

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

TUESDAY, FEBRUARY 11, 1997

SESSION OF 1997

181ST OF THE GENERAL ASSEMBLY

No. 10

### HOUSE OF REPRESENTATIVES

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

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

#### PRAYER

REV. MARTIN O. MORAN, III, Chaplain of the House of Representatives and parochial vicar of Assumption of the Blessed Virgin Mary Catholic Church, Lebanon, Pennsylvania, offered the following prayer:

Let us pray for the Lord's richest blessings on this gathering of the Pennsylvania House of Representatives, who are devoted to helping their sisters and brothers:

Blessed are You, Lord, God of all creation, whose goodness fills the hearts of Your children with joy. Blessed are You who have brought us together this day to work in harmony and peace in removing the chains of oppression and the yoke of injustice, for the betterment of our Commonwealth.

Strengthen us always with Your grace and wisdom. May everything we do begin with Your inspiration and continue with Your help so that all our proceedings may begin in You, and by You, be happily ended.

Glory and praise to You, forever and ever. Amen.

#### PLEDGE OF ALLEGIANCE

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

#### JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal of Monday, February 10, 1997, will be postponed until printed. The Chair hears no objection.

#### LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair at this time will take leaves of absence.

The Chair recognizes the gentleman, Mr. Snyder, who requests that the gentleman, Mr. Tulli, be removed from the leave of absence list. Without objection, that will take place.

### LEAVES OF ABSENCE

The SPEAKER. The Chair is advised that the Democratic leadership has no request for leave.

### HOUSE BILLS INTRODUCED AND REFERRED

**No. 386** By Representatives CARONE, NAILOR, WALKO, READSHAW, GIGLIOTTI, DALEY, PISTELLA, NICKOL, PLATTS, MUNDY, FAIRCHILD, B. SMITH, ITKIN, M. N. WRIGHT, SHANER, TIGUE, L. I. COHEN, JOSEPHS, TRAVAGLIO, STABACK, LEH, YOUNGBLOOD, HERMAN, TRELLO, JAMES, BARD, ALLEN, LUCYK, FEESE, LYNCH, HENNESSEY, RAMOS, MICHLOVIC, E. Z. TAYLOR, LEDERER, BOSCOLA, STEELMAN, BENNINGHOFF, WAUGH, D. W. SNYDER, MILLER, BELFANTI, DRUCE, BUXTON, CAWLEY, DeLUCA, BELARDI, LAUGHLIN and SEYFERT

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the sale of dogs; and providing penalties.

Referred to Committee on CONSUMER AFFAIRS, February 11, 1997.

**No. 403** By Representatives TULLI, E. Z. TAYLOR, BARD, RUBLEY, BOSCOLA, MUNDY, MILLER, C. WILLIAMS, STEELMAN, LEDERER, NAILOR, BUXTON, GORDNER, DeLUCA, HERSHEY, TIGUE, ROONEY, TRELLO, McCALL, TRAVAGLIO, PETTIT, SANTONI, HALUSKA, COY, LEVDANSKY, FLEAGLE, READSHAW, CURRY, WOGAN, PESCI, GEIST, DEMPSEY, PISTELLA, RAYMOND, RAMOS, HERMAN, BELARDI, GODSHALL, PLATTS, EGOLF, KAISER, FICHTER, LAWLESS, WALKO, SAINATO, WOJNAROSKI, HESS, BAKER, WAUGH, ARGALL, FAIRCHILD, MELIO, STURLA, BROWNE, SHANER, EACHUS, LYNCH, STERN, GIGLIOTTI, SURRA, COLAFELLA and WILT

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the selection of prospective jurors.

Referred to Committee on JUDICIARY, February 11, 1997.

**No. 404** By Representatives CASORIO, MARKOSEK, ITKIN, FLICK, COY, GIGLIOTTI, BEBKO-JONES, WALKO, EGOLF, BUXTON, DeLUCA, LEDERER, STABACK, SAYLOR, GEIST, WAUGH, CLARK, CORPORA, READSHAW, OLASZ, NAILOR, CAPPABIANCA, MELIO, ROONEY, STURLA, ROBERTS, PESCI, E. Z. TAYLOR, SAINATO, C. WILLIAMS, GORDNER, BATTISTO, SHANER, STERN, COLAFELLA, BOSCOLA, EACHUS, HERSHEY, JOSEPHS, STEELMAN, VAN HORNE, TIGUE, McCALL, BROWNE, LAUGHLIN, WOGAN, TRELLO, MAITLAND, PISTELLA, TRICH, PETRARCA, SURRA, WOJNAROSKI, MUNDY, MIHALICH, MICHLOVIC and MILLER

An Act amending Titles 18 (Crimes and Offenses) and 54 (Names) of the Pennsylvania Consolidated Statutes, requiring the Pennsylvania State Police to receive notification when the court orders a change of name for a person with a criminal record; and regulating change of name after conviction of a felony.

Referred to Committee on JUDICIARY, February 11, 1997.

**No. 405** By Representatives TANGRETTI, DeLUCA, WALKO, COLAIZZO, COY, TIGUE, BEBKO-JONES, SCRIMENTI, BAKER, OLASZ, DeWEESE, GEORGE, BELARDI, BROWN, LAUGHLIN, LaGROTTA, KAISER, JAROLIN, COLAFELLA, SEYFERT, READSHAW, MUNDY, GIGLIOTTI, ARGALL, SCHRODER, WAUGH, JADLOWIEC, HERMAN, MELIO, BLAUM, WOJNAROSKI, SANTONI, LYNCH, SAINATO, CAWLEY, GRUITZA, GORDNER, MARKOSEK, BATTISTO, ARMSTRONG, KIRKLAND, SATHER, JOSEPHS, CORPORA, DERMODY, ALLEN, CASORIO, LEVDANSKY, NICKOL, PESCI, DALLY, SURRA, SERAFINI, BENNINGHOFF, ROONEY, LUCYK, VAN HORNE, SHANER, LEH, VEON, BOSCOLA, BARD, STABACK, CIVERA, HESS, McCALL, L. I. COHEN, TRELLO and CARONE

An Act establishing a grant program for volunteer fire companies; and making an appropriation.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, February 11, 1997.

**No. 406** By Representatives LUCYK, WALKO, ARMSTRONG, PISTELLA, MELIO, COLAIZZO, ROONEY, PESCI, JAROLIN, OLASZ, COY, TRAVAGLIO, E. Z. TAYLOR, McCALL, TRELLO, BOSCOLA, CAWLEY, BELARDI, BELFANTI, PHILLIPS and MIHALICH

An Act amending the act of July 3, 1985 (P.L.164, No.45), known as the Emergency Medical Services Act, transferring the emergency medical services powers and duties from the Department of Health to the Pennsylvania Emergency Management Agency.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, February 11, 1997.

**No. 407** By Representatives LUCYK, LAUGHLIN, PISTELLA, COLAIZZO, ROONEY, PESCI, JAROLIN, OLASZ, TRAVAGLIO, BROWN, JAMES, GEIST, LYNCH, McCALL, TRELLO, CAWLEY, STEELMAN, BELFANTI and PHILLIPS

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for disabled veterans' real estate tax exemption.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, February 11, 1997.

**No. 408** By Representatives LUCYK, WALKO, YOUNGBLOOD, PISTELLA, COLAIZZO, ROONEY, PESCI, JAROLIN, OLASZ, TRAVAGLIO, STABACK, ALLEN, McCALL, TRELLO, CAWLEY, BELFANTI and PHILLIPS

An Act authorizing and directing the Governor to appoint a site selection committee to locate a site suitable for the placement of a State veterans home in Schuylkill County.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, February 11, 1997.

**No. 409** By Representatives LEDERER, LUCYK, WALKO, LAUGHLIN, READSHAW, NAILOR, DALEY, PISTELLA, MELIO, COLAIZZO, REBER, FAIRCHILD, ROONEY, PESCI, B. SMITH, JAROLIN, SHANER, OLASZ, CORRIGAN, BATTISTO, COY, TRAVAGLIO, BROWN, JOSEPHS, STABACK, CURRY, CORPORA, CLYMER, JAMES, ALLEN, GEIST, PETRARCA, RAMOS, E. Z. TAYLOR, McCALL, DENT, TRELLO, BOSCOLA, CAWLEY, BELARDI, STEELMAN, BELFANTI, PHILLIPS, MIHALICH and EACHUS

An Act amending the act of July 8, 1957 (P.L.569, No.317), known as the Korean Conflict Veterans' Compensation Act, extending the time period for filing applications for compensation.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, February 11, 1997.

**No. 410** By Representatives LUCYK, ARMSTRONG, YOUNGBLOOD, PISTELLA, ARGALL, COLAIZZO, ROONEY, PESCI, JAROLIN, SHANER, OLASZ, BATTISTO, TRAVAGLIO, STABACK, ALLEN, PETRARCA, LYNCH, TIGUE, McCALL, TRELLO, CAWLEY, BELARDI, BELFANTI and PHILLIPS

An Act amending the act of May 24, 1945 (P.L.991, No.385), known as the Urban Redevelopment Law, including boroughs in the definition of "city" for purposes of creation of a redevelopment authority.

Referred to Committee on URBAN AFFAIRS, February 11, 1997.

**No. 411** By Representatives LUCYK, HERSHEY, WALKO, YOUNGBLOOD, READSHAW, NAILOR, DALEY, SCHULER, PISTELLA, ZUG, MELIO, COLAIZZO, FICHTER, FAIRCHILD, ROONEY, PESCI, JAROLIN, SHANER, OLASZ, MAYERNIK, CORRIGAN, TRAVAGLIO, BROWN, STABACK, ALLEN, GEIST, HENNESSEY, RAMOS, TIGUE, McCALL, TRELLO, WAUGH, CAWLEY, BELARDI, BELFANTI, PHILLIPS and KAISER

An Act establishing a special restricted receipts account to be known as the Fort Indiantown Gap National Cemetery Memorial Fund; authorizing a voluntary contribution from the personal income tax refund of individuals for the purpose of the fund; making an appropriation; and making a repeal.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, February 11, 1997.

**No. 412** By Representatives CALTAGIRONE, MARKOSEK, DeLUCA, LEDERER, STABACK, LUCYK, GEIST, OLASZ, DALEY, YOUNGBLOOD, MELIO, ROONEY, PESCI, SHANER, MANDERINO, COLAFELLA, VAN HORNE, WOGAN, McCALL, LAUGHLIN, TRELLO, MIHALICH, PISTELLA, LEVDANSKY, JAMES, B. SMITH and BOSCOLA

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, increasing the compensation of election officers; and exempting the compensation from certain taxes.

Referred to Committee on STATE GOVERNMENT, February 11, 1997.

**No. 413** By Representatives CALTAGIRONE, DeLUCA, STABACK, LUCYK, GEIST, CLARK, DALEY, ROONEY, PESCI, BATTISTO, TIGUE, VAN HORNE, HERMAN, McCALL, LAUGHLIN, TRELLO, MIHALICH and BOSCOLA

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

Referred to Committee on JUDICIARY, February 11, 1997.

**No. 414** By Representatives BLAUM, MUNDY, SANTONI, COY, GEORGE, PISTELLA, GIGLIOTTI, BUNT, BUXTON, OLASZ, JAROLIN, VAN HORNE, STURLA, TIGUE, ROBINSON, STABACK, ITKIN, DeLUCA, STEELMAN, YOUNGBLOOD, MELIO, VEON, EVANS, MANDERINO, WALKO, SURRA, BELARDI, PLATTS, CORPORA, McCALL, GEIST, TRICH, ROONEY, LAUGHLIN, TRELLO, COLAFELLA, CURRY, SHANER, JOSEPHS, LaGROTTA, TANGRETTI, RAMOS, SCRIMENTI, JAMES, PETRARCA, PETRONE, LUCYK, MIHALICH, EACHUS, BELFANTI, BOSCOLA, DeWEESE and MICHLOVIC

An Act providing for dangerous child-day-care facilities; and conferring powers and duties on the Department of Public Welfare and law enforcement agencies.

Referred to Committee on AGING AND YOUTH, February 11, 1997.

**No. 415** By Representatives VEON, BLAUM, MUNDY, COY, GEORGE, GIGLIOTTI, BUNT, BUXTON, JAROLIN, VAN HORNE, STURLA, TIGUE, BATTISTO, STABACK, ITKIN, DeLUCA, YOUNGBLOOD, MELIO, MANDERINO, WALKO, SURRA, BELARDI, CORPORA, McCALL, GEIST,

TRICH, ROONEY, LAUGHLIN, TRELLO, COLAFELLA, JOSEPHS, LaGROTTA, TANGRETTI, RAMOS, STETLER, JAMES, PETRARCA, LUCYK, MIHALICH, BELFANTI, BOSCOLA, DeWEESE and MICHLOVIC

An Act providing for a child day-care consumer guide.

