

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, MAY 7, 1996

SESSION OF 1996

180TH OF THE GENERAL ASSEMBLY

No. 29

HOUSE OF REPRESENTATIVES

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

**THE SPEAKER (MATTHEW J. RYAN)
PRESIDING**

PRAYER

REV. WILLARD L. STRUNK, Chaplain of the House of Representatives and pastor of Grover Church of Christ, Grover, Pennsylvania, offered the following prayer:

Let us pray:

Gracious Heavenly Father, we come to You today in humbleness of heart, and yet we are able to come boldly before Your throne of grace. We thank You for this day which You have given to each of us, and we pray that we might rejoice and be glad in it.

Father, we pray for each member of the House of Representatives, asking that You would grant each one wisdom in dealing with the business of the day. May each one apply the knowledge they have attained to make proper decisions, which will affect each person in this great Commonwealth of ours.

We thank You for those who have been so dedicated and diligent in their pursuit of justice and in doing what is best for all. May each one be prudent, courageous, and thoughtful. And when this day concludes, may every member of the House be able to say, "We have done our very best."

O Lord, as we continue in this day, we seek Your blessings, asking that each of us may allow You to guide and direct, and may You be glorified, for we pray it in Your name. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Monday, May 6, 1996, will be postponed until printed. The Chair hears no objection.

JOURNAL APPROVED

The SPEAKER. The Journal for Monday, October 16, 1995, will stand approved. The Chair hears no objection.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 1450, PN 1689

By Rep. O'BRIEN

An Act amending the act of June 11, 1968 (P.L.149, No.84), known as the Volunteer Firefighters' Relief Association Act, further providing for volunteer firefighters' retirement plans.

VETERANS AFFAIRS AND EMERGENCY
PREPAREDNESS.

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
May 6, 1996

RESOLVED, (the House of Representatives concurring), That when the Regular Session of the Senate adjourns this week it reconvene on Monday, May 13, 1996, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the Regular Session of the House of Representatives adjourns this week it reconvene on Monday, May 13, 1996, 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.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman, Mr. Pitts, who requests an immediate meeting of the Appropriations Committee at the rear of the hall of the House; Appropriations Committee meeting immediately in the rear of the hall of the House.

The Appropriations Committee meeting will be held in the Appropriations Committee conference room now. Appropriations Committee members, report to the Appropriations conference room now.

HOUSE BILLS**INTRODUCED AND REFERRED**

No. 2596 By Representatives VANCE, FLEAGLE, STERN, BROWN, BUNT, WALKO, WAUGH, BELARDI, FARGO, NICKOL, SATHER, SHEEHAN, STISH, MICOZZIE, E. Z. TAYLOR, MILLER, SHANER, MERRY, RUBLEY, TRELLO, PETTIT, MCGILL, YOUNGBLOOD, B. SMITH, MUNDY, EGOLF, LEDERER and HERSHEY

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for examination of applicant for driver's license; providing for physical examinations; and further providing for qualifications for school bus driver endorsement.

Referred to Committee on TRANSPORTATION, May 7, 1996.

No. 2597 By Representatives BISHOP, THOMAS, BELARDI, COLAFELLA, WALKO, ROBERTS, MELIO, McCALL, OLASZ, TIGUE, SURRA, GODSHALL, ROEBUCK, DeLUCA, TRAVAGLIO, YOUNGBLOOD, RUBLEY, STEELMAN, MERRY, RAMOS and TRELLO

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for occupational limited license.

Referred to Committee on TRANSPORTATION, May 7, 1996.

No. 2598 By Representatives READSHAW, BLAUM, DeWEESE, ITKIN, COY, BELARDI, EVANS, MUNDY, TRICH, STURLA, BEBKO-JONES, GEORGE, McCALL, LAUGHLIN, GORDNER, GAMBLE, RIEGER, CURRY, TIGUE, KUKOVICH, CALTAGIRONE, JAROLIN, WALKO, MELIO, STABACK, SEMMEL, ROBINSON, LEH, DONATUCCI, CAPPABIANCA, HALUSKA, CORRIGAN, COWELL, HERMAN, MICOZZIE, BELFANTI, LEVDANSKY, FAJT, SURRA, TRAVAGLIO, SANTONI, BUXTON, VEON, B. SMITH, JOSEPHS, PETRARCA, STEELMAN, GIGLIOTTI, FARMER, SCRIMENTI, PISTELLA, McGEEHAN, ROBERTS, BARD, LUCYK, YOUNGBLOOD, ARGALL, BOSCOLA, ROONEY, MERRY, REBER, TANGRETTI, CAWLEY, DALEY, KREBS, TRELLO, DERMODY, M. COHEN and RUBLEY

An Act amending the act of August 14, 1991 (P.L.342, No.36), known as the Lottery Fund Preservation Act, further defining "maximum annual income" of eligible claimants for pharmaceutical assistance; and providing for the use of brand name drugs and for rebates.

Referred to Committee on AGING AND YOUTH, May 7, 1996.

ADDITIONS AND DELETIONS OF SPONSORS

The SPEAKER. The Chair acknowledges receipt of additions and deletions for sponsorships of bills, which the clerk will file.

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

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED**HB 1719, PN 2069**

By Rep. MERRY

An Act amending the act of May 22, 1933 (P.L.853, No.155), known as The General County Assessment Law, providing for appraisal costs.

LOCAL GOVERNMENT.

HB 1720, PN 2070

By Rep. MERRY

An Act amending the act of May 21, 1943 (P.L.571, No.254), known as The Fourth to Eighth Class County Assessment Law, providing for appraisal costs.

LOCAL GOVERNMENT.

HB 1831, PN 3486 (Amended)

By Rep. WOGAN

An Act amending the act of May 31, 1933 (P.L.1108, No.272), entitled, as amended, "An act providing for the appointment, promotion, reduction, removal and reinstatement of paid officers, firemen and employes of fire departments and of fire alarm operators and fire box inspectors in the bureaus of electricity in cities of the third class; defining the powers and duties of civil service commissions for such purposes; and fixing penalties," further providing for applicants for any position in the fire department.

URBAN AFFAIRS.

HB 2470, PN 3250

By Rep. MERRY

An Act amending the act of May 25, 1945 (P.L.1050, No.394), known as the Local Tax Collection Law, further providing for the compensation of tax collectors in boroughs and townships of the second class.

LOCAL GOVERNMENT.

HB 2586, PN 3474

By Rep. MERRY

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, authorizing counties to make appropriations to municipal corporations for disaster or emergency aid.

LOCAL GOVERNMENT.

**COMMUNICATION FROM
WORKERS' COMPENSATION
ADVISORY COUNCIL**

The SPEAKER. The Speaker acknowledges receipt of the Pennsylvania Workers' Compensation Advisory Council annual report submitted pursuant to section 447(b)(4) of the Workers' Compensation Act.

The following communication was submitted:

Commonwealth of Pennsylvania
Department of Labor and Industry
Harrisburg, Pennsylvania 17120

May 1, 1996

Honorable Matthew J. Ryan
Speaker of the House of Representatives
Room 139, Main Capitol Building
Harrisburg, PA 17120

Dear Representative Ryan:

On behalf of the Workers' Compensation Advisory Council, I am pleased to provide you with a copy of the Council's Annual Report pursuant to Section 447(b)(4) of the Workers' Compensation Act which mandates that the report be submitted by May 1st.

If you have any questions regarding this report, please feel free to contact me at (717) 787-3756.

Sincerely,
Johnny J. Butler, Secretary
Department of Labor and Industry

Enclosure

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

COMMUNICATION FROM GOVERNOR

APPROVAL OF HOUSE BILL

The Speaker laid before the House a communication in writing from the office of His Excellency, the Governor of the Commonwealth, advising that the following House bill had been approved and signed by the Governor:

HB 2339.

SENATE MESSAGE

**AMENDED HOUSE BILL RETURNED
FOR CONCURRENCE AND
REFERRED TO COMMITTEE ON RULES**

The clerk of the Senate, being introduced, returned **HB 1940, PN 3484**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SB 222, PN 228

An Act designating a bridge in Union Township, Lawrence County, as the Thomas J. Fee Bridge.

SB 652, PN 1939

An Act amending the act of July 28, 1953 (P. L. 723, No. 230), entitled, as amended, "Second Class County Code," providing for the collection of taxes on real property from rent payable by tenants; further providing for the collection of tax and municipal claims by suit and for the interest rate on contributions when a person is separated from service; providing for the purchase of credit for service immediately following original employment; further providing for eligibility for retirement allowances and for requirements for credit for previous service; providing for clerk of courts fees and for deputy fire marshals; and making repeals.

SB 856, PN 1765

An Act establishing the Prison Medical Services Program within the Department of Corrections.

SB 1314, PN 1834

An Act authorizing the Department of General Services, with the approval of the Governor, to sell and convey to the Owen J. Roberts School District certain land situate in East Vincent Township, Chester County, Pennsylvania.

Whereupon, the Speaker, in the presence of the House, signed the same.

The SPEAKER. For the information of the members, the Chair just signed SB 222, which was the designation of a bridge in Union Township, Lawrence County, as the "Thomas J. Fee Bridge."

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—201

Adolph	Egolf	Lynch	Saylor
Allen	Evans	Maitland	Schroder
Argall	Fairchild	Major	Schuler
Armstrong	Fajt	Manderino	Scrimenti
Baker	Fargo	Markosek	Semmel
Bard	Feese	Marsico	Serafini
Barley	Fichter	Masland	Shaner
Battisto	Fleagle	Mayernik	Sheehan
Bebko-Jones	Flick	McCall	Smith, B.
Belardi	Gamble	McGeehan	Smith, S. H.
Belfanti	Gannon	McGill	Snyder, D. W.
Birmelin	Geist	Melio	Staback
Bishop	George	Merry	Stairs

Blaum	Gigliotti	Michlovic	Steelman
Boscola	Gladeck	Micozzie	Steil
Boyes	Godshall	Mihalich	Stern
Brown	Gordner	Miller	Stetler
Browne	Gruitza	Mundy	Stish
Bunt	Gruppo	Myers	Strittmatter
Butkovitz	Habay	Nailor	Sturla
Buxton	Haluska	Nickol	Surra
Caltagirone	Hanna	Nyce	Tangretti
Cappabianca	Harhart	O'Brien	Taylor, E. Z.
Carn	Hasay	Olasz	Taylor, J.
Carone	Haste	Oliver	Thomas
Cawley	Hennessey	Perzel	Tigue
Chadwick	Herman	Pesci	Travaglio
Civera	Hershey	Petrarca	Trello
Clark	Hess	Petrone	Trich
Clymer	Horsey	Pettit	True
Cohen, L. I.	Hutchinson	Phillips	Tulli
Cohen, M.	Itkin	Pistella	Vance
Colafella	Jadlowiec	Pitts	Van Horne
Colaizzo	James	Platts	Veon
Conti	Jarolin	Preston	Vitali
Cornell	Josephs	Ramos	Walko
Corpora	Kaiser	Raymond	Washington
Corrigan	Keller	Readshaw	Waugh
Cowell	Kenney	Reber	Williams
Coy	Kirkland	Reinard	Wogan
Curry	Krebs	Rieger	Wozniak
Daley	Kukovich	Roberts	Wright, D. R.
DeLuca	LaGrotta	Robinson	Wright, M. N.
Dempsey	Laughlin	Roebuck	Yewcic
Dent	Lawless	Rohrer	Youngblood
Dermody	Lederer	Rooney	Zimmerman
DeWeese	Leh	Rubley	Zug
DiGirolamo	Lescovitz	Rudy	
Donatucci	Levdansky	Sainato	Ryan,
Druce	Lloyd	Santoni	Speaker
Durham	Lucyk	Sather	

ADDITIONS—0

NOT VOTING—0

EXCUSED—2

Farmer King

LEAVES ADDED—1

Rubley

The SPEAKER. Will the gentleman, Mr. Roebuck, come to the rostrum.

FILMING PERMISSION

The SPEAKER. The Chair has given permission to John Sanks to film this portion of today's proceedings.

DREXEL UNIVERSITY MEN'S BASKETBALL TEAM PRESENTED

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

Mr. ROEBUCK. Thank you, Mr. Speaker.

I would ask that the members of the House join with me this morning in honoring the members of the Drexel University men's basketball team.

Under the leadership of Coach Bill Herrion, who is himself three-time North Atlantic Conference Coach of the Year, this team compiled a record of 27 wins and 4 defeats for their fourth 20-win season. They have for 4 straight years been the North Atlantic Conference regular season champions, and for the third straight year they received the champions of the conference tourney. They also have gone to the NCAA (National Collegiate Athletic Association) tournament for 3 straight years, and this year they achieved their first NCAA tournament victory.

We are very proud to recognize the excellence of this team and to note its members, who are Malik Rose, Greg Gaffney, Mike DeRocckis, Ross Neisler, David Frey, Jeff Myers, George Hudgins, Cornelius Overby, Brahin Riley, Karl Fischer, and Chuck Guittar. We are joined by those members of the team here and also in the rear of the hall of the House.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

GUESTS INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall of the House today, as guests of Representative Ellen Bard of Montgomery County, a group of 40 students from the Abington School District. They are seated in the rear of the hall of the House. Would these guests please rise. Students from Abington, please rise.

As a guest of Representative Greg Fajt, Dr. Karen Baker, seated to the left of the Speaker. Dr. Baker.

As a guest of Representative Sam Rohrer, we have today Sarah Reinert, who is here as a guest page. She is seated in front of the Chair with the pages. Sarah, would you please rise to be welcomed.

The Chair is pleased to welcome to the hall of the House today Kara Kline and Lisa Grzyboski, guest pages from Trinity High School, here today as the guests of Representatives Nailor and Vance. Kara and Lisa, would you please rise.

And a guest page of Representative Dick Hess, Christon Ensey. She is here along with her parents, who are sitting to the left of the Speaker. Would the Ensey family please rise.

The Chair would also like to welcome to the hall of the House today State Senator Scott Howell, who is the Democratic floor leader in Utah, and Ms. Joan Danko, who are here as the guests of Democratic Leader Bill DeWeese.

FINANCE COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman, Mr. Boyes, who wishes to make an announcement with respect to the Finance Committee.

Mr. BOYES. Thank you, Mr. Speaker.

I rise to announce a meeting of the House Finance Committee on Thursday, May 9, at 9:30 a.m. in room 140, Main Capitol. We will be meeting for the purpose of taking up SB 284 and any other business before the committee on this date.

Again, on Thursday, May 9, at 9:30 in the Main Capitol Building, the House Finance Committee will be meeting. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

BILLS REREPORTED FROM COMMITTEE**HB 1872, PN 3188**

By Rep. PITTS

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, authorizing county appropriations for the observance of Flag Day; and further providing for payments to historical societies.

APPROPRIATIONS.

HB 2064, PN 3494 (Amended)

By Rep. PITTS

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for a special youth hunter and angler education registration plate, for the Youth Hunter and Angler Education Fund and for expenditures from that fund; and providing for the issuance of additional personal registration plates for certain classes of special registration plates.

APPROPRIATIONS.

HB 2165, PN 2717

By Rep. PITTS

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for protection of property.

APPROPRIATIONS.

HB 2292, PN 2961

By Rep. PITTS

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for identification cards.

APPROPRIATIONS.

HB 2374, PN 3412

By Rep. PITTS

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, providing for amendment of annual budget in counties of the second class.

APPROPRIATIONS.

HB 2382, PN 3131

By Rep. PITTS

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for disabled veterans.

APPROPRIATIONS.

HB 2388, PN 3108

By Rep. PITTS

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, further defining "employment."

APPROPRIATIONS.

CALENDAR**BILLS ON THIRD CONSIDERATION****BILLS PASSED OVER**

The SPEAKER. The Chair turns to page 1 of today's calendar. SB 1047 is over. HB 1026 is over.

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BILLS PASSED OVER TEMPORARILY

The SPEAKER. HB 647 is over temporarily. On page 2, HB 2362 is over temporarily.

* * *

The House proceeded to third consideration of **HB 2449, PN 3283**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the unauthorized practice of law.

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

Mr. **STISH** offered the following amendment No. **A2281**:

Amend Title, page 1, line 2, by inserting after "Statutes,"
providing for minimum wages;

Amend Title, page 1, line 3, by removing the period after "law" and inserting

; and making a repeal.

Amend Bill, page 2, by inserting between lines 16 and 17
Section 2. Title 42 is amended by adding a chapter to read:

CHAPTER 69

MINIMUM WAGES

Sec.

6901. Declaration of policy.

6902. Short title of chapter.

6903. Definitions.

6904. Minimum wages.

6905. Exemptions.

6906. Minimum Wage Advisory Board.

6907. Investigations.

6908. Duty of employer.

6909. Enforcement; rules and regulations.

6910. Unconstitutionality.

6911. Penalties.

6912. Civil actions.

§ 6901. Declaration of policy.

Employees are employed in some occupations in this Commonwealth for wages unreasonably low and not fairly commensurate with the value of the services rendered. Such a condition is contrary to public interest and public policy commands its regulation. Employees employed in such occupations are not as a class on a level of equality in bargaining with their employers in regard to minimum fair wage standards, and "freedom of contract" as applied to their relations with their employers is illusory. Judged by any reasonable standard, wages in such occupations are often found to bear no relation to the fair value of the services rendered. In the absence of effective minimum fair wage rates for employees, the depression of wages by some employers constitutes a serious form of

unfair competition against other employers, reduces the purchasing power of the workers and threatens the stability of the economy. The evils of unreasonable and unfair wages as they affect some employees employed in this Commonwealth are such as to render imperative the exercise of the police power of the Commonwealth for the protection of industry and of the employees employed therein and of the public interest of the community at large.

§ 6902. Short title of chapter.

This chapter shall be known and may be cited as the Minimum Wage Act.

§ 6903. Definitions.

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

“Board.” The Minimum Wage Advisory Board created by this chapter.

“Department.” The Department of Labor and Industry of the Commonwealth.

“Employ.” Includes to permit to work.

“Employee.” Includes any individual employed by an employer.

“Employer.” Includes any individual, partnership, association, corporation, business trust or any person or group of persons acting, directly or indirectly, in the interest of an employer in relation to any employee.

“Gratuities.” Voluntary monetary contributions received by an employee from a guest, patron or customer for services rendered.

“Occupation.” Any industry, trade, business, service or employment or class or group thereof in which individuals are gainfully employed.

“Secretary.” The Secretary of Labor and Industry of the Commonwealth.

“Wage.” Paid to any employee includes the reasonable cost, as determined by the Secretary of Labor and Industry, to the employer for furnishing such employee with board, lodging or other facilities, if such board, lodging or other facilities are customarily furnished by such employer to his employees. The cost of board, lodging or other facilities shall not be included as a part of the wage paid to any employee to the extent it is excluded therefrom under the terms of a bona fide collective bargaining agreement applicable to the particular employee and the Secretary of Labor and Industry is authorized to determine the fair value of such board, lodging or other facilities for defined classes of employees and in defined areas, based on average cost to the employer or to groups of employers similarly situated, or average value to groups of employees, or other appropriate measures of fair value. These evaluations, where applicable and pertinent, shall be used in lieu of actual measure of cost in determining the wage paid to any employee. In determining the hourly wage of a tipped employee, the amount paid such employee by his employer shall be deemed to be increased on account of tips by an amount determined by the employer, but not by an amount in excess of 45% of the applicable minimum wage rate upon the effective date of this chapter. The amount of the increase on account of tips determined by the employer may not exceed the value of tips actually received by the employee. The previous sentence shall not apply with respect to any tipped employee unless:

(1) The employee has been informed by the employer of the provisions of this definition.

(2) All tips received by such employee have been retained by the employee and shall not be surrendered to the employer to be used as wages to satisfy the requirement to pay the current hourly minimum rate in effect; where the gratuity is added to the charge made by the establishment, either by the management, or by the customer, the gratuity shall become the property of the employee; except that this definition shall not be construed to prohibit the pooling of tips among employees who customarily and regularly receive tips.

“Wages.” Compensation due to any employee by reason of his employment, payable in legal tender of the United States or checks on banks convertible into cash on demand at full face value, subject to such deductions, charges or allowances as may be permitted by regulations of the Secretary of Labor and Industry under section 6909 (relating to enforcement; rules and regulations).

§ 6904. Minimum wages.

(a) Rates.—Except as may otherwise be provided under this chapter, every employer shall pay to each employee wages for all hours worked at a rate of not less than:

(1) \$4.75 an hour beginning December 1, 1996.

(2) \$5.25 an hour beginning April 1, 1997.

(3) \$5.75 an hour beginning April 1, 1998.

(4) Beginning April 1, 1999, and every April 1 thereafter, the minimum wage shall be increased to the poverty level for a family of three, as set forth by the Department of Health and Human Services, divided by 2080, rounded up to the nearest 1¢ increment. Thirty days prior to April 1, the secretary shall publish in the Pennsylvania Bulletin notice of the new wage rate.

(b) Federal law.—If the minimum wage set forth in the Fair Labor Standards Act of 1938 (52 Stat. 1060, 29 U.S.C. § 201 et seq.) is increased above the level required by this section, the minimum wage shall match the levels of the Fair Labor Standards Act of 1938.

(c) Regulation.—The secretary, to the extent necessary to prevent curtailment of employment opportunities, shall by regulations provide for the employment of learners and students, under special certificates at wages lower than the minimum wage applicable under this section, and subject to such limitations as to number, proportion and length of service as the secretary shall prescribe. The minimum wage prescribed under this subsection shall not be less than 85% of the otherwise applicable wage rate in effect under this section. A special certificate issued under this subsection shall provide that six or fewer students for whom it is issued shall, except during vacation periods, be employed on a part-time basis and not in excess of 20 hours in any workweek at a subminimum rate. In the case of an employer who intends to employ seven or more students, at a subminimum rate, the secretary may issue a special certificate only if the employer certifies to the secretary that employment of such students will not create a substantial probability of reducing the full-time employment opportunities for other workers.

(d) Overtime.—Employees shall be paid for overtime not less than one and one-half times the employee's regular rate as prescribed in regulations promulgated by the secretary. Students employed in seasonal occupations as defined and delimited by regulations promulgated by the secretary may, by such regulations, be excluded from the overtime provisions of this chapter. The secretary shall promulgate regulations with respect to overtime subject to the limitations that no pay for overtime in addition to the regular rate shall be required except for hours in excess of 40 hours in a workweek.

(e) Impairment.—An employee whose earning capacity is impaired by physical or mental deficiency or injury may be paid less than the applicable minimum wage if either a license specifying a wage rate commensurate with the employee's productive capacity has been obtained by the employer from the secretary or a Federal certificate is obtained under section 14(c) of the Fair Labor Standards Act of 1938. A license obtained from the secretary shall be granted only upon joint application of employer and employee.

§ 6905. Exemptions.

(a) Double exemptions.—Employment in the following classifications shall be exempt from both the minimum wage and overtime provisions of this chapter:

(1) Labor on a farm.

(2) Domestic services in or about the private home of the employer.

(3) Delivery of newspapers to the consumer.

(4) In connection with the publication of any weekly, semiweekly or daily newspaper with a circulation of less than 4,000, the major part of which circulation is within the county where published or counties contiguous thereto.

(5) In a bona fide executive, administrative, or professional capacity, including any employee employed in the capacity of academic administrative personnel or teachers in elementary or secondary schools, or in the capacity of outside salesman, as such terms are defined and delimited from time to time by regulations of the secretary, except that an employee of a retail or service establishment shall not be excluded from the definition of employee employed in a bona fide executive or administrative capacity because of the number of hours in his workweek which he devotes to activities not directly or closely related to the performance of executive administrative activities, if less than 40% of his hours worked in the workweek are devoted to such activities.

(6) In the activities of an educational, charitable, religious or nonprofit organization where the employer-employee relationship does not in fact exist or where the services are rendered to such organization gratuitously.

(7) In seasonal employment, if the employee is under 18 years of age, or if a student under 24 years of age, by a nonprofit health or welfare agency engaged in activities dealing with handicapped or exceptional children or by a nonprofit day or resident seasonal recreational camp for campers under the age of 18 years, which operates for a period of less than three months in any one year.

(8) In employment by an establishment which is a public amusement or recreational establishment, organized camp or religious or nonprofit educational conference center, if:

(i) it does not operate for more than seven months in any calendar year; or

(ii) during the preceding calendar year, its average receipts for any six months of such year were not more than 33 1/3% of its average receipts for the other six months of such year.

(9) Golf caddy.

(10) In employment as a switchboard operator employed by an independently owned public telephone company which has not more than 750 stations.

(11) Employees not subject to civil service laws who hold elective office or are on the personal staff of such an officeholder, are immediate advisers to him, or are appointed by him to serve on a policy-making level.

(b) Overtime exemptions.—Employment in the following classifications shall be exempt from the overtime provisions of this chapter:

(1) Seaman.

(2) Any salesman, partsman or mechanic primarily engaged in selling and servicing automobiles, trailers, trucks, farm implements or aircraft if employed by a nonmanufacturing establishment primarily engaged in the business of selling such vehicles to ultimate purchasers.

(3) Any driver employed by an employer engaged in the business of operating taxicabs.

(4) Any employee employed as an announcer, news editor, or chief engineer by a radio or television station, the major studio of which is located:

(i) in a city or town of 100,000 population or less, according to the latest available decennial census figures as compiled by the Bureau of the Census, except where such city or town is part of a standard metropolitan statistical area, as defined and designated by the Bureau of the Budget, which has a total population in excess of 100,000; or

(ii) in a city or town of 25,000 population or less, which is part of such an area but is at least 40 airline miles from the principal city in such area.

(5) Any employee engaged in the processing of maple sap into sugar (other than refined sugar) or syrup.

(6) Employment by an establishment which is a motion picture theater.

(7) Any employee of a motor carrier with respect to whom the Federal Secretary of Transportation has power to establish qualifications and maximum hours of service under 49 U.S.C. § 3102(b)(1) and (2) (relating to requirements for qualifications, hours of service, safety and equipment standards).

§ 6906. Minimum Wage Advisory Board.

(a) Board created.—There is hereby created in the Department of Labor and Industry a Minimum Wage Advisory Board consisting of nine members to be appointed by the secretary to assist him in carrying out his duties under this chapter, and for the purpose of conducting public hearings at the request of the secretary in order to recommend rules and regulations for the occupations covered within this chapter.

(b) Membership.—Of the nine members, three shall be representatives of an established recognized association of labor organizations, three shall be representatives of an established recognized association of employers and three shall be members from the general public. The secretary or his designated representative shall be chairman of the board.

(c) Compensation.—Each member of the board shall receive compensation of \$30 per day plus necessary expenses for each day actually spent in the performance of his duties. No employee of the Commonwealth shall receive any additional compensation or expenses on account of his services under this chapter.

(d) Notice.—At least ten days' public notice shall be given in the manner prescribed by the board prior to any public hearing of the board. Five members of the board shall constitute a quorum.

(e) Powers.—The board shall have the power and duty to:

(1) Consult with the secretary concerning any matter arising under the administration of this chapter and advise and assist him in carrying out the duties prescribed for him by section 6908 (relating to duty of employer).

(2) Conduct public hearings at the request of the secretary in order to develop rules and regulations in accordance with section 6909 (relating to enforcement; rules and regulations), in which hearings due process of law shall be observed and any person may appear and be heard or file statements in support of his position.

(3) Submit its report, including recommendations for the promulgation of rules and regulations, to the secretary, who shall within 30 days thereafter accept such report or refer it to the board for further consideration and consultation. If the report is referred to the board for further consideration, the secretary shall, in consultation with the board, modify, amend, or otherwise act upon such report within 60 days thereafter. Rules and regulations developed and promulgated hereunder shall be published and any person aggrieved thereby shall have a right of review.

§ 6907. Investigations.

The secretary or his representative shall have authority to investigate and ascertain the wages of persons employed in any occupation in this Commonwealth; enter and inspect the place of business or employment of any employer in any occupation in this Commonwealth at any reasonable time, for the purpose of examining and inspecting any records of any such employer that in any way relate to wages, hours, or other conditions of employment of any such employees; copy any or all of such records as he or his authorized representative may deem necessary or appropriate; require from such employer full and accurate statements in writing, at such times as the secretary may deem necessary, of the wages paid to all employees in his employment; and interrogate such persons for the purpose of ascertaining whether the provisions of this chapter and the regulations issued have been and are being complied with.

§ 6908. Duty of employer.

Every employer shall keep a true and accurate record of the hours worked by each employee and the wages paid to each, and shall furnish to the secretary or his duly authorized representative, upon demand, a sworn statement of the same. Such records shall be open to inspection by any duly authorized representative of the secretary at any reasonable time and shall be preserved for a period of three years. Every employer subject to this chapter shall keep a summary of this chapter and any regulations issued hereunder applicable to him posted in a conspicuous place where employees normally pass and can read it. Employers shall, upon request, be furnished copies of such summaries without charge. Employers shall permit any duly authorized representative of the secretary to interrogate any employee in the place of employment and during work hours with respect to the wages paid and the hours worked by such employee or other employees.

§ 6909. Enforcement; rules and regulations.

The secretary, Attorney General and district attorneys shall enforce this chapter. The secretary shall make and, from time to time, revise regulations, with the assistance of the board when requested by him, which shall be deemed appropriate to carry out the purposes of this chapter and to safeguard the minimum wage rates hereby established. Such regulations may include, but are not limited to, regulations defining and governing bona fide executive, administrative or professional employees and outside salesmen, learners and apprentices, their number, proportion, length of learning period and other working conditions; handicapped workers; part-time pay; overtime standards; bonuses; allowances for board, lodging, apparel or other facilities or services customarily furnished by employers to employees; allowances for gratuities; or allowances for such other special conditions or circumstances which may be incidental to a particular employer-employee relationship.

§ 6910. Unconstitutionality.

If any provision of this chapter, or the application hereof to any person or circumstances, is held invalid, the remainder of this chapter and the application of such provisions to other persons or circumstances shall not be affected hereby.

§ 6911. Penalties.

(a) Discharge or discrimination.—Any employer and his agent, or the officer or agent of any corporation, who discharges or in any other manner discriminates against any employee because such employee has testified or is about to testify before the secretary or his representative in any investigation or proceeding under or related to this chapter, or because such employer believes that said employee may so testify shall, upon conviction hereof in a summary proceeding, be sentenced to pay a fine of not less than \$500 nor more than \$1,000, and in default of the payment of such fine and costs shall be sentenced to imprisonment for not less than ten days nor more than 90 days.

(b) Underpayment.—Any employer or the officer or agent of any corporation who pays or agrees to pay any employee less than the rates applicable to such employee under this chapter shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not less than \$75 nor more than \$300 or to undergo imprisonment of not less than ten nor more than 60 days, or both. Each week in which such employee is paid less than the rate applicable to him under this chapter and for each employee who is paid less than the prescribed rate, a separate offense shall be deemed to occur. Any agreement between the employer and the employee to work for less than the applicable wage rate shall be no defense to action by the Commonwealth under this chapter.

(c) Other violations.—Any employer or the officer or agent of any corporation who violates any other provision of this chapter or of any regulation issued hereunder shall, upon conviction hereof in a summary proceeding, be sentenced to pay a fine of not less than \$100 nor more than \$500, and each day of such failure to comply with this chapter or regulation shall constitute a separate offense.

§ 6912. Civil actions.

If any employee is paid by his or her employer less than the minimum wages provided by section 6904 (relating to minimum wages)

or by any regulation issued thereunder, such worker may recover in a civil action the full amount of such minimum wage less any amount actually paid to the worker by the employer, together with costs and such reasonable attorney fees as may be allowed by the court, and any agreement between the employer and the worker to work for less than such minimum wage shall be no defense to such action. At the request of any employee paid less than the minimum wage to which such employee was entitled under this chapter and regulations issued hereunder, the secretary may take an assignment of such wage claim in trust for the assigning worker and may bring any legal action necessary to collect such claim, and the employer shall be required to pay the cost and such reasonable attorney fees as may be allowed by the court.

Section 3. The act of January 17, 1968 (P.L.11, No.5), known as The Minimum Wage Act of 1968, is repealed.

Amend Sec. 2, page 2, line 17, by striking out "2" and inserting
4

On the question,

Will the House agree to the amendment?

The SPEAKER. On the question, the Chair recognizes the gentleman, Mr. Stish.

Mr. STISH. Thank you, Mr. Speaker.

In June of 1989, the Pennsylvania House of Representatives heeded the call of working men and women around the State demanding fair wages for their work. We approved HB 2, which increased the minimum wage in Pennsylvania. While this increase failed to pass the Senate, it did add to the momentum building across the country that eventually hit Washington and forced the Congress to enact a nationwide increase in the minimum wage.

Today, 7 years later, almost to the very month, the voices of working Pennsylvanians can again be heard calling for a renewed commitment to fair wages. And again, we must heed the call.

To my Republican friends who are apprehensive about increasing the minimum wage, I say to you that high taxes and worker compensation rates are driving employers out of the State of Pennsylvania, not minimum-wage rates.

We have rolled back burdensome business taxes, and we are striving to improve the workers' compensation system. So today we must look to the employees and again address their needs as well.

Today we must put partisan politics aside and do what is right for the working men and women of our State, as we did in 1989. Let us face facts: My amendment offers the best chance we have for passing a minimum-wage increase, because I can bring Republican support to the table.

Finally, to my colleagues on both sides of the aisle who feel that it is the job of the Congress to set a minimum wage, I say that by supporting my amendment today, we will send a strong message to Congress that now is the time to enact fair wages for the entire Nation, just as we did in 1989.

I ask my colleagues to heed the call of Pennsylvania's workers and support my amendment for fair wages. Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Philadelphia County, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, they say that imitation is the sincerest form of flattery, and I am deeply flattered that Mr. Stish yesterday copied the amendment I introduced on May 1 and introduced the same thing word for word. This is the first time this has ever happened to me, and, Mr. Speaker, I am delighted you did that.

I rise to support a minimum wage that provides a living wage for Pennsylvania workers and their families. I oppose the overt policy of allowing time to repeal the minimum wage. The minimum wage is in the process of being repealed by inflation year in and year out.

By any measure, the minimum wage is ceasing to function as originally intended. Where the minimum wage was originally targeted at 50 percent of the average wage, it is now less than 37 percent. Where the minimum wage in the 1960's and 1970's held a family of three above the poverty line, it now provides only 68 percent of that same poverty line for a family of three.

The economic position of those who work at or near the minimum wage is worse now than it has been for four decades.

It is bad public policy to allow a family with a wage earner working full time, 40 hours a week, 52 weeks a year, to live in poverty.

At the current minimum wage, a single parent with one child would be below even the poverty line for a family of two, even assuming that all required child care was provided free of charge. It is equally bad policy and hypocritical of a society which places so little value on human work to say people on welfare should go out, get a job, and earn a living, when minimum-wage jobs do not pay a living wage. It is hypocritical in the extreme for society to condemn young men for not financially providing for their families when a minimum-wage job will not support a family. A single mother cannot support one child at today's minimum wage, a father cannot support a young child and its mother at today's minimum wage, and even two working parents, both minimum-wage earners, still fall below the poverty line threshold for a family of five.

In 1987, when the legislature last passed a minimum-wage increase, we were appalled that a full-time minimum-wage worker would earn \$2,088 less than the poverty line for a family of three. It is even more discouraging to see how little progress we have made, as in 1996 the same worker earns \$3,850 below the poverty line.

At least three-quarters of minimum-wage workers are age 18 years old and older. Nearly half are over the age of 25. Sixty-two percent are women. It is not coincidence that women and their children are the most likely to find themselves in poverty.

As a matter of simple social justice, the minimum wage must be able to keep a full-time worker and his or her family out of poverty.

A meaningful minimum-wage increase now would not only address the problems of the working poor but the middle class as well. Take the cost of college education as an example. Rising tuition costs and stagnant financial aid have teamed up to deny people of ordinary means access to our educational institutions. Working one's way through college is no longer a viable option.

In 1970 a student working 18 hours per week, 52 weeks a year, could pay for tuition, housing, and food at the Pennsylvania State University for an entire school year.

In 1980 it was still possible to work your way through college with a part-time job, at 20 hours per week.

After 1980 the value of the minimum wage went into free-fall. In 1995 a student had to work 41.5 hours per week to pay for basic college costs, not including books, transportation, clothing, weekend meals, or other necessities.

This amendment calls for raising the minimum wage to \$4.75 per hour this year, to \$5.25 per hour in 1997, and \$5.75 per hour in 1998. In 1999 and thereafter, the minimum wage would be set by

the Secretary of the Department of Labor and Industry to equal the poverty line for a family of three for a full-time worker.

Mr. Stish and I have touched just on a very few of the arguments in support of the minimum wage. The need for an increase is, I believe, self-evident. A recent statement by 101 economists, including seven past presidents of the American Economics Association, three of which are Nobel laureates, debunks the argument that a moderate increase in the minimum wage would be inflationary or would increase unemployment. Their endorsement of a minimum-wage increase followed a review of recent economic studies. The studies reviewed included one by economist David Card of Princeton on New Jersey's \$5.05 minimum wage, which showed no increase in unemployment as a result of New Jersey implementing a higher minimum wage than the Federal standard.

It is clear that we can ensure that workers are paid a living wage for their labors without any noticeable economic disruptions. It is time we get about the business of raising Pennsylvania's minimum wage.

I have no pride of authorship. I urge that we support the Stish amendment.

The SPEAKER. The question before the House is, will the House agree to the amendment offered by the gentleman, Mr. Stish?

The gentleman, Mr. DeWeese.

Mr. DeWEESE. Will the gentleman, Mr. Stish, consent to interrogation?

The SPEAKER. The gentleman indicates he will. You may begin.

Mr. DeWEESE. Something he will not be able to read verbatim from some rote script.

The gentleman in his remarks, the gentleman in his remarks—

The SPEAKER. Was that part of an interrogation, Mr. DeWeese?

Mr. DeWEESE. That was an observation that preceded my interrogation, Mr. Speaker, and an accurate one, I might add. The great give-and-take of the chamber is at hand, and it is appropriate that it be at hand, and you and I, Mr. Speaker, have supported it since time immemorial.

Specifically, I would like to query the gentleman relative to his statement that the fact that he is a Republican and he is bringing Republicans to the table on this debate is an exciting element of the dynamic, and I would concur that he is accurate; it is. I would like to ask the gentleman if he has had any intercourse with the State Senate Republican Caucus and if the State Senate Republican Caucus is anxious to go forward.

Mr. STISH. Could you repeat the question, Mr. Speaker?

Mr. DeWEESE. Has the gentleman from Hazleton had dialogue with our colleagues in the Republican State Senate? Is the Republican State Senate Republican Caucus inclined at all to help us advance this bill, since it was in your prepared remarks that you as a Republican bring a new perspective to this debate, and I think that is a worthy comment.

Mr. STISH. Mr. Speaker, I am not a Senator. I worked with the Republican Caucus and with members of the Democratic Caucus to get this bill passed. I think this bill will send a message to Congress that it is time to raise the minimum wage for working men and women of this Commonwealth. I am concerned with what happens in this chamber, and that is what I am here to do. I cannot speak for the Senate.

Mr. DeWEESE. I think that the gentleman is correct that he cannot speak for the Senate, but I think the gentleman can work aggressively with his own colleagues in the House, on both sides of the aisle, in advancing this legislation.

We all know that this bill will be stymied on the other side of the building unless the prime sponsor of the amendment — not the prime sponsor yesterday but the person who is the prime sponsor today — is able to convince our Senate colleagues of the efficacy of this proposal. We all, at least most of us on this side of the aisle, embrace this regardless of sponsorship. But there is a fundamental circumstance at work here today, and that is, what will the State Senate Republicans do? And therefore, my polite admonition to the gentleman from Luzerne would be that he use all of his newfound, appropriately, newfound influence on this measure to convince our colleagues in the State Senate of the worth of his amendment.

I thank the gentleman for his interrogation. I have no further observations at this time, Mr. Speaker.

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

The following roll call was recorded:

YEAS—158

Adolph	DeWeese	Lescovitz	Rublely
Allen	DiGirolamo	Levdansky	Rudy
Argall	Donatucci	Lloyd	Sainato
Bard	Druce	Lucyk	Santoni
Battisto	Durham	Lynch	Scrimenti
Bebko-Jones	Evans	Manderino	Semmel
Belardi	Fajt	Markosek	Serafini
Belfanti	Feese	Marsico	Shaner
Bishop	Fichter	Mayernik	Smith, S. H.
Blaum	Fleagle	McCall	Snyder, D. W.
Boscola	Gamble	McGeehan	Staback
Boyes	Gannon	McGill	Stairs
Browne	George	Melio	Steelman
Bunt	Gigliotti	Michlovic	Steil
Butkovitz	Godshall	Micozzie	Stetler
Buxton	Gruitza	Mihalich	Stish
Caltagirone	Gruppo	Miller	Sturla
Cappabianca	Habay	Mundy	Surra
Carn	Haluska	Myers	Tangretti
Cawley	Hanna	Nyce	Taylor, E. Z.
Chadwick	Harhart	O'Brien	Taylor, J.
Civera	Hasay	Olasz	Thomas
Clark	Hennessey	Oliver	Tigue
Clymer	Herman	Perzel	Travaglio
Cohen, L. I.	Horsey	Pesci	Trello
Cohen, M.	Itkin	Petrarca	Trich
Colafella	Jadlowiec	Petrone	Tulli
Colaizzo	James	Pistella	Van Horne
Conti	Jarolin	Preston	Veon
Cornell	Josephs	Ramos	Vitali
Corpora	Kaiser	Raymond	Walko
Corrigan	Keller	Readshaw	Washington
Cowell	Kenney	Reber	Williams
Coy	Kirkland	Reinard	Wogan
Curry	Krebs	Rieger	Wozniak
Daley	Kukovich	Roberts	Wright, D. R.
DeLuca	LaGrotta	Robinson	Wright, M. N.
Dempsey	Laughlin	Roebuck	Yewcic
Dent	Lawless	Rooney	Youngblood
Dermody	Lederer		

NAYS—43

Armstrong	Gordner	Nickol	Smith, B.
Baker	Haste	Pettit	Stern
Barley	Hershey	Phillips	Strittmatter
Birmelin	Hess	Pitts	True
Brown	Hutchinson	Platts	Vance
Carone	Leh	Rohrer	Waugh
Egolf	Maitland	Sather	Zimmerman
Fairchild	Major	Saylor	Zug
Fargo	Masland	Schroder	
Flick	Merry	Schuler	Ryan,
Geist	Nailor	Sheehan	Speaker
Gladeck			

NOT VOTING—0

EXCUSED—2

Farmer	King
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The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

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

The SPEAKER. Does the gentleman, Mr. Cohen, have amendments to offer at this time? You withdraw both amendments? Thank you.

Does the gentleman, Mr. Perzel, have amendments? The gentleman, Mr. Perzel, withdraws his amendment.

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

Mr. LYNCH offered the following amendment No. A2238:

Amend Title, page 1, line 3, by removing the period after "law" and inserting

; and making a repeal.

Amend Bill, page 2, by inserting between lines 16 and 17

Section 2. Article XXXI-B of the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, is repealed.

Amend Sec. 2, page 2, line 17, by striking out "2" and inserting
3

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

AMENDMENT WITHDRAWN

The SPEAKER. The gentleman, Mr. Lynch. Do you withdraw all four amendments? I have you listed with four amendments. That is just fine. This will be a quick day.

It is the understanding of the Chair at this time that there are no further amendments to be offered to this bill.

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-187

Adolph	Durham	Levdansky	Sainato
Allen	Evans	Lloyd	Santoni
Argall	Fairchild	Lucyk	Sather
Baker	Fajt	Lynch	Scrimenti
Bard	Feese	Maitland	Semmel
Barley	Fichter	Major	Serafini
Battisto	Fleagle	Manderino	Shaner
Bebko-Jones	Flick	Markosek	Sheehan
Belardi	Gamble	Marsico	Smith, B.
Belfanti	Gannon	Masland	Smith, S. H.
Birmelin	Geist	Mayernik	Snyder, D. W.
Bishop	George	McCall	Staback
Blaum	Gigliotti	McGeehan	Stairs
Boscola	Gladeck	McGill	Steelman
Boyes	Godshall	Melio	Steil
Browne	Gordner	Michlovic	Stern
Bunt	Gruitza	Micozzie	Stetler
Butkovitz	Gruppo	Mihalich	Stish
Buxton	Habay	Miller	Sturla
Caltagirone	Haluska	Mundy	Surra
Cappabianca	Hanna	Myers	Tangretti
Carn	Harhart	Nailor	Taylor, E. Z.
Carone	Hasay	Nickol	Taylor, J.
Cawley	Haste	Nyce	Thomas
Chadwick	Hennessey	O'Brien	Tigue
Civera	Herman	Olasz	Travaglio
Clark	Hershey	Oliver	Trello
Clymer	Hess	Perzel	Trich
Cohen, L. I.	Horsey	Pesci	Tulli
Cohen, M.	Hutchinson	Petrarca	Vance
Colafella	Itkin	Petrone	Van Horne
Colaizzo	Jadlowiec	Pettit	Veon
Conti	James	Phillips	Vitali
Cornell	Jarolin	Pistella	Walko
Corpora	Josephs	Platts	Washington
Corrigan	Kaiser	Preston	Waugh
Cowell	Keller	Ramos	Williams
Coy	Kenney	Raymond	Wogan
Curry	Kirkland	Readshaw	Wozniak
Daley	Krebs	Reber	Wright, D. R.
DeLuca	Kukovich	Reinard	Wright, M. N.
Dempsey	LaGrotta	Roberts	Yewcic
Dent	Laughlin	Robinson	Youngblood
Dermody	Lawless	Roebuck	Zimmerman
DeWeese	Lederer	Rooney	
DiGirolamo	Leh	Rubley	Ryan,
Donatucci	Lescovitz	Rudy	Speaker
Druce			

NAYS-13

Armstrong	Merry	Saylor	Strittmatter
Brown	Pitts	Schroder	True
Egolf	Rohrer	Schuler	Zug
Fargo			

NOT VOTING-1

Rieger

EXCUSED-2

Farmer

King

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 647, PN 3369**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the expungement of certain arrest records relating to sexual offenses.

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

The SPEAKER. The gentleman, Mr. Stish, has no amendments to HB 647. Is that accurate?

The gentleman, Mr. Cohen, has no amendments to HB 647. The gentleman, Mr. Perzel, has no amendments. The gentleman, Mr. Lynch, has no amendments to HB 647.

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-195

Adolph	Durham	Lynch	Saylor
Allen	Egolf	Maitland	Schroder
Argall	Evans	Major	Schuler
Armstrong	Fairchild	Manderino	Scrimenti
Baker	Fajt	Marsico	Semmel
Bard	Fargo	Masland	Serafini
Barley	Fichter	McCall	Shaner
Battisto	Fleagle	McGeehan	Sheehan
Bebko-Jones	Gamble	McGill	Smith, B.
Belardi	Gannon	Melio	Smith, S. H.
Belfanti	Geist	Merry	Snyder, D. W.
Birmelin	George	Michlovic	Staback
Bishop	Gigliotti	Micozzie	Stairs
Blaum	Gladeck	Mihalich	Steelman
Boscola	Godshall	Miller	Steil
Boyes	Gordner	Mundy	Stern
Brown	Gruitza	Myers	Stetler
Browne	Gruppo	Nailor	Stish
Bunt	Habay	Nickol	Strittmatter
Butkovitz	Haluska	Nyce	Sturla

Buxton	Hanna	O'Brien	Surra
Caltagirone	Harhart	Olasz	Tangretti
Cappabianca	Hasay	Oliver	Taylor, E. Z.
Carn	Haste	Perzel	Taylor, J.
Carone	Hennessey	Pesci	Thomas
Cawley	Herman	Petrarca	Tigue
Chadwick	Hershey	Petrone	Travaglio
Civera	Hess	Pettit	Trello
Clark	Horsey	Phillips	Trich
Clymer	Hutchinson	Pistella	True
Cohen, L. I.	Itkin	Pitts	Tulli
Cohen, M.	Jadlowiec	Platts	Vance
Colafella	James	Preston	Van Horne
Colaizzo	Jarolin	Ramos	Vitali
Conti	Josephs	Raymond	Walko
Cornell	Kaiser	Readshaw	Washington
Corpora	Keller	Reber	Waugh
Corrigan	Kenney	Reinard	Williams
Cowell	Kirkland	Rieger	Wogan
Coy	Kukovich	Roberts	Wozniak
Curry	LaGrotta	Robinson	Wright, D. R.
Daley	Laughlin	Roebuck	Wright, M. N.
DeLuca	Lawless	Rohrer	Yewcic
Dempsey	Lederer	Rooney	Youngblood
Dent	Leh	Rublely	Zimmerman
Dermody	Lescovitz	Rudy	Zug
DeWeese	Levdansky	Sainato	
DiGiroloamo	Lloyd	Santoni	Ryan,
Donatucci	Lucyk	Sather	Speaker
Druce			

Amend Sec. 3 (Sec. 5704), page 8, by inserting between lines 14 and 15

(16) It shall not be unlawful under this subchapter for the personnel of a business engaged in telephone sales by means of wire, oral or electronic communication to intercept such sales communications where such interception is made for the purpose of training, quality control or monitoring by the business.

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

The SPEAKER. On the question, the Chair recognizes the gentleman, Mr. Flick.

Mr. FLICK. Thank you, Mr. Speaker.

The amendment which I offer is a very straightforward amendment. It is agreed to by the chairs of both caucuses.

It is a technical amendment that would allow a company to monitor its employees in the solicitation over telephone for businesses. It is for training purposes, for monitoring, and to ensure that the consumers receive the best possible service.

I would encourage an affirmative vote. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, this is an amendment that got lost in the Democratic caucus because of the proliferation of other amendments which fortunately have been withdrawn.

This amendment says "It shall not be unlawful under this subchapter for the personnel of a business engaged in telephone sales by means of wire, oral or electronic communication to intercept such sales...where such interception is made for the purpose of training, quality control or monitoring by the business."

This is an exemption for the wiretaps, from the authorization. What does this have to do with law enforcement, Mr. Speaker?

Mr. FLICK. Mr. Speaker, our State law is more stringent than Federal law. Federal law enables the employer—

The SPEAKER. Will the gentleman, Mr. Flick, yield.

The conference in the vicinity of the gentleman, Mr. Flick, please.

Mr. FLICK. Thank you, Mr. Speaker.

The provision I have offered in amendment form is what is in existing Federal law. Pennsylvania would conform then with Federal law in this specific area where employers could monitor the services of their employees for training purposes only. It has nothing to do with law enforcement. But without this amendment, if a company monitored its calls for training purposes to provide good service to the communities, they would be violating the wiretap law. So we are bringing our State law in conformance with Federal law.

Mr. COHEN. And, Mr. Speaker, it is only the existence of the rest of the language of the amendment that creates the need for this? Is this needed under current law or is it the fact that we are changing?

Mr. FLICK. Yes, it is needed under current law. It is not permitted now under current law. With this amendment, it would be permitted.

Mr. COHEN. Who is the chairman you have agreement from, Mr. Speaker?

Mr. FLICK. I am sorry; could you repeat the question?

Mr. COHEN. Yes. You stated this has the agreement of the Democratic chairman.

NAYS-0

NOT VOTING-6

Feese	Krebs	Mayernik	Veon
Flick	Markosek		

EXCUSED-2

Farmer	King
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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 2362, PN 3370**, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for wiretapping and electronic surveillance and for windshield obstructions.

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

Mr. FLICK offered the following amendment No. **A2117**:

Mr. FLICK. Representative Caltagirone.

Mr. COHEN. Representative Caltagirone. Okay.

Mr. Speaker, I think the question of employer monitoring of employees is an important question, but at this time I have no objection to this amendment. Thank you.

The SPEAKER. The gentleman from Bucks, Mr. DiGirolamo.

Mr. DIGIROLAMO. Mr. Speaker, it is an agreed-to amendment, and I ask for an affirmative vote from all the members.

The SPEAKER. The lady, Ms. Manderino.

Ms. MANDERINO. Thank you, Mr. Speaker.

Would the maker of the amendment submit to a brief interrogation?

The SPEAKER. The gentleman indicates he will. You may begin.

Ms. MANDERINO. Thank you.

Mr. Speaker, this morning I called my mortgage company to check on something about the status of my mortgage, and before I was connected with an on-line person, a recording came over the telephone and told me that for purposes of quality control, my phone conversation may be being recorded and monitored. Now, was that able to happen this morning because I must have been calling some 800 number that was outside Pennsylvania?

Mr. FLICK. I believe that the reason you are notified is because you initiated the call. We are referring it through this amendment to employer-initiated phone calls.

Right now it is permissible in the Commonwealth of Pennsylvania for an employer to monitor calls to New Jersey, to Delaware, to other States. They cannot monitor calls intrastate to Pennsylvania. However, companies have opened offices and expanded job opportunities in other States so that they can call into Pennsylvania.

I believe it is important for us here in the Commonwealth to be certain that we provide the opportunity for businesses to grow and expand by keeping jobs within the Commonwealth and not having to ship those jobs across the State line just so that they can monitor the phone calls into Pennsylvania.

Ms. MANDERINO. I want to focus on the point that I made at the very beginning. They informed me, as the caller, that they were going to be taping my conversation. Is that conversation, under current law without your amendment, able to be taped even in Pennsylvania now because they asked my permission?

Mr. FLICK. I am advised that the answer to that would be yes, because it is consensual when you stay on the line.

Ms. MANDERINO. Okay. Thank you.

If this amendment passes and becomes law, will they be able to tape my conversation with a customer sales representative person without informing me first that I may be being taped or monitored?

Mr. FLICK. If the employer, the company, the organization, is making the phone call, then, yes, they would be able to tape the call only for training, quality control, or monitoring by the business. If you were calling in, this amendment would not apply.

Ms. MANDERINO. Okay. So if I understood your answer correctly, what you are saying is, going back to the example I gave earlier, since I called my mortgage company this morning to check on the status of my account, they would not have been able to tape it had they not informed me. However, under your amendment, they would not be able to tape it unless they informed me because I initiated the call. Is that what I understand will happen under your amendment should it become law?

Mr. FLICK. As long as you are initiating the phone call and as long as they provide you with notice that they are taping it, they will be able to continue to do so. My amendment does not impact in that area.

Ms. MANDERINO. Okay. So your amendment does not impact any notice requirement that they may have to give to me?

Mr. FLICK. If you originate the call, it does not deal with you at all.

Ms. MANDERINO. Okay. Thank you.

If they originate the call— For example, I sent my mortgage payment in. I paid extra money but forgot to mark on my check that the extra money I am sending you is for my principal. So they had some reason to initiate the call to me and say, why did you send me an extra 100 bucks. If they call me, under this amendment should it become law, and they tape that conversation of calling me, would they have to tell me they were taping my conversation?

Mr. FLICK. I believe that they would have to tell you that they are recording that call. But the amendment that I am dealing with is in telephone sales. It is not necessarily inquiries regarding contractual arrangements. We are talking about telephone-originated sales.

Ms. MANDERINO. Thank you.

If I can ask one more question.

It is my understanding that currently now, for example, if you call an ambulance service and they tape your telephone call, they have to tell you. And I guess I am— If that is not the case, please help me, but if it is the case, why is there— Were you saying in Pennsylvania law now there is some weaker standard for business sales practices than there is for other kinds of telephone communications?

Mr. FLICK. I am trying to share with you the information as I know it to be.

Federal law permits telemarketing, telephone sales companies to originate sales calls and to enable the employer to monitor those sales calls for training, quality control, or general monitoring by the business to make certain that that business is being well represented. The tape of those calls cannot be used in any court cases, cannot be used for any legal matters at all, cannot be used to confirm or deny sales. It is only for training; it is only for assessing the ability of the individual originating the call to properly document the information which is being presented to the consumer. If we pass this amendment in this bill, Pennsylvania consumers will be the beneficiary because the individuals who will be calling them from telephone sales companies will be able to be monitored by their employers to make certain that they are not harassing, to make certain that they are pleasant, cordial, and presenting the facts in a very acceptable manner.

Now, I bring this to your attention because there are organizations, there are employers that presently— And I will read a portion of a letter: "With our latest expansion efforts, unfortunately, the present situation has been the reason we have had to establish 80 new jobs in New Jersey and 40 in Delaware,..." because in those two States, they can call into Pennsylvania and they can monitor what their employees are saying for training purposes, for goodwill purposes and such.

You cannot in Pennsylvania call within Pennsylvania and monitor that telephone sales call. We are trying to provide that exception so that we can have organizations that are presently in Pennsylvania expand their operations within Pennsylvania.

Ms. MANDERINO. Thank you. Thank you very much for your explanation.

I have nothing further, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

The gentleman, Mr. Olasz, from Allegheny County.

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

The SPEAKER. He will. You may begin.

Mr. OLASZ. Mr. Speaker, did I understand you correctly in saying that this amendment would permit jobs to stay in Pennsylvania? Would you answer in the affirmative?

Mr. FLICK. Yes, Mr. Speaker.

Mr. OLASZ. Thank you, Mr. Speaker.

Could you please explain how and why?

Mr. FLICK. Well, I was just trying to explain that to the gentelady from Philadelphia.

Federal law enables employers to monitor their employees' sales calls. Pennsylvania law is tighter than Federal law.

There are employers within the Commonwealth who make telephone solicitation calls within the Commonwealth and also within the other 49 States. They are able to monitor the calls to other States. They are not able to monitor the calls within Pennsylvania. They have therefore set up offices outside the Commonwealth boundaries in New Jersey and in Delaware where they are calling into Pennsylvania and they are able to monitor those calls which they cannot monitor from their present sites in Pennsylvania.

And as I indicated in a letter I received, it cost Pennsylvania 120 jobs just earlier this spring because a company is growing, they are expanding, and they are creating jobs, but these jobs are flowing outside our borders because the telephone calls cannot be monitored if they are called from within the borders and made to individuals within the borders.

Mr. OLASZ. Do you have any idea what the compensation is for these particular employees?

Mr. FLICK. I do not know what the compensation is for the employees, but I know that I did meet with this individual. They look for bright, articulate individuals. They have individuals who work with them on a part-time basis, maybe 4 hours in the afternoon three afternoons a week, and some full time. I would suspect that the hourly wage varies from slightly above minimum wage up to substantially above that, depending on the hours and times an individual works and the length of time they have been with the organization.

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

The only concern I have, that I view this as a continual erosion of the constitutional rights of individuals. Thank you very much.

The SPEAKER. Does the gentleman, Mr. Blaum, seek recognition on the Flick amendment?

Mr. BLAUM. Pardon me?

The SPEAKER. Are you seeking recognition on the Flick amendment?

Mr. BLAUM. Yes, I am.

The SPEAKER. The gentleman is recognized.

Mr. BLAUM. Will the gentleman, Mr. Flick, stand for interrogation?

The SPEAKER. He will. You may begin.

Mr. BLAUM. As I listened to the debate on this issue, I am not so much concerned about the monitoring of the caller, but I am concerned about the person who receives the call, their comments being recorded. Would in fact their comments be recorded?

Mr. FLICK. Certainly. The conversation between the two individuals would be recorded.

The purposes for which the recording would be used would only be directed towards the training of the individual who initiated the call.

Mr. BLAUM. I assume, Mr. Speaker, that they would be the legal purposes for which these recorded telephone conversations would be used.

Mr. FLICK. That is correct.

Mr. BLAUM. Believe me — and what I am about to say would probably be rare — but it troubles me that someone who receives a call from one of these telemarketing firms, perhaps during the dinner hour or after, might answer the phone and not be very happy with this telephone conversation and be very up-front and tell the caller what they thought of receiving this telephone conversation, and that innocent law-abiding Pennsylvanian would be recorded on tape for all time, we suppose. I believe that is inappropriate.

I would ask the members to vote "no" on this amendment. Again, what we are talking about here is the recording of comments made by innocent people receiving a telephone conversation. I doubt that they will be informed that they are being recorded, perhaps they might be, but I think it is inappropriate and an invasion of the privacy of the people of Pennsylvania, and I would ask for a negative vote.

THE SPEAKER PRO TEMPORE (PATRICIA H. VANCE) PRESIDING

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

Mr. LLOYD. Thank you, Madam Speaker.

Madam Speaker, I had an opportunity to take a look at section 5704 of the Crimes Code, which is the current list of exemptions, and as I am looking at this list, I do not see any exemption for just a general business. I see exemptions for law enforcement; I see exemptions for utilities; I see exemption for that underground wire one-call service; I see exemptions for things like 911, but I do not see any exemptions for just a garden-variety business.

My concern is twofold. Number one, if we start to give exemptions from the wiretap law to businesses, where is the line going to be drawn? If a telemarketer is allowed to listen in to the calls of his employees without warning the consumer, who in most instances did not ask to have the call made to him, if that is allowed, then what is the distinction for saying to the next business, well, I want to monitor all the phone calls my employees make on company time, and I do not care whether the person they call knows about it or not, I am going to monitor the phone calls. What is the basis for drawing a distinction? How can we say that that business should not be allowed to tape the phone calls of all of its employees? So I think we are starting down a very slippery slope.

So number one, Madam Speaker, I do not think that is a precedent we ought to set. But number two, if we are going to find some business that we want to authorize to be allowed to tape the phone calls made by employees without the knowledge and without the consent of the person on the other end of the call, the first person in line ought not be telemarketers.

We have had legislation at the Federal level, we have had legislation at the State level trying to correct abuses by telemarketers. I get calls from telemarketers all the time. I get calls

in Harrisburg in my apartment from telemarketers who want to sell me things like aluminum siding, I guess for the apartment building, that usually call when I am eating dinner or when I am watching the news. When you try to hang up and you tell them you are not interested, they want to give you a song and dance as to why, well, gee, you ought to do this. Or they call me sometime in the morning when I am at home on a Friday and they want to give me a credit card, and I tell them I am already satisfied with my credit cards, and I cannot get them off the line without being nasty.

So if we are going to give an exemption to the prohibition on taping telephone calls without notice to the person whose call is being taped, without notice to the member of the general public who did not ask for that call, surely to goodness we could find somebody better to give that exemption than telemarketers.

Madam Speaker, for those reasons I think we ought to reject this amendment. Thank you.

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

Mr. THOMAS. Thank you, Madam Speaker.

Madam Speaker, I stand to echo the previous speaker's concerns.

Pennsylvania has walked a very narrow line in providing for electronic surveillance, and to make an exception in this particular case would open the door to while on the one hand the door is being opened for allegedly good-faith reasons, but at the same time the possibility for abuse is as great as the use of electronic surveillance for good-faith purposes.

To that end, I think we would be stepping beyond those limitations that Pennsylvania has consistently — consistently — stood behind, and to that extent I oppose the Flick amendment. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Elk County, Mr. Surra.

Mr. SURRA. Thank you, Madam Speaker.

Madam Speaker, would the prime sponsor of the amendment stand for a very brief interrogation?

The SPEAKER pro tempore. The gentleman agrees. You may proceed.

Mr. SURRA. Madam Speaker, under what you consider monitoring of phone calls by the person initiating the call, would that tape recording then be able to be used in a subsequent legal proceeding, such as proof of an oral contract?

Mr. FLICK. No, Madam Speaker.

Mr. SURRA. Is that stated in the bill?

Mr. FLICK. It is stated in my amendment.

Mr. SURRA. Your amendment just says used for monitoring purposes.

Mr. FLICK. May only be used for the purposes of training, quality control, or monitoring by the business. This is—

Mr. SURRA. Monitoring—

Mr. FLICK. Madam Speaker, this is the same language that is presently in Federal law. We took this language from Federal law, Federal law which is probably the law of the land in 45 or 46 States, Pennsylvania being one of three or four that has language which does not provide for monitoring by telephone sales organizations for training purposes.

Mr. SURRA. Thank you.

If I could comment.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. SURRA. Madam Speaker, "monitoring by the business"; I am not convinced that that language is strong enough that a

telemarketer cannot use that conversation down the road in a legal proceeding to say, well, you agreed to this; this is an oral contract.

I have had unscrupulous telemarketers contact my constituents who would sell them a bill of goods on the phone and have a tape recording from another State of an oral contract, in their opinion. They would sell them a three-piece leather luggage outfit that, when it was delivered, was nothing more than a handbag and one was a wallet, and the big luggage bag was all sewn-together pieces of leather. When this gentleman tried to stop payment on this, the telemarketer used this tape recording as an oral contract.

Monitoring by the company is pretty wide open, and how that is looked upon I do not believe is tough enough, and I think it can be used by the company to force people to pay for something that they want to try to back out of.

Madam Speaker, I think we should be very, very careful when we talk about electronic surveillance, and I personally am going to oppose this amendment, because I think anytime anyone is being recorded in a phone conversation, they should be informed that it is going to be recorded.

So I stand in opposition to the Flick amendment. Thank you, Madam Speaker.

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

Mr. YEWIC. Thank you.

I rise to oppose this amendment, because all this amendment is is a slick marketing tool for someone in business to take a biography of the objections why you are not buying their product so they can go out and better market to take your money.

I constantly get calls for credit cards, from magazine publishers who send me notices that I owe them money for a subscription that I never bought. I got a letter the other day saying this is our sixth notice for a subscription that I never applied for. All this will do is take my comments over the phone when I am extremely displeasable to the person calling me, they will put together a biography, and the next time they will better market their product.

So I think we ought to not put this kind of law into statute to give them license to harass us at home. Therefore, we ought to object to this amendment. Thank you, Madam Speaker.

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

Mr. FLICK. Thank you, Madam Speaker.

I would yield to the gentleman, Mr. Horsey, from Philadelphia, if he would like to speak.

The SPEAKER pro tempore. Thank you.

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

Mr. HORSEY. Madam Speaker, I rise to oppose the Flick amendment.

Madam Speaker, there is nothing more important than individual rights, Madam Speaker, and this amendment erodes those individual rights.

When I get on the phone, I am on the phone with the reasonable expectation that what I am saying to the other person is private unless he or I specifically tell them that it is not private. This amendment, Madam Speaker, opposes that concept and throws individual rights out of the window.

There is only one condition— I am opposed to wiretapping for any reason. There is only one reason why I am in favor of wiretapping, and that is for criminal procedures. Other than that, Madam Speaker, people who get on the phone should have a

reasonable expectation that what one person is saying to another person is private.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair again recognizes the gentleman from Chester— The Chair recognizes the gentleman, Mr. Mihalich. Sorry; I did not see you standing.

Mr. MIHALICH. Thank you, Madam Speaker.

Would the maker of the amendment stand for a very brief interrogation?

The SPEAKER pro tempore. The gentleman agrees. You may proceed.

Mr. MIHALICH. Are you familiar with what a “push poll” is?

Mr. FLICK. No, Madam Speaker.

Mr. MIHALICH. It is a recent development in political campaigns that it would affect everybody in this room.

A “push poll” is conducted by telemarketing firms in which they allegedly are calling people on the phone asking them what candidate would they favor, and if they get an answer that they do not want, they say, well, would you be in favor of this candidate if you knew this about him or her, et cetera, et cetera, et cetera. These are called push polls. The media has been reporting on many of them recently, and they are all over the lot. They are very, very insidious types of campaigns coming under the guise of telemarketing.

Now, with remarks being made, you are saying that the conversations would not be used for legal purposes. Could the conversations then, because you do not refer to it, be used for political purposes?

Mr. FLICK. Madam Speaker, in that case, the case which you refer to – push polls, telemarketers – those conversations would not be permitted to be taped in the Commonwealth of Pennsylvania. They are not now without permission; they would not be after my amendment passes.

Mr. MIHALICH. I thank you, Madam Speaker.

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

Mr. FLICK. Thank you, Madam Speaker.

There are two things that I want to stress. Number one, this amendment has nothing to do with wiretapping. That is the first point.

Number two, by supporting this amendment, you are not encouraging telemarketers to call and harass the constituents you represent here in the Commonwealth. Federal law provides that in, as I said, 46 other States, employers can monitor for training purposes calls made by their employees to their home State or other States. Pennsylvania is one of three or four States that because its law is tighter, employers cannot monitor calls which are placed to Pennsylvania residents. An employer in the Commonwealth of Pennsylvania can monitor calls to any other State, and they do, and the purpose of monitoring the calls is to provide for better service to the public. By supporting this amendment, you will help provide better service in this telemarketing industry, which will be of benefit to your customers and mine.

We are also, by not permitting this monitoring within Pennsylvania, we are driving jobs to New Jersey and Delaware. An organization that has its base of employment in my district has created over 500 jobs in the last 7 years. The jobs, though, are expanding to other States, and we want to keep them here in Pennsylvania.

I would encourage your support. Thank you, Madam Speaker.

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

The following roll call was recorded:

YEAS—32

Adolph	Flick	Micozzie	Stish
Bard	Gannon	O'Brien	Strittmatter
Birmelin	Godshall	Pitts	Taylor, E. Z.
Caltagirone	Haluska	Raymond	Wogan
Civera	Hennessey	Rubley	Zug
DeLuca	Hershey	Sather	
DiGirolamo	Maitland	Schroder	Ryan,
Durham	Major	Schuler	Speaker
Fargo	Merry		

NAYS—169

Allen	Egolf	Lloyd	Sainato
Argall	Evans	Lucyk	Santoni
Armstrong	Fairchild	Lynch	Saylor
Baker	Fajt	Manderino	Scrimenti
Barley	Feese	Markosek	Semmel
Battisto	Fichter	Marsico	Serafini
Bebko-Jones	Fleagle	Masland	Shaner
Belardi	Gamble	Mayernik	Sheehan
Belfanti	Geist	McCall	Smith, B.
Bishop	George	McGeehan	Smith, S. H.
Blaum	Gigliotti	McGill	Snyder, D. W.
Boscola	Gladeck	Melio	Staback
Boyes	Gordner	Michlovic	Stairs
Brown	Gruitza	Mihalich	Steelman
Browne	Gruppo	Miller	Steil
Bunt	Habay	Mundy	Stern
Butkovitz	Hanna	Myers	Stetler
Buxton	Harhart	Nailor	Sturla
Cappabianca	Hasay	Nickol	Surra
Carn	Haste	Nyce	Tangretti
Carone	Herman	Olasz	Taylor, J.
Cawley	Hess	Oliver	Thomas
Chadwick	Horsey	Perzel	Tigue
Clark	Hutchinson	Pesci	Travaglio
Clymer	Itkin	Petrarca	Trello
Cohen, L. I.	Jadlowiec	Petrone	Trich
Cohen, M.	James	Pettit	True
Colafella	Jarolin	Phillips	Tulli
Colaizzo	Josephs	Pistella	Vance
Conti	Kaiser	Platts	Van Horne
Cornell	Keller	Preston	Veon
Corpora	Kenney	Ramos	Vitali
Corrigan	Kirkland	Readshaw	Walko
Cowell	Krebs	Reber	Washington
Coy	Kukovich	Reinard	Waugh
Curry	LaGrotta	Rieger	Williams
Daley	Laughlin	Roberts	Wozniak
Dempsey	Lawless	Robinson	Wright, D. R.
Dent	Lederer	Roebuck	Wright, M. N.
Dermody	Leh	Rohrer	Yewcic
DeWeese	Lescovitz	Rooney	Youngblood
Donatucci	Levdansky	Rudy	Zimmerman
Druce			

NOT VOTING—0

EXCUSED—2

Farmer King

Less than the majority having voted in the affirmative, 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?

Mr. GANNON offered the following amendment No. A2231:

Amend Sec. 1 (Sec. 5702), page 4, line 5, by inserting after “wire”
or electronic

Amend Sec. 1 (Sec. 5702), page 4, line 5, by inserting after “the”
where it appears the first time
targeted

Amend Sec. 1 (Sec. 5702), page 4, lines 5 and 6, by inserting
brackets before and after “line to which the device is attached”

Amend Sec. 1 (Sec. 5702), page 4, line 8, by inserting after “wire”
or electronic

Amend Sec. 1 (Sec. 5702), page 4, line 8, by inserting after “the”
targeted

Amend Sec. 1 (Sec. 5702), page 4, line 9, by striking out “line to
which the device is attached”

Amend Sec. 1 (Sec. 5702), page 4, by inserting between lines 20
and 21

“Telecommunication identification interception device.” Any
equipment or device capable of intercepting any electronic
communication which contains any electronic serial number, mobile
identification number, personal identification number or other
identification number assigned by a telecommunication service provider
for activation or operation of a telecommunication device.

Amend Sec. 9, page 29, line 18, by striking out “5773(a)” and
inserting

5773

Amend Sec. 9 (Sec. 5771), page 36, lines 20 and 21, by inserting
brackets before and after “of pen register and trap and trace device use;
exception” and inserting immediately thereafter

on use of certain devices

Amend Sec. 9 (Sec. 5771), page 36, line 24, by inserting after
“device”

or a telecommunication identification interception
device

Amend Sec. 9 (Sec. 5771), page 36, lines 25 and 26, by inserting
brackets before and after “a pen register or a trap and trace device” and
inserting immediately thereafter

use of certain devices

Amend Sec. 9 (Sec. 5771), page 36, line 28, by inserting brackets
before and after “or” and inserting an underscored comma immediately
thereafter

Amend Sec. 9 (Sec. 5771), page 36, line 29, by inserting after
“device”

or a telecommunication identification interception
device

Amend Sec. 9 (Sec. 5772), page 37, lines 19 and 20, by inserting
brackets before and after “pen registers and trap and trace devices” and
inserting immediately thereafter

use of certain devices

Amend Sec. 9 (Sec. 5772), page 37, lines 26 and 27, by inserting
brackets before and after “a pen register or a trap and trace device” and
inserting immediately thereafter

use of certain devices

Amend Sec. 9 (Sec. 5772), page 37, line 28, by inserting brackets
before and after “or” and inserting an underscored comma immediately
thereafter

Amend Sec. 9 (Sec. 5772), page 37, line 28, by inserting after
“device”

or a telecommunication identification interception
device

Amend Sec. 9 (Sec. 5772), page 38, line 2, by inserting after “the”
targeted

Amend Sec. 9 (Sec. 5772), page 38, lines 2 and 3, by striking out
“line to” in line 2 and all of line 3 and inserting

or other telephones involved in the same
investigation.

Amend Sec. 9 (Sec. 5773), page 38, lines 5 and 6, by inserting
brackets before and after “a pen register or a trap and trace device” and
inserting immediately thereafter

use of certain devices

Amend Sec. 9 (Sec. 5773), page 38, lines 8 and 9, by inserting
brackets before and after “pen registers and trap and trace devices” and
inserting immediately thereafter

use of certain devices

Amend Sec. 9 (Sec. 5773), page 38, line 11, by inserting brackets
before and after “or” and inserting an underscored comma immediately
thereafter

Amend Sec. 9 (Sec. 5773), page 38, line 11, by inserting after
“device”

or a telecommunication identification interception
device

Amend Sec. 9 (Sec. 5773), page 38, line 15, by inserting after “the”
where it appears the first time

targeted

Amend Sec. 9 (Sec. 5773), page 38, line 15, by inserting a bracket
before “line”

Amend Sec. 9 (Sec. 5773), page 38, lines 15 and 16, by striking out
“or the trap and trace device”

Amend Sec. 9 (Sec. 5773), page 38, line 16, by inserting a bracket
after “attached”

Amend Sec. 9 (Sec. 5773), page 38, line 17, by striking out all of
said line and inserting

(b) Contents of order.—An order issued under this section shall:

(1) Specify:

(i) That there is probable cause to believe that
information relevant to an ongoing criminal investigation
will be obtained [on the telephone line to which the pen
register or trap and trace device is to be attached] from the
targeted telephone.

(ii) The identity, if known, of the person to whom
is leased or in whose name is listed the [telephone line to
which the pen register or trap and trace device is to be
attached.] targeted telephone, or in the case of the use of a
telecommunication identification interception device, the
identity, if known, of the person or persons using the
targeted telephone.

(iii) The identity, if known, of the person who is
the subject of the criminal investigation.

(iv) [The number and, if known,] In the use of pen
registers and trap and trace devices only, the physical
location of the [telephone line to which the pen register or
trap and trace device is to be attached, and, in the case of a
trap and trace device, the geographical limits of the trap and
trace order] targeted telephone.

(v) A statement of the offense to which the
information likely to be obtained by the pen register [or],
trap and trace device or the telecommunication
identification interception device relates.

(2) Direct, upon the request of the applicant, the furnishing of information, facilities and technical assistance necessary to accomplish the installation of the pen register under section 5771 (relating to general prohibition of pen register [and], trap and trace device and telecommunication identification interception device use; exception).

(3) In the case of a telecommunication identification interception device, direct that all interceptions be recorded in accordance with subsection (e).

(c) Time period and extensions.—

(1) An order issued under this section shall authorize the installation and use of a pen register [or], trap and trace device or a telecommunication identification interception device for a period not to exceed 30 days.

(2) Extensions of such an order may be granted but only upon an application for an order under section 5772 and upon the judicial finding required by subsection (a). The period of each extension shall be for a period not to exceed 30 days.

(d) Nondisclosure of existence of pen register [or], trap and trace device or a telecommunication identification interception device.—An order authorizing or approving the installation and use of a pen register [or], a trap and trace device or a telecommunication identification interception device shall direct that:

(1) The order be sealed until otherwise ordered by the court.

(2) The person owning or leasing the [line to which the pen register or a trap and trace device is attached] targeted telephone, or who has been ordered by the court to provide assistance to the applicant, not disclose the existence of the pen register [or], trap and trace device or telecommunication identification interception device or the existence of the investigation to the listed subscriber, or to any other person, unless or until otherwise ordered by the court.

(e) Recording and monitoring.—All interceptions shall be recorded and monitored pursuant to section 5714(a)(1) and (2) and (b).

Amend Sec. 9 (Sec. 5774), page 38, lines 18 and 19, by inserting brackets before and after “pen registers or trap and trace devices” and inserting immediately thereafter

certain devices

Amend Sec. 9 (Sec. 5775), page 40, lines 2 and 3, by striking out all of said lines and inserting

§ 5775. Reports concerning [pen registers] certain devices.

On the question,

Will the House agree to the amendment?

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

Mr. GANNON. Thank you, Madam Speaker.

Madam Speaker, one of the major problems that we are having in telecommunications in Pennsylvania and around the country involves the cellular telephones. Apparently we have some, well, we have some very unscrupulous people who steal electronically the registration codes from the cellular telephones that people use and then use those registration numbers to counterfeit and then make phone calls, actually register them with another cellular phone, and then sell that telephone to someone, and they can make telephone calls, but they are charged to the person who was the original owner or the owner of that cellular phone. It has become a pretty big industry in the underworld. It makes a lot of money, and we have to do everything we can to put a stop to it.

Now, this is all done with electronic devices, and most of the activity where these registrations are stolen is along major highways like the turnpike, Interstates 95 and 80, 81. A lot of the activity occurs on bridges and underpasses where these folks can

see that you have a cellular telephone antenna on your car or they can see you talking on the phone, and they just have to send a beam at you, and they can read the registration number for the telephone that you are using.

Now, what this amendment does is permits our law enforcement, particularly the State Police, to be able to electronically identify this equipment that steals these registration numbers. So it gives them another tool in their fight against crime, and particularly criminal activity like this, which ultimately costs all of us as consumers higher prices when we use our telephones, whether it is cellular or not, because a lot of these cellular companies are owned by regular telephone companies.

So I would urge a “yes” vote on this amendment, Madam Speaker. Thank you.

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

Mr. JAMES. Thank you, Madam Speaker.

Madam Speaker, I just want to say that I have some problems with the overall bill, but on this, the Gannon amendment, being a victim of telephone theft on four different occasions, I support this amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—200

Adolph	Egolf	Lynch	Saylor
Allen	Evans	Maitland	Schroder
Argall	Fairchild	Major	Schuler
Armstrong	Fajt	Manderino	Scrimenti
Baker	Fargo	Markosek	Semmel
Bard	Feese	Marsico	Serafini
Barley	Fichter	Masland	Shaner
Battisto	Fleagle	Mayernik	Sheehan
Bebko-Jones	Flick	McCall	Smith, B.
Belardi	Gamble	McGeehan	Smith, S. H.
Belfanti	Gannon	McGill	Snyder, D. W.
Birmelin	Geist	Melio	Staback
Bishop	George	Merry	Stairs
Blaum	Gigliotti	Michlovic	Steelman
Boscola	Gladeck	Micozzie	Steil
Boyes	Godshall	Mihalich	Stern
Brown	Gordner	Miller	Stetler
Browne	Gruitza	Mundy	Stish
Bunt	Gruppo	Myers	Strittmatter
Butkovitz	Habay	Nailor	Sturla
Buxton	Haluska	Nickol	Surra
Caltagirone	Hanna	Nyce	Tangretti
Cappabianca	Harhart	O'Brien	Taylor, E. Z.
Carn	Hasay	Olasz	Taylor, J.
Carone	Haste	Oliver	Thomas
Cawley	Hennessey	Perzel	Tigue
Chadwick	Herman	Pesci	Travaglio
Civera	Hershey	Petrarca	Trello
Clark	Hess	Petrone	Trich
Clymer	Horsley	Pettit	True
Cohen, L. I.	Hutchinson	Phillips	Tulli
Cohen, M.	Itkin	Pistella	Vance
Colafella	Jadlowiec	Pitts	Van Horne
Colaizzo	James	Platts	Veon
Conti	Jarolin	Preston	Vitali
Cornell	Josephs	Ramos	Walko
Corpora	Kaiser	Raymond	Washington
Corrigan	Keller	Readshaw	Waugh
Cowell	Kenney	Reber	Williams

Coy	Kirkland	Reinard	Wogan
Curry	Krebs	Rieger	Wozniak
Daley	Kukovich	Roberts	Wright, D. R.
DeLuca	LaGrotta	Robinson	Wright, M. N.
Dempsey	Laughlin	Rohrer	Yewcic
Dent	Lawless	Rooney	Youngblood
Dermody	Lederer	Rubley	Zimmerman
DeWeese	Leh	Rudy	Zug
DiGirolamo	Lescovitz	Sainato	
Donatucci	Levdansky	Santoni	Ryan,
Druce	Lloyd	Sather	Speaker
Durham	Lucy		

NAYS-0

NOT VOTING-1

Roebuck

EXCUSED-2

Farmer King

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

On the question,

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

The SPEAKER pro tempore. It is the Chair's understanding that all other amendments have been withdrawn. Is that correct?

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

The Chair recognizes the gentleman from Somerset, Mr. Lloyd. Mr. LLOYD. Thank you, Madam Speaker.

Madam Speaker, I suspect this bill is going to pass, but I do want to put on the record what I think is a potentially serious problem with the section of the bill dealing with roving wiretaps, and that is found on page 18 of the bill.

Madam Speaker, historically, if a policeman wanted to get a warrant to intercept a phone call, to wiretap, he had to be able to provide the identity of the phone number which he wanted to tap, and at various periods of time he had to give some indication of what he expected to hear and who he expected to be using that telephone.

The problem which is apparently attempting to be addressed by roving wiretaps is the problem when somebody who is a suspect tries to evade having his phone calls intercepted by using other people's phones, and I understand that argument, and I have some sympathy with trying to catch those people.

The problem is that this language appears to do the following: The policeman says. John is a suspect, but John is not always using his own phone, and so consequently, we are not always getting the

information or the conversations which we need in order to convict him or to prosecute him. So we are going to go to the judge and we are going to try to convince the judge that John uses other people's phones in order to evade the effect of the wiretap, and if we are able to convince the judge of that and if the only way we can catch John is to tap other phones, the judge then gives us a piece of paper which essentially says, you the police have the authority to do a roving wiretap. And apparently the judge does not have to say, you may tap John's three neighbors, or you may tap the following four telephones that we think John historically has used to try to circumvent the wiretap. There is no restriction by the judge as to how long you are allowed to listen on the phones of people other than at John's house. And while the district attorneys will tell you that, oh, well, we intend not to tap anybody's phone unless we know John is in fact in their house, there is nothing in this bill which says that. And while the district attorneys will tell you that, well, there is a constitutional duty to minimize, to not listen to things that you are not supposed to listen to and do not need to have in order to prosecute John, we all know that those court decisions change, and that is one of the reasons why we have this bill.

Madam Speaker, there may be a place for roving wiretaps, but it seems to me that the judge ought to have to indicate whose phones are allowed to be tapped, and there ought to be some kinds of restrictions put into this statute as far as protecting those people who might be innocent associates of John, the suspect, who have no reason to believe that John is engaged in criminal activity. But John comes to their house after the softball game, and they sit around and have beers with the members of the team, and John makes a couple of phone calls. And so consequently the police say, well, you know, John might be using that phone; we do not know for sure, but he might be using that phone to do illegal business, so let us put a tap on that phone. So pretty soon you have got people who did not even know John was a potential wrongdoer and who themselves are not wrongdoers having their phones tapped. And we can say all we want about, well, they are not allowed to use that information and it is going to be expunged and so forth, but I do not think most people want to have their phone conversations exposed to some law enforcement official if they are not themselves under suspicion or under investigation for crime.

So, Madam Speaker, it might be possible to amend this bill to address those problems. I hope those amendments will be offered in the Senate. Those amendments are not before us today, and, Madam Speaker, I intend to vote against the bill. Thank you.

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

Mr. DiGIROLAMO. Madam Speaker, is this on final passage?

The SPEAKER pro tempore. Yes, it is.

Mr. DiGIROLAMO. Thank you, Madam Speaker.

This being my first bill, I would ask the Chair for a little leeway. I would like to thank a few people who helped me out along the way.

I would like to thank, first, both chairmen of the Judiciary Committee, Representative Gannon and Representative Caltagirone, for their help and guidance on this bill. I would also like to thank the members of the F.O.P. (Fraternal Order of Police); the Attorney General's Office, Mr. Corbett; the State Police, especially Colonel Evanko; and I would also especially like to thank our chief counsel for Judiciary, Brian Preski, who will be

happy when this bill is over and he will not have to take any more phone calls on Saturday and Sunday.

Madam Speaker, I think this is a good bill. I think it will give the law enforcement officials in the State of Pennsylvania the tools they need to fight crime, especially crime in the line of drug traffic, and, Madam Speaker, I ask for an affirmative vote.

The SPEAKER pro tempore. Does the gentleman, Mr. Cohen, seek recognition? The gentleman may proceed.

Mr. COHEN. Thank you, Madam Speaker.

Madam Speaker, I share Representative Lloyd's belief that this bill is likely to pass, and I share Mr. Lloyd's belief that its passage is not a particularly good thing.

The question before us in determining wiretap policy is, how far can we go? At what point do the benefits of wiretapping for law enforcement purposes outweigh the dangers of wiretapping to individual citizens? My feeling is that this bill crosses that line.

At one time in Pennsylvania we had almost unlimited wiretapping, and the result of the unlimited wiretapping was that there was a massive hue and cry throughout this Commonwealth about police excesses, prosecutorial excesses, and we overresponded to that before any of us were in the legislature by banning all wiretapping. Gradually we have been moving in the direction now, in a series of steps, going back to unlimited wiretapping. We are not quite there yet, but as Bill Lloyd indicated, we are getting awfully close.

This bill, as Mr. Lloyd says, allows the creation of a web. Somebody's phone could be wiretapped. They have a roving wiretap, so someplace that person frequents could be wiretapped. Then the secondary person whose phone is wiretapped could lead to a third person's phone being wiretapped, a fourth person's phone being wiretapped, and so forth.

Beyond the roving wiretap problem, this bill also makes it easier to have wiretaps by getting the Superior Court out of the wiretapping authorization business and giving each of the 61 judicial districts in Pennsylvania the power to order wiretaps.

It is going to be much easier to wiretap, to get an authorization now. Local common pleas court judges as a general rule — there of course are exceptions — have less judicial experience and less legal experience than Superior Court judges, and there are far more of them.

So I think this bill is going to lead to a major expansion of wiretapping, and I think this bill crosses the line where the dangers of wiretapping to individual citizens and to individual civil liberties exceeds the value of wiretapping for law enforcement, and I would join Mr. Lloyd in urging a "no" vote.

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—128

Adolph	Durham	Lynch	Sather
Allen	Egolf	Maitland	Saylor
Argall	Fairchild	Major	Schroder
Armstrong	Fajt	Marsico	Schuler
Baker	Fargo	Masland	Semmel
Bard	Feese	Mayernik	Serafini
Barley	Fichter	McCall	Sheehan
Battisto	Fleagle	McGill	Smith, B.
Birmelin	Flick	Melio	Smith, S. H.
Blaum	Gamble	Merry	Snyder, D. W.

Boscola	Gannon	Micozzie	Stairs
Boyes	Geist	Miller	Steil
Brown	Gladeck	Mundy	Stern
Browne	Godshall	Nailor	Stish
Bunt	Gruppo	Nickol	Strittmatter
Caltagirone	Habay	Nyce	Taylor, E. Z.
Carone	Harhart	O'Brien	Taylor, J.
Cawley	Hasay	Perzel	True
Chadwick	Haste	Petrone	Tulli
Civera	Hennessey	Pettit	Vance
Clark	Herman	Phillips	Veon
Clymer	Hershey	Pistella	Vitali
Cohen, L. I.	Hess	Pitts	Walko
Colafella	Hutchinson	Platts	Waugh
Conti	Jadlowiec	Raymond	Wogan
Cornell	Kaiser	Readshaw	Wozniak
Coy	Kenney	Reber	Wright, M. N.
Daley	Krebs	Reinard	Zimmerman
DeLuca	Laughlin	Rohrer	Zug
Dempsey	Lawless	Rubley	
Dent	Leh	Rudy	Ryan,
DiGirolamo	Lescovitz	Santoni	Speaker
Druce	Lucyk		

NAYS—73

Bebko-Jones	Gigliotti	Markosek	Shaner
Belardi	Gordner	McGeehan	Staback
Belfanti	Gruitza	Michlovic	Steelman
Bishop	Haluska	Mihalich	Stetler
Butkovitz	Hanna	Myers	Sturla
Buxton	Horsey	Olasz	Surra
Cappabianca	Itkin	Oliver	Tangretti
Carn	James	Pesci	Thomas
Cohen, M.	Jarolin	Petrarca	Tigue
Colaizzo	Josephs	Preston	Travaglio
Corpora	Keller	Ramos	Trello
Corrigan	Kirkland	Rieger	Trich
Cowell	Kukovich	Roberts	Van Home
Curry	LaGrotta	Robinson	Washington
Dermody	Lederer	Roebuck	Williams
DeWeese	Levdansky	Rooney	Wright, D. R.
Donatucci	Lloyd	Sainato	Yewcic
Evans	Manderino	Scrimenti	Youngblood
George			

NOT VOTING—0

EXCUSED—2

Farmer	King
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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.

GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair welcomes to the hall of the House visitors Maricka Kerekovic from Australia, a labor relations consultant advising GPU on acquisition of solar power, also Tassie DeAngelo, an administrator from Met Ed-Penelec, as guests of Representative Sheila Miller, seated to the left of the Speaker. Would you please rise.

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 294, PN 3290**, entitled:

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, further providing for expenses of county officers for attending certain meetings and for coroner's investigations.

On the question,
Will the House concur in Senate amendments?

RULES SUSPENDED

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

Mr. GIGLIOTTI. Thank you, Madam Speaker.

I would like to make a motion to suspend the rules for the purpose of offering amendment No. A2333.

The SPEAKER pro tempore. The gentleman, Mr. Gigliotti, makes the motion that the rules be suspended for amendment No. A2333.

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

The SPEAKER pro tempore. The Chair recognizes the majority leader, Mr. Perzel.

Mr. PERZEL. Thank you, Madam Speaker.

We concur in the suspension of the rules, Madam Speaker.

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

The following roll call was recorded:

YEAS-187

Adolph	Druce	Lucyk	Saylor
Allen	Durham	Maitland	Schroder
Argall	Egolf	Major	Schuler
Armstrong	Evans	Manderino	Scrimenti
Baker	Fairchild	Markosek	Semmel
Bard	Fajt	Marsico	Serafini
Barley	Fargo	Masland	Shaner
Battisto	Feese	Mayernik	Sheehan
Bebko-Jones	Fichter	McCall	Smith, B.
Belardi	Fleagle	McGeehan	Smith, S. H.
Belfanti	Flick	McGill	Snyder, D. W.
Birmelin	Gamble	Melio	Staback
Bishop	Gannon	Merry	Stairs
Blaum	Geist	Michlovic	Stern
Boscola	George	Micozzie	Stetler
Boyes	Gigliotti	Mihalich	Stish
Brown	Gladeck	Miller	Strittmatter
Browne	Godshall	Mundy	Sturla
Bunt	Gordner	Myers	Surra
Butkovitz	Gruitza	Nailor	Tangretti
Buxton	Gruppo	Nickol	Taylor, E. Z.
Caltagirone	Habay	Nycc	Taylor, J.
Cappabianca	Haluska	O'Brien	Thomas
Carn	Harhart	Olasz	Travaglio
Cawley	Hasay	Oliver	Trello
Chadwick	Haste	Perzel	Trich

Civera	Hennessey	Pesci	True
Clark	Herman	Petrarca	Tulli
Clymer	Hershey	Pettit	Vance
Cohen, L. I.	Hess	Phillips	Van Horne
Cohen, M.	Horsey	Pistella	Veon
Colafella	Hutchinson	Pitts	Vitali
Colaizzo	Jadlowiec	Ramos	Walko
Conti	Jarolin	Raymond	Washington
Cornell	Josephs	Readshaw	Waugh
Corpora	Kaiser	Reber	Williams
Corrigan	Keller	Reinard	Wogan
Cowell	Kenney	Rieger	Wozniak
Coy	Kirkland	Roberts	Wright, D. R.
Curry	Kukovich	Roebuck	Wright, M. N.
Daley	LaGrotta	Rohrer	Yewcic
DeLuca	Laughlin	Rooney	Youngblood
Dempsey	Lederer	Rubley	Zimmerman
Dent	Leh	Rudy	Zug
Dermody	Lescovitz	Sainato	
DeWeese	Levdansky	Santoni	Ryan,
DiGirolamo	Lloyd	Sather	Speaker
Donatucci			

NAYS-14

Carone	Krebs	Platts	Steelman
Hanna	Lawless	Preston	Steil
Itkin	Lynch	Robinson	Tigue
James	Petrone		

NOT VOTING-0

EXCUSED-2

Farmer	King
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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.

On the question recurring,
Will the House concur in Senate amendments?

Mr. GIGLIOTTI offered the following amendment No. **A2333**:

Amend Title, page 1, line 6, by removing the period after "INVESTIGATIONS" and inserting

; and providing for a referendum in cities of the second class relating to neighborhood schools.

Amend Bill, page 4, by inserting between lines 14 and 15

Section 3. (a) For the purpose of determining the opinion of the electors resident in a city of the second class situate in a county of the second class, the county board of elections shall arrange for a binding referendum to be placed upon the ballot in such city of the second class relating to neighborhood schools. This referendum shall be held at the primary election of 1997.

(b) The question shall be as follows:

Do you favor the continuation of neighborhood schools as a necessary part of our public school system?

(c) The advertising of the referendum and the canvassing of the votes thereon shall be as provided in the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code.

(d) The results of the referendum shall be published in at least one newspaper of general circulation within the city described in subsection (a).

Amend Sec. 3, page 4, line 15, by striking out "3" and inserting
4

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

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman, Mr. Gigliotti.

Mr. GIGLIOTTI. Thank you, Madam Speaker.

Madam Speaker, this amendment will amend the second-class county bill for the purpose of putting a referendum on the ballot in the city of Pittsburgh only. The subject matter is neighborhood schools. We want the general population to vote on it. I ask everybody for an affirmative vote.

By the way, this is not only my amendment; this is Representative Readshaw's and Representative Walko's, too.

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

Mr. LLOYD. Thank you, Madam Speaker.

Madam Speaker, would the sponsor consent to interrogation?

The SPEAKER pro tempore. The gentleman agrees. You may proceed.

Mr. LLOYD. Madam Speaker, if this is placed on the ballot and the majority of the people voting in the referendum indicate that they oppose, or rather, I guess the way it is worded today, that they support the continuation of neighborhood schools, what effect will that vote have?

Mr. GIGLIOTTI. Well, just recently in Pittsburgh, we had the school board of the city of Pittsburgh voted— There were two plans of neighborhood schools, plan A and plan B. Plan A was to save \$10.4 million, and plan B was to spend another \$10.7 million for neighborhood schools. If this is passed by the electorate, that would force the school board to go back to plan A.

Mr. LLOYD. And would that in any way put the school district in violation of any State or Federal court order?

Mr. GIGLIOTTI. Well, this amendment does not take place until the May primary of next year, 1997. By that time, HB 1689, which is a bill previously that this House passed 166 to 34, is running today in the Senate, and we think it is going to pass with unanimous support.

Mr. LLOYD. So there is not currently a court order at all on this subject?

Mr. GIGLIOTTI. I do not have the answer to that.

Mr. LLOYD. But there is an order of the Human Relations Commission?

Mr. GIGLIOTTI. Exactly.

Mr. LLOYD. And this would be in violation, but if the Human Relations Commission has lost that power, then it is not in violation.

Mr. GIGLIOTTI. Exactly.

Mr. LLOYD. All right. Thank you, Madam Speaker.

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

Mr. ITKIN. Madam Speaker, I rise to ask the House today not to approve this amendment, and let me tell you the reasons why.

The question of school integration and desegregation in the attendance of various schools in the city of Pittsburgh has been an issue which the school district has wrestled with for over 20 years. It is a subject in which at one time we had an appointed school board that was directed to develop a desegregation plan, which the general public was offended by.

As a consequence, in 1974, I believe, I asked this House to provide for an elected school board for Pittsburgh, and the House and Senate approved an elected and provided for the election of a school board in the city of Pittsburgh. Since that time, we have had the school district's affairs represented by people who are chosen by district within the city of Pittsburgh to represent the interests of the school children and their parents.

The school board is currently wrestling with this proposition as to what to do with respect to the attendance patterns in the school system. Since they are elected, they should have the right to make those determinations in consultation with their constituents.

Whenever a minority element within the school district decides that they do not like the way elected authorities are conducting their affairs, they should not have the privilege of coming to some other body and overruling what the school district is doing.

The school district has not made a decision in this regard. It is something that we should allow the duly elected local authorities to continue to debate, discuss, and involve the general population.

I think that Mr. Gigliotti's amendment at this time is premature. It will set a situation in Pittsburgh that will not be conducive to further mediation on the part of the school district.

So I would hope that this House would not take charge of the Pittsburgh school system and allow their local elected authorities to conduct their affairs in an appropriate manner. Thank you, Madam Speaker.

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

Mr. COWELL. Thank you, Madam Speaker.

Madam Speaker, would the gentleman, Mr. Gigliotti, the maker of the amendment, consent to interrogation?

Mr. GIGLIOTTI. Yes.

The SPEAKER pro tempore. The gentleman agrees. You may proceed.

Mr. COWELL. Thank you, Madam Speaker.

I generally agree with the efforts on the part of the makers of the amendment to promote neighborhood schools in the city of Pittsburgh, but I have two questions about the particulars of this amendment.

Madam Speaker, first, the language in the referendum question that would appear on the ballot says or asks the voter, "Do you favor the continuation of neighborhood schools?"

My understanding has been that much of your effort and the effort of Representatives Readshaw and Walko and others has been to get the Pittsburgh School District or School Board to go back to neighborhood schools rather than to continue the status quo. I understand that the argument in part has been that there are no neighborhood schools in certain neighborhoods of the city, and so I am troubled by the question and worried that the voters may be in fact confused about what they are being asked to support or express favor of. This says, "...favor the continuation of..."

Is it your intent to support the continuation of something, or is it your intent to get the school board to change and go to something that does not exist?

Mr. GIGLIOTTI. A very good question, Madam Speaker.

This amendment was drafted by the attorneys up in the Reference Bureau. The purpose of my amendment was to make sure we go back to neighborhood schools, as you very well stated.

I understand what you are saying about, "Do you favor the continuation of neighborhood schools?" If it is an error in this amendment, I am sure the Senate will correct that error.

So I am still asking for an affirmative vote on this amendment.

Mr. COWELL. And, Madam Speaker, the second question.

Madam Speaker, in response to I believe it was an interrogation from Mr. Lloyd, when he asked about the process, you indicated that the school board had option A that they had considered and now they have moved to option B, and if the voters approve this referendum question, then the school board would have to go back to option A.

My understanding though is that this is a nonbinding referendum—

Mr. GIGLIOTTI. No. This is a binding referendum. We changed that language. This is a binding referendum.

Mr. COWELL. I am sorry. I am—

Mr. GIGLIOTTI. You must be reading— This is amendment A2333.

Mr. COWELL. Madam Speaker, I am reading from amendment 2165. I see that we are dealing with a different amendment. I do not have a copy of the changed amendment, A2333.

Mr. GIGLIOTTI. Madam Speaker, the amendment has been circulated.

Mr. COWELL. Madam Speaker, the revised amendment is responsive to the question I posed, so I have no further interrogation. Thank you.

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

Mr. PRESTON. Thank you, Madam Speaker.

We have had an awful lot of problems within our own school districts, with the city of Pittsburgh, and once again here we are with Madisonian thought and theory.

The real personal problem that I have as an individual, not just as an elected official but also as a parent, is that this question, while appearing to be good, will probably bring this city to lines of demarcation and lines of racial questions that the city of Pittsburgh has not seen since the old labor days of the early 1900's.

It is very unfortunately and personally that I am even embarrassed that we are going to try to do this. While, yes, this will probably bring national attention to the city of Pittsburgh – but I know that I am right – what will happen is that we will be pitting people against each other, and already the racial lines of the city have already been drawn as far as unequitable funding, but I will also probably wind up seeing a wide myriad and millions of dollars in court cases to come from any form of a binding question such as this that is happening and forcing our school district, once again Big Brother telling a school district what to do.

It is very unfortunate that this year I have had to rise and raise the question in relationship to race more than I ever have in 14 years of being in the House of Representatives, and once again, here I am unfortunately standing raising this question again, because this is what this amendment will do. It will literally draw lines, again, of demarcation in the city of Pittsburgh, unfortunately pitting white people against black people in the city of Pittsburgh. This is a very embarrassing term for me, because I have never seen these questions continue to raise up from the Human Relations Commission all the way down and trying to use the issue of a binding referendum.

We should be about quality and equitable education for everybody, but once again, here we are again talking about something that will give some to those who really want it and per se who are in the majority and unfortunately less to those people who are in the minority. Personally, I have always continued to have to deal with this, and it looks like that once this is on the ballot, most of my work, unfortunately, will be trying to

unite people, going to court, raising these questions, and basically, unfortunately, it appears to be based on race. It is not about quality education. This is a very unfair amendment, but knowing as I just look at the makeup of the body of this House, I can probably already tell how the vote is going to be.

It is very unfortunate, and once again I have to be embarrassed to be a member of this House of Representatives, because this is a very unfair amendment. I will probably speak again about this amendment after the other speakers are through, Madam Speaker, but personally, I have to vote “no” on this amendment.

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

Mr. READSHAW. Thank you, Madam Speaker.

I rise in support of this amendment. It will afford the residents of Pittsburgh to have their voices heard. I would ask for my colleagues' support on this amendment. Thank you.

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

Mr. MARKOSEK. Thank you, Madam Speaker.

Madam Speaker, I rise with really great regret here today to be opposed to this amendment, and when I say “with great regret,” it is because Representative Gigliotti and Representative Readshaw are very good friends of mine, and certainly this is nothing personal, and it really has nothing to do even with the issue of neighborhood schools. Some of the speakers have spoken on both sides of that issue here. That is not why I am rising.

I just simply do not like referendums. I do not think that is a good way to run a government of any level. I think referendums are something essentially— By having referendums and by standing up and saying that we are for them, we are in a sense saying that we the elected bodies that are paid, in a republic form of government, that are paid to make these decisions, that are paid to study decisions, we are now turning around and saying, well, when a tough decision comes up or when a decision comes about that we do not like how it came out, we are going to turn to the referendum process.

I think the American public can make a very good decision. They are capable of making good decisions if – if – they have good information. All too often – and we all complain about it – all too often the public does not get good information, does not get all the details, does not go to all the hearings – and there have been plenty of hearings on this particular issue, as there are on many others – and all too often it becomes an emotional decision. And I think we all know that when we put emotion into any decisions, we generally get bad decisions.

Our job here and the tough part about being in our job here is to make decisions where we have to take the emotion out of them, where we have to look at the facts. That is not easy to do. We do not always do it. But I think we would all agree that the decisions we make where we have taken the emotion out of it are the best decisions.

I just simply am not in favor of referendums of any sort. I think it is a bad way to run government. I think it is against, really, what our government is about – a republic form of government, which means we elect representatives to make decisions for us.

When we elect a representative, whether they be here at the House or in the Senate or on the national level or on a school board level or a local level, I think in a sense what we are saying is, we are placing our trust in that person's judgment, because we the people do not have time to go to all the meetings and do not have time to go to all the hearings. We simply do not have time. We are

too busy earning a living. So we are putting our trust in you, elected official, to make those decisions for us, to spend the time to learn about those various issues, the nuances of all those issues, and to make the proper decisions on our behalf. When we, as Representatives, vote for having referendums, we are in a sense giving up that right, giving up that duty, giving up that representation that we have all worked so hard to achieve.

So I rise today to oppose this not on the basis of the merits of whether or not neighborhood schools are good but, rather, because I think the referendum process is not the way to go in Pennsylvania and I think we should stay away from it, and as a result, I rise in opposition to this amendment. Thank you.

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

Mr. COWELL. Thank you, Madam Speaker.

Madam Speaker, I very much support the efforts of Representative Gigliotti and others to promote the concept of neighborhood schools in the Pittsburgh School District, and I have said on many occasions that I think those efforts need to be taken seriously and in fact embraced if we are to ensure more public support for our public schools, but I do not support the amendment that is before us at this time.

First, in terms of a clarification of information that was shared with members earlier about whether or not the Pittsburgh School District is under a court order, I am told, as of about 30 seconds ago, by a representative of the Pittsburgh School District, that the district is operating under a Commonwealth court order and not an order of the Pennsylvania Human Relations Commission.

Secondly, I oppose the amendment that is before us because I am not willing to send a blank check over to the Senate and let the Senate decide what question is going to be posed to the voters in the Pittsburgh School District. Representative Gigliotti, during the interrogation, acknowledged that the language that is in the amendment is something that came out of the Reference Bureau. It is not necessarily representative of the words he would choose. I would remind you that the question posed in this amendment is, "Do you favor the continuation of neighborhood schools as a necessary part of our public school system," and the struggle in Pittsburgh is not about continuing the status quo; it is about changing. It is about going to neighborhood schools, something that many areas of the city do not have. So the question that we have is not the appropriate question. It is not a helpful question. It in fact will be a confusing question. And I do not know what the Senate is likely to come up with, so I would much prefer, if we are going to take this issue seriously, that we craft the question here rather than just passing the framework for a question that somebody else is going to get to decide.

Thirdly, this amendment provides for a referendum question in the primary of 1997. That is more than or that is about 12 months from now. I fear that if we make the action in Pittsburgh contingent on a binding referendum question that is going to be posed a year from now, we literally will get in the way of more constructive action that could occur and should occur at the hand of the Pittsburgh School Board, the elected school board there. I do not want us posing a question on a referendum ballot 12 months from now to become an excuse for the school board to do absolutely nothing for the next 12 months. They ought to be acting. They ought to be making progress during that period toward the establishment of the neighborhood schools that many of us seek.

And finally, Madam Speaker, I want to echo the remarks of Representative Markosek. This is not the way we ought to be writing school policy. I think that practically every member of this House would object if any one of us introduced a bill or an amendment that would require a binding referendum question to be posed in your school district on some difficult issue that your school board was wrestling with, whether it is the salary of your superintendent or the curriculum your school board has established or the graduation requirements in your school district or whatever the question might be, and there are so many of them that are important and difficult that we leave to local discretion, we leave to the authority of our locally elected school boards. That is what this local control is supposed to be all about. And everybody, I think, in this House would object if we said that some of us are going to require your voters to participate in a referendum question intended to circumvent your local school board on some narrow local issue. It is very important to your district as it is to Pittsburgh at this moment, but us sitting here in Harrisburg mandating a referendum process to be binding and to circumvent your school board is not the way for us to establish policy or to be helpful to decisionmakers and the constituents in any of our school districts.

There will be a referendum question on the ballot in 1997 in Pittsburgh as well as in all other school districts across the State. It will be the election. It will be the election where almost half of the members of the Pittsburgh School Board will be elected, and if we are going to provide for some kind of a question to appear on the ballot a year from now, I think, in reality, that is going to be the critical question: Will the voters in those districts in Pittsburgh agree with or disagree with the actions that their elected board members take during the next year? And if they approve, they will reappoint, they will renominate those board members next spring, and if they disagree, they will unelect them and they will nominate somebody who will take perhaps a different position.

That is the way these issues ought to be settled in all of our school districts. Let us not impose ourselves into this difficult situation in Pittsburgh with a question that even the maker agrees is not properly written.

Madam Speaker, I would urge that we defeat the amendment.

THE SPEAKER (MATTHEW J. RYAN) PRESIDING

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes, from Allegheny County, the gentleman, Mr. DeLuca.

Mr. DeLUCA. Thank you, Mr. Speaker.

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

Even though I do not represent the city of Pittsburgh, the legislative district I do represent is contingent on what the hub of the city of Pittsburgh does. With 343,000 individuals in the city of Pittsburgh and the population going down, it is time that the city recognizes that they have to do something to revitalize the city to keep the population from moving out and bring new population in.

Usually I am not for referendums, but when you have elected officials who do not recognize what the public wants, then sometimes we in Harrisburg have to act. When you have elected officials who are willing to cost the taxpayers in the city of Pittsburgh \$10.3 million, which will probably bankrupt a lot of the taxpayers in that city, then it is time that Representatives in the city — Gigliotti and them — take action on behalf of those citizens.

And let us remember, I do not know about any other parts of the State, but it is getting harder and harder to put qualified school board directors to run for office because it is an unpaid position.

And let me give you an example of what happened in my school district. After a school board member voted to increase taxes in the municipality of Penn Hills, he moved out the next week and left the taxpayers in Penn Hills, who are forced to stay there because of economic conditions, to be obligated to pay those taxes.

This is the right approach, to let the citizens of Pittsburgh decide whether they want neighborhood schools, what plan they want. They are paying the taxes, not those school board members, nine school board members representing 343,000, who are going to pick up that burden.

Therefore, I ask my colleagues, regardless of where you are from, to support the Gigliotti amendment. Thank you.

The SPEAKER. The gentleman, Mr. Masland, from Cumberland County.

Mr. MASLAND. Thank you, Mr. Speaker.

I rise to oppose this amendment not because of the merits, because I think the merits of neighborhood schools are good; I think they are very supportable. I do not rise to oppose it because of the referendum aspect. I believe that a referendum is appropriate and we should have more of it in this State. But if you are going to have a referendum, it is important to have a good question. It does not matter— As Representative Markosek was talking earlier, it is important to have good information, it is important to make good decisions. Well, you cannot make a good decision if you have a bad question. The way this question is worded, I cannot see how anybody could vote “no.” It is one that is almost destined for approval, and I do not really think that is the way we should place a question on the ballot.

So in this instance, regardless of the merits, you have to look at the question itself, and I urge a “no” vote. Thank you.

The SPEAKER. The gentleman, Mr. Walko.

Mr. WALKO. Thank you, Mr. Speaker.

I rise in support of the amendment and urge my colleagues to be affirmative on this issue.

At the heart of this issue is whether or not the city of Pittsburgh shall have neighborhood schools. Neighborhood schools allow us to bring schools into the wonderful communities which are part of our city. Currently they are detached. Schools are not really parts of communities. They just happen to be physical buildings which reside there.

With regard to the referendum issue, first of all, Representative Gigliotti did not admit to faulty language in the question. He only said, if there is some problem, that would easily be surmounted with some technical change later in the Senate. And finally, what could be a more meaningful way to gather local input and have local say than to have a referendum to let the people rule?

Finally, with regard to referendums in general, if this great General Assembly was so far out in left field as the Pittsburgh School Board is, then I would support a referendum to overturn some irresponsible action which we have taken. I believe the school board of Pittsburgh has been irresponsible. They have not listened to the people of the communities. Let us give the people a chance to rule in Pittsburgh.

Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Preston, for the second time.

Mr. PRESTON. Thank you, Mr. Speaker.

In dealing with the question and dealing with the issue about the schooling process, we have talked about nine school board members who are elected who will be up for election—

The SPEAKER. Will the gentleman yield.

AMENDMENT WITHDRAWN

The SPEAKER. The Chair has been advised that the gentleman, Mr. Gigliotti, intends to withdraw this amendment and have it redrafted and submitted tomorrow. Is that accurate?

Mr. GIGLIOTTI. That is true.

The SPEAKER. Under those circumstances, Mr. Preston, I wonder if you would yield to the gentleman, Mr. Gigliotti, to confirm that.

The gentleman yields to the gentleman, Mr. Gigliotti.

Mr. GIGLIOTTI. Thank you, Mr. Speaker.

Yes, I would like to go over this bill today, Mr. Speaker, so we can correct that wording in the amendment to make everybody happy, and I want to make sure we pass an amendment that everybody is happy with, and with your consideration, I really appreciate that. Thank you.

BILL PASSED OVER

The SPEAKER. Without objection, HB 294 is over for today. The Chair hears none.

LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence and recognizes the gentleman, Mr. Barley, who asks that Representative RUBLEY be placed on leave for the balance of today's session. The Chair hears no objection. The lady is placed on leave for the balance of today's session.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 366 By Representatives FARGO, STERN, NICKOL, S. H. SMITH, PETTIT, CLARK, LEH, FAIRCHILD, MERRY, EGOLF, MAITLAND, RUBLEY, ZIMMERMAN, SATHER, HERSHEY, WAUGH, PLATTS, SCHULER, TRUE, ROHRER, ARMSTRONG, FLEAGLE, HUTCHINSON, JADLOWIEC, LYNCH, B. SMITH, MAJOR, GEIST, D. W. SNYDER, VANCE, NAILOR, BARD, CARONE, HASTE, PHILLIPS, HESS, BARLEY and BAKER

A Resolution memorializing the Congress of the United States to make revisions in Federal law so as not to place Pennsylvania at a disadvantage in relation to other states.

Referred to Committee on RULES, May 7, 1996.

RESOLUTIONS PURSUANT TO RULE 35

Mr. ADOLPH called up **HR 350, PN 3443**, entitled:

A Resolution recognizing the week of May 5 through 11, 1996, as "Tourism Promotion Week" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-199

Adolph	Egolf	Lucyk	Saylor
Allen	Evans	Lynch	Schroder
Argall	Fairchild	Maitland	Schuler
Armstrong	Fajt	Major	Scrimenti
Baker	Fargo	Manderino	Semmel
Bard	Feese	Markosek	Serafini
Barley	Fichter	Marsico	Shaner
Battisto	Fleagle	Masland	Sheehan
Bebko-Jones	Flick	Mayernik	Smith, B.
Belardi	Gamble	McCall	Smith, S. H.
Belfanti	Gannon	McGeehan	Snyder, D. W.
Birmelin	Geist	McGill	Staback
Bishop	George	Melio	Stairs
Blaum	Gigliotti	Merry	Steelman
Boscola	Gladeck	Michlovic	Steil
Boyes	Godshall	Micozzie	Stern
Brown	Gordner	Mihalich	Stetler
Browne	Gruitza	Miller	Stish
Bunt	Gruppo	Mundy	Strittmatter
Butkovitz	Habay	Myers	Sturla
Buxton	Haluska	Nailor	Surra
Caltagirone	Hanna	Nickol	Tangretti
Cappabianca	Harhart	Nyce	Taylor, E. Z.
Carn	Hasay	O'Brien	Taylor, J.
Carone	Haste	Olasz	Thomas
Cawley	Hennessey	Oliver	Tigue
Chadwick	Herman	Perzel	Travaglio
Civera	Hershey	Pesci	Trello
Clark	Hess	Petrarca	Trich
Clymer	Horsey	Pettit	True
Cohen, L. I.	Hutchinson	Phillips	Tulli
Cohen, M.	Itkin	Pistella	Vance
Colaafella	Jadlowiec	Pitts	Van Horne
Colaizzo	James	Platts	Veon
Conti	Jarolin	Preston	Vitali
Cornell	Josephs	Ramos	Walko
Corpora	Kaiser	Raymond	Washington
Corrigan	Keller	Readshaw	Waugh
Cowell	Kenney	Reber	Williams
Coy	Kirkland	Reinard	Wogan
Curry	Krebs	Rieger	Wozniak
Daley	Kukovich	Roberts	Wright, D. R.
DeLuca	LaGrotta	Robinson	Wright, M. N.
Dempsey	Laughlin	Roebuck	Yewcic
Dent	Lawless	Rohrer	Youngblood
Dermody	Lederer	Rooney	Zimmerman
DeWeese	Leh	Rudy	Zug
DiGirolamo	Lescovitz	Sainato	
Donatucci	Levdansky	Santoni	
Druce	Lloyd	Sather	
Durham			

NAYS-0

NOT VOTING-1

Petrone

EXCUSED-3

Farmer

King

Rubley

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

* * *

Mrs. BROWN called up **HR 356, PN 3459**, entitled:

A Resolution declaring the week of May 19 through 25, 1996, as "Emergency Medical Services Week" in Pennsylvania, recognizing those professionals who provide these services and proclaiming this year's theme of "E.M.S., We're There for You."

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-199

Adolph	Egolf	Lucyk	Saylor
Allen	Evans	Lynch	Schroder
Argall	Fairchild	Maitland	Schuler
Armstrong	Fajt	Major	Scrimenti
Baker	Fargo	Manderino	Semmel
Bard	Feese	Markosek	Serafini
Barley	Fichter	Marsico	Shaner
Battisto	Fleagle	Masland	Sheehan
Bebko-Jones	Flick	Mayernik	Smith, B.
Belardi	Gamble	McCall	Smith, S. H.
Belfanti	Gannon	McGeehan	Snyder, D. W.
Birmelin	Geist	McGill	Staback
Bishop	George	Melio	Stairs
Blaum	Gigliotti	Merry	Steelman
Boscola	Gladeck	Michlovic	Steil
Boyes	Godshall	Micozzie	Stern
Brown	Gordner	Mihalich	Stetler
Browne	Gruitza	Miller	Stish
Bunt	Gruppo	Mundy	Strittmatter
Butkovitz	Habay	Myers	Sturla
Buxton	Haluska	Nailor	Surra
Caltagirone	Hanna	Nickol	Tangretti
Cappabianca	Harhart	Nyce	Taylor, E. Z.
Carn	Hasay	O'Brien	Taylor, J.
Carone	Haste	Olasz	Thomas
Cawley	Hennessey	Oliver	Tigue
Chadwick	Herman	Perzel	Travaglio
Civera	Hershey	Pesci	Trello
Clark	Hess	Petrarca	Trich
Clymer	Horsey	Pettit	True
Cohen, L. I.	Hutchinson	Phillips	Tulli
Cohen, M.	Itkin	Pistella	Vance
Colaafella	Jadlowiec	Pitts	Van Horne
Colaizzo	James	Platts	Veon
Conti	Jarolin	Preston	Vitali
Cornell	Josephs	Ramos	Walko
Corpora	Kaiser	Raymond	Washington
Corrigan	Keller	Readshaw	Waugh
Cowell	Kenney	Reber	Williams
Coy	Kirkland	Reinard	Wogan
Curry	Krebs	Rieger	Wozniak

Daley	Kukovich	Rieger	Wright, D. R.
DeLuca	LaGrotta	Roberts	Wright, M. N.
Dempsey	Laughlin	Robinson	Yewcic
Dent	Lawless	Rohrer	Youngblood
Dermody	Lederer	Rooney	Zimmerman
DeWeese	Leh	Rudy	Zug
DiGirolamo	Lescovitz	Sainato	
Donatucci	Levdansky	Santoni	Ryan,
Druce	Lloyd	Sather	Speaker
Durham			

NAYS-0

NOT VOTING-1

Roebuck

EXCUSED-3

Farmer	King	Rubley
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The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

* * *

Mrs. TAYLOR called up **HR 359, PN 3470**, entitled:

A Resolution recognizing the month of May 1996 as "Healthy Babies Month" in Pennsylvania.

On the question,
Will the House adopt the resolution ?

The following roll call was recorded:

YEAS-197

Adolph	Fairchild	Maitland	Schroder
Allen	Fajt	Major	Schuler
Argall	Fargo	Manderino	Scrimenti
Armstrong	Feese	Markosek	Semmel
Baker	Fichter	Marsico	Serafini
Bard	Fleagle	Masland	Shaner
Barley	Flick	Mayernik	Sheehan
Battisto	Gamble	McCall	Smith, B.
Bebko-Jones	Gannon	McGeehan	Smith, S. H.
Belardi	Geist	McGill	Snyder, D. W.
Belfanti	George	Melio	Staback
Birmelin	Gigliotti	Merry	Stairs
Bishop	Gladeck	Michlovic	Steelman
Blaum	Godshall	Micozzie	Steil
Boscola	Gordner	Mihalich	Stern
Boyes	Gruitza	Miller	Stetler
Brown	Gruppo	Mundy	Stish
Browne	Habay	Myers	Strittmatter
Bunt	Haluska	Nailor	Sturla
Butkovitz	Hanna	Nickol	Surra
Buxton	Harhart	Nyce	Tangretti
Caltagirone	Hasay	O'Brien	Taylor, E. Z.
Cappabianca	Haste	Olasz	Taylor, J.
Carn	Hennessey	Oliver	Thomas
Carone	Herman	Perzel	Tigue
Cawley	Hershey	Pesci	Travaglio
Chadwick	Hess	Petrarca	Trello
Civera	Horsey	Petrone	Trich
Clark	Hutchinson	Pettit	True
Clymer	Itkin	Phillips	Tulli

Cohen, L. I.	Jadlowiec	Pistella	Vance
Cohen, M.	James	Pitts	Van Horne
Colaifella	Jarolin	Platts	Veon
Colaizzo	Josephs	Preston	Vitali
Conti	Kaiser	Ramos	Walko
Cornell	Keller	Raymond	Washington
Corpora	Kenney	Readshaw	Waugh
Corrigan	Kirkland	Reber	Williams
Cowell	Krebs	Reinard	Wogan
Curry	Kukovich	Rieger	Wozniak
Daley	LaGrotta	Roberts	Wright, D. R.
DeLuca	Laughlin	Robinson	Wright, M. N.
Dempsey	Lawless	Roebuck	Yewcic
Dent	Lederer	Rohrer	Youngblood
Dermody	Leh	Rooney	Zimmerman
DeWeese	Lescovitz	Rudy	Zug
DiGirolamo	Levdansky	Sainato	
Donatucci	Lloyd	Santoni	Ryan,
Druce	Lucyk	Sather	Speaker
Egolf	Lynch	Saylor	

NAYS-0

NOT VOTING-3

Coy	Durham	Evans
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EXCUSED-3

Farmer	King	Rubley
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The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

* * *

Mrs. RUBLEY called up **HR 360, PN 3471**, entitled:

A Resolution designating the week of May 5 through 11, 1996, as "Drinking Water Week" in Pennsylvania.

On the question,
Will the House adopt the resolution ?

The following roll call was recorded:

YEAS-200

Adolph	Egolf	Lynch	Saylor
Allen	Evans	Maitland	Schroder
Argall	Fairchild	Major	Schuler
Armstrong	Fajt	Manderino	Scrimenti
Baker	Fargo	Markosek	Semmel
Bard	Feese	Marsico	Serafini
Barley	Fichter	Masland	Shaner
Battisto	Fleagle	Mayernik	Sheehan
Bebko-Jones	Flick	McCall	Smith, B.
Belardi	Gamble	McGeehan	Smith, S. H.
Belfanti	Gannon	McGill	Snyder, D. W.
Birmelin	Geist	Melio	Staback
Bishop	George	Merry	Stairs
Blaum	Gigliotti	Michlovic	Steelman
Boscola	Gladeck	Micozzie	Steil
Boyes	Godshall	Mihalich	Stern
Brown	Gordner	Miller	Stetler
Browne	Gruitza	Mundy	Stish
Bunt	Gruppo	Myers	Strittmatter
Butkovitz	Habay	Nailor	Sturla

Buxton	Haluska	Nickol	Surra
Caltagirone	Hanna	Nyce	Tangretti
Cappabianca	Harhart	O'Brien	Taylor, E. Z.
Carn	Hasay	Olasz	Taylor, J.
Carone	Haste	Oliver	Thomas
Cawley	Hennessey	Perzel	Tigue
Chadwick	Herman	Pesci	Travaglio
Civera	Hershey	Petrarca	Trello
Clark	Hess	Petrone	Trich
Clymer	Horshey	Pettit	True
Cohen, L. I.	Hutchinson	Phillips	Tulli
Cohen, M.	Itkin	Pistella	Vance
Colaella	Jadlowiec	Pitts	Van Horne
Colaizzo	James	Platts	Veon
Conti	Jarolin	Preston	Vitali
Cornell	Josephs	Ramos	Walko
Corpora	Kaiser	Raymond	Washington
Corrigan	Keller	Readshaw	Waugh
Cowell	Kenney	Reber	Williams
Coy	Kirkland	Reinard	Wogan
Curry	Krebs	Rieger	Wozniak
Daley	Kukovich	Roberts	Wright, D. R.
DeLuca	LaGrotta	Robinson	Wright, M. N.
Dempsey	Laughlin	Roebuck	Yewcic
Dent	Lawless	Rohrer	Youngblood
Dermody	Lederer	Rooney	Zimmerman
DeWeese	Leh	Rudy	Zug
DiGirolamo	Lescovitz	Sainato	
Donatucci	Levdansky	Santoni	Ryan,
Druce	Lloyd	Sather	Speaker
Durham	Lucy		

NAYS-0

NOT VOTING-0

EXCUSED-3

Farmer King Rubley

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

* * *

Mr. GRUPPO called up **HR 361, PN 3472**, entitled:

A Resolution recognizing the month of May 1996 as "Older Pennsylvanians Month" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-200

Adolph	Egolf	Lynch	Saylor
Allen	Evans	Maitland	Schroder
Argall	Fairchild	Major	Schuler
Armstrong	Fajt	Manderino	Scrimenti
Baker	Fargo	Markosek	Semmel
Bard	Feese	Marsico	Serafini
Barley	Fichter	Masland	Shaner
Battisto	Fleagle	Mayernik	Sheehan
Bebko-Jones	Flick	McCall	Smith, B.
Belardi	Gamble	McGeehan	Smith, S. H.
Belfanti	Gannon	McGill	Snyder, D. W.

Birmelin	Geist	Melio	Staback
Bishop	George	Merry	Stairs
Blaum	Gigliotti	Michlovic	Steelman
Boscola	Gladeck	Micozzie	Steil
Boyes	Godshall	Mihalich	Stern
Brown	Gordner	Miller	Stetler
Browne	Gruitza	Mundy	Stish
Bunt	Gruppo	Myers	Strittmatter
Butkovitz	Habay	Nailor	Sturla
Buxton	Haluska	Nickol	Surra
Caltagirone	Hanna	Nyce	Tangretti
Cappabianca	Harhart	O'Brien	Taylor, E. Z.
Carn	Hasay	Olasz	Taylor, J.
Carone	Haste	Oliver	Thomas
Cawley	Hennessey	Perzel	Tigue
Chadwick	Herman	Pesci	Travaglio
Civera	Hershey	Petrarca	Trello
Clark	Hess	Petrone	Trich
Clymer	Horshey	Pettit	True
Cohen, L. I.	Hutchinson	Phillips	Tulli
Cohen, M.	Itkin	Pistella	Vance
Colaella	Jadlowiec	Pitts	Van Horne
Colaizzo	James	Platts	Veon
Conti	Jarolin	Preston	Vitali
Cornell	Josephs	Ramos	Walko
Corpora	Kaiser	Raymond	Washington
Corrigan	Keller	Readshaw	Waugh
Cowell	Kenney	Reber	Williams
Coy	Kirkland	Reinard	Wogan
Curry	Krebs	Rieger	Wozniak
Daley	Kukovich	Roberts	Wright, D. R.
DeLuca	LaGrotta	Robinson	Wright, M. N.
Dempsey	Laughlin	Roebuck	Yewcic
Dent	Lawless	Rohrer	Youngblood
Dermody	Lederer	Rooney	Zimmerman
DeWeese	Leh	Rudy	Zug
DiGirolamo	Lescovitz	Sainato	
Donatucci	Levdansky	Santoni	Ryan,
Druce	Lloyd	Sather	Speaker
Durham	Lucy		

NAYS-0

NOT VOTING-0

EXCUSED-3

Farmer King Rubley

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

BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER. The balance of the bills and resolutions on today's calendar are over. The Chair hears no objection.

VOTE CORRECTIONS

The SPEAKER. The gentleman, Mr. Markosek.

Mr. MARKOSEK. Thank you, Mr. Speaker.

I rise to correct the record.

The SPEAKER. The gentleman is recognized.

Mr. MARKOSEK. On HB 647 my voting machine malfunctioned, and I wish to be recorded in the affirmative.

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

There is one more vote to be taken today in special session.

Does Ms. Manderino desire recognition?

Ms. MANDERINO. Yes, Mr. Speaker. Thank you.

For a correction of the record.

On Wednesday, May 1, on HR 328, I was incorrectly recorded as voting in the negative. As a cosponsor of the House resolution for "National Day of Prayer," it was my intent to vote in the affirmative, and I wish to be recognized as such.

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

The gentleman, Mr. Hanna.

Mr. HANNA. Thank you, Mr. Speaker.

On HB 2362, amendment 2117, I was incorrectly recorded in the negative. I would like to be recorded in the affirmative.

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

Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, on May 1 at 2:13 in the afternoon, I was recorded as voting in the negative on HR 328. I would like the record to reflect an affirmative vote for that House resolution.

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

Mr. McGeehan.

Mr. MCGEEHAN. To correct the record, Mr. Speaker.

On HB 2362 I was recorded in the negative. My switch malfunctioned. I would like to be recorded in the positive.

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

The gentleman, Mr. Mayernik.

Mr. MAYERNIK. Mr. Speaker, on HB 647, final passage, I was not recorded. I wish to be recorded in the affirmative.

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

REPUBLICAN CAUCUS

The SPEAKER. Any announcements in regular session?

The Chair recognizes the majority leader.

Mr. PERZEL. Thank you, Mr. Speaker.

The caucus chairman, Mr. Fargo, is going to announce that our caucus meeting will be at 9:30 tomorrow morning, and we would suggest the other side of the aisle do the same.

We will come on the floor at 11 o'clock and promptly start voting at 11 o'clock in regular session, SB 1441, Mr. Speaker.

The SPEAKER. To repeat, that the Republicans will caucus at 9:30 tomorrow morning. We will go on the floor at 11 and begin voting promptly at 11.

VOTE CORRECTION

The SPEAKER. Mrs. Lederer.

Mrs. LEDERER. Mr. Speaker, I would like to correct the record.

On HB 2362 I was recorded in the negative. I would like to be recorded in the affirmative.

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

DEMOCRATIC CAUCUS

The SPEAKER. The gentleman, Mr. Cohen.

Mr. COHEN. Mr. Speaker, could I have a moment to talk to Mr. Veon.

Thank you.

Mr. Speaker, I would like to call a meeting of the House Democratic Caucus for 2:30 today; 2:30 p.m. We have a lot of the bills that will be discussed tomorrow. It includes agency fee legislation, includes SB 1441, includes a lot of very important bills that we will be voting on tomorrow.

In addition, there may be bills that the Senate will pass and has not yet passed that we will be voting on tomorrow. So I will call another caucus at 10:30 a.m. tomorrow to deal with any bills that we do not have before us at this time but the Senate may pass and we may have before us tomorrow. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

ANNOUNCEMENT BY DEMOCRATIC WHIP

The SPEAKER. Any further announcements?

The gentleman, Mr. Itkin.

Mr. ITKIN. Mr. Speaker, as the caucus chairman has indicated, there is going to be a lot of activity tomorrow—

The SPEAKER. Will the gentleman yield.

The House will come to order. The gentleman, Mr. Itkin, deserves your attention.

The gentleman, Mr. Itkin.

Mr. ITKIN. Thank you, Mr. Speaker.

I just wanted to advise and to remind the House membership that tomorrow will be a very active day. We will be considering a number of important pieces of legislation. And I know the individual members are concerned about their opportunity of offering amendments to various bills, and since these bills were only posted recently and you may not be aware of them, I want to let you know what bills are scheduled for a possible vote tomorrow, because the deadline under our rules is 2 o'clock today, which is in 30 minutes.

And so the bills that we have been told that are going to be called up for a vote tomorrow may include HB 2292, which is the Liquor Code ID card legislation; HB 2382, the Fish Code, involving the veteran's lifetime license; SB 291, an Administrative Code bill that deals with repealing the fair-share fee; SB 752, a joint resolution waiving one's right to a jury trial; and SB 1441, which is — depending how you describe it — the health-care or welfare reform legislation.

So if you have amendments to these bills and you do not want to have to be placed in a position of offering a suspension of the rules, you have until 2 o'clock to file them. Thank you.

The SPEAKER. The Chair thanks the gentleman.

Are there any other announcements by leaders, committee chairmen, members?

RECESS

The SPEAKER. The Chair at this time declares the regular session in recess to the call of the Chair.

AFTER RECESS

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

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

HB 587, PN 3496 (Amended) By Rep. HASAY

An Act amending the act of May 9, 1986 (P.L.165, No.53), entitled, "An act requiring banks and other lending institutions to notify the mortgagor when the mortgage has been paid," requiring lending institutions holding mortgages for real estate to forward certain real estate tax bills.

COMMERCE AND ECONOMIC DEVELOPMENT.

HB 1013, PN 3497 (Amended) By Rep. HASAY

An Act requiring lending institutions to utilize information provided by the Department of Environmental Protection to inform home mortgage applicants of the availability of mine subsidence insurance.

COMMERCE AND ECONOMIC DEVELOPMENT.

HB 2344, PN 3031 By Rep. HASAY

An Act providing for the confidentiality of certain records relating to credit and the credit policy of depository institutions.

COMMERCE AND ECONOMIC DEVELOPMENT.

HB 2536, PN 3498 (Amended) By Rep. HASAY

An Act amending the act of September 2, 1965 (P.L.490, No.249), referred to as the Money Transmission Business Licensing Law, providing for accelerated mortgage payment providers, for exemptions, for release of reports, for examinations, for foreign applicants for license to consent to service of process upon the department, injunctive powers and civil money penalties.

COMMERCE AND ECONOMIC DEVELOPMENT.

BILL REREPORTED FROM COMMITTEE

SB 1441, PN 1863 By Rep. CORNELL

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," further providing for legislative intent, for definitions, for uniform administration of assistance, for community work and training regulations, for work registration and for administrative duties and personal obligations; providing for grant diversion; further providing for special needs and self-sufficiency, for eligibility, for voluntary termination of employment, for identification and proof of residence, for limits on property holdings, for support from legally responsible relatives, for paternity determinations and support enforcement, for protective payments, for determination of need, for

eligibility verification, for medical eligibility, for additional medical services and for penalties; providing for prescription drug benefits, for the Family Care Network and for a managed health care system; and imposing duties upon the Department of Public Welfare.

HEALTH AND HUMAN SERVICES.

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.
Mr. PERZEL. Mr. Speaker, I move that the following bills be removed from the tabled bill calendar:

HB 1302;
HB 2024; and
HB 2287.

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

BILLS RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. PERZEL. Mr. Speaker, I move that the following bills be recommended to the Committee on Appropriations:

HB 1302;
HB 2024; and
HB 2287.

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

SUPPLEMENTAL CALENDAR A**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 2165, PN 2717; HB 2382, PN 3131; HB 2388, PN 3108; HB 1872, PN 3188; HB 2292, PN 2961; HB 2064, PN 3494; and HB 2374, PN 3412.

ADJOURNMENT

The SPEAKER. Do the gentlemen, Mr. Perzel, Mr. DeWeese, have any further business in regular session?

Any further announcements, corrections of the record?

Hearing none, the Chair recognizes the lady, Mrs. Harhart.

Mrs. HARHART. Mr. Speaker, I move that this House do now adjourn until Wednesday, May 8, 1996, at 11:05 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 1:53 p.m., e.d.t., the House adjourned.