS

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

LEAVES OF ABSENCE

The SPEAKER. The gentleman from Delaware County is recognized.

Mr. RYAN. Mr. Speaker, would you return to leaves of absence, please.

The SPEAKER. The Chair returns to leaves of absence and recognizes the gentleman.

Mr. RYAN. Would the Chair please put the gentleman from Lycoming County, Mr. BUSH, on leave for the balance of today's session.

The SPEAKER. The gentleman, Mr. Bush, will be placed on leave. The Chair thanks the gentleman.

Also, for the record, the gentleman, Mr. FREEMAN, from Northampton County will be placed upon temporary leave for the next several hours; temporary leave. The clerk will be aware of that change.

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 14, 1993

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, June 21, 1993, 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 21, 1993, 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.

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

HB 474, PN 1092 By Rep. CALTAGIRONE

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for exceptions to the interception and disclosure of communications by inmates of correctional institutions.

JUDICIARY.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

SB 609, PN 648 By Rep. CALTAGIRONE

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for civil proceedings and for monetary limits of parental liability.

JUDICIARY.

SB 611, PN 650 By Rep. CALTAGIRONE

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

JUDICIARY.

SB 612, PN 1296 By Rep. CALTAGIRONE

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for criminal mischief.

JUDICIARY.

COMMUNICATION FROM ACTING GOVERNOR

BILL SIGNED BY ACTING GOVERNOR

The Secretary to the Governor presented the following communication from the Acting Governor:

APPROVAL OF HB 65.

Commonwealth of Pennsylvania
Governor's Office
Harrisburg

June 15, 1993

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

I have the honor to inform you that I have this day approved and signed House Bill 65, Printer's No. 1827, entitled "AN ACT amending the act of July 3, 1986 (P.L.388, No.84), entitled 'An act requiring public agencies to hold certain meetings and hearings open to the public; and providing penalties,' providing for public comment."

Mark S. Singel
Lieutenant Governor
Acting Governor

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 1025, PN 1139**, entitled:

An Act amending the act of August 6, 1941 (P. L. 861, No. 323), entitled, as amended, "Pennsylvania Board of Probation and Parole Law," further providing for pre-parole drug screening tests.

On the question,

Will the House agree to the bill on third consideration?

Mr. HENNESSEY offered the following amendment No. A2409:

Amend Sec. 1 (Sec. 21), page 2, lines 22 and 23, by striking out "not later than fifteen days or earlier than" and inserting within

On the question,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

The SPEAKER. On the question, the gentleman, Mr. Hennessey, is recognized.

Mr. HENNESSEY. Thank you, Mr. Speaker.

Mr. Speaker, I have been contacted by the Commissioner for the Department of Corrections, and at his request, as an accommodation to the department, I will withdraw the request-*ed amendment*.

The SPEAKER. The Chair thanks the gentleman. The gentleman indicates he will withdraw his amendment.

On the question recurring,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—199

Acosta	Fee	Lucyk	Ryan
Adolph	Fichter	Lynch	Santoni
Allen	Fleagle	Maitland	Sather
Argall	Flick	Manderino	Saurman
Armstrong	Gamble	Markosek	Saylor
Baker	Gannon	Marsico	Scheetz
Barley	Geist	Masland	Schuler
Battisto	George	Mayernik	Scrimanti
Bebko-Jones	Gerlach	McCall	Semmel
Belardi	Gigliotti	McGeehan	Serafini
Belfanti	Gladeck	McNally	Smith, B.
Birmelin	Godshall	Melio	Smith, S. H.
Bishop	Gordner	Merry	Snyder, D. W.
Blaum	Gruitza	Michlovic	Staback
Boyes	Gruppo	Micozzie	Stairs
Brown	Haluska	Mihalich	Steelman
Bunt	Hanna	Miller	Steighner
Butkovitz	Harley	Mundy	Steil
Buxton	Hasay	Murphy	Stem

Caltagirone	Heckler	Nailor	Stetler
Cappabianca	Hennessey	Nickol	Stish
Carn	Herman	Nyce	Strittmatter
Carone	Hershey	O'Brien	Sturla
Cawley	Hess	O'Donnell	Surra
Cessar	Hughes	Olasz	Tangretti
Chadwick	Hutchinson	Oliver	Taylor, E. Z.
Civiera	Itkin	Perzel	Taylor, J.
Clark	Jadlowiec	Pesci	Thomas
Clymer	James	Petrarca	Tigue
Cohen, L. I.	Jarolin	Petrone	Tomlinson
Cohen, M.	Josephs	Pettit	Trello
Colafella	Kaiser	Phillips	Trich
Colaizzo	Kasunic	Piccola	True
Cornell	Keller	Pistella	Tulli
Corrigan	Kenney	Pitts	Uliana
Coy	King	Platts	Vance
Curry	Kirkland	Preston	Van Horne
Daley	Krebs	Raymond	Veon
DeLuca	Kukovich	Reber	Vitali
Dempsey	LaGrotta	Reinard	Waugh
Dent	Laub	Richardson	Wogan
Dermody	Laughlin	Rieger	Wozniak
Donatucci	Lawless	Ritter	Wright, D. R.
Druce	Lederer	Roberts	Wright, M. N.
Durham	Lee	Robinson	Yandrisevits
Egolf	Leh	Roebuck	Yewcic
Evans	Lescovitz	Rohrer	Zug
Fairchild	Levdansky	Rooney	
Fajt	Linton	Rublely	DeWeese,
Fargo	Lloyd	Rudy	Speaker
Farmer			

NAYS—0

NOT VOTING—1

Williams

EXCUSED—3

Bush Cowell Freeman

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 return the same to the Senate with the information that the House has passed the same without amendment.

CONSIDERATION OF HB 1099 CONTINUED

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. SAURMAN offered the following amendments No. A2221:

Amend Title, page 1, line 11, by inserting after "elections,"

providing for the posting of referendum questions at polling places;

Amend Bill, page 1, lines 16 through 19, by striking out all of said lines and inserting

Section 1. The act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, is amended by adding a section to read:

Section 1201.3. Referendum Questions.—The entire contents of any referendum question to be voted upon at a primary or general election shall be provided and posted in each polling place on election day.

Section 2. Sections 1302.1, 1302.2, 1306(a) and 1308(a) of the act, amended December 11, 1968 (P.L.1183, No.375), are amended to read:

Amend Sec. 2, page 9, line 10, by striking out "2" and inserting

3

Amend Sec. 3, page 10, line 5, by striking out "3" and inserting

4

Amend Sec. 4, page 10, line 8, by striking out "4" and inserting

5

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes Mr. Saurman.

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, this is just kind of a safeguard. We did pass the amendment the other day to another bill, but I just wanted to get it into a second one. The amendment will require that the entire contents of a ballot question be available at the polling places so that people can read it.

I appreciate the support.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—198

Acosta	Farmer	Lucyk	Santoni
Adolph	Fee	Lynch	Sather
Allen	Fichter	Maitland	Saurman
Argall	Fleagle	Manderino	Saylor
Armstrong	Flick	Markosek	Scheetz
Baker	Gamble	Marsico	Schuler
Barley	Gannon	Masland	Scrimenti
Battisto	Geist	Mayernik	Semmel
Bebko-Jones	George	McCall	Serafini
Belardi	Gerlach	McGeehan	Smith, B.
Belfanti	Gigliotti	McNally	Smith, S. H.
Birmelin	Gladeck	Melio	Snyder, D. W.
Bishop	Godshall	Merry	Staback
Blaum	Gordner	Michlovic	Stairs
Boyes	Gruitza	Micozzie	Steelman
Brown	Gruppo	Miller	Steighner
Bunt	Haluska	Mundy	Steil
Butkovitz	Hanna	Murphy	Stern
Buxton	Harley	Nailor	Stetler
Caltagirone	Hasay	Nickol	Stish
Cappabianca	Heckler	Nyce	Strittmatter
Carn	Hennessey	O'Brien	Sturla
Carone	Herman	O'Donnell	Surra
Cawley	Hershey	Olasz	Tangretti
Cessar	Hess	Oliver	Taylor, E. Z.
Chadwick	Hughes	Perzel	Taylor, J.
Civera	Hutchinson	Pesci	Thomas
Clark	Itkin	Petrarca	Tigue
Clymer	Jadlowiec	Petrone	Tomlinson
Cohen, L. I.	Jarolin	Pettit	Trello
Cohen, M.	Josephs	Phillips	Trich
Colafella	Kaiser	Piccola	True
Colaizzo	Kasunic	Pistella	Tulli
Cornell	Keller	Pitts	Uliana
Corrigan	Kenney	Platts	Vance
Coy	King	Preston	Van Home
Curry	Kirkland	Raymond	Veon

Daley	Krebs	Reber	Vitali
DeLuca	Kukovich	Reinard	Waugh
Dempsey	LaGrotta	Richardson	Williams
Dent	Laub	Rieger	Wogan
Dermody	Laughlin	Ritter	Wozniak
Donatucci	Lawless	Roberts	Wright, D. R.
Druce	Lederer	Robinson	Wright, M. N.
Durham	Lee	Roebuck	Yandrisevits
Egolf	Leh	Rohrer	Yewcic
Evans	Lescovitz	Rooney	Zug
Fairchild	Levdansky	Rublely	
Fajt	Linton	Rudy	DeWeese,
Fargo	Lloyd	Ryan	Speaker

NAYS—0

NOT VOTING—2

James Mihalich

EXCUSED—3

Bush Cowell Freeman

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. SAURMAN offered the following amendments No. A2492:

Amend Title, page 1, line 11, by inserting after "elections,"

providing for use of voter registration lists;

Amend Title, page 1, line 12, by striking out "AND"

Amend Title, page 1, line 13, by removing the period after "APPROPRIATION" and inserting ; and making a repeal.

Amend Bill, page 1, lines 16 through 19, by striking out all of said lines and inserting

Section 1. The act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, is amended by adding a section to read:

Section 705. Use of Voter Registration Lists.—Voter registration lists may not be used for jury selection.

Section 2. Sections 1302.1, 1302.2, 1306(a) and 1308(a) of the act, amended December 11, 1968 (P.L.1183, No.375), are amended to read:

Amend Sec. 2, page 9, line 10, by striking out "2" and inserting

3

Amend Sec. 3, page 10, line 5, by striking out "3" and inserting

4

Amend Bill, page 10, by inserting between lines 7 and 8

Section 5. The provisions of 42 Pa.C.S. § 4521(a) are repealed insofar as they are inconsistent with this act.

Amend Sec. 4, page 10, line 8, by striking out "4" and inserting

6

On the question,

Will the House agree to the amendments?

The SPEAKER. On the question, the gentleman, Mr. Saurman, is recognized.

Mr. SAURMAN. Thank you, Mr. Speaker.

The other day this was also offered and was defeated by two votes. Some folks said that they would like to reconsider, and so I thought I would offer it to this bill. This is the one that would preclude the use of the voter registration list for jury duty selection.

The SPEAKER. For what purpose does the gentleman rise?
Mr. PESCI. To speak on the amendment, sir.

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

Mr. PESCI. Just the other day, Mr. Speaker, we voted against this amendment and the vote was 110 to 86. I suggest that those that did vote "no" please do vote "no" again.

This legislation that he is putting in as an amendment eliminates the jury list that most of us argued against.

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

The following roll call was recorded:

YEAS—91

Allen	Gamble	Leh	Sather
Argall	Gannon	Lynch	Saurman
Baker	Geist	Markosek	Saylor
Barley	George	Marsico	Scheetz
Birmelin	Gerlach	Masland	Schuler
Boyes	Gladeck	Melio	Semmel
Brown	Godshall	Merry	Smith, B.
Bunt	Gruppo	Miller	Smith, S. H.
Cessar	Harley	Murphy	Snyder, D. W.
Chadwick	Heckler	Nailor	Stairs
Civera	Hennessey	Nickol	Stern
Clark	Herman	Nyce	Strittmatter
Cornell	Hershey	Petrone	Surra
Curry	Hess	Pettit	Tangretti
Dempsey	Hutchinson	Phillips	Taylor, E. Z.
Dent	Jadlowiec	Piccola	Tomlinson
Egolf	Jarolin	Pitts	Tulli
Fairchild	Kaiser	Platts	Uliana
Fajt	Kasunic	Raymond	Vance
Farmer	King	Reber	Waugh
Fichter	Laub	Reinard	Wright, M. N.
Fleagle	Lawless	Roberts	Zug
Flick	Lee	Rohrer	

NAYS—106

Acosta	Druce	Maitland	Ryan
Adolph	Durham	Manderino	Santoni
Armstrong	Evans	Mayernik	Scrimenti
Battisto	Fargo	McCall	Serafini
Bebko-Jones	Fee	McGeehan	Staback
Belardi	Gigliotti	McNally	Steelman
Belfanti	Gordner	Michlovic	Steighner
Bishop	Gruitza	Micozzie	Steil
Blaum	Haluska	Mihalich	Stetler
Butkowitz	Hasay	Mundy	Stish
Buxton	Hughes	O'Brien	Sturla
Caltagirone	Itkin	O'Donnell	Thomas
Cappabianca	James	Olasz	Tigue
Cam	Josephs	Oliver	Trello
Carone	Keller	Perzel	Trich
Cawley	Kenney	Pesci	True
Clymer	Kirkland	Petrarca	Van Horne
Cohen, L. I.	Krebs	Pistella	Veon
Cohen, M.	Kukovich	Preston	Williams
Colafella	LaGrotta	Richardson	Wogan

Colaizzo	Laughlin	Rieger	Wozniak
Corrigan	Lederer	Ritter	Wright, D. R.
Coy	Lescovitz	Robinson	Yandrisevits
Daley	Levdansky	Roebuck	Yewcie
DeLuca	Linton	Rooney	
Dermody	Lloyd	Rubley	DeWeese,
Donatucci	Lucyk	Rudy	Speaker

NOT VOTING—3

Hanna	Taylor, J.	Vitali
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EXCUSED—3

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

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

Mr. DRUCE offered the following amendments No. A2222:

Amend Title, page 1, line 11, by inserting after "elections," "

providing for special elections for senators and representatives in the General Assembly;

Amend Bill, page 1, lines 16 through 19, by striking out all of said lines and inserting

Section 1. Section 628 of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, amended August 13, 1963 (P.L.707, No.379), is amended to read:

Section 628. Special Elections for Senator and Representative in the General Assembly.—*Whenever a vacancy shall occur in either house of the General Assembly whether or not it then be in session, the presiding officer of such house shall, within ten (10) days after the happening of the vacancy, issue a writ of election to the proper county board or boards of election and to the Secretary of the Commonwealth, for a special election to fill said vacancy, which election shall be held [on a date named in the writ, which shall be not less than sixty (60) days after the issuance of said writ. The presiding officer may fix, in such writ of election, the date of the next ensuing primary, municipal or general election as the date for holding any such special election] at the next ensuing primary, municipal or general election scheduled at least sixty (60) days after the issuance of the writ or such other earlier date which is at least sixty (60) days following the issuance of the writ as the presiding officer may deem appropriate: Provided, however, That should the Governor after the issuance of the said writ of election advise the presiding officer that the General Assembly will be called into extraordinary session prior to the date set for such special election, the presiding officer may countermand the writ theretofore issued and shall issue a new writ of election, fixing therein such earlier date therefor as is deemed expedient, but which shall not be less than sixty (60) days after the issuance of said writ[.]; Provided further, That if the vacancy shall occur less than five months prior to the expiration of the term, a special election shall be held only if, in the opinion of the presiding officer, the election is in the public interest.*

Section 2. Sections 1302.1, 1302.2, 1306(a) and 1308(a) of the act, amended December 11, 1968 (P.L.1183, No.375), are amended to read:

Amend Sec. 2, page 9, line 10, by striking out "2" and inserting

3

Amend Sec. 3, page 10, line 5, by striking out "3" and inserting

4

Amend Sec. 4, page 10, line 8, by striking out "4" and inserting

5

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

The SPEAKER. On the amendment, Mr. Druce is recognized.

Mr. DRUCE. Thank you, Mr. Speaker.

The amendment that I offer today will help clarify the special election law that we currently have in Pennsylvania and it will establish a reasonable timeframe in which we can fill vacancies that would occur within the General Assembly. This amendment simply says one thing, that it would clearly state that all citizens of our Commonwealth have a right to be represented by both a Senator and a Representative and that vacancies shall be filled as expeditiously as possible.

Mr. Speaker, my amendment has the support of the League of Women Voters; it has the support of Common Cause; it has the support of the Pennsylvania Leadership Council as well. I think it is an important piece of legislation because, Mr. Speaker, in this chamber alone we may possibly lose three members before this year expires. We have the gentleman from Pittsburgh who, in all likelihood, will become mayor of the city of Pittsburgh; we have the distinguished gentleman from Philadelphia who is going to be heading to Washington to do his good service there; and we may well have a gentleman from Bucks County heading over to the Senate of Pennsylvania.

Having said that, Mr. Speaker, I should maybe stop. But I think it is important, Mr. Speaker, that when these vacancies occur in either chamber, that it is clear to the public how we will go about filling those vacancies, and there should not be articles written that speculate the length of time that some vacancy may be filled. I believe it should be more specific than that. I do not question at all, Mr. Speaker, your willingness to fill these vacancies as expeditiously as possible, and this bill certainly is not directed at any one member of this party or any leader. If it does not pass this session, I will introduce it next session so it bottles the hands of Matt Ryan, because I believe it is a good bill, and I would ask the membership if they could please support it.

The SPEAKER. On the Druce amendment, the gentleman from Philadelphia, Mr. Cohen, is recognized.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, there are times in which I would have liked to have had this amendment in effect. I remember when John White was elected to the Philadelphia city council in 1981 and somehow it took a year for that vacancy to be filled. I remember other instances when it also took a year, and these were good Democratic seats. However, I rise to support the judgment of then Speaker Matthew Ryan and the judgment of Democratic Speakers in not always calling elections promptly.

As we know, there are costs at times to filling special election vacancies. There always are governmental costs; there often are political costs to filling special election vacancies.

Often filling the vacancies can create a lot of internal problems in local counties. Both Democratic and Republican Speakers have been lobbied by political and governmental leaders in local counties not to fill vacancies promptly because there is a big conflict as to which candidate should run and there is fear that the majority party, either Democratic or Republican, in a given county will split up the vote and allow the minority party to win if a prompt election is called.

There are all sorts of very good and very valid reasons why at any given time the Speaker of the House or President of the Senate might not want to call a special election promptly, and he might believe that it is in the interest of his party and the Commonwealth of Pennsylvania that a special election be delayed.

I rise to support the judgment of whichever person is Speaker of the House. It will not always be Bill DeWeese; it will not always be a Democrat, but there is always room for discretion on behalf of whoever has this power. I urge that we maintain discretion. I urge that we defeat this amendment.

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

Mr. WOZNIAK. Thank you, Mr. Speaker.

I rise to support this amendment.

Every time there is a special election, it becomes politics, politics, politics. The people have the right to be served whether that Representative is going to be a Democrat or a Republican, whether that Senator will be a Democrat or a Republican. We are constantly looking at the political angle as to why we should not have elections on the next general election or the next primary, and I think this makes a heck of a lot of sense and it takes some of the politics out of it and gets the process moving on again.

I think a classic example of that is occurring in the Senate right now, the unfortunate circumstances in which the State is at, with the Governor being temporarily disabled, Mark Singel acting as Governor, the question of who becomes the President pro tem, and once again, those special elections get mired in another set of circumstances that came barreling right after the death of Senator Frank Lynch. Is it constantly going to be politics, politics, politics, or will we allow the right of the individuals and our constituents to have that representation they need whether it shifts to the side of the Democrats or whether it shifts the balance of power to the Republicans?

I think we should support the Druce amendment. Thank you very much.

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

Mr. RYAN. Mr. Speaker, I am like Mr. Cohen. You know, sometimes this way, sometimes that way. I think it is an excellent amendment today.

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

Mr. SAURMAN. Just to say—and I think Representative Wozniak said it very well—there is one consistent thing here and that is the voter, the person who is supposed to be represented. I think we owe it to that individual to see that they get consistent and regular representation and that they

know exactly when and under what circumstances that will happen. I think the irregularity is something that adds to the contempt that the general public has for government in general and would ask for support of this amendment.

The SPEAKER. The Chair thanks the gentleman.

Mr. Coy from Franklin County is recognized.

Mr. COY. Thank you, Mr. Speaker.

Mr. Speaker, I think it is worthwhile for the members of the House to look at the fiscal note which accompanies the amendment in the package it was distributed. It indicates that the cost of a special election would be approximately \$1 or \$2 per voter depending on whether ballots are used or voting machines are used. Therefore, the cost could be very significant to certain counties at certain times.

As I read the amendment, the amendment would leave no discretion to the presiding officer of either House — in the Senate or the House — for the calling of the special election. Therefore, it would leave no discretion toward whether these costs should be borne or not by either the county or the Commonwealth. Therefore, even if the Speaker of the House or the President pro tempore of the Senate decided, given the time of the vacancy that would occur, that a week or two or three or a month or two might save either the Commonwealth or the county where the special election would be held significant dollars, there would be no discretion on the part of the presiding officer to make that type of cost savings.

I think this is an important consideration. I respect what the minority leader indicated, that at any given time you might be for or against this sort of injunctive language. But I think the fact is you are talking about taking out of the hands of the presiding officer of either House any discretion in this matter at all, and where even a couple weeks might find significant savings if it were held coincidental to a general or a primary election which may be being held in the coming weeks.

I agree with some of the other arguments that were made, but I think to take the discretion out of the hands of the presiding officer of either body is wrong. I think it could potentially cost tax dollars in significant numbers when tax dollars could be saved when left to the discretion of the presiding officer.

I therefore ask for opposition to the amendment.

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

Mr. BARLEY. Thank you, Mr. Speaker.

I would like to interrogate the maker of the amendment, if I could, please.

The SPEAKER. The gentleman, Mr. Druce, indicates he will stand for interrogation, and Mr. Barley may proceed.

Mr. BARLEY. Mr. Speaker, I was listening to the previous speaker as he was enunciating his interpretation of the costs and what may be incurred with a special election. I would like to ask you, based on the way your amendment is drafted, how do you interpret any additional costs or how do you see any additional costs that may be placed on any of the county election boards the way your amendment is worded?

Mr. DRUCE. Mr. Speaker, if you read the amendment, there are absolutely no new costs to counties than what we

already have in current law. If the vacancy occurs, the Speaker of the House still has the discretion to call a special election no sooner than 60 days, which is current law. Mr. Speaker, if that Speaker would decide to call that election, there would be a cost to the Commonwealth in a special election, but if the Speaker were to let the vacancy exist until the next municipal or general election, there is no cost to the Commonwealth because it is in conjunction with a regularly scheduled election.

The fiscal note, as it is read, applies only to special elections, and, Mr. Speaker, that is what is in current law right now. In fact, we have a situation in Bucks County where we are having a special election. There will be costs associated with that because it was the discretion of the presiding officer to have that election at a time not to coincide with another election. If anything, this bill would save money because it would probably put more special elections in line with primaries and generals than it would having freestanding special elections. I would actually argue that you would probably save the Commonwealth some money.

Mr. BARLEY. Well, Mr. Speaker, just to pursue this question just a bit further. Using the example of the special election for the Senate seat in Bucks County, are you saying that if your amendment would be in law today, that that would have actually saved the taxpayers of Bucks County money because it would then have required the election to be held on primary day rather than allow the Lieutenant Governor to schedule it for July 13?

Mr. DRUCE. Yes, Mr. Speaker. If we can use the Bucks County situation maybe as a good example. When Jim Greenwood resigned from the Senate of Pennsylvania to go to Congress, he resigned, I believe, on January 5. If my amendment were current law, the presiding officer in the Senate would have had the discretion to fill that vacancy no sooner than 60 days or, at the latest, in conjunction with the May 18 primary or any date in between. So there still is quite a bit of discretion afforded to the presiding officers of both the House and the Senate.

What it would preclude, Mr. Speaker, is politics as usual. What it would preclude is delaying elections indefinitely or scheduling them to the convenience of either political party, and what it would say is that the latest date that a vacancy would exist would be the next regularly scheduled election, and we would finally have something in law where the people who were supposed to be represented would come first and not our political parties or the current political situation in Harrisburg.

Mr. BARLEY. Thank you, Mr. Speaker.

That ends my interrogation. Could I just make a brief statement, please?

The SPEAKER. Certainly. The gentleman is in order.

Mr. BARLEY. Well, I think it has been clearly stated by the sponsor of the amendment that his amendment would in fact save the taxpayers money as it relates to the calling and the holding of special elections, and so I think that in itself is reason enough for us to support the amendment, and I would

urge all of my colleagues to vote in the affirmative on the Druce amendment.

The SPEAKER. Does Ms. Steelman seek recognition? The lady is in order and may proceed.

Ms. STEELMAN. Thank you, Mr. Speaker.

Representative Barley asked the question that I had in mind. I am glad to have the point clarified about the possible expense of the election. I also read the amendment as indicating that it would cost less for special elections to be scheduled in coordination with regular elections.

There is one more point that I would like to bring up in support of the Druce amendment, and that is, we are often concerned about the low turnout in elections and the extent to which low voter turnout means that the election may not be as fully representative as we would hope it would be. It seems to me that by scheduling these kinds of special elections with municipal elections, that you are going to insure that there will be a higher turnout and therefore a more accurate representation of the wishes of the voters in the district, and I think that this is a further reason to support this amendment. Thank you.

The SPEAKER. Ms. Manderino is recognized.

Ms. MANDERINO. Thank you, Mr. Speaker.

Would the maker of the amendment consent to interrogation, please?

The SPEAKER. The gentleman, Mr. Druce, indicates that he will.

Ms. MANDERINO. Mr. Speaker, I got confused by the questions that just were asked by the last two previous speakers, and so for a clarifying point, could you explain to me, is this amendment— As I am reading it, it allows the calling of special elections at a time when there is not another primary, municipal, or general election, does it not?

Mr. DRUCE. Yes, it does, Mr. Speaker, provided that we follow current law and that at least 60 days have passed before the calling of that special election.

Ms. MANDERINO. Okay. Just so that I am understanding, right now we just had a general election in early May. Had a vacancy become available directly after that, we could call a special election anytime within 60 days or up until the time of the next regularly scheduled election. Is that correct under this amendment?

Mr. DRUCE. Yes, Mr. Speaker.

Ms. MANDERINO. Okay. My second question is why we are looking at these changes only with regard to elections for Senators and Representatives in the General Assembly and not all open vacancies of all elected officials across the board and across the Commonwealth.

Mr. DRUCE. Mr. Speaker, that is an excellent question. If one were to look at our Constitution as it relates to filling vacancies for our congressional members or for our United States Senators, there the directives are very clear to the Governor of our Commonwealth. Writs of election must be issued within 10 days, which this amendment incorporates, and a date must be affixed. The problem exists with our legislative vacancies in that our Constitution is unclear in that it simply states "...the presiding officer...shall issue a writ of election..."

period. It says no more, and therefore, we have had at times expeditious elections in our Commonwealth to fill vacancies by presiding officers and at times in our past we have had dates not set at all and people be disenfranchised for more than a year in certain legislative districts.

So the flaw is with our own institution and not so much with how we fill congressional vacancies or the vacancies in the United States Senate. But in our own chamber here and in the Senate as well, the law is not clear enough or specific, and I would submit, Mr. Speaker, that may be a product of the fact that this law was written in 1963, and I was 2 years old then, Mr. Speaker, and I would submit that a lot has probably changed since then. The fact that we had a part-time legislature probably dictated a lot of the laws that were written back in the early sixties, but now with our full-time status, I think it is more incumbent upon us to have a clear directive when vacancies exist because we are in session far more often and the people ought to know when those vacancies are going to be filled.

Ms. MANDERINO. Mr. Speaker, with regard to the other offices that are under State control, the other elections for either— Well, I am trying to think. Are there any other elected offices, other than those at the congressional and Federal level, that perhaps have a different rule than what we would be putting in here?

Mr. DRUCE. Mr. Speaker, if I understood the question, I believe we are talking about State offices, and the only other ones that could come to my mind are those of our three constitutional statewide officeholders, and I believe that the Governor of the Commonwealth would appoint a replacement if a vacancy occurred there for the remainder of that term. I do not believe there is a requirement for special elections, but I would stand corrected on that potentially, but on all of the other State offices, I think we are fairly covered except as it relates to the General Assembly.

Ms. MANDERINO. Thank you, Mr. Speaker.

I have no more questions.

The SPEAKER. The Chair thanks the lady.

The gentleman, Mr. Preston, is recognized.

Mr. PRESTON. Thank you, Mr. Speaker.

The gentleman, unfortunately, is incorrect that that is true of all of the other offices. I can remember—and this gets to the heart of the matter of why I am going to oppose this particular amendment, and that word is basically out of respect.

There was a gentleman by the name of Mr. Dwyer, who happened to be our State Treasurer. It was a very tragic, personal thing to me of hearing of how he expired. It is the Governor who appoints the replacement for the statewide offices as we call, better known as row offices, and I say this out of respect to be able to vote "no," unfortunately, on the Druce amendment, unless he would care to withdraw it.

I have been in this House of Representatives and I have had several different members who have sat in aisles next to me who have passed on. It was very traumatic for me to be able to sit down for 30 days sometimes and be able to see the seat covered with a black velvet cloth that we show out of

respect for members who are active members of the House of Representatives.

I can understand talking about modern days and trying to make fast decisions. Again, it has to deal with respect and being able to keep some form of decorum. We have had a Speaker of the House also leave us actively, and I can actually remember having eight members in 2 1/2 years that I sat around and I got to know. I think that we are not just looking at the politics of it; I think we are talking about an area of decorum within our own elective body. It is just not about special elections; it has to deal with some of the people whom we live with, whom we work with, and whom we share a very productive time with in the small time that we are here.

I would really think that we would want to show respect for someone who had died that we had worked with and not be so concerned about appointing a special election day within 10 days. I can understand that, unfortunately, there may be other forms of vacancies, but this is something personal to me that I think out of respect to people's families—and that was one of the decisions why the current Governor waited so long to even replace the Treasurer—it is basically respecting a family, not being in such a hurry. Yes, there may be politics in some of the other forms of decisions, but I think that the leadership, whether it is in the House or whether it is in the Senate, whether it is in the control of the Democrats or whether it is in the control of the Republicans, it should be still up to leadership. We should not be in a hurry, but yet again, should one of us who is actively sitting here pass on, I think out of respect to us and also to the families, we should not be in such a hurry sometimes to do things.

I would ask for a negative vote on this. Now, there may be some people who may not be this caring; they might not feel the sincerity of sitting beside someone for 10 years and being in a hurry to fill their seat. I do not think that we should be like that as a House and as a body, and out of respect for that, if these cases do happen, I would either ask the gentleman to please withdraw your amendment or let us just vote this down.

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

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, for the record, in 1981 my father passed away Christmas Eve of 1981 very unexpectedly at the age of 46. At that time Mr. Ryan was the Speaker of the House, and Mr. Ryan declined to call a special election in my legislative district.

I think it is a basic right of democracy that every person that we represent here in the Commonwealth of Pennsylvania has a right to elect a person, to have a voice, and to have input into the legislative process. I think people have that right to representation, and I think it is important that people be provided, through an elected Representative, input into the legislative process.

I think the Druce amendment provides for that input, and I would ask my colleagues to support the Druce amendment.

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

The following roll call was recorded:

YEAS—176

Adolph	Fleagle	Lloyd	Santoni
Allen	Flick	Lucyk	Sather
Argall	Gamble	Lynch	Saurman
Armstrong	Gannon	Maitland	Saylor
Baker	Geist	Manderino	Scheetz
Barley	George	Markosek	Schuler
Battisto	Gerlach	Marsico	Scrimenti
Bebko-Jones	Gigliotti	Masland	Semmel
Belardi	Gladeck	Mayernik	Serafini
Belfanti	Godshall	McCall	Smith, B.
Birmelin	Gordner	McGeehan	Smith, S. H.
Blaum	Gruitza	Melio	Snyder, D. W.
Boyes	Gruppo	Merry	Staback
Brown	Haluska	Michlovic	Stairs
Bunt	Hanna	Micozzie	Steelman
Buxton	Harley	Miller	Steil
Cappabianca	Hasay	Mundy	Stern
Carone	Heckler	Murphy	Stetler
Cawley	Hennessey	Nailor	Stish
Cessar	Herman	Nickol	Strittmatter
Chadwick	Hershey	Nyce	Sturla
Civera	Hess	O'Brien	Surra
Clark	Hutchinson	O'Donnell	Tangretti
Clymer	Jadlowiec	Olasz	Taylor, E. Z.
Cohen, L. I.	Jarolin	Perzel	Taylor, J.
Colafella	Josephs	Petrone	Tigue
Colaizzo	Kaiser	Pettit	Tomlinson
Cornell	Kasunic	Phillips	Trello
Corrigan	Keller	Piccola	Trich
Curry	Kenney	Pistella	True
Daley	King	Pitts	Tuffi
DeLuca	Kirkland	Platts	Uliana
Dempsey	Krebs	Raymond	Vance
Dent	Kukovich	Reber	Van Horne
Dermody	LaGrotta	Reinard	Vitali
Druce	Laub	Richardson	Wagh
Durham	Laughlin	Ritter	Williams
Egolf	Lawless	Roberts	Wogan
Fairchild	Lederer	Robinson	Wozniak
Fajt	Lee	Rohrer	Wright, D. R.
Fargo	Leh	Rooney	Wright, M. N.
Farmer	Lescovitz	Rubley	Yandrisevits
Fee	Levdansky	Rudy	Yewcic
Fichter	Linton	Ryan	Zug

NAYS—24

Acosta	Donatucci	Oliver	Steighner
Bishop	Evans	Pesci	Thomas
Butkovitz	Hughes	Petrarca	Veon
Caltagirone	Itkin	Preston	
Carn	James	Rieger	DeWeese,
Cohen, M.	McNally	Roebuck	Speaker
Coy	Mihalich		

NOT VOTING—0

EXCUSED—3

Bush	Cowell	Freeman
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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. TULLI offered the following amendments No. A2223:

Amend Title, page 1, line 11, by inserting after "for" powers and duties of the Secretary of the Commonwealth and for

Amend Bill, page 1, lines 16 through 19, by striking out all of said lines and inserting

Section 1. Section 201 of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, is amended to read:

Section 201. Powers and Duties of the Secretary of the Commonwealth.—The Secretary of the Commonwealth shall exercise in the manner provided by this act all powers granted to him by this act, and shall perform all the duties imposed upon him by this act, which shall include the following:

(a) To determine, in accordance with the provisions of this act, the forms of nomination petitions and papers, expense accounts and all other forms and records, the form of which he is required to determine under the provisions of this act. The form of nomination petitions and papers shall require a statement as to whether the candidate has ever been convicted of, or pleaded guilty or no contest to, an offense graded higher than a misdemeanor of the first degree.

(b) To examine and reexamine voting machines, and to approve or disapprove them for use in this State, in accordance with the provisions of this act.

(c) To certify to county boards of elections for primaries and elections the names of the candidates for President and Vice-President of the United States, presidential electors, United States senators, representatives in Congress and all State offices, including senators, representatives, and judges of all courts of record, and delegates and alternate delegates to National Conventions, and members of State committees, and the form and wording of constitutional amendments or other questions to be submitted to the electors of the State at large.

(d) To receive and determine, as hereinafter provided, the sufficiency of nomination petitions, certificates and papers of candidates for President of the United States, presidential electors, United States senators, representatives in Congress and all State offices, including senators, representatives and judges of all courts of record, and delegates and alternate delegates to National Conventions and members of State committees.

(e) To receive such reports from county boards of elections as are required by this act, and to demand such additional reports on special matters as he may deem necessary.

(f) To receive from county boards of elections the returns of primaries and elections, to canvass and compute the votes cast for candidates and upon questions as required by the provisions of this act; to proclaim the results of such primaries and elections, and to issue certificates of election to the successful candidates at such elections, except in cases where that duty is imposed by law on another officer or board.

(g) To perform such other duties as may be prescribed by law.

Section 2. Sections 1302.1, 1302.2, 1306(a) and 1308(a) of the act, amended December 11, 1968 (P.L.1183, No.375), are amended to read:

Amend Sec. 2, page 9, line 10, by striking out "2" and inserting

3

Amend Sec. 3, page 10, line 5, by striking out "3" and inserting

4

Amend Bill, page 10, by inserting between lines 7 and 8

Section 5. The amendment of section 201(a) of the act shall apply to filings made after the new forms are established by the Secretary of the Commonwealth.

Amend Sec. 4, page 10, line 8, by striking out "4" and inserting

6

On the question,

Will the House agree to the amendments?

The SPEAKER. On the amendment, the gentleman, Mr. Tulli, is recognized.

Mr. TULLI. Mr. Speaker, this is the disclosure amendment that we had discussed last week and passed into another bill. This bill is a vehicle that is well written and suits this amendment and should go through both chambers of the legislature pretty well.

I would appreciate your support. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—190

Acosta	Fleagle	Lynch	Saurman
Adolph	Flick	Maitland	Saylor
Allen	Gamble	Markosek	Scheetz
Argall	Gannon	Marsico	Schuler
Armstrong	Geist	Masland	Scrimanti
Baker	George	Mayernik	Semmel
Barley	Gerlach	McCall	Serafini
Battisto	Gigliotti	McGeehan	Smith, B.
Bebko-Jones	Gladeck	Melio	Smith, S. H.
Belardi	Godshall	Merry	Snyder, D. W.
Belfanti	Gordner	Michlovic	Staback
Bishop	Gruitza	Micozzie	Stairs
Blaum	Gruppo	Mihalich	Steelman
Boyes	Haluska	Miller	Steighner
Brown	Hanna	Mundy	Steil
Bunt	Harley	Murphy	Stern
Butkovitz	Hasay	Nailor	Steller
Buxton	Heckler	Nickol	Stish
Callagirone	Hennessey	Nyce	Strittmatter
Cappabianca	Herman	O'Brien	Sturla
Cam	Hershey	Olasz	Surra
Carone	Hess	Oliver	Tangretti
Cawley	Hughes	Perzel	Taylor, E. Z.
Cessar	Hutchinson	Petrarca	Taylor, J.
Chadwick	Itkin	Petrone	Thomas
Civera	Jadlowiec	Pettit	Tigue
Clark	James	Phillips	Tomlinson
Clymer	Jarolin	Piccola	Trello
Colafrilla	Josephs	Pistella	Trich
Colaizzo	Kaiser	Pitts	True
Cornell	Kasunic	Platts	Tulli
Corrigan	Keller	Preston	Uliana
Coy	Kenney	Raymond	Vance
Curry	King	Reber	Van Home
Daley	Kirkland	Reinard	Veon
DeLuca	Krebs	Richardson	Vitali
Dent	LaGrotta	Rieger	Waugh
Dermody	Laub	Ritter	Williams
Donatucci	Laughlin	Roberts	Wogan
Druce	Lawless	Robinson	Wozniak
Durham	Lederer	Roebuck	Wright, D. R.
Egolf	Lee	Rohrer	Wright, M. N.
Fairchild	Leh	Rooney	Yandrisevits
Fajt	Lescovitz	Rubley	Yewcic
Fargo	Levdansky	Rudy	Zug
Farmer	Linton	Ryan	

Fee	Lloyd	Santoni	DeWeese,
Fichter	Lucyk	Sather	Speaker

NAYS—9

Birmelin	Dempsey	Kukovich	McNally
Cohen, L. I.	Evans	Manderino	Pesci
Cohen, M.			

NOT VOTING—1

O'Donnell

EXCUSED—3

Bush	Cowell	Freeman
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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. CHADWICK offered the following amendments No. A2225:

Amend Bill, page 1, lines 16 through 19, by striking out all of said lines and inserting

Section 1. Section 1302(e.1) of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, amended May 5, 1986 (P.L.150, No.47), is amended to read:

Section 1302. Applications for Official Absentee Ballots.—* * *

(e.1) Any qualified registered elector, including any qualified bedridden or hospitalized veteran, who is unable because of illness or physical disability to attend his polling place on the day of any primary or election or operate a voting machine and state distinctly and audibly that he is unable to do so as required by section 1218 of this act [may,] shall, upon application and with the certification by his attending physician that he is permanently disabled, and physically unable to attend the polls or operate a voting machine and make the distinct and audible statement required by section 1218 appended to the application hereinbefore required, be placed on a permanently disabled absentee ballot list file. An absentee ballot application shall be mailed to every such person for each primary or election so long as he does not lose his voting rights by failure to vote as otherwise required by this act. Such person shall not be required to file a physician's certificate of disability with each application as required in subsection (e) of this section but such person must submit a written statement asserting continuing disability every four years in order to maintain his eligibility to vote under the provisions of this subsection. Should any such person lose his disability he shall inform the county board of elections of the county of his residence. No person shall be placed on a permanently disabled absentee ballot list file without express voluntary authorization by the person permitting the county board of elections to do so. Further, persons placed on a permanently disabled absentee ballot list file may require the county board of elections to remove their names from such list at any time without condition by submitting a written statement to the county board of elections requesting such action. No person shall be placed on a permanently disabled absentee ballot list file solely based on the accessibility, inaccessibility or physical condition of polling places in the county in which the person is registered to vote.

* * *

Section 2. Sections 1302.1, 1302.2, 1306(a) and 1308(a) of the act, amended December 11, 1968 (P.L.1183, No.375), are amended to read:

Amend Sec. 2, page 9, line 10, by striking out "2" and inserting

3
Amend Sec. 3, page 10, line 5, by striking out "3" and inserting

4
Amend Sec. 4, page 10, line 8, by striking out "4" and inserting

5

On the question,

Will the House agree to the amendments?

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

Mr. CHADWICK. Thank you, Mr. Speaker.

This amendment has been passed unanimously by the House on a number of occasions over the years. Unfortunately, it has never been attached to a piece of legislation that reached the Governor's desk, so I am going to keep trying until it reaches the Governor's desk.

Under current law, counties are permitted to set up a list of permanently handicapped voters and automatically send those permanently handicapped voters an absentee ballot application for each primary and general election rather than making those permanently handicapped voters apply for an absentee ballot application twice a year. Unfortunately, the law says "may" and not "shall," and many counties are not setting up these lists of permanently handicapped voters and the handicapped voters have to continue applying for absentee ballot applications.

This amendment would simply require the counties to set up these lists so that our permanently handicapped voters can automatically get absentee ballot applications for each election.

The SPEAKER. The Chair thanks the gentleman from Bradford and recognizes Mr. Pesci.

Mr. PESCI. Mr. Speaker, I concur, and I ask my colleagues to give this amendment a "yes" vote.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—200

Acosta	Fee	Lynch	Santoni
Adolph	Fichter	Maitland	Sather
Allen	Fleagle	Manderino	Saurman
Argall	Flick	Markosek	Saylor
Armstrong	Gamble	Marsico	Scheetz
Baker	Gannon	Masland	Schuler
Barley	Geist	Mayernik	Scrimenti
Battisto	George	McCall	Semmel
Bebko-Jones	Gerlach	McGeehan	Serafini
Belardi	Gigliotti	McNally	Smith, B.
Belfanti	Gladeck	Melio	Smith, S. H.
Birmelin	Godshall	Merry	Snyder, D. W.
Bishop	Gordner	Michlovic	Staback
Blaum	Gruitza	Micozzie	Stairs
Boyes	Gruppo	Mihalich	Steelman
Brown	Haluska	Miller	Steighner
Bunt	Hanna	Mundy	Steil
Butkovitz	Harley	Murphy	Stern
Buxton	Hasay	Nailor	Stetler
Caltagirone	Heckler	Nickol	Stish
Cappabianca	Hennessey	Nyce	Strittmatter

Carn	Herman	O'Brien	Sturla
Carone	Hershey	O'Donnell	Surra
Cawley	Hess	Olasz	Tangretti
Cessar	Hughes	Oliver	Taylor, E. Z.
Chadwick	Hutchinson	Perzel	Taylor, J.
Civera	Itkin	Pesci	Thomas
Clark	Jadlowiec	Petrarca	Tigue
Clymer	James	Petrone	Tomlinson
Cohen, L. I.	Jarolin	Pettit	Trello
Cohen, M.	Josephs	Phillips	Trich
Colafiglia	Kaiser	Piccola	True
Colaizzo	Kasunic	Pistella	Tulli
Cornell	Keller	Pitts	Uliana
Corrigan	Kenney	Platts	Vance
Coy	King	Preston	Van Horne
Curry	Kirkland	Raymond	Veon
Daley	Krebs	Reber	Vitali
DeLuca	Kukovich	Reinard	Waugh
Dempsey	LaGrotta	Richardson	Williams
Dent	Laub	Rieger	Wogan
Dermody	Laughlin	Ritter	Wozniak
Donatucci	Lawless	Roberts	Wright, D. R.
Druce	Lederer	Robinson	Wright, M. N.
Durham	Lee	Roebuck	Yandrisevits
Egolf	Leh	Rohrer	Yewcic
Evans	Lescovitz	Rooney	Zug
Fairchild	Levdansky	Rublely	
Fajt	Linton	Rudy	DeWeese,
Fargo	Lloyd	Ryan	Speaker
Farmer	Lucyk		

NAYS—0

NOT VOTING—0

EXCUSED—3

Bush Cowell Freeman

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. MIHALICH offered the following amendments No. A2403:

Amend Title, page 1, line 11, by inserting after "ballots;" providing for a warning of violations on envelopes for official absentee ballots;

Amend Title page 1, line 13, by removing the period after "APPROPRIATION" and inserting ; and making editorial changes.

Amend Sec. 1, page 1, line 16, by inserting after "1302.2," 1304,

Amend Sec. 1, page 7, by inserting between lines 4 and 5 Section 1304. Envelopes for Official Absentee Ballots.—

(a) (1) The county boards of election shall provide two additional envelopes for each official absentee ballot of such size and shape as shall be prescribed by the Secretary of the Commonwealth, in order to permit the placing of one within the other and both within the mailing envelope. On the smaller of the two envelopes to be enclosed in the mailing envelope shall be printed, stamped or endorsed [the words "Official Absentee Ballot," and nothing else.] in ten-point type the words "Official Absentee Ballot" and the following words, also in ten-point type:

"Violations of Provisions Relating to Absentee Electors Ballots

If any person shall sign an application for absentee ballot or declaration of elector in the forms prescribed knowing any matter declared herein to be false, or shall vote any ballot other than one properly issued to him, or vote or attempt to vote more than once in any election for which an absentee ballot shall have been issued to him, or shall violate any other provisions of Article XIII of this act, he shall be guilty of a misdemeanor, and, upon conviction, shall be sentenced to pay a fine not exceeding one thousand dollars (\$1,000), or be imprisoned for a term not exceeding one year, or both, at the discretion of the court."

In printing, stamping or endorsing the envelope with the above words, the county boards of election shall print, stamp or endorse, or cause to be printed, stamped or endorsed, the following words in boldface type: "Violations of Provisions Relating to Absentee Electors Ballots" and "If any person shall sign an application for absentee ballot or declaration of elector on the forms prescribed knowing any matter declared herein to be false," and "shall be guilty of a misdemeanor, and, upon conviction, shall be sentenced to pay a fine not exceeding one thousand dollars (\$1,000), or be imprisoned for a term not exceeding one year, or both, at the discretion of the court."

(2) On the larger of the two envelopes, to be enclosed within the mailing envelope, shall be printed the form of the declaration of the elector, and the name and address of the county board of election of the proper county. The larger envelope shall also contain information indicating the local election district of the absentee voter. Said form of declaration and envelope shall be as prescribed by the Secretary of the Commonwealth and shall contain among other things a statement of the electors qualifications, together with a statement that such elector has not already voted in such primary or election. The mailing envelope addressed to the elector shall contain the two envelopes, the official absentee ballot, lists of candidates, when authorized by section 1303 subsection (b) of this act, the uniform instructions in form and substance as prescribed by the Secretary of the Commonwealth and nothing else[: Provided, however, That].

(b) Additionally, envelopes for electors qualified under preceding section 1301, subsections (a) to (h), inclusive, shall have printed across the face of each transmittal or return envelope two parallel horizontal red bars, each one-quarter inch wide, extending from one side of the envelope to the other side, with an intervening space of one-quarter inch, the top bar to be one and one-quarter inches from the top of the envelope and with the words "Official Election Balloting Material via Air Mail" between the bars; that there be printed, in the upper right corner of each such envelope in a box, the words "Free of U. S. Postage, Including Air Mail;" that all printing on the face of each such envelope be in red, and that there be printed in red, in the upper left corner of each such envelope, the name and address of the county board of elections of the proper county or blank lines for return address of the sender[:].

[Provided further, That the] (c) The aforesaid envelope addressed to the elector may contain absentee registration forms where required, and shall contain detailed instructions on the procedures to be observed in casting an absentee ballot as prescribed by the Secretary of the Commonwealth, together with return envelope upon which is printed the name and address of the registration commission of the proper county, which envelope shall have printed across the face two parallel horizontal red bars, each one-quarter inch wide, extending from one side of the envelope to the other side, with an intervening space of one-quarter inch, the top bar to be one and one-quarter inches from the top of the envelope and with the words "Official Election Balloting Material via Air Mail" between the bars; that there be printed in the upper right corner of each such envelope in a box the words "Free of U. S. Postage, Including Air Mail," and, in the upper left corner of each such envelope, blank lines for return address of the sender; that all printing on the face of each such envelope be in red.

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

The SPEAKER. On that question, the gentleman, Mr. Mihalich, is recognized.

Mr. MIHALICH. Mr. Speaker, my amendment would only take out the current penalties for misuse of the absentee ballot and have the penalty clause, which is already in law, printed on the ballot. The cost would be insignificant, because the ballot already has "official ballot" written on it. The printer would only add the one short paragraph excerpted from the law which points out that there are penalties for misuse.

The purpose of this is I have in my lifetime—and I have conferred with many of my colleagues—in elections seen the absentee ballot used cavalierly or not quite the way it should be used, and rather than adding additional penalties, there is a penalty clause in the act currently, which has been there for many, many years, reminding people that the absentee ballot should be used in the manner prescribed and for the reasons that absentee ballots are made available, and that is the extent of my amendment.

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

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

Mr. PESCI. Mr. Speaker, I ask for a "yes" on this amendment. This is an agreed-to amendment.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—199

Acosta	Fichter	Lynch	Santoni
Adolph	Fleagle	Maitland	Sather
Allen	Flick	Manderino	Saurman
Argall	Gamble	Markosek	Saylor
Armstrong	Gannon	Marsico	Scheetz
Baker	Geist	Masland	Schuler
Barley	George	Mayermik	Scrimenti
Battisto	Gerlach	McCall	Semmel
Bebko-Jones	Gigliotti	McGeehan	Serafini
Belardi	Gladeck	McNally	Smith, B.
Belfanti	Godshall	Melio	Smith, S. H.
Birmelin	Gordner	Merry	Snyder, D. W.
Bishop	Gruitza	Michlovic	Staback
Blaum	Gruppo	Micozzie	Stairs
Boyes	Haluska	Mihalich	Steelman
Brown	Hanna	Miller	Steighner
Bunt	Harley	Mundy	Steil
Butkovitz	Hasay	Murphy	Stern
Buxton	Heckler	Nailor	Stetler
Caltagirone	Hennessey	Nickol	Stish
Cappabianca	Herman	Nyce	Strittmatter
Carn	Hershey	O'Brien	Sturla
Carone	Hess	O'Donnell	Surra
Cawley	Hughes	Olasz	Tangretti
Cessar	Hutchinson	Oliver	Taylor, E. Z.
Chadwick	Itkin	Perzel	Taylor, J.
Civera	Jadlowiec	Pesci	Thomas
Clark	James	Petrarca	Tigue
Clymer	Jarolin	Petrone	Tomlinson
Cohen, J. I.	Josephs	Pettit	Trello

Cohen, M.	Kaiser	Phillips	Trich
Colafella	Kasunic	Piccola	True
Colaizzo	Keller	Pistella	Tulli
Cornell	Kenney	Pitts	Uliana
Corrigan	King	Platts	Vance
Coy	Kirkland	Preston	Van Home
Daley	Krebs	Raymond	Veon
DeLuca	Kukovich	Reber	Vitali
Dempsey	LaGrotta	Reinard	Waugh
Dent	Laub	Richardson	Williams
Dermody	Laughlin	Rieger	Wogan
Donatucci	Lawless	Ritter	Wozniak
Druce	Lederer	Roberts	Wright, D. R.
Durham	Lee	Robinson	Wright, M. N.
Egolf	Leh	Roebuck	Yandrisevits
Evans	Lescovitz	Rohrer	Yewcic
Fairchild	Levdansky	Rooney	Zug
Fajt	Linton	Rubley	
Fargo	Lloyd	Rudy	DeWeese,
Farmer	Lucyk	Ryan	Speaker
Fee			

NAYS—1

Curry

NOT VOTING—0

EXCUSED—3

Bush Cowell Freeman

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. ROBINSON offered the following amendments No. A2585:

Amend Title, page 1, line 11, by inserting after "for" the printing of constitutional amendments or other questions on election ballots and for

Amend Bill, page 1, lines 16 through 19, by striking out all of said lines and inserting

Section 1. Section 1003(g) of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, amended April 24, 1947 (P.L.68, No.33), is amended to read:

Section 1003. Form of Official Election Ballot.—

* * *

(g) The official ballots shall vary in form only as the names of districts, offices, candidates or the provisions of this act may require. When constitutional amendments or other questions are submitted to a vote of the electors, each amendment or other question so submitted may be printed upon the ballot below the groups of candidates for the various offices, and, when required by law, shall be so printed. Any constitutional amendment or other question so submitted shall be printed upon the ballot in a contrasting color. Constitutional amendments so submitted shall be printed in brief form, to be determined by the Secretary of the Commonwealth, and other questions so submitted shall be printed in brief form, to be determined by the Secretary of the Commonwealth in the case of questions to be voted on by the electors of the State at large, and by the county boards in other cases. To the right of each question there shall be placed the words "yes" and "no," together with appropriate squares to the right of each for the convenient insertion of a cross mark.

Section 2. Sections 1302.1, 1302.2, 1306(a) and 1308(a) of the act, amended December 11, 1968 (P.L.1183, No.375), are amended to read:

Amend Sec. 2, page 9, line 10, by striking out "2" and inserting

3

Amend Sec. 3, page 10, line 5, by striking out "3" and inserting

4

Amend Sec. 4, page 10, line 8, by striking out "4" and inserting

5

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

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Pittsburgh.

Mr. ROBINSON. Thank you, Mr. Speaker.

Mr. Speaker, this amendment simply affords voters an opportunity to more clearly identify special questions and constitutional amendments.

I am sure there are many members of the House who have had occasion to go into a polling place, their polling place, when a special ballot question has been listed and have had some difficulty finding that question. By providing for a color-coding system, it will make it much easier for voters to find these special questions, just as the color-coding system makes it very easy for voters to determine whether the candidates are Republicans or Democrats.

This particular amendment enhances the bill before us and I believe is another attempt to allow more people to participate in the process and to participate on an informed basis. I would encourage all members of the House to support this amendment. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS-169

Table listing names of members who voted 'YEAS' with 169 total votes. Columns include Acosta, Adolph, Armstrong, Baker, Barley, Battisto, Bebkco-Jones, Belardi, Belfanti, Birmelin, Bishop, Blaum, Boyes, Brown, Bunt, Buxton, Caltagirone, Cam, Cawley, Cessar, Chadwick, Civera, Clymer, Fichter, Fleagle, Flick, Gamble, Gannon, Geist, George, Gerlach, Gigliotti, Gladeck, Godshall, Gruppo, Haluska, Hanna, Hasay, Heckler, Hennessey, Herman, Hershey, Hess, Hughes, Itkin, James, Marsico, Masland, Mayernik, McCall, McGeehan, McNally, Melio, Merry, Michlovic, Micozzie, Miller, Mundy, Murphy, Nailor, Nickol, Nyce, O'Brien, O'Donnell, Olasz, Oliver, Perzel, Petrarca, Petrone, Scheetz, Schuler, Scrimenti, Semmel, Serafini, Smith, B., Smith, S. H., Snyder, D. W., Staback, Stairs, Steighner, Steil, Stetler, Stish, Strittmatter, Sturla, Surra, Tangretti, Taylor, E. Z., Taylor, J., Thomas, Tomlinson, Trello.

Table listing names of members who did not vote or were excused. Columns include Cohen, M., Colafella, Colaizzo, Cornell, Corrigan, Coy, Curry, Daley, DeLuca, Dempsey, Dent, Dermody, Donatucci, Druce, Durham, Egolf, Evans, Fajt, Farmer, Fee, Jarolin, Josephs, Kaiser, Kasunic, Keller, Kenney, Kirkland, Kukovich, LaGrotta, Laub, Laughlin, Lawless, Leh, Lescovitz, Levdansky, Linton, Lucyk, Maitland, Manderino, Markosek, Pettit, Phillips, Piccola, Pistella, Pitts, Platts, Preston, Raymond, Reber, Reinard, Richardson, Rieger, Ritter, Robinson, Roebuck, Rohrer, Rooney, Rudy, Ryan, Santoni, Trich, True, Tulli, Uliana, Vance, Van Horne, Veon, Vitali, Waugh, Williams, Wogan, Wozniak, Wright, D. R., Wright, M. N., Yandrisevits, Zug, DeWeese, Speaker.

NAYS-30

Table listing names of members who voted 'NAYS' with 30 total votes. Columns include Allen, Argall, Butkowitz, Carone, Clark, Cohen, L. I., Fairchild, Fargo, Gordner, Gruitza, Harley, Hutchinson, Jadlowiec, King, Krebs, Lederer, Lee, Lloyd, Lynch, Mihalich, Pesci, Roberts, Rubley, Sather, Saurman, Saylor, Steelman, Stern, Tigie, Yewcic.

NOT VOTING-1

Cappabianca

EXCUSED-3

Bush, Cowell, Freeman

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. ARGALL offered the following amendments No. A2683:

Amend Title, page 1, line 11, by inserting after "elections,"

authorizing county boards of elections to place nonbinding referendums on ballots;

Amend Bill, page 1, lines 16 through 19, by striking out all of said lines and inserting

Section 1. Section 302 of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, is amended by adding a clause to read:

Section 302. Powers and Duties of County Boards.—The county boards of elections, within their respective counties, shall exercise, in the manner provided by this act, all powers granted to them by this act, and shall perform all the duties imposed upon them by this act, which shall include the following:

(p) To place nonbinding proposals on the ballot in a manner fairly representing the content of a petition for decision by referendum at an election.

Section 2. Sections 1302.1, 1302.2, 1306(a) and 1308(a) of the act, amended December 11, 1968 (P.L.1183, No.375), are amended to read:

Amend Sec. 2, page 9, line 10, by striking out "2" and inserting

3

Amend Sec. 3, page 10, line 5, by striking out "3" and inserting

4

Amend Sec. 4, page 10, line 8, by striking out "4" and inserting

5

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

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. Argall.

Mr. ARGALL. Thank you, Mr. Speaker.

Mr. Speaker, this amendment is almost identical to the one which was passed almost unanimously earlier in the day regarding nonbinding referenda.

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

The following roll call was recorded:

YEAS—198

Acosta	Farmer	Lucyk	Ryan
Adolph	Fee	Lynch	Santoni
Allen	Fichter	Maitland	Sather
Argall	Fleagle	Manderino	Saurman
Armstrong	Flick	Markosek	Saylor
Baker	Gamble	Marsico	Scheetz
Barley	Gannon	Masland	Schuler
Battisto	Geist	Mayernik	Scrimenti
Bebko-Jones	George	McCall	Semmel
Belardi	Gerlach	McGeehan	Serafini
Belfanti	Gigliotti	McNally	Smith, B.
Birmelin	Gladeck	Melio	Smith, S. H.
Bishop	Godshall	Merry	Snyder, D. W.
Blaum	Gordner	Michlovic	Staback
Boyes	Gruitza	Micozzie	Stairs
Brown	Gruppo	Mihalich	Steelman
Bunt	Haluska	Miller	Steighner
Butkovitz	Hanna	Mundy	Stetler
Buxton	Harley	Murphy	Stish
Caltagirone	Hasay	Nailor	Strittmatter
Cappabianca	Heckler	Nickol	Sturla
Carn	Hennessey	Nyce	Surra
Carone	Herman	O'Brien	Tangretti
Cawley	Hershey	O'Donnell	Taylor, E. Z.
Cessar	Hess	Olasz	Taylor, J.
Chadwick	Hughes	Oliver	Thomas
Civera	Hutchinson	Perzel	Tomlinson
Clark	Itkin	Pesci	Trello
Clymer	Jadlowiec	Petrarca	Trich
Cohen, L. I.	James	Petrone	True
Cohen, M.	Jarolin	Pettit	Tulli
Colafella	Kaiser	Phillips	Uliana
Colaizzo	Kasunic	Piccola	Vance
Cornell	Keller	Pistella	Van Horne
Corrigan	Kenney	Pitts	Veon
Coy	King	Platts	Vitali
Curry	Kirkland	Preston	Waugh
Daley	Krebs	Raymond	Williams
DeLuca	Kukovich	Reber	Wogan
Dempsey	LaGrotta	Reinard	Wozniak
Dent	Laub	Richardson	Wright, D. R.
Dermody	Laughlin	Rieger	
Donatucci	Lawless	Ritter	

Druce	Lederer	Roberts	Wright, M. N.
Durham	Lee	Robinson	Yandrisevits
Egolf	Leh	Roebuck	Yewcic
Evans	Lescovitz	Rohrer	Zug
Fairchild	Levdansky	Rooney	
Fajt	Linton	Rublely	DeWeese, Speaker
Fargo	Lloyd	Rudy	

NAYS—0

NOT VOTING—2

Josephs	Tigue
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EXCUSED—3

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

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—198

Acosta	Farmer	Lloyd	Santoni
Adolph	Fee	Lucyk	Sather
Allen	Fichter	Lynch	Saurman
Argall	Fleagle	Maitland	Saylor
Armstrong	Flick	Manderino	Scheetz
Baker	Gamble	Markosek	Schuler
Barley	Gannon	Marsico	Scrimenti
Battisto	Geist	Masland	Semmel
Bebko-Jones	George	Mayernik	Serafini
Belardi	Gerlach	McCall	Smith, B.
Belfanti	Gigliotti	McGeehan	Smith, S. H.
Birmelin	Gladeck	McNally	Snyder, D. W.
Bishop	Godshall	Melio	Staback
Blaum	Gordner	Merry	Stairs
Boyes	Gruitza	Micozzie	Steelman
Brown	Gruppo	Mihalich	Steighner
Bunt	Haluska	Miller	Stetler
Butkovitz	Hanna	Mundy	Stish
Buxton	Harley	Murphy	Strittmatter
Caltagirone	Hasay	Nailor	Sturla
Cappabianca	Heckler	Nickol	Surra
Carn	Hennessey	Nyce	Tangretti
Carone	Herman	O'Brien	Taylor, E. Z.
Cawley	Hershey	Olasz	Taylor, J.
Cessar	Hess	Oliver	Thomas
Chadwick	Hughes	Perzel	Tigue
Civera	Hutchinson	Pesci	Tomlinson
Clark	Itkin	Petrarca	Trello
Clymer	Jadlowiec	Petrone	Trich
Cohen, L. I.	James	Pettit	True
Cohen, M.	Jarolin	Phillips	Tulli
Colafella	Josephs	Piccola	Uliana
Colaizzo	Kaiser	Pistella	Vance
Cornell	Kasunic	Pitts	
Corrigan	Keller	Platts	

Coy	Kenney	Preston	Van Horne
Curry	King	Raymond	Veon
Daley	Kirkland	Reber	Vitali
DeLuca	Krebs	Reinard	Waugh
Dempsey	Kukovich	Richardson	Williams
Dent	LaGrotta	Rieger	Wogan
Dermody	Laub	Ritter	Wozniak
Donatucci	Laughlin	Roberts	Wright, D. R.
Druce	Lawless	Robinson	Wright, M. N.
Durham	Lederer	Roebuck	Yandrisevits
Egolf	Lee	Rohrer	Yewcic
Evans	Leh	Rooney	Zug
Fairchild	Lescovitz	Rubley	
Fajt	Levdansky	Rudy	DeWeese,
Fargo	Linton	Ryan	Speaker

NAYS-1

Michlovic

NOT VOTING-1

O'Donnell

EXCUSED-3

Bush Cowell Freeman

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.

RULES SUSPENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. ITKIN. Mr. Speaker, I move that the rules of the House be temporarily suspended in order for the immediate consideration of a resolution from Representative Nyce, HR 135.

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

The following roll call was recorded:

YEAS-200

Acosta	Fee	Lynch	Santoni
Adolph	Fichter	Maitland	Sather
Allen	Fleagle	Manderino	Saurman
Argall	Flick	Markosek	Saylor
Armstrong	Gamble	Marsico	Scheetz
Baker	Gannon	Masland	Schuler
Barley	Geist	Mayernik	Scrimenti
Battisto	George	McCall	Semmel
Bebko-Jones	Gerlach	McGeehan	Serafini
Belardi	Gigliotti	McNally	Smith, B.
Belfanti	Gladeck	Melio	Smith, S. H.
Birmelin	Godshall	Merry	Snyder, D. W.
Bishop	Gordner	Michlovic	Staback
Blaum	Gruitza	Micozzie	Stairs
Boyes	Gruppo	Mihalich	Steelman
Brown	Haluska	Miller	Steighner
Bunt	Hanna	Mundy	Steil
Butkowitz	Harley	Murphy	Stern
Buxton	Hasay	Nailor	Stetler
Caltagirone	Heckler	Nickol	Stish

Cappabianca	Hennessey	Nyce	Strittmatter
Carn	Herman	O'Brien	Sturla
Carone	Hershey	O'Donnell	Surra
Cawley	Hess	Olasz	Tangretti
Cessar	Hughes	Oliver	Taylor, E. Z.
Chadwick	Hutchinson	Perzel	Taylor, J.
Civera	Itkin	Pesci	Thomas
Clark	Jadlowiec	Petrarca	Tigue
Clymer	James	Petrone	Tomlinson
Cohen, L. I.	Jarolin	Pettit	Trello
Cohen, M.	Josephs	Phillips	Trich
Colafella	Kaiser	Piccola	True
Colaizzo	Kasunic	Pistella	Tulli
Cornell	Keller	Pitts	Uliana
Corrigan	Kenney	Platts	Vance
Coy	King	Preston	Van Horne
Curry	Kirkland	Raymond	Veon
Daley	Krebs	Reber	Vitali
DeLuca	Kukovich	Reinard	Waugh
Dempsey	LaGrotta	Richardson	Williams
Dent	Laub	Rieger	Wogan
Dermody	Laughlin	Ritter	Wozniak
Donatucci	Lawless	Roberts	Wright, D. R.
Druce	Lederer	Robinson	Wright, M. N.
Durham	Lee	Roebuck	Yandrisevits
Egolf	Leh	Rohrer	Yewcic
Evans	Lescovitz	Rooney	Zug
Fairchild	Levdansky	Rubley	
Fajt	Linton	Rudy	DeWeese,
Fargo	Lloyd	Ryan	Speaker
Farmer	Lucyk		

NAYS-0

NOT VOTING-0

EXCUSED-3

Bush Cowell Freeman

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

RESOLUTION

The SPEAKER. The clerk will read HR 135.

The following resolution was read:

House Resolution No. 135

A RESOLUTION

Congratulating the Borough of Wind Gap, Pennsylvania, on its 100th Anniversary.

WHEREAS, The Borough of Wind Gap is celebrating its 100th Anniversary; and

WHEREAS, The first Chief Burgess, Benjamin S. Miller, along with other council/founding fathers, Alvin Laifer, Dr. J. C. Keller and Daniel Reed, presided at the first borough council meeting held August 2, 1893; and

WHEREAS, Through the years, the community has flourished and grown under the guidance and direction of many outstanding leaders; and

WHEREAS, The borough is currently governed by Mayor Thomas Bavaria and Chairman Joseph Del'Alba; therefore be it RESOLVED, That the House of Representatives extend congratulations to the Borough of Wind Gap in its joyous and momentous 100th Anniversary and pay tribute to the community

for keeping with the highest ideals and aspirations of this Commonwealth and offer best wishes for continued growth; and be it further

RESOLVED, That a copy of this resolution be transmitted to the Wind Gap Centennial Committee, P.O. Box 416, Wind Gap, Pennsylvania 18091.

Robert E. Nyce
Leonard Quirico Gruppo

On the question,
Will the House adopt the resolution?

The SPEAKER. Does the gentleman from Northampton County seek recognition? The gentleman indicates that he does and he is recognized.

Mr. NYCE. Thank you, Mr. Speaker.

Mr. Speaker, I am very proud to be before the House today to ask for their support for a resolution celebrating the 100th anniversary of the borough of Wind Gap in Northampton County. This summer there are great plans for a huge celebration, including a parade and many other ceremonies within the borough.

Representative Gruppo and I have joined to sponsor this resolution, and we appreciate the support of the House in recognizing the borough of Wind Gap on its 100th anniversary. Thank you.

The SPEAKER. The Chair thanks the gentleman and also wishes his congratulations on the borough's 100th anniversary.

On the question recurring,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—199

Acosta	Fee	Lucyk	Santoni
Adolph	Fichter	Lynch	Sather
Allen	Fleagle	Maitland	Saurman
Argall	Flick	Manderino	Saylor
Armstrong	Gamble	Markosek	Scheetz
Baker	Gannon	Marsico	Schuler
Barley	Geist	Masland	Scrimenti
Battisto	George	Mayermik	Semmel
Bebko-Jones	Gerlach	McCall	Serafini
Belardi	Gigliotti	McGeehan	Smith, B.
Belfanti	Gladeck	McNally	Smith, S. H.
Birmelin	Godshall	Melio	Snyder, D. W.
Bishop	Gordner	Merry	Staback
Blaum	Gruitza	Michlovic	Stairs
Boyes	Gruppo	Micozzie	Steelman
Brown	Haluska	Mihalich	Steighner
Bunt	Hanna	Miller	Steil
Butkovitz	Harley	Mundy	Stern
Buxton	Hasay	Murphy	Stetler
Caltagirone	Heckler	Nailor	Stish
Cappabianca	Hennessey	Nickol	Strittmatter
Carn	Herman	Nyce	Sturla
Carone	Hershey	O'Brien	Surra
Cawley	Hess	O'Donnell	Tangretti
Cessar	Hughes	Olasz	Taylor, E. Z.
Chadwick	Hutchinson	Oliver	Taylor, J.
Civera	Itkin	Perzel	Thomas
Clark	Jadlowiec	Pesci	Tigue
Clymer	James	Petrarca	Tomlinson
Cohen, L. I.	Jarolin	Petrone	Trello

Cohen, M.	Josephs	Pettit	Trich
Colaella	Kaiser	Phillips	True
Colaizzo	Kasunic	Piccola	Tulli
Cornell	Keller	Pistella	Uliana
Corrigan	Kenney	Platts	Vance
Coy	King	Preston	Van Home
Curry	Kirkland	Raymond	Veon
Daley	Krebs	Reber	Vitali
DeLuca	Kukovich	Reinard	Waugh
Dempsey	LaGrotta	Richardson	Williams
Dent	Laub	Rieger	Wogan
Dermody	Laughlin	Ritter	Wozniak
Donatucci	Lawless	Roberts	Wright, D. R.
Druce	Lederer	Robinson	Wright, M. N.
Durham	Lee	Roebuck	Yandrisevits
Egolf	Leh	Rohrer	Yewcic
Evaas	Lescovitz	Rooney	Zug
Fairchild	Levdanský	Rubley	
Fajt	Linton	Rudy	DeWeese, Speaker
Fargo	Lloyd	Ryan	
Farmer			

NAYS—0

NOT VOTING—1

Pitts

EXCUSED—3

Bush Cowell Freeman

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

HOUSE SCHEDULE

The SPEAKER. Does the Democratic Caucus chairman have any announcements, or the floor leader? The floor leader has an announcement. Mr. Itkin is recognized. An announcement regarding our schedule may be forthcoming.

The gentleman may proceed.

Mr. ITKIN. Mr. Speaker, originally it was my desire to break now and bring the House in at 9 o'clock to deal with SB 1, the workers' compensation conference report. Unfortunately, there have been some problems in the drafting of the bill; there have been some errors that need to be corrected. To be totally candid with you, there also have been some differences in interpretation in certain sections that need to be further explored. Consequently, we just do not see it realistic that we will have a report for the House this evening.

Consequently, it is my intention to adjourn the House or recess the House at this time and then to come back tomorrow at 11 a.m. to go into normal session, and hopefully at tomorrow's session I might be able to give you a more favorable prognosis.

Mr. RYAN. Mr. Speaker?

The SPEAKER. Mr. Ryan is recognized.

Mr. RYAN. Mr. Speaker, I wonder if the majority leader—I could have done this at sidebar, but I wonder if the majority leader would be able to tell us now whether he would expect to be caucusing tomorrow on workmen's comp. Do you think we will get into that posture, and if so, is there any chance that

we could get copies of this and caucus on it prior to 11 o'clock?

Mr. ITKIN. I think it would be unrealistic to expect us to have a unanimous agreement that we all understand the interpretation of all the provisions in the bill by 11 o'clock so that we can have in final draft form such a document.

I would say that the earliest I would expect that we could have such a document available would be sometime in the afternoon. But that is, in my judgment now, an optimistic belief.

Mr. RYAN. I thank the gentleman.

VOTE CORRECTIONS

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

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, on amendment A2222 to HB 1099, my button malfunctioned. Would you please record me in the affirmative.

The SPEAKER. The Chair thanks the gentleman, and his remarks will be spread across the record.

The gentleman, Mr. Hanna, is recognized.

Mr. HANNA. Mr. Speaker, to correct the record.

On amendment 2492 to HB 1099, I was not recorded. I would like to be recorded in the negative.

The SPEAKER. The Chair thanks the gentleman, and his remarks will be spread across the record.

LABOR RELATIONS COMMITTEE MEETING

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

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, I would like to remind the members of the House Labor Relations Committee that we will be having a voting meeting tomorrow morning at 10:30 a.m. in room 302B of the South Office Building. Thank you.

The SPEAKER. The Chair thanks the gentleman.

STATEMENT BY MR. LEE

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

Mr. LEE. Thank you, Mr. Speaker.

I guess I am a little behind the times here, but I would just like to recommend that the majority leader get us a copy of the workers' compensation report as soon as possible, because, as you know, we have a 24-hour requirement that conference committee reports be considered for 24 hours before we vote them. I suspect there might be a movement to suspend the rules, and hopefully we will have that in our hands as soon as possible so the members will know what we are voting on before we are asked to do so. Thank you very much.

The SPEAKER. The Chair thanks the gentleman and would suggest to the gentleman that he also have a followup conversation with members of the majority leader's staff within the next 15 minutes.

The gentleman from Northampton, Mr. Nyce, is recognized for the second time.

Mr. NYCE. Thank you, Mr. Speaker.

Mr. Speaker, I would appreciate it if the clerk could hold the resolution open for any other members that would like to sign on. Thank you very much.

The SPEAKER. Members should be reminded to keep their amendments for bills that were not considered today. They will be considered, in all probability, tomorrow.

Relative to Mr. Nyce's request, the Chair will hold the desk open for an additional 10 minutes for cosponsors to Mr. Nyce's resolution.

THE SPEAKER PRO TEMPORE (ITALO S. CAPPABIANCA) PRESIDING

RULES SUSPENDED

The SPEAKER pro tempore. The Chair recognizes Representative Ivan Itkin.

Mr. ITKIN. Mr. Speaker, I move that rule 30 be suspended so that when HB 1261 and HB 213 are read, they will go immediately to the calendar rather than to the Rules Committee.

On the question,

Will the House agree to the motion?

Motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILLS RETURNED FOR CONCURRENCE

The clerk of the Senate, being introduced, returned **HB 213, PN 1904**; and **HB 1261, PN 2143**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

BILLS REREPORTED FROM COMMITTEE

HB 238, PN 265

By Rep. ITKIN

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for local authorities to appoint temporary personnel to direct traffic at industrial facilities during shift changes.

RULES.

HB 412, PN 2050

By Rep. ITKIN

An Act providing for the establishment of a commission to evaluate the structure and system of taxation in Pennsylvania, for the appointment of members, for the powers and duties of the commission and for cooperation by other Commonwealth entities.

RULES.

HB 413, PN 2055

By Rep. ITKIN

An Act requiring nursing homes to submit information annually to the Department of Health; providing for certain duties to the Department of Health and the Department of Aging; and

providing immunity for long-term care ombudsman and person reporting thereto.

RULES.

HB 1187, PN 2057

By Rep. ITKIN

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for persons ineligible for licensing.

RULES.

HB 1356, PN 2058

By Rep. ITKIN

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for hearing impairment devices.

RULES.

HB 1640, PN 1862

By Rep. ITKIN

An Act amending the act of June 29, 1953 (P.L.304, No.66), known as the Vital Statistics Law of 1953, imposing a surcharge to provide funding for regional poison control centers; and establishing the *Poison Control Fund*.

RULES.

HB 1679, PN 2051

By Rep. ITKIN

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, further providing for investment of moneys of the Commonwealth.

RULES.

HB 1717, PN 2147 (Amended)

By Rep. ITKIN

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for definitions, for registration of protection from abuse orders, for responsibilities of law enforcement agencies, for commencement of protection from abuse proceedings, for hearings on petitions for protection from abuse, for relief, for service of protection from abuse orders, for emergency relief by the minor judiciary, for disclosure of addresses, for arrest, for violation of orders and for indirect criminal contempt; imposing a surcharge against defendants where a protection order is entered; providing for private criminal complaints for violations of orders or agreements and for civil contempt; further providing for confidential communications and for procedure and remedies; and providing for full faith and credit regarding certain orders.

RULES.

HB 1767, PN 2046

By Rep. ITKIN

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for certain restrictions on trucks registered in Class 10 or higher.

RULES.

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 238, PN 265; HB 412, PN 2050; HB 413, PN 2055; HB 1187, PN 2057; HB 1356, PN 2058; HB 1640, PN 1862;

HB 1679, PN 2051; HB 1717, PN 2147; and HB 1767, PN 2046.

**RESOLUTIONS REPORTED
FROM COMMITTEE**

HR 119, PN 2027

By Rep. ITKIN

A Resolution relating to the use of words and phrases referring to mental illness.

RULES.

HR 124, PN 2082

By Rep. ITKIN

A Resolution condemning racial and gender discrimination by private clubs and requesting that each private institution in this Commonwealth reexamine its rules, procedures and operations to eliminate discriminatory practices.

RULES.

**BILLS ON CONCURRENCE REPORTED
FROM RULES COMMITTEE**

HB 718, PN 2035

By Rep. ITKIN

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, providing for complimentary nonresident licenses; and further providing for restrictions on recreational spotlighting, for permit fees and for disabled person permits.

RULES.

HB 878, PN 2108 (Amended)

By Rep. ITKIN

An Act amending Titles 74 (Transportation) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the distribution of asset maintenance funds; authorizing the creation of a transportation authority to function in each metropolitan area consisting of any county of the first class and all nearby counties within a radius of 20 miles of any such first class county, as a body corporate and politic and as an agency and instrumentality of the Commonwealth for the purpose of establishing an integrated mass transportation system with all pertinent powers, including, but not limited to, leasing, acquiring, owning, operating and maintaining a system for or otherwise providing for the transportation of persons; authorizing the borrowing of money and issuance of bonds therefor and conferring the right of eminent domain on such an authority; altering the jurisdiction of the Pennsylvania Public Utility Commission; authorizing the acceptance of grants from Federal, State and local governments; limiting actions against such an authority and exempting it from taxation; authorizing counties and municipalities to enter into compacts for the financing of each authority and to make appropriations in accordance with such compacts; creating a citizen advisory committee; conferring exclusive jurisdiction upon certain courts with respect to matters relating to such authority and empowering each authority to function outside the metropolitan area under certain terms and conditions; continuing the existence of a presently existing transportation authority; providing for suspensions for offenses involving controlled substances, for certain out-of-State documentations, for reports by courts and for the allocation of oil company franchise tax revenues to the Pennsylvania Turnpike Commission; and making a repeal.

RULES.

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

SB 263, PN 1383 By Rep. RICHARDSON

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," providing for the establishment by the Department of Health of residential drug and alcohol treatment programs for pregnant women and mothers and their dependent children; providing for certain training programs; and providing for temporary above-ground refrigerated low-pressure storage regulatory authority.

HEALTH AND WELFARE.

SB 1052, PN 1462 (Amended)

By Rep. RICHARDSON

An Act reenacting and amending the act of July 8, 1986 (P. L. 408, No. 89), entitled "Health Care Cost Containment Act," changing the title; further providing for legislative policy, for the Health Care Cost Containment Council and its powers and duties for data submission and collection, for data dissemination and publication, for health care for the medically indigent, for mandated health benefits, for access to council data, for special studies and reports, for enforcement and penalties and for contracts with vendors; eliminating provisions on appropriations; providing for reporting; further providing for termination; and making editorial changes.

HEALTH AND WELFARE.

RECESS

The SPEAKER pro tempore. This House stands in recess until the call of the Chair.

AFTER RECESS

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

**THE SPEAKER (H. WILLIAM DeWEESE)
PRESIDING**

LEAVE OF ABSENCE CANCELED

The SPEAKER. The gentleman, Mr. Freeman, announces that he has returned from temporary leave.

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader. Mr. YKIN. Mr. Speaker, I move that SB 1068 be removed from the table.

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

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 the gentleman, Mr. Lawrence Curry, of Montgomery County.

Mr. CURRY. Mr. Speaker, I move that this House do now adjourn until Wednesday, June 16, 1993, 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 10:59 p.m., e.d.t., the House adjourned.