Referred to Committee on AGING AND YOUTH, February 11, 1997.

**No. 416** By Representatives BLAUM, MUNDY, SANTONI, COY, GEORGE, GIGLIOTTI, BUNT, BUXTON, JAROLIN, STURLA, TIGUE, STABACK, ITKIN, DeLUCA, YOUNGBLOOD, MELIO, VEON, EVANS, MANDERINO, WALKO, SURRA, BELARDI, CORPORA, McCALL, GEIST, TRICH, ROONEY, LAUGHLIN, TRELLO, LUCYK, BELFANTI, DeWEESE, COLAFELLA, CURRY, JOSEPHS, LaGROTTA, TANGRETTI, RAMOS, JAMES, PETRARCA, MIHALICH and BOSCOLA

An Act providing for the inspection and registration of child-care facilities, for the creation of a Statewide Child Day Care Resource and Referral System, for child day care services and early childhood development services, for dangerous facilities, for a toll-free telephone number and for a child day care consumer guide; and imposing additional responsibilities upon the Department of Public Welfare.

Referred to Committee on AGING AND YOUTH, February 11, 1997.

**No. 417** By Representatives MUNDY, BLAUM, RUBLEY, COY, GEORGE, PISTELLA, GIGLIOTTI, BUNT, BUXTON, GORDNER, JAROLIN, VAN HORNE, STURLA, TIGUE, ROBINSON, BATTISTO, STABACK, ITKIN, DeLUCA, STEELMAN, YOUNGBLOOD, MELIO, VEON, EVANS, MANDERINO, WALKO, LEVDANSKY, SURRA, BELARDI, PLATTS, CORPORA, McCALL, GEIST, TRICH, ROONEY, LAUGHLIN, TRELLO, COLAFELLA, CURRY, JOSEPHS, LaGROTTA, TANGRETTI, RAMOS, PETRARCA, PETRONE, LUCYK, MIHALICH, EACHUS, BELFANTI, BOSCOLA and DeWEESE

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, providing for unannounced inspections.

Referred to Committee on AGING AND YOUTH, February 11, 1997.

**No. 418** By Representatives BLAUM, MUNDY, COY, GEORGE, PISTELLA, GIGLIOTTI, BUNT, BUXTON, GORDNER, OLASZ, STURLA, TIGUE, ROBINSON, BATTISTO, STABACK, ITKIN, DeLUCA, YOUNGBLOOD, MELIO, VEON, EVANS, MANDERINO, WALKO, SURRA, BELARDI, PLATTS, CORPORA, McCALL, GEIST, TRICH, ROONEY, LAUGHLIN, TRELLO, COLAFELLA, CURRY, SHANER, JOSEPHS, LaGROTTA, TANGRETTI, RAMOS, PETRARCA, PETRONE, LUCYK, MIHALICH, EACHUS, BELFANTI, BOSCOLA and DeWEESE

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, providing for administrative definitions, for visitation and inspection, for entry and inspection and for licensing visitation and inspection of child day-care centers.

Referred to Committee on AGING AND YOUTH, February 11, 1997.

**No. 419** By Representatives SANTONI, BLAUM, MUNDY, MASLAND, COY, GEORGE, PISTELLA, GIGLIOTTI, BUNT, BUXTON, GORDNER, OLASZ, WAUGH, VAN HORNE, STURLA, TIGUE, BATTISTO, STABACK, ITKIN, DeLUCA, STEELMAN, YOUNGBLOOD, HERMAN, MELIO, VEON, MANDERINO, WALKO, LEVDANSKY, SURRA, BELARDI, PLATTS, CORPORA, McCALL, GEIST, TRICH, ROONEY, LAUGHLIN, TRELLO, COLAFELLA, CURRY, JOSEPHS, LaGROTTA, TANGRETTI, RAMOS, STETLER, JAMES, PETRARCA, SEYFERT, PETRONE, LUCYK, MIHALICH, EACHUS, BELFANTI, BOSCOLA and DeWEESE

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing a tax credit to corporations that provide child day-care facilities or subsidies for their employees.

Referred to Committee on FINANCE, February 11, 1997.

**No. 420** By Representatives BLAUM, MUNDY, SANTONI, COY, GEORGE, GIGLIOTTI, BUNT, BUXTON, JAROLIN, STURLA, STABACK, FLICK, ITKIN, DeLUCA, TIGUE, YOUNGBLOOD, MELIO, VEON, MANDERINO, WALKO, LEVDANSKY, SURRA, BELARDI, CORPORA, McCALL, GEIST, TRICH, ROONEY, LAUGHLIN, TRELLO, COLAFELLA, JOSEPHS, LaGROTTA, TANGRETTI, RAMOS, SCRIMENTI, PETRARCA, LUCYK, MIHALICH, BELFANTI, BOSCOLA and DeWEESE

An Act providing for technical assistance for employer-sponsored child day-care services and for the powers and duties of the Department of Public Welfare.

Referred to Committee on AGING AND YOUTH, February 11, 1997.

**No. 421** By Representatives VEON, BLAUM, MUNDY, SANTONI, COY, GEORGE, GIGLIOTTI, BUNT, BUXTON, STURLA, TIGUE, STABACK, ITKIN, DeLUCA, STEELMAN, YOUNGBLOOD, MELIO, MANDERINO, WALKO, LEVDANSKY, SURRA, BELARDI, CORPORA, McCALL, GEIST, TRICH, ROONEY, LAUGHLIN, TRELLO, COLAFELLA, CURRY, SHANER, JOSEPHS, LaGROTTA, TANGRETTI, RAMOS, JAMES, PETRARCA, PETRONE, LUCYK, EACHUS, BELFANTI, BOSCOLA and DeWEESE

An Act providing for an after-school learning and care program for public school districts.

Referred to Committee on FINANCE, February 11, 1997.

**No. 422** By Representatives BLAUM, MUNDY, SANTONI, COY, GEORGE, GIGLIOTTI, BUNT, BUXTON, GORDNER, OLASZ, STURLA, TIGUE, BATTISTO, STABACK, ITKIN, DeLUCA, STEELMAN, YOUNGBLOOD, HERMAN, MELIO, VEON, MANDERINO, WALKO, LEVDANSKY, SURRA, BELARDI, PLATTS, CORPORA, McCALL, GEIST, TRICH, ROONEY, LAUGHLIN, TRELLO, COLAFELLA, CURRY, JOSEPHS, LaGROTTA, TANGRETTI, RAMOS, JAMES, PETRARCA, LUCYK, BELFANTI, BOSCOLA and DeWEESE

An Act making an appropriation to the Department of Public Welfare for school-age child day-care projects.

Referred to Committee on APPROPRIATIONS, February 11, 1997.

**No. 423** By Representatives MANDERINO, BLAUM, MUNDY, MASLAND, COY, GEORGE, PISTELLA, GIGLIOTTI, BUNT, BUXTON, GORDNER, OLASZ, JAROLIN, VAN HORNE, STURLA, TIGUE, ROBINSON, BATTISTO, STABACK, ITKIN, DeLUCA, YOUNGBLOOD, HERMAN, MELIO, VEON, WALKO, SURRA, BELARDI, PLATTS, CORPORA, McCALL, GEIST, TRICH, ROONEY, LAUGHLIN, TRELLO, COLAFELLA, CURRY, JOSEPHS, LaGROTTA, TANGRETTI, RAMOS, MIHALICH, BELFANTI, DeWEESE, SCRIMENTI, STETLER, JAMES, PETRARCA, LUCYK, EACHUS, BOSCOLA and MICHLOVIC

An Act making an appropriation to the Department of Public Welfare for child day-care services.

Referred to Committee on APPROPRIATIONS, February 11, 1997.

**No. 424** By Representatives WASHINGTON, BLAUM, MUNDY, COY, GEORGE, PISTELLA, GIGLIOTTI, BUNT, BUXTON, OLASZ, STURLA, TIGUE, ROBINSON, BATTISTO, STABACK, ITKIN, DeLUCA, STEELMAN, YOUNGBLOOD, MELIO, VEON, MANDERINO, WALKO, CORPORA, McCALL, ROONEY, BELARDI, PLATTS, GEIST, TRICH, LAUGHLIN, TRELLO, COLAFELLA, CURRY, JOSEPHS, LaGROTTA, TANGRETTI, RAMOS, JAMES, PETRARCA, LUCYK, MIHALICH, BELFANTI, BOSCOLA and DeWEESE

An Act making an appropriation to the Department of Public Welfare to increase the number of inspectors.

Referred to Committee on APPROPRIATIONS, February 11, 1997.

**No. 425** By Representatives BLAUM, MUNDY, SANTONI, COY, GEORGE, GIGLIOTTI, BUNT, BUXTON, STURLA, TIGUE, ROBINSON, STABACK, ITKIN, DeLUCA, YOUNGBLOOD, MELIO, VEON, EVANS, MANDERINO, WALKO, BELARDI, CORPORA, McCALL, GEIST, TRICH, ROONEY, LAUGHLIN, TRELLO, COLAFELLA, CURRY, JOSEPHS, LaGROTTA, TANGRETTI, RAMOS, STETLER, PETRARCA, LUCYK, MIHALICH, BELFANTI and BOSCOLA

An Act providing for a comprehensive interagency plan for child day-care services and early childhood development services and for the powers and duties of the Department of Public Welfare.

Referred to Committee on AGING AND YOUTH, February 11, 1997.

**No. 426** By Representatives BLAUM, MUNDY, SANTONI, COY, GEORGE, PISTELLA, GIGLIOTTI, BUNT, BUXTON, OLASZ, JAROLIN, VAN HORNE, STURLA, TIGUE, ROBINSON, STABACK, ITKIN, DeLUCA, YOUNGBLOOD, MELIO, VEON, EVANS, MANDERINO, WALKO, SURRA, BELARDI, PLATTS, CORPORA, McCALL, GEIST, TRICH, ROONEY, LAUGHLIN, TRELLO, COLAFELLA, CURRY, SHANER, LaGROTTA, TANGRETTI, RAMOS, PETRARCA, PETRONE, LUCYK, MIHALICH, EACHUS, BELFANTI, BOSCOLA and DeWEESE

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for information on child-care personnel.

Referred to Committee on AGING AND YOUTH, February 11, 1997.

**No. 427** By Representatives BLAUM, MUNDY, COY, GEORGE, PISTELLA, GIGLIOTTI, BUNT, BUXTON, OLASZ, VAN HORNE, STURLA, TIGUE, ROBINSON, STABACK, ITKIN, DeLUCA, YOUNGBLOOD, MELIO, VEON, MANDERINO, WALKO, BELARDI, CORPORA, McCALL, GEIST, TRICH, ROONEY, LAUGHLIN, TRELLO, COLAFELLA, CURRY, JOSEPHS, LaGROTTA, TANGRETTI, RAMOS, PETRARCA, LUCYK, MIHALICH, EACHUS, BELFANTI, BOSCOLA and DeWEESE

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, providing for development of guidelines for subsidized child day-care providers.

Referred to Committee on AGING AND YOUTH, February 11, 1997.

**No. 428** By Representatives STURLA, BLAUM, MUNDY, SANTONI, COY, GEORGE, PISTELLA, GIGLIOTTI, BUNT, BUXTON, GORDNER, VAN HORNE, TIGUE, STABACK, ITKIN, DeLUCA, STEELMAN, YOUNGBLOOD, HERMAN, MELIO, VEON, MANDERINO, WALKO, BELARDI, CORPORA, McCALL, GEIST, TRICH, ROONEY, LAUGHLIN, TRELLO, COLAFELLA, CURRY, LaGROTTA, TANGRETTI, RAMOS, SCRIMENTI, JAMES, PETRARCA, LUCYK, MIHALICH, EACHUS, BELFANTI, BOSCOLA and DeWEESE

An Act establishing the Day-Care Facilities Loan and Loan Guarantee Fund; providing for terms and conditions of loans and for a penalty; and making an appropriation.

Referred to Committee on AGING AND YOUTH, February 11, 1997.

**No. 429** By Representatives BISHOP, BLAUM, MUNDY, RUBLEY, COY, GEORGE, PISTELLA, GIGLIOTTI, BUNT, BUXTON, STURLA, STABACK, ITKIN, DeLUCA, YOUNGBLOOD, MELIO, VEON, MANDERINO, WALKO, LEVDANSKY, SURRA, BELARDI, CORPORA, McCALL, GEIST, WASHINGTON, TIGUE, THOMAS, JOSEPHS, SAINATO, TRELLO, BAKER, CARN, RAMOS, SCRIMENTI, E. Z. TAYLOR, ROONEY, PESCI, COLAFELLA, L. I. COHEN, LUCYK, STEELMAN, TRICH, LAUGHLIN, CURRY, LaGROTTA, TANGRETTI, STETLER, JAMES, PETRARCA, MIHALICH, BELFANTI, BOSCOLA and DeWEESE

An Act providing for tax incentives for employers who provide child day-care services for employees.

Referred to Committee on FINANCE, February 11, 1997.

**No. 430** By Representatives WASHINGTON, BLAUM, MUNDY, COY, GEORGE, PISTELLA, GIGLIOTTI, BUNT, BUXTON, JAROLIN, STURLA, ROBINSON, STABACK, ITKIN, DeLUCA, YOUNGBLOOD, MELIO, VEON, EVANS, MANDERINO, WALKO, BELARDI, CORPORA, McCALL, GEIST, TRICH, ROONEY, LAUGHLIN, TRELLO, COLAFELLA, CURRY, JOSEPHS, LaGROTTA, TANGRETTI, RAMOS, JAMES, PETRARCA, LUCYK, MIHALICH, BOSCOLA and DeWEESE

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, further providing for visitation and inspection.

Referred to Committee on AGING AND YOUTH, February 11, 1997.

**No. 431** By Representatives DeLUCA, BLAUM, MUNDY, COY, GEORGE, PISTELLA, GIGLIOTTI, BUNT, BUXTON, GORDNER, VAN HORNE, STURLA, ROBINSON, STABACK, ITKIN, STEELMAN, YOUNGBLOOD, MELIO, VEON, MANDERINO, WALKO, BELARDI, PLATTS, CORPORA, McCALL, GEIST, TRICH, ROONEY, LAUGHLIN, TRELLO, COLAFELLA, CURRY, LaGROTTA, TANGRETTI, RAMOS, PETRARCA, LUCYK, MIHALICH, EACHUS, BELFANTI, BOSCOLA and DeWEESE

An Act requiring criminal history record and child abuse record information for certain persons who reside in family day-care homes.

Referred to Committee on AGING AND YOUTH, February 11, 1997.

**No. 432** By Representatives VEON, BLAUM, MUNDY, COY, GEORGE, GIGLIOTTI, BUNT, BUXTON, GORDNER, TIGUE, STABACK, ITKIN, DeLUCA, STEELMAN, YOUNGBLOOD, MELIO, EVANS, MANDERINO, WALKO, BELARDI, SURRA, CORPORA, McCALL, GEIST, TRICH, ROONEY, LAUGHLIN, TRELLO, COLAFELLA, CURRY, JOSEPHS, LaGROTTA, TANGRETTI, RAMOS, JAMES, PETRARCA, LUCYK, BELFANTI and BOSCOLA

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, providing for a toll-free telephone number for certain information relating to child day-care facilities.

Referred to Committee on AGING AND YOUTH, February 11, 1997.

**No. 433** By Representatives PHILLIPS, GEIST, McCALL, ALLEN, CLARK, BELARDI, HENNESSEY, READSHAW, SATHER, FARGO, SCHULER, ITKIN, MILLER, FAIRCHILD, GODSHALL, COLAFELLA, OLASZ, TIGUE, HERSHEY, STABACK, BARD, TRELLO, SEMMEL, LYNCH, E. Z. TAYLOR, CIVERA, STERN and BELFANTI

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for carrying and exhibiting driver's license on demand and for investigation by police officers.

Referred to Committee on TRANSPORTATION, February 11, 1997.

**No. 434** By Representatives PHILLIPS, BELFANTI, FEESE, YOUNGBLOOD, BELARDI, WALKO, SATHER, MILLER, FICHTER, FAIRCHILD, COLAFELLA, McCALL, TRAVAGLIO, STABACK, BARD, TRELLO, LYNCH, RAMOS, HESS, HENNESSEY, WAUGH, BOSCOLA, E. Z. TAYLOR, STEELMAN, CIVERA and L. I. COHEN

An Act amending the act of June 1, 1945 (P.L.1242, No.428), known as the State Highway Law, providing for the maintenance of certain pedestrian crosswalks.

Referred to Committee on TRANSPORTATION, February 11, 1997.

**No. 435** By Representatives SAINATO, ITKIN, VEON, GEORGE, DALEY, READSHAW, HALUSKA, RAMOS, LaGROTTA, GORDNER, OLASZ, LEVDANSKY, PESCI, LUCYK, VANHORNE, MARKOSEK, SHANER, DONATUCCI, REBER, ROONEY, COY, CORRIGAN, CASORIO, McCALL, WALKO, LAUGHLIN, TRAVAGLIO, COLAIZZO, YOUNGBLOOD, JOSEPHS, ZIMMERMAN, THOMAS, OLIVER, HABAY, CAPPABIANCA, STABACK, CURRY, HERMAN, MYERS, HANNA, JAMES, CORPORA, COLAFELLA, PETRARCA, LYNCH, ROEBUCK, BROWNE, LEDERER, TIGUE, BOSCOLA, TRELLO, SCRIMENTI, CAWLEY, DeLUCA, BELARDI, BELFANTI, LESCOVITZ, WOJNAROSKI, MELIO, M. N. WRIGHT, EACHUS, BEBKO-JONES, SURRA, TRICH, GIGLIOTTI, DiGIROLAMO and SEYFERT

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, further defining "income."

Referred to Committee on FINANCE, February 11, 1997.

**No. 436** By Representatives SANTONI, YOUNGBLOOD, STABACK, ARGALL, TULLI, SAYLOR, GEIST, STERN, HALUSKA, WAUGH, COY, READSHAW, OLASZ, DALEY, FAIRCHILD, ROONEY, MELIO, PESCI, GORDNER, SHANER, ROBINSON, COLAFELLA, HERSHEY, TIGUE, LAUGHLIN, McCALL, ITKIN, BROWNE, TRELLO, HENNESSEY, RAMOS, MIHALICH, SCRIMENTI, JAMES, PISTELLA, PETRARCA, SEYFERT, LEVDANSKY, SERAFINI, B. SMITH, BOSCOLA, ROBERTS and BELFANTI

An Act amending the act of July 3, 1986 (P.L.396, No.86), entitled "An act requiring notice of rate increases, policy cancellations and nonrenewals by property and casualty insurers," prohibiting premium increases and cancellations of insurance policies in cases of certain volunteer emergency service personnel.

Referred to Committee on INSURANCE, February 11, 1997.

**No. 437** By Representatives HERMAN, CLARK, BELARDI, ZUG, TRELLO, BARD, E. Z. TAYLOR, EGOLF, SAYLOR, BAKER, GEIST, ROONEY, SATHER, STABACK, LYNCH, WAUGH, MILLER and BENNINGHOFF

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for aggravated assault and for use of tear or noxious gas in labor disputes; and providing for sentences for offenses committed with firearms.

Referred to Committee on JUDICIARY, February 11, 1997.

**No. 438** By Representatives MICOZZIE, GODSHALL, CIVERA, E. Z. TAYLOR, BAKER, PESCI, RUBLEY, FARGO, COLAIZZO, ROBERTS, MELIO, ROONEY, MICHLOVIC, YOUNGBLOOD, BISHOP, BATTISTO and HALUSKA

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for stacking of uninsured and underinsured benefits and option to waive.

Referred to Committee on INSURANCE, February 11, 1997.

**No. 439** By Representatives READSHAW, TULLI, BARLEY, WAUGH, SATHER, RUBLEY, FARGO, GORDNER, HARHART, STEIL, BATTISTO, DeLUCA, D. W. SNYDER, DENT, MELIO, HERMAN, PLATTS, YOUNGBLOOD, LYNCH, TRELLO, BROWNE, STEELMAN, HENNESSEY, STABACK, TIGUE, CORNELL, E. Z. TAYLOR, RAYMOND, CORRIGAN, PETTIT, FLICK, BOSCOLA and MICHLOVIC

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, further providing for investment of moneys of the Commonwealth; and making a repeal.

Referred to Committee on FINANCE, February 11, 1997.

**No. 441** By Representatives STEVENSON, BARLEY, HARHART, STEIL, DeLUCA, D. W. SNYDER, HERMAN, LYNCH, TRELLO, HENNESSEY, CORNELL, E. Z. TAYLOR, RAYMOND, WILT, CORRIGAN, PETTIT and FLICK

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for absence without leave.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, February 11, 1997.

**No. 442** By Representatives STEIL, TULLI, BARLEY, WAUGH, HARHART, DeLUCA, D. W. SNYDER, MELIO, HERMAN, YOUNGBLOOD, LYNCH, TRELLO, HENNESSEY, CORNELL, E. Z. TAYLOR, RAYMOND, RUBLEY, CORRIGAN, PETTIT and FLICK

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for speed timing devices.

Referred to Committee on TRANSPORTATION, February 11, 1997.

**No. 443** By Representatives STEIL, GEORGE, MELIO, SATHER, SHANER, FAIRCHILD, PESCI, RUBLEY, BAKER, CURRY, LEVDANSKY, STEELMAN, BARD, TIGUE, STERN, CAWLEY, SURRA, GEIST and THOMAS

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

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, February 11, 1997.

**No. 444** By Representatives DeLUCA, LAUGHLIN, GIGLIOTTI, MELIO, OLASZ, CURRY, RAMOS, LEDERER, PESCI, CAWLEY, BELARDI and MIHALICH

An Act amending the act of December 16, 1992 (P.L.1144, No.150), known as the Credit Services Act, further providing for prohibited activities.

Referred to Committee on CONSUMER AFFAIRS, February 11, 1997.

**No. 445** By Representatives DeLUCA, LAUGHLIN, ARMSTRONG, CLARK, THOMAS, GIGLIOTTI, MELIO, SHANER, READSHAW, BATTISTO, STABACK, RAMOS, BOSCOLA, JAMES, PESCI, BELFANTI, TIGUE, CAWLEY, CIVERA, SURRA and BELARDI

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for examination and tests for acquired immune deficiency syndrome and human immunodeficiency virus.

Referred to Committee on HEALTH AND HUMAN SERVICES, February 11, 1997.

**No. 446** By Representatives DeLUCA, LAUGHLIN, GIGLIOTTI, WALKO, MELIO, OLASZ, VAN HORNE, SHANER, READSHAW, SAINATO, WOGAN, STABACK, LEVDANSKY, PETRARCA, RAMOS, MICHLOVIC, JAMES, PESCI, BELFANTI, TIGUE, BELARDI and MIHALICH

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for compensation of election officers.

Referred to Committee on STATE GOVERNMENT, February 11, 1997.

**No. 447** By Representatives DeLUCA, LAUGHLIN, ARMSTRONG, CLARK, THOMAS, GIGLIOTTI, MELIO, SHANER, FLICK, STABACK, RAMOS, PESCI, BELFANTI, CAWLEY and BELARDI

An Act amending the act of April 23, 1956 (1955 P.L.1510, No.500), known as the Disease Prevention and Control Law of 1955, providing for certain health care providers who have tested positive for the human immunodeficiency virus.

Referred to Committee on PROFESSIONAL LICENSURE, February 11, 1997.

**No. 448** By Representatives DeLUCA, LAUGHLIN, GIGLIOTTI, DALEY, WALKO, PISTELLA, MELIO, TRELLO, ALLEN, TIGUE, LEDERER, BOSCOLA, L. I. COHEN and BELARDI

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for a safe driving course.

Referred to Committee on TRANSPORTATION, February 11, 1997.

**No. 449** By Representatives DeLUCA, LAUGHLIN, DALEY, GIGLIOTTI, WALKO, MELIO, READSHAW, TRELLO, SHANER, STABACK, BROWNE, TIGUE, BELFANTI, CAWLEY and BELARDI

An Act providing for a Statewide referendum on the question of whether persons who have been convicted of three separate serious felonies should receive life imprisonment without parole.

Referred to Committee on JUDICIARY, February 11, 1997.

**No. 450** By Representatives DeLUCA, LAUGHLIN, YOUNGBLOOD, GIGLIOTTI, WALKO, TRELLO, RAMOS and CAWLEY

An Act amending the act of February 19, 1980 (P.L.15, No.9), entitled "An act establishing the State Real Estate Commission and providing for the licensing of real estate brokers and salesmen," further providing for broker's disclosure to buyer.

Referred to Committee on PROFESSIONAL LICENSURE, February 11, 1997.

**No. 451** By Representatives DeLUCA, LAUGHLIN, GIGLIOTTI, WALKO, DALEY, PISTELLA, OLASZ, TRELLO, SHANER, TIGUE, BELFANTI, CAWLEY and BELARDI

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, authorizing special tax provisions to abate an increase in tax on owner-occupied residential real property when improvements or additions are made to the property.

Referred to Committee on FINANCE, February 11, 1997.

**No. 452** By Representatives DeLUCA, LAUGHLIN, GIGLIOTTI, WALKO, PISTELLA, MELIO, OLASZ, VAN HORNE, READSHAW, CORRIGAN, TRELLO, MICHLOVIC, BOSCOLA, WAUGH, BELFANTI and BELARDI

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for procedure to obtain certificates of public convenience.

Referred to Committee on CONSUMER AFFAIRS, February 11, 1997.

**No. 453** By Representatives DeLUCA, THOMAS, GIGLIOTTI, WALKO, MELIO, ITKIN, TRELLO, STABACK, TIGUE, BOSCOLA, BELFANTI, CAWLEY and BELARDI

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes; further providing for certificates of title.

Referred to Committee on TRANSPORTATION, February 11, 1997.

**No. 454** By Representatives DeLUCA, LAUGHLIN, ARMSTRONG, CLARK, THOMAS, GIGLIOTTI, MELIO, SHANER, READSHAW, BATTISTO, STABACK, RAMOS, MICHLOVIC, BOSCOLA, JAMES, PESCI, BELFANTI, TIGUE, CAWLEY, SURRA, BELARDI and STERN

An Act amending the act of April 23, 1956 (1955 P.L. 1510, No.500), known as the Disease Prevention and Control Law of 1955, providing for premarital examination for acquired immune deficiency syndrome and human immunodeficiency virus.

Referred to Committee on HEALTH AND HUMAN SERVICES, February 11, 1997.

**No. 455** By Representatives DeLUCA, EGOLF, COY, SHANER, TIGUE, CURRY, READSHAW, BELARDI, BROWNE, MAITLAND, YOUNGBLOOD, ITKIN, STABACK, BOSCOLA and CASORIO

An Act amending the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, providing for sentencing enhancement.

Referred to Committee on JUDICIARY, February 11, 1997.

**No. 456** By Representatives DeLUCA, REBER, SHANER, VAN HORNE, MAITLAND, OLASZ, YOUNGBLOOD, TRELLO, BELFANTI and THOMAS

An Act requiring public hearings before the imposition of fines and penalties upon municipalities and municipal authorities by the Department of Environmental Protection.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, February 11, 1997.

**No. 457** By Representatives DeLUCA, SHANER, GIGLIOTTI, TRELLO, COLAFELLA, MARKOSEK, RAMOS, BOSCOLA, JAMES, STETLER, GEIST, ARMSTRONG and MIHALICH

An Act requiring a jointly appointed tax collector for a certain home rule municipality and school district in counties of the second class.

Referred to Committee on URBAN AFFAIRS, February 11, 1997.

**No. 458** By Representatives HARHART, ALLEN, ARGALL, BAKER, BARD, BELARDI, BELFANTI, BOSCOLA, BROWN, BROWNE, CAWLEY, CIVERA, L. I. COHEN, COLAFELLA, CORNELL, CORPORA, COY, DeLUCA, DENT, DIGIROLAMO, FEESE, FICHTER, GEIST, GODSHALL, GRUPPO, HASAY, HENNESSEY, HERMAN, HERSHEY, HUTCHINSON, JADLOWIEC, JAMES, JOSEPHS, LAUGHLIN, LUCYK, LYNCH, MAITLAND, MANDERINO, MASLAND, McCALL, MELIO, MILLER, MUNDY, MYERS, NAILOR, OLASZ, PETRARCA, PETTIT, PISTELLA, PLATTS, RAMOS, REBER, ROONEY, RUBLEY, SAINATO, SCHRODER, SCRIMENTI, SEMMEL, SEYFERT, B. SMITH, D. W. SNYDER, STEELMAN, STERN, SURRA, E. Z. TAYLOR, J. TAYLOR, TIGUE, TRELLO, TRUE, VANCE, WALKO, WAUGH, M. N. WRIGHT, ZUG and BENNINGHOFF

An Act providing for a child-care tax credit.

Referred to Committee on FINANCE, February 11, 1997.

**No. 459** By Representatives STERN, FICHTER, CAPPABIANCA, MARKOSEK, SATHER, READSHAW, FAIRCHILD, JADLOWIEC, COY, GEORGE, DEMPSEY, KENNEY, FARGO, ARMSTRONG, BROWN, SCHULER, SHANER, L. I. COHEN, OLASZ, HERSHEY, YOUNGBLOOD, EGOLF, RUBLEY, DENT, WOGAN, THOMAS, ITKIN, CLYMER, LYNCH, LAUGHLIN, TRELLO, BUNT, RAYMOND, HENNESSEY, SAINATO, STABACK, LEH, E. Z. TAYLOR, WILT, SURRA, PETRARCA, SCHRODER, ADOLPH, GANNON, TIGUE, TRAVAGLIO, DeLUCA, ROONEY, HUTCHINSON, CIVERA, HESS and BELFANTI

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for the Public Transportation Assistance Fund.

Referred to Committee on FINANCE, February 11, 1997.



**No. 460** By Representatives DeWEESE, VAN HORNE, E. Z. TAYLOR, ITKIN, B. SMITH, HENNESSEY, BELARDI, LAUGHLIN, THOMAS, YOUNGBLOOD, BELFANTI, WALKO, HALUSKA, MELIO, ROONEY, PESCI, OLASZ, SHANER, MAYERNIK, BATTISTO, TRAVAGLIO, STABACK, CURRY, PETRARCA, RAMOS, TRELLO, MUNDY and PRESTON

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, providing for group health, hospitalization, medical service and accident insurance for retired township supervisors.

Referred to Committee on LOCAL GOVERNMENT, February 11, 1997.

**No. 461** By Representatives DeWEESE, EVANS, CLYMER, BELFANTI, SATHER, JOSEPHS, LAUGHLIN, HABAY, WALKO, COLAIZZO, HALUSKA, MELIO, YOUNGBLOOD, ROONEY, PESCI, OLASZ, SHANER, BATTISTO, TRAVAGLIO, PRESTON, STEELMAN, RAMOS, TIGUE, SCRIMENTI, TRELLO and BOSCOLA

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for member's options.

Referred to Committee on STATE GOVERNMENT, February 11, 1997.

**No. 462** By Representatives McCALL, TULLI, COY, CIVERA, LEDERER, MELIO, SHANER, GIGLIOTTI, LAUGHLIN, WALKO, HENNESSEY, OLASZ, BELARDI, BATTISTO, YOUNGBLOOD, DeLUCA, CORPORA, ITKIN, STEELMAN, TIGUE, BROWNE, BELFANTI, TRAVAGLIO, ROONEY, PETRARCA, STABACK, MIHALICH, BUNT, THOMAS, TRELLO, JAROLIN, BOSCOLA and ROBERTS

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for a prohibition against leaving an unattended child in a school bus.

Referred to Committee on TRANSPORTATION, February 11, 1997.

**No. 463** By Representatives HERMAN, MILLER, THOMAS, SAYLOR, J. TAYLOR, BENNINGHOFF, BAKER, ARMSTRONG, BELARDI, MAITLAND, ZUG, HALUSKA, SANTONI, MUNDY, COLAFELLA, COY, McCALL, BARD, TRELLO, OLASZ, E. Z. TAYLOR, STEELMAN, CIVERA, GODSHALL, LAUGHLIN, JOSEPHS, DeLUCA, PLATTS, MCGILL, EACHUS, YOUNGBLOOD, OLIVER, GEIST, MANDERINO, SATHER, WALKO, SURRA, ITKIN, FICHTER, RUBLEY, CURRY, STURLA, STABACK, MYERS, HENNESSEY, ROEBUCK, BOSCOLA, BELFANTI, CLARK, CAWLEY, C. WILLIAMS and TRICH

An Act providing for subsidized child care for caregivers enrolled in approved training programs.

Referred to Committee on AGING AND YOUTH, February 11, 1997.

### HOUSE RESOLUTIONS INTRODUCED AND REFERRED

**No. 50** By Representatives VANCE and TRUE

A Concurrent Resolution directing the Legislative Budget and Finance Committee to conduct an audit of the Children's Trust Fund.

Referred to Committee on RULES, February 11, 1997.

**No. 51** By Representatives MICOZZIE, KENNEY, FICHTER, DEMPSEY, TIGUE, RUBLEY, L. I. COHEN, COLAIZZO, DeLUCA, COLAFELLA, BUXTON, DRUCE, REINARD, REBER, THOMAS, SHANER, DIGIROLAMO, VANCE, GODSHALL, MANDERINO, JAROLIN, ADOLPH, SCHRODER, MILLER, PETRONE, HERSHEY, WOJNAROSKI, HENNESSEY, ROBERTS, STABACK, BROWNE, MAITLAND, WALKO, VAN HORNE, FAIRCHILD, ZIMMERMAN, SAINATO, READSHAW, LEH, SATHER, YOUNGBLOOD, M. N. WRIGHT, FARGO, CURRY, OLASZ, TRELLO, BELARDI, WOGAN, SAYLOR, SEYFERT, WAUGH, HERMAN, MELIO, E. Z. TAYLOR, McCALL, BARRAR, PETTIT, JOSEPHS, D. W. SNYDER, ROONEY, EGOLF, CIVERA, BOSCOLA, BELFANTI, HALUSKA, ITKIN, GANNON and O'BRIEN

A Resolution directing the Insurance Committee to form a task force to develop solutions to eliminate uninsured motor vehicles from operating on Pennsylvania highways.

Referred to Committee on RULES, February 11, 1997.

**No. 52** By Representatives CAPPABIANCA, BEBKO-JONES, BAKER, RAMOS, LEDERER, WOJNAROSKI, PESCI, GEORGE, RUBLEY, MANDERINO, KENNEY, THOMAS, HERMAN, ROBERTS, FLICK, STABACK, BUNT, READSHAW, CIVERA, MELIO, DIGIROLAMO, FAIRCHILD, SCHULER, COY, HERSHEY, JOSEPHS, CURRY and SEYFERT

A Concurrent Resolution proclaiming the Kids Interacting Drug-free Coalition and the Teen Anti-drug Coalition as dynamic youth-empowerment educational models against alcohol, tobacco and other drugs; and encouraging all schools and school districts in this Commonwealth to enter into planning and commitment stages to implement these models within their schools and school districts.

Referred to Committee on RULES, February 11, 1997.

**No. 53** By Representatives CAPPABIANCA, BEBKO-JONES, RAMOS, THOMAS, FARGO, READSHAW, LAUGHLIN, MARKOSEK, B. SMITH, OLASZ, DALEY, GIGLIOTTI, PESCI, HERSHEY, JOSEPHS, RUBLEY, E. Z. TAYLOR, MELIO, CURRY, HORSEY and SEYFERT

A Concurrent Resolution creating the Millennium Celebration Coordination Commission to encourage, review and coordinate celebrations of the millennium.

Referred to Committee on RULES, February 11, 1997.

The SPEAKER. The Chair at this time would like to publicly thank our guest Chaplain, Father Moran, for doing a wonderful job for us during the month of February, and at this time I would like to give him a commemorative gavel so that he might remember his time with us. Father.

I guess you could gather by that that tomorrow is apt to be a token session.

### SENATE MESSAGE

#### ADJOURNMENT RESOLUTION FOR CONCURRENCE

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

In the Senate,  
February 10, 1997

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, March 10, 1997, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Monday, March 10, 1997, 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.

### 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.)

### GUESTS INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall of the House today a group of guests from the Alumni Association of the University of Pittsburgh. They are in the balcony. They are here as the guests of Representative Tom Michlovic and, I guess, everybody and anybody associated with the University of Pittsburgh, and that is about all of us.

The Chair is pleased to welcome to the hall of the House today, as the guests of Representative Tom Scrimenti and Representative Linda Bebko-Jones, Dennis Hollarn, Terry Landon, and Robert Magee. These three guests are seated to the left of the Speaker. If they would please rise.

### LEGISLATIVE FELLOWS INTRODUCED

The SPEAKER. In the back of the hall, the very back of the hall along the back wall, the Chair is pleased to welcome to the hall of the House today nine Legislative Fellows who began their internship with the House on January 21 and will continue through April 18.

This group is part of the Legislative Fellowship Program, sponsored by the House Bipartisan Management Committee, which we are all familiar with.

The members of this group who are with us today include – and I would ask you to stand – Jennifer Bernstein from Millersville University; Liane Bankos, Penn State Harrisburg; Aquarius Hawkins, a student at Cheyney University; Jeffrey Howell, Kutztown University; Patricia Johnson, Penn State University Park; Joseph Mickey, Penn State Harrisburg; Julie Prouty, Penn State Harrisburg; Joseph Rose, Millersville University; and Jacob Smeltz, Shippensburg University.

Welcome to the floor of the House.

I was concerned because one person was remaining seated. Nedra Dugan, who is the overall chaperon of this group, welcome to the floor also.

### FORMER MEMBER WELCOMED

The SPEAKER. In 1974 a very nice guy was defeated for reelection. He happened to be a Republican, but it happens to Republicans and Democrats both. From Allegheny County, he is back visiting us today – Bob Burkardt. We met in my office for a few moments before coming to the floor, and there are only six members of the House still serving today that were serving at the time that Bob was a member back in 1973.

### 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—203

Adolph	Donatucci	Maitland	Saylor
Allen	Druce	Major	Schroder
Argall	Eachus	Manderino	Schuler
Armstrong	Egolf	Markosek	Scrimenti
Baker	Evans	Marsico	Semmel
Bard	Fairchild	Masland	Serafini
Barley	Fargo	Mayernik	Seyfert
Barrar	Feese	McCall	Shaner
Battisto	Fichter	McGeehan	Smith, B.
Bebko-Jones	Fleagle	McGill	Smith, S. H.
Belardi	Flick	McIlhattan	Snyder, D. W.
Belfanti	Gannon	McNaughton	Staback
Benninghoff	Geist	Melio	Stairs
Birmelin	George	Michlovic	Steelman

Bishop	Gigliotti	Micozzie	Steil
Blaum	Gladeck	Mihalich	Stern
Boscola	Godshall	Miller	Stetler
Boyes	Gordner	Mundy	Stevenson
Brown	Gruitza	Myers	Strittmatter
Browne	Gruppo	Nailor	Sturla
Bunt	Habay	Nickol	Surra
Butkovitz	Haluska	O'Brien	Tangretti
Buxton	Hanna	Olasz	Taylor, E. Z.
Caltagirone	Harhart	Oliver	Taylor, J.
Cappabianca	Hasay	Orie	Thomas
Cam	Hennessey	Perzel	Tigue
Carone	Herman	Pesci	Travaglio
Casorio	Hershey	Petrarca	Trello
Cawley	Hess	Petrone	Trich
Chadwick	Horshey	Pettit	True
Civera	Hutchinson	Phillips	Tulli
Clark	Itkin	Pippy	Vance
Clymer	Jadlowiec	Pistella	Van Home
Cohen, L. I.	James	Platts	Veon
Cohen, M.	Jarolin	Preston	Vitali
Colafiglia	Josephs	Ramos	Walko
Colaizzo	Kaiser	Raymond	Washington
Conti	Keller	Readshaw	Waugh
Cornell	Kenney	Reber	Williams, A. H.
Corpora	Kirkland	Reinard	Williams, C.
Corrigan	Krebs	Rieger	Wilt
Cowell	LaGrotta	Roberts	Wogan
Coy	Laughlin	Robinson	Wojnaroski
Curry	Lawless	Roebuck	Wright, M. N.
Daley	Lederer	Rohrer	Yewcic
Dally	Leh	Rooney	Youngblood
DeLuca	Lescovitz	Ross	Zimmerman
Dempsey	Levdansky	Rublely	Zug
Dent	Lloyd	Sainato	
Dermody	Lucyk	Santoni	Ryan,
DeWeese	Lynch	Sather	Speaker
DiGirolamo			

NAYS-0

NOT VOTING-0

EXCUSED-0

**BLACK HISTORY MONTH PROGRAM**

The SPEAKER. We shortly will consider a resolution in recognition of Black History Month.

Prior to doing that, however, I am going to ask Representative Kirkland to preside over the House for a number of reasons: First, he is from my county, and I reserve the right to do that; secondly, because we have a guest singer as part of this recognition ceremony, and that guest singer is Tyra Kirkland, daughter of Thaddeus Kirkland, and I think it is appropriate that her father be presiding.

So with that, Representative Kirkland.

**THE SPEAKER PRO TEMPORE  
(THADDEUS KIRKLAND) PRESIDING**

The SPEAKER pro tempore. Good morning.

I have the distinct honor and pleasure of introducing to this body on this day and this occasion, commemorating Black History Month, a very special young lady. She is special in many ways to me. Number one, she is the granddaughter of Lillie Mae and John, the granddaughter of Jessie and Myrna; she is a member of the

Community Baptist Church located in Chester, Pennsylvania; and she is a second-year student of Lincoln University, one of the oldest historically black universities in the country. And most of all, what makes me most proud is that she is the daughter of Thaddeus and Susie Kirkland. I am very proud of her, and I am very proud of her accomplishments.

Today she will sing the Negro National Anthem for this body, on this day, and she is accompanied by the minister of music of the New Hope Baptist Church here in Harrisburg, Mr. David White.

At this time I present to you, the House of Representatives, a very special person — my daughter, Tyra Kirkland.

Miss KIRKLAND. First, giving honor to God, Speaker Matt Ryan, and to the entire House of Representatives.

(“Lift Every Voice and Sing,” the Black National Anthem, was sung by Tyra Kirkland, accompanied by pianist David White.)

The SPEAKER pro tempore. Once again I want to thank this House for their undivided attention, I want to thank my daughter, and I also want to thank the minister of music, David White. Thank you.

**CALENDAR**

**RESOLUTION PURSUANT TO RULE 35**

Mr. JAMES called up HR 54, PN 446, entitled:

A Resolution declaring February 1997 as “Black History Month” in Pennsylvania.

On the question,  
Will the House adopt the resolution ?

The SPEAKER pro tempore. The Chair recognizes Mr. James on the resolution.

Mr. JAMES. Thank you. Thank you, Mr. Speaker, and it is indeed an honor and a pleasure to have heard your daughter. I recognize that her talent comes from her father and that pretty soon we will probably be seeing her on some of the Oscar awards.

But anyway, Mr. Speaker, Black History Month is not only a time when African-Americans look back and celebrate our heritage; it is a time when all of us recognize and observe the common history we share.

The rich history of African-Americans is a topic that has not received the proper attention it deserves. Throughout our common history, we find men and women who made contributions so great that their work can still be seen and felt in our society today. They were people of courage; individuals with a unique vision.

African-Americans provided the free labor that helped a young United States become an economic power, and then decades later, we paved the road for other minorities to fight oppression and seek equality.

From Harriet Tubman and her Underground Railroad in the Civil War to the Reverend Dr. Martin Luther King, Jr., and his remarkable oratories and freedom marches; from the patriotic men who served with Crispus Attucks to the brave soldiers who helped bring victory with Colin Powell and for the American people; from Samuel Cornish and John Russwurm, founders of the first black

newspaper in 1827, to the young African-American men and women who have noble dreams today and the determination to see them realized in the future — Mr. Speaker, all of these individuals, with their undaunted desire and extraordinary courage, are remarkable and outstanding for their achievements, and all of them deserve a time of recognition, as do all those who support them on their way to success.

As chairman of the Pennsylvania Legislative Black Caucus, I am committed to educating our State on the diversity and broad cultural heritage of African-Americans, and I am proud to bring before the General Assembly this resolution dedicating February as “Black History Month” in Pennsylvania.

Black History Month provides African-Americans with a bridge to understanding our heritage, highlighting our struggles and achievements, our hardships and successes. It is important that not only African-Americans but everyone in our State and Nation understand the complexities of our shared history, and more importantly, how it helped shape the United States of America.

From the first traffic light and gas mask to various medical procedures still used today, African-Americans continue to play an important role in bridging the social gap that, unfortunately, still divides many of our people. That is because parts of our collective past still have an impact on society today. Promoting African-American history can help us all discover the features that make each one of us unique as well as the features that bind us all together as one community.

Black History Month shows examples of discipline and humility, of the strong human characteristics that will help our society develop mentally, physically, and spiritually. Support for this initiative is an important first step in remembering our past and celebrating our history to work for a better tomorrow.

I respectfully urge your support for this resolution.

And, Mr. Speaker, if I just may have your indulgence, I have about 12 one- and two-line quotes that I just want to put into the record, and I will submit the rest for the record.

The first one being, “We are free to say that in respect to political rights, we hold women to be justly entitled to all we claim for men.” That is by Frederick Douglass.

“The future woman must have a life work and economic independence. She must have knowledge. She must have the right of motherhood at her own discretion.” That is by William E. B. Du Bois.

“I refuse to accept the view that mankind is so tragically bound to the starless midnight of racism and war that the bright daybreak of peace and brotherhood can never become a reality...I believe that unarmed truth and unconditional love will have the final word.” That is by Martin Luther King, Jr.

“I am convinced that the black man will only reach his full potential when he learns to draw upon the strengths and insights of the black woman.” That is by Manning Marable.

“In the South, they don’t care how close you get, as long as you don’t get too high. In the North, they don’t care how high you get, as long as you don’t get too close.” That is just an African-American folk saying.

“We don’t hate nobody because of their color. We hate oppression!” That is by Bobby Seale.

“Education remains the key to both economic and political empowerment.” That is by Barbara Jordan.

“It is critical that we take charge of our own destiny and stop waiting for some unknown mythical being to come along and wipe racism from the face of this earth.” That is by David Wilson.

“If you run, you might lose. If you don’t run, you’re guaranteed to lose.” Jesse Jackson.

“I don’t know the key to success, but the key to failure is trying to please everybody.” That is by Bill Cosby.

These were from the “Famous Black Quotations...” by Janet Bell.

And, Mr. Speaker, again I would urge my colleagues to support the resolution, and thank you for the time.

The SPEAKER pro tempore. The Chair thanks the gentleman.

### QUOTATIONS SUBMITTED FOR THE RECORD

Mr. JAMES submitted excerpts from “Famous Black Quotations on Women, Love and Other Topics,” a book selected and compiled by Janet Cheatham Bell.

(For quotations, see Appendix.)

The SPEAKER pro tempore. The Chair recognizes Representative Horsey.

Mr. HORSEY. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of HR 54 and to offer a special thanks to Speaker Matthew Ryan and Majority Leader John Perzel and Minority Leader William “Bill” DeWeese.

Thank you, Mr. Speaker, for allowing this resolution to go on the floor and to be passed today and to remind and give homage to this great institution, meaning the Pennsylvania State House, for its rich history relative to Afro-Americans, Mr. Speaker. Many people do not know that Pennsylvania was one of the earliest States in America to abolish slavery, Mr. Speaker.

I would like to also offer a special thanks yesterday, Mr. Speaker, to the U.S. Postal System, who presented the first stamp dedicated to an Afro-American general who happened to come from New Cumberland, Pennsylvania, Mr. Speaker. That was Charles Davis, Mr. Speaker.

I would also like to thank Pennsylvania Heritage magazine, Mr. Speaker, for its presentation of Miss Crystal Fauset, the first black woman legislator and the first woman legislator in America, Mr. Speaker, from Pennsylvania, Mr. Speaker, from my particular district.

I would like to thank Pennsylvania also for Cheyney University, Mr. Speaker — the oldest continuously operating institution for Afro-Americans in the country, Mr. Speaker. I would like to thank them for Lincoln University — the oldest continuing higher education institute in America.

The history of Pennsylvania, Mr. Speaker, if we were to research it relative to Afro-Americans, is extremely rich with firsts, Mr. Speaker, and I just decided to mention just a few.

I would like to thank Pennsylvania. I would like to thank this noble body for all it has done for this day for me.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS--203

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

NAYS--0

NOT VOTING--0

EXCUSED--0

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

The SPEAKER pro tempore. I would just like to take this opportunity to thank the Speaker, Matt Ryan, for this opportunity to stand before you and behind this desk and conduct a portion of the House business today and have the opportunity to stand before my daughter and others on this great occasion, the Month of Black History, that we celebrate black history.

Thank you very much, Speaker Ryan, and it gets comfortable up here.

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

The SPEAKER. Do not get too comfortable.

**RESOLUTION PURSUANT TO RULE 35**

Ms. BEBKO-JONES called up HR 46, PN 369, entitled:

A Resolution designating the month of March as "Women's History Month."

On the question,  
Will the House adopt the resolution ?

The following roll call was recorded:

YEAS--203

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

Coy	Laughlin	Robinson	Wojnaroski
Curry	Lawless	Roebuck	Wright, M. N.
Daley	Lederer	Rohrer	Yewcic
Dally	Leh	Rooney	Youngblood
DeLuca	Lescovitz	Ross	Zimmerman
Dempsey	Levdansky	Rubley	Zug
Dent	Lloyd	Sainato	
Dermody	Lucyk	Santoni	Ryan,
DeWeese	Lynch	Sather	Speaker
DiGirolamo			

NAYS-0

NOT VOTING-0

EXCUSED-0

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

**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 133, PN 142**, entitled:

An Act providing for Statewide nurse aide training programs relating to nursing facilities.

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

Mrs. VANCE offered the following amendment No. **A0121**:

Amend Sec. 5, page 5, lines 7 through 30; page 6, lines 1 through 30; page 7, lines 1 through 7, by striking out all of said lines on said pages and inserting

Section 5. Grounds for denying enrollment in training program.

(a) Grounds enumerated.—In no case shall an applicant for enrollment in a State-approved nurse aide training program be approved for admission into such a program if the applicant's criminal history record information indicates the applicant has been convicted of any of the following offenses:

(1) An offense designated as a felony under the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act.

(2) An offense under one or more of the following provisions of 18 Pa.C.S. (relating to crimes and offenses):

- Chapter 25 (relating to criminal homicide).
- Section 2702 (relating to aggravated assault).
- Section 2901 (relating to kidnapping).
- Section 2902 (relating to unlawful restraint).
- Section 3121 (relating to rape).
- Section 3122.1 (relating to statutory sexual assault).
- Section 3123 (relating to involuntary deviate sexual intercourse).
- Section 3125 (relating to aggravated indecent assault).
- Section 3126 (relating to indecent assault).
- Section 3127 (relating to indecent exposure).
- Section 3301 (relating to arson and related offenses).
- Section 3502 (relating to burglary).
- Section 3701 (relating to robbery).
- A felony offense under Chapter 39 (relating to theft and related offenses) or two or more misdemeanors under Chapter 39.
- Section 4101 (relating to forgery).

Section 4114 (relating to securing execution of documents by deception).

Section 4303 (relating to concealing death of child).

Section 4304 (relating to endangering welfare of children).

Section 4305 (relating to dealing in infant children).

Section 4952 (relating to intimidation of witnesses or victims).

Section 4953 (relating to retaliation against witness or victim).

A felony offense under section 5902(b) (relating to prostitution and related offenses).

Section 5903(c) or (d) (relating to obscene and other sexual materials and performances).

Section 6301 (relating to corruption of minors).

Section 6312 (relating to sexual abuse of children).

(3) A Federal or out-of-State offense similar in nature to those crimes listed under paragraphs (1) and (2).

(b) Immunity.—No individual responsible for reviewing and approving applications for enrollment in a State-approved nurse aide training program shall be held civilly liable for any civil action directly related to good faith compliance with this section.

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

The SPEAKER. On the question of the adoption of the amendment, the Chair recognizes the lady, Mrs. Vance.

Mrs. VANCE. Thank you, Mr. Speaker.

This clearly adds the definition of "serious physical injury," and only clarifies that the Departments of Aging, Health, and Welfare would have to work together to promulgate regulations to carry this out.

I ask for a "yes" vote on this amendment.

Mr. Speaker ?

The SPEAKER. The lady, Mrs. Vance.

Mrs. VANCE. I apologize to all the members. I thought we were on HB 132. We are on HB 133. The bills were taken in an order I did not expect.

This clarifies that criminal convictions would prohibit somebody from even being enrolled in the nurse aide training course. We have a nurse aide registry right now, and if there is an abuse by one of these aides, it is supposed to be reported, but I hope that you are all aware that unless this abuse occurred in a nursing home, there is nothing on the record. They could — actually, the worst-case scenario — murder somebody on the street and it would not show because the abuse did not happen in a nursing facility.

So I seriously ask for your consideration to protect the elderly by prohibiting people with a criminal background from enrolling in this course.

The SPEAKER. The gentleman, Mr. Lloyd.

Mr. LLOYD. Mr. Speaker, would the sponsor of the amendment consent to interrogation ?

The SPEAKER. The lady, Mrs. Vance, indicates she will stand for interrogation. You may begin.

Mr. LLOYD. Mr. Speaker, I am not sure what lines have been stripped out of the bill, and I am not sure what is elsewhere in the bill, but I notice that on lines 10 through 12, one of the things which would be a barrier to even getting into the training program is a prior conviction of a drug offense. Mr. Speaker, does that

mean that that is a barrier regardless of when the drug offense occurred?

Mrs. VANCE. Yes, it does, if it was a felony.

Mr. LLOYD. Mr. Speaker, are you aware of the fact that in order to be a medical doctor or a registered nurse in this State, if you have a prior criminal conviction for a drug offense and it is more than 10 years ago and you have had a clean record since then, that you are not barred from getting a license?

Mrs. VANCE. I am aware of that, and this had been changed in the Senate when the bill was over there, and it was felt that we should stay with these same ones right now.

Mr. LLOYD. So, in other words, if this amendment goes in, there will be a tougher standard to be a nurse aide than there would be to be a nurse?

Mrs. VANCE. That is probably true in this regard.

Mr. LLOYD. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Blaum.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the amendment.

The ladies and gentlemen of the House will remember that this similar amendment was offered towards the end of last session. It was not a good amendment then but apparently it is now.

We supported it then, we support it now, and I ask the members of the House to vote "yes."

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-203

Adolph.	Donatucci	Maitland	Saylor
Allen	Druce	Major	Schroder
Argall	Eachus	Manderino	Schuler
Armstrong	Egolf	Markosek	Scrimenti
Baker	Evans	Marsico	Semmel
Bard	Fairchild	Masland	Serafini
Barley	Fargo	Mayernik	Seyfert
Barrar	Feese	McCall	Shaner
Battisto	Fichter	McGeehan	Smith. B.
Bebko-Jones	Fleagle	McGill	Smith. S. H.
Belardi	Flick	McLhattan	Snyder. D. W.
Belfanti	Gannon	McNaughton	Staback
Benninghoff	Geist	Melio	Stairs
Birmelin	George	Michlovic	Steelman
Bishop	Gigliotti	Micozzie	Steil
Blaum	Gladeck	Mihalich	Stern
Boscota	Godshall	Miller	Stetler
Boyes	Gordner	Mundy	Stevenson
Brown	Gruitza	Myers	Strittmatter
Browne	Gruppo	Nailor	Sturla
Bunt	Habay	Nickol	Surra
Butkovitz	Haluska	O'Brien	Tangretti
Buxton	Hanna	Olasz	Taylor. E. Z.
Caltagirone	Harhart	Oliver	Taylor. J.
Cappabianca	Hasay	Orie	Thomas
Cam	Hennessey	Perzel	Tigue
Carone	Herman	Pesci	Travaglio
Casorio	Hershey	Petrarca	Trello
Cawley	Hess	Petrone	Trich
Chadwick	Horsey	Pettit	True
Civera	Hutchinson	Phillips	Tulli
Clark	Itkin	Pippy	Vance
Clymer	Jadlowiec	Pistella	Van Horne
Cohen. L. I.	James	Platts	Veon
Cohen. M.	Jarolin	Preston	Vitali

Colafella	Josephs	Ramos	Walko
Colaizzo	Kaiser	Raymond	Washington
Conti	Keller	Readshaw	Waugh
Cornell	Kenney	Reber	Williams, A. H.
Corpora	Kirkland	Reinard	Williams, C.
Corrigan	Krebs	Rieger	Wilt
Cowell	LaGrotta	Roberts	Wogan
Coy	Laughlin	Robinson	Wojnaroski
Curry	Lawless	Roebuck	Wright, M. N.
Daley	Lederer	Rohrer	Yewcic
Dally	Leh	Rooney	Youngblood
DeLuca	Lescovitz	Ross	Zimmerman
Dempsey	Levdansky	Rubley	Zug
Dent	Lloyd	Sainato	
Dermody	Lucyk	Santoni	Ryan,
DeWeese	Lynch	Sather	Speaker
DiGirolamo			

NAYS-0

NOT VOTING-0

EXCUSED-0

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. The Chair recognizes the gentleman, Mr. Blaum, who offers the following amendment.

The gentleman, Mr. Blaum, withdraws his amendment. The Chair thanks the gentleman.

Mr. BLAUM. Thank you, Mr. Speaker. That was our amendment.

The SPEAKER. The Chair's calendar is marked for an amendment from both you and Mrs. Vance. Are you telling me that they were both essentially the same and you have no amendment? Thank you.

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS-203

Adolph	Donatucci	Maitland	Saylor
Allen	Druce	Major	Schroder
Argall	Eachus	Manderino	Schuler
Armstrong	Egolf	Markosek	Scrimenti
Baker	Evans	Marsico	Semmel
Bard	Fairchild	Masland	Serafini
Barley	Fargo	Mayernik	Seyfert
Barrar	Feese	McCall	Shaner
Battisto	Fichter	McGeehan	Smith. B.
Bebko-Jones	Fleagle	McGill	Smith. S. H.

Belardi	Flick	McIlhattan	Snyder, D. W.
Belfanti	Gannon	McNaughton	Staback
Benninghoff	Geist	Melio	Stairs
Birmelin	George	Michlovic	Steelman
Bishop	Gigliotti	Micozzie	Steil
Blaum	Gladeck	Mihalich	Stern
Boscola	Godshall	Miller	Stetler
Boyes	Gordner	Mundy	Stevenson
Brown	Gruitza	Myers	Stritmatter
Browne	Gruppo	Nailor	Sturla
Bunt	Habay	Nickol	Surra
Butkovitz	Haluska	O'Brien	Tangretti
Buxton	Hanna	Olasz	Taylor, E. Z.
Caltagirone	Harhart	Oliver	Taylor, J.
Cappabianca	Hasay	Orie	Thomas
Cam	Hennessey	Perzel	Tigue
Carone	Herman	Pesci	Travaglio
Casorio	Hershey	Petrarca	Trello
Cawley	Hess	Petrone	Trich
Chadwick	Horshey	Pettit	True
Civera	Hutchinson	Phillips	Tulli
Clark	Itkin	Pippy	Vance
Clymer	Jadlowiec	Pistella	Van Horne
Cohen, L. I.	James	Platts	Veon
Cohen, M.	Jarolin	Preston	Vitali
Colafiglia	Josephs	Ramos	Walko
Colaizzo	Kaiser	Raymond	Washington
Conti	Keller	Readshaw	Waugh
Cornell	Kenney	Reber	Williams, A. H.
Corpora	Kirkland	Reinard	Williams, C.
Corrigan	Krebs	Rieger	Wilt
Cowell	LaGrotta	Roberts	Wogan
Coy	Laughlin	Robinson	Wojnarowski
Curry	Lawless	Roebuck	Wright, M. N.
Daley	Lederer	Rohrer	Yewcic
Dally	Leh	Rooney	Youngblood
DeLuca	Lescovitz	Ross	Zimmerman
Dempsey	Levdansky	Rubley	Zug
Dent	Lloyd	Sainato	
Dermody	Lucyk	Santoni	Ryan.
DeWeese	Lynch	Sather	Speaker
DiGirolamo			

NAYS-0

NOT VOTING-0

EXCUSED-0

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

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

\* \* \*

The House proceeded to third consideration of **HB 152, PN 162**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting the provision of certain stimulants to minors: and providing penalties.

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

Mr. VEON offered the following amendment No. **A0163**:  
Amend Title, page 1, line 2, by inserting after "Statutes," prohibiting employment of inmates by contractors;  
Amend Bill, page 1, lines 4 through 15 and page 2, line 1, by striking out all of said lines on said pages

Amend Sec. 1, page 2, line 5, by striking out "a section" and inserting sections

Amend Bill, page 2, by inserting between lines 5 and 6 § 5112. Employment of inmates by contractors.

A person who employs, or enters a contract which provides for the employment of, an inmate on a public works project within a correctional institution commits a misdemeanor of the third degree, even if the expense incurred for that employment would reduce the Commonwealth's costs for the completion of work within that correctional institution. A contract clause providing for employment of an inmate within a correctional institution is void and unenforceable.

Amend Bill, page 3, by inserting between lines 28 and 29 Section 2. All acts and parts of act are repealed insofar as they are inconsistent with 18 Pa.C.S. § 5112.

Amend Sec. 2, page 3, line 29, by striking out "2" and inserting 3

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

AMENDMENT WITHDRAWN

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

Mr. VEON. Mr. Speaker, that amendment is withdrawn.

The SPEAKER. Mr. Veon, while I have you on the floor, I am looking at page 2 of today's calendar. My calendar is marked that you have two amendments for HB 12. Would you tell me if I am incorrect? I have you marked for two amendments on HB 12, one for HB 148, one for HB 149, and I had you for one for HB 152.

Mr. VEON. Those amendments are all withdrawn. The gentleman, Mr. Preski, is up to speed on that.

The SPEAKER. The Chair thanks the gentleman.

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-203

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



Benninghoff	Geist	Melio	Stairs
Birmelin	George	Michlovic	Steelman
Bishop	Gigliotti	Micozzie	Steil
Blaum	Gladeck	Mihalich	Stern
Boscola	Godshall	Miller	Stetler
Boyes	Gordner	Mundy	Stevenson
Brown	Gruitza	Myers	Strittmatter
Browne	Gruppo	Nailor	Sturla
Bunt	Habay	Nickol	Surra
Butkovitz	Haluska	O'Brien	Tangretti
Buxton	Hanna	Olasz	Taylor, E. Z.
Caltagirone	Harhart	Oliver	Taylor, J.
Cappabianca	Hasay	Orie	Thomas
Cam	Hennessey	Perzel	Tigue
Carone	Herman	Pesci	Travaglio
Casorio	Hershey	Petrarca	Trello
Cawley	Hess	Petrone	Trich
Chadwick	Horsey	Pettit	True
Civera	Hutchinson	Phillips	Tulli
Clark	Itkin	Pippy	Vance
Clymer	Jadlowiec	Pistella	Van Home
Cohen, L. I.	James	Platts	Veon
Cohen, M.	Jarolin	Preston	Vitali
Colafiglia	Josephs	Ramos	Walko
Colaizzo	Kaiser	Raymond	Washington
Conti	Keller	Readshaw	Waugh
Cornell	Kenney	Reber	Williams, A. H.
Corpora	Kirkland	Reinard	Williams, C.
Corrigan	Krebs	Rieger	Wilt
Cowell	LaGrotta	Roberts	Wogan
Coy	Laughlin	Robinson	Wojnaroski
Curry	Lawless	Roebuck	Wright, M. N.
Daley	Lederer	Rohrer	Yewcic
Dally	Leh	Rooney	Youngblood
DeLuca	Lescovitz	Ross	Zimmerman
Dempsey	Levdansky	Rubley	Zug
Dent	Lloyd	Sainato	
Dermody	Lucyk	Santoni	Ryan.
DeWeese	Lynch	Sather	Speaker
DiGirolamo			

NAYS-0

NOT VOTING-0

EXCUSED-0

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

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

\* \* \*

The House proceeded to third consideration of **HB 12, PN 168**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes. further providing for sentencing for murder of the first degree.

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

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

The question is, shall the bill pass finally?

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

YEAS-203

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

NAYS-0

NOT VOTING-0

EXCUSED-0

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

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

**REMARKS SUBMITTED FOR THE RECORD**

The SPEAKER. The gentleman, Mr. Fichter.

Mr. FICHTER. Mr. Speaker, I would like to submit remarks for the record relative to HB 12.

The SPEAKER. The gentleman is in order and will send his remarks to the desk.

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

Mr. Speaker, HB 12 allows prosecutors to seek the death penalty for murderers whose victims had filed a protection-from-abuse order against them. It sends an important message that our society simply will not tolerate the violation of protection-from-abuse orders. Since murder is the ultimate violation of a protection order, it deserves the ultimate penalty — capital punishment.

What my legislation does is add protection-from-abuse murders to the list of aggravating circumstances juries can consider in order to impose a death sentence. The law as currently written provides for 17 aggravating circumstances under which a prosecutor may seek the death penalty. The killing of a person who has secured a protection-from-abuse order against the perpetrator is not one of these.

By adding protection-from-abuse murders to the list of aggravating circumstances, prosecutors will now have the tools they need to give these murderers the sentence they deserve — the death penalty. Killing a person under a protection order should — and must — be grounds for capital punishment.

I introduced the legislation in the wake of the murders of two young women in my district, allegedly at the hands of the men against whom they had filed a protection-from-abuse order. While this legislation may come too late to protect Sheila Cody and Christian Kirby, perhaps we can prevent other unnecessary deaths. We owe it to all victims to at least try.

The approval of HB 12 today is the first step toward restoring the public's confidence in protection-from-abuse orders. If we do not act soon, there may be more victims. We cannot let that happen. I urge my colleagues in the Senate to approve this legislation and send it to Governor Ridge for his signature as soon as possible.

**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 148, PN 158**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for credit card fraud; defining the offense of unlawful device-making equipment; and providing penalties.

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

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

The question is, shall the bill pass finally?

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

YEAS—203

Adolph	Donatucci	Maitland	Saylor
Allen	Druce	Major	Schroder
Argall	Eachus	Manderino	Schuler

Armstrong	Egolf	Markosek	Scrimenti
Baker	Evans	Marsico	Semmel
Bard	Fairchild	Masland	Serafini
Barley	Fargo	Mayernik	Seyfert
Barrar	Feese	McCall	Shaner
Battisto	Fichter	McGeehan	Smith, B.
Bebko-Jones	Fleagle	McGill	Smith, S. H.
Belardi	Flick	McIlhattan	Snyder, D. W.
Belfanti	Gannon	McNaughton	Staback
Benninghoff	Geist	Melio	Stairs
Birmelin	George	Michlovic	Steelman
Bishop	Gigliotti	Micozzie	Steil
Blaum	Gladeck	Mihalich	Stern
Boscola	Godshall	Miller	Stetler
Boyes	Gordner	Mundy	Stevenson
Brown	Gruitza	Myers	Strittmatter
Browne	Gruppo	Nailor	Sturla
Bunt	Habay	Nickol	Surra
Butkovitz	Haluska	O'Brien	Tangretti
Buxton	Hanna	Olasz	Taylor, E. Z.
Caltagirone	Harhart	Oliver	Taylor, J.
Cappabianca	Hasay	Orie	Thomas
Carn	Hennessey	Perzel	Tigue
Carone	Herman	Pesci	Travaglio
Casorio	Hershey	Petrarca	Trello
Cawley	Hess	Petrone	Trich
Chadwick	Horsely	Pettit	True
Civera	Hutchinson	Phillips	Tulli
Clark	Itkin	Pippy	Vance
Clymer	Jadlowiec	Pistella	Van Horne
Cohen, L. I.	James	Platts	Veon
Cohen, M.	Jarolin	Preston	Vitali
Colafella	Josephs	Ramos	Walko
Colaizzo	Kaiser	Raymond	Washington
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Cornell	Kenney	Reber	Williams, A. H.
Corpora	Kirkland	Reinard	Williams, C.
Corrigan	Krebs	Rieger	Wilt
Cowell	LaGrotta	Roberts	Wogan
Coy	Laughlin	Robinson	Wojnaroski
Curry	Lawless	Roebuck	Wright, M. N.
Daley	Lederer	Rohrer	Yewcic
Dally	Leh	Rooney	Youngblood
DeLuca	Lescovitz	Ross	Zimmerman
Dempsey	Levdansky	Rubley	Zug
Dent	Lloyd	Sainato	
Dermody	Lucyk	Santoni	Ryan,
DeWeese	Lynch	Sather	Speaker
DiGirolamo			

NAYS—0

NOT VOTING—0

EXCUSED—0

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

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

\* \* \*

The House proceeded to third consideration of **HB 149, PN 159**, 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?  
Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—203

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

NAYS—0

NOT VOTING—0

EXCUSED—0

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

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

\* \* \*

The House proceeded to third consideration of **HB 161, PN 167**, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 54 (Names) of the Pennsylvania Consolidated Statutes, requiring the Pennsylvania State Police to receive notification when the court orders a change of name for a person with a criminal record; and regulating change of name after conviction of a felony.

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

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

The question is, shall the bill pass finally?

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

YEAS—203

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

Cowell	LaGrotta	Roberts	Wogan
Coy	Laughlin	Robinson	Wojnaroski
Curry	Lawless	Roebuck	Wright, M. N.
Daley	Lederer	Rohrer	Yewcic
Dally	Leh	Rooney	Youngblood
DeLuca	Lescovitz	Ross	Zimmerman
Dempsey	Levdansky	Rubley	Zug
Dent	Lloyd	Sainato	
Dermody	Lucyk	Santoni	Ryan,
DeWeese	Lynch	Sather	Speaker
DiGirolamo			

NAYS-0

NOT VOTING-0

EXCUSED-0

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

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

**SUPPLEMENTAL CALENDAR A**

**RESOLUTION PURSUANT TO RULE 35**

Mr. GORDNER called up **HR 59, PN 515**, entitled:

A Resolution declaring the month of March 1997 as "Pennsylvania Middle School Education Month."

On the question,  
Will the House adopt the resolution ?

The following roll call was recorded:

YEAS-203

Adolph	Donatucci	Maitland	Saylor
Allen	Druce	Major	Schroder
Argall	Eachus	Manderino	Schuler
Armstrong	Egolf	Markosek	Scriminti
Baker	Evans	Marsico	Semmel
Bard	Fairchild	Masland	Serafini
Barley	Fargo	Mayemik	Seyfert
Barrar	Feese	McCall	Shaner
Battisto	Fichter	McGeehan	Smith, B.
Bebko-Jones	Fleagle	McGill	Smith, S. H.
Belardi	Flick	McIlhattan	Snyder, D. W.
Belfanti	Gannon	McNaughton	Staback
Benninghoff	Geist	Melio	Stairs
Birmelin	George	Michlovic	Steelman
Bishop	Gigliotti	Micozzie	Steit
Blaum	Gladeck	Mihalich	Stern
Boscola	Godshall	Miller	Stetler
Boyes	Gordner	Mundy	Stevenson
Brown	Gruitza	Myers	Strittmatter
Browne	Gruppo	Nailor	Sturla
Bunt	Habay	Nickol	Surra
Butkovitz	Haluska	O'Brien	Tangretti
Buxton	Hanna	Olasz	Taylor, E. Z.
Caltagirone	Harhart	Oliver	Taylor, J.
Cappabianca	Hasay	Orie	Thomas
Carn	Hennessey	Perzel	Tigue
Carone	Herman	Pesci	Travaglio
Casorio	Hershey	Petrarca	Trello

Cawley	Hess	Petrone	Trich
Chadwick	Horsey	Pettit	True
Civera	Hutchinson	Phillips	Tulli
Clark	Itkin	Pippy	Vance
Clymer	Jadlowiec	Pistella	Van Horne
Cohen, L. I.	James	Platts	Veon
Cohen, M.	Jarolin	Preston	Vitali
Colafrilla	Josephs	Ramos	Walko
Colaizzo	Kaiser	Raymond	Washington
Conti	Keller	Readshaw	Waugh
Cornell	Kenney	Reber	Williams, A. H.
Corpora	Kirkland	Reinard	Williams, C.
Corrigan	Krebs	Rieger	Wilt
Cowell	LaGrotta	Roberts	Wogan
Coy	Laughlin	Robinson	Wojnaroski
Curry	Lawless	Roebuck	Wright, M. N.
Daley	Lederer	Rohrer	Yewcic
Dally	Leh	Rooney	Youngblood
DeLuca	Lescovitz	Ross	Zimmerman
Dempsey	Levdansky	Rubley	Zug
Dent	Lloyd	Sainato	
Dermody	Lucyk	Santoni	Ryan,
DeWeese	Lynch	Sather	Speaker
DiGirolamo			

NAYS-0

NOT VOTING-0

EXCUSED-0

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

**HOUSE SCHEDULE**

The SPEAKER. For the information of the members, I have recommended to the majority leader that we take a break now because amendments that are necessary to continue are not ready for distribution at this time. So we have got to break for lunch and caucus, and I have recommended that we do it at this time.

**REPUBLICAN CAUCUS**

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

Mr. FARGO. Thank you, Mr. Speaker.

The Republican members will caucus immediately; make it 20 after 12 in the caucus room. We plan to reconvene at 2:30.

The SPEAKER. The Republican members will go to their caucus room at 12:20. Apparently, the gentleman, Mr. Fargo, is recommending that lunch be taken after caucus and we return to the floor at 2:30. Is that my understanding ?

**DEMOCRATIC CAUCUS**

The SPEAKER. The gentleman, Mr. Cohen, do you have any announcement of a similar nature ?

Mr. COHEN. Mr. Speaker, the Democrats will caucus immediately in the Democratic caucus room. There is lunch already there. We welcome the attendance of all members to discuss this afternoon's rules discussions.

The SPEAKER. The Chair thanks the gentleman.

Mr. DeWEESE. Mr. Speaker?

The SPEAKER. The gentleman, Mr. DeWeese.

Will the gentleman yield.

The House will come to order. The Democratic floor leader has been recognized.

Mr. DeWEESE. Mr. Speaker, may we have assurance that all amendments to the rules that we will be voting on later today will be available to our caucuses during our caucuses so that we will have a chance to view them there and not for the first time here?

Mr. PERZEL. Mr. Speaker, at this point in time we do not have any of the amendments. So I would assume that the members on the other side of the aisle that have amendments would verbally talk about them in their caucus.

Mr. DeWEESE. The Republican side has no forthcoming amendments?

Mr. PERZEL. We do have several members on our side of the aisle who have discussed having amendments, and I am sure they will bring them up in caucus.

Mr. DeWEESE. But it will be impossible for us, Mr. Speaker, as I address the Chair, to discuss those amendments if they are not made available to us today in the caucus.

The SPEAKER. I would ask that the members of both caucuses who are going to submit amendments to their caucuses in the next hour or so make sure that a copy be delivered to the other caucus room as a simple courtesy. I do not know just what else I can do about it.

Mr. DeWEESE. I understand. I accept that. I would like them sent to the caucus chairman, Mr. Cohen, on our side of the aisle.

The SPEAKER. Well, you are going to be in caucus, so they will be delivered to the caucus room.

### EDUCATION COMMITTEE MEETING

The SPEAKER. The gentleman, Mr. Stairs.

Mr. STAIRS. Thank you, Mr. Speaker.

I would like to remind the Education members that we want to recess the meeting from last week, and hopefully, we can get it all done before we have time to go to caucus. Thank you, Mr. Speaker.

The SPEAKER. Mr. Stairs, when are you reconvening the Education Committee?

Mr. STAIRS. As soon as we break, Mr. Speaker.

Mr. COWELL. Mr. Speaker?

The SPEAKER. Mr. Stairs is asking for an immediate meeting of the Education Committee. That better be a short meeting.

Mr. Cowell.

Mr. STAIRS. Yes; it will be.

Mr. COWELL. Mr. Speaker, if I could ask Representative Stairs to elaborate, my recollection is that—

The SPEAKER. Mr. Cowell, why do you not go over and talk to him, and then—

Mr. COWELL. Well, I am trying to have the other members of the committee benefit from this, Mr. Speaker. My recollection is, we were in the middle of a briefing that could take some period of time, and the Democratic members have been asked to go immediately to caucus. So we have this obvious conflict. Do you have a sense of how long the briefing will continue?

Mr. STAIRS. I hope it will be brief, yes. A short brief.

Mr. COWELL. It will be a brief briefing; okay. And where will that be?

Mr. STAIRS. Room 40 in the East Wing.

Mr. COWELL. Okay. Thank you, Mr. Speaker.

### STATE GOVERNMENT COMMITTEE MEETING

The SPEAKER. The gentleman, Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, immediately at the rear of the hall, a State Government Committee meeting, very briefly. At the rear of the hall, immediately, State Government Committee, for a quick transaction. Thank you.

The SPEAKER. The State Government Committee for a "quick transaction," quote, unquote, in the back of the hall right now, immediately.

### DEMOCRATIC POLICY COMMITTEE MEETING

The SPEAKER. Mr. Veon.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, the Democratic Policy Committee was to meet at the lunch break today. Given that the Democrats will be caucusing at that break, the Policy Committee meeting will be rescheduled for tomorrow. We will call the members' offices to notify them of the time and place. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

### SENATE MESSAGE

#### HOUSE BILL CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 26, PN 30**, with information that the Senate has passed the same without amendment.

### SENATE MESSAGE

#### HOUSE AMENDMENTS CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 178, PN 390**.

### PARLIAMENTARY INQUIRY

The SPEAKER. The gentleman, Mr. Horsey.

Mr. HORSEY. Mr. Speaker, I am just trying to find out, was there a comment relative to HR 54, Mr. Speaker? Did Representative James, Mr. Speaker?

Well, Mr. Speaker, is there going to be an opportunity for folks who were not able to sign HR 54, the African-American resolution—

The SPEAKER. What is your question, Mr. Horsey?

Mr. HORSEY. Mr. Speaker, HR 54, we voted on it. Is that resolution still open for people to sign on? Closed?

The SPEAKER. Yesterday, yesterday, the resolution was held open for additional sponsors. Today it was passed. It is in print. Additional sponsors cannot be added to it once it has been put into print, unless it is amended, but it cannot be amended now because we have already passed it.

Mr. HORSEY. Oh, okay. Thank you, Mr. Speaker.

The SPEAKER. You are quite welcome.

Mr. HORSEY. My comments are on the record, so thank you, Mr. Speaker.

### 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:

#### HB 26, PN 30

An Act providing for alternatives to achieve 180 days of instruction for school districts of the third class affected by flash floods occurring July 19, 1996.

#### SB 178, PN 390

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the number of judges of the courts of common pleas in certain judicial districts and for the number of judges of the Philadelphia Municipal Court and the Philadelphia Traffic Court.

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

### RECESS

The SPEAKER. Do the Republican floor leaders have any further business? Do the Democratic floor leaders have any further business? Any announcements? Do the committee chairmen have announcements? Reports of committees? Corrections of the record?

Hearing none, this House stands in recess until 2:30, unless sooner recalled by the Speaker.

### AFTER RECESS

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

### ETHICS COMMITTEE APPOINTMENTS

The SPEAKER. The Speaker has made the following appointments to the Ethics Committee for the 1997-98 legislative sessions:

J. Scot Chadwick, chairman;  
Sandra Major, secretary;  
Patrick Fleagle; and  
Robert Flick.

Additionally, the Democratic leader has made the following appointments:

William W. Rieger, vice chairman;  
Jeffrey W. Coy;  
Robert C. Donatucci; and  
Michael R. Veon.

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

#### HB 329, PN 357

By Rep. HERSHEY

An Act amending the act of July 28, 1953 (P.L.723, No. 230), known as the Second Class County Code, further providing for the membership of boards of managers for monuments and memorials to war veterans.

VETERANS AFFAIRS AND EMERGENCY  
PREPAREDNESS.

### CALENDAR CONTINUED

### BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 132, PN 268**, entitled:

An Act amending the act of November 6, 1987 (P.L.381, No.79), known as the Older Adults Protective Services Act, adding certain definitions; further providing for reporting, for investigations and for reporting suspected abuse by employees.

On the question,

Will the House agree to the bill on third consideration?

Mrs. VANCE offered the following amendment No. A0122:

Amend Sec. 1 (Sec. 103), page 2, by inserting between lines 12 and 13 "Serious physical injury." An injury that:

(1) causes a person severe pain; or

(2) significantly impairs a person's physical functioning, either temporarily or permanently.

Amend Sec. 3, page 12, by inserting between lines 26 and 27 Section 707. Regulations.

The Department of Aging, the Department of Health and the Department of Public Welfare shall promulgate the regulations necessary to carry out this chapter.

On the question,

Will the House agree to the amendment?

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

Mrs. VANCE. Thank you, Mr. Speaker.

This amendment adds a definition of "Serious physical injury" and also requires the Departments of Aging, Welfare, and Health to work together to promulgate the regulations, and I ask for an affirmative vote.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—203

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

NAYS—0

NOT VOTING—0

EXCUSED—0

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?

Mrs. VANCE offered the following amendment No. A0156:

Amend Sec. 2 (Sec. 503), page 4, lines 2 and 3, by inserting a bracket before "UNDER" in line 2 and after "OFFENSES):" in line 3 and inserting immediately thereafter

of any of the following offenses:

Amend Sec. 2 (Sec. 503), page 4, lines 4 and 5, by striking out the bracket after "MURDER." in line 4 and all of line 5

Amend Sec. 2 (Sec. 503), page 4, lines 27 and 28, by striking out the bracket before "CHAPTER" in line 27 and after "(B)." in line 28

Amend Sec. 2 (Sec. 503), page 5, line 20, by inserting a bracket after "MINORS)." and inserting immediately thereafter

(1) An offense designated as a felony under the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act.

(2) An offense under one or more of the following provisions of 18 Pa.C.S. (relating to crimes and offenses):

Chapter 25 (relating to criminal homicide).

Section 2702 (relating to aggravated assault).

Section 2901 (relating to kidnapping).

Section 2902 (relating to unlawful restraint).

Section 3121 (relating to rape).

Section 3122.1 (relating to statutory sexual assault).

Section 3123 (relating to involuntary deviate sexual intercourse).

Section 3125 (relating to aggravated indecent assault).

Section 3126 (relating to indecent assault).

Section 3127 (relating to indecent exposure).

Section 3301 (relating to arson and related offenses).

Section 3502 (relating to burglary).

Section 3701 (relating to robbery).

A felony offense under Chapter 39 (relating to theft and related offenses) or two or more misdemeanors under Chapter 39.

Section 4101 (relating to forgery).

Section 4114 (relating to securing execution of documents by deception).

Section 4303 (relating to concealing death of child).

Section 4304 (relating to endangering welfare of children).

Section 4305 (relating to dealing in infant children).

Section 4952 (relating to intimidation of witnesses or victims).

Section 4953 (relating to retaliation against witness or victim).

A felony offense under section 5902(b) (relating to prostitution and related offenses).

Section 5903(c) or (d) (relating to obscene and other sexual materials and performances).

Section 6301 (relating to corruption of minors).

Section 6312 (relating to sexual abuse of children).

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the lady.

Mrs. VANCE. Thank you, Mr. Speaker.

This further clarifies those criminal convictions which will preclude an individual from employment and does remove the 10-year window, and I ask for a favorable consideration.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—203

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

NAYS—0

NOT VOTING—0

EXCUSED—0

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

On the question recurring,

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

Mr. BLAUM offered the following amendment No. A0155:

Amend Sec. 2 (Sec. 503), page 4, line 2, by inserting a bracket before "UNDER"

Amend Sec. 2 (Sec. 503), page 4, line 3, by inserting after "OFFENSES):"

J of any of the following offenses:

Amend Sec. 2 (Sec. 503), page 4, line 4, by striking out the bracket after "MURDER."

Amend Sec. 2 (Sec. 503), page 4, line 27, by striking out the bracket before "CHAPTER"

Amend Sec. 2 (Sec. 503), page 4, line 28, by striking out the bracket after "(B)."

Amend Sec. 2 (Sec. 503), page 5, line 20, by inserting a bracket after "MINORS)."

Amend Sec. 2 (Sec. 503), page 5, by inserting between lines 20 and 21

(1) An offense designated as a felony under the act of April 14, 1972 (P.L. 233, No. 64), known as The Controlled Substance, Drug, Device and Cosmetic Act.

(2) An offense under one or more of the following provisions of 18 Pa.C.S. (relating to crimes and offenses):

Chapter 25 (relating to criminal homicide).

Section 2702 (relating to aggravated assault).

Section 2901 (relating to kidnapping).

Section 2902 (relating to unlawful restraint).

Section 3121 (relating to rape).

Section 3122 (relating to statutory rape).

Section 3122.1 (relating to statutory sexual assault).

Section 3123 (relating to involuntary deviate sexual intercourse).

Section 3124.1 (relating to sexual assault).

Section 3125 (relating to aggravated indecent assault).

Section 3126 (relating to indecent assault).

Section 3301 (relating to arson and related offenses).

Section 3502 (relating to burglary).

Section 3701 (relating to robbery).

A felony offense under Chapter 39 (relating to theft and related offenses) or two or more misdemeanors under Chapter 39.

Section 4101 (relating to forgery).

Section 4302 (relating to incest).

Section 4304 (relating to endangering the welfare of children).

Section 4305 (relating to dealing in infant children).

Section 4953 (relating to retaliation against a witness or victim).

A felony offense under section 5902(b) (relating to prostitution and related offenses).

Section 5903(c) or (d) (relating to obscene and other sexual materials and performances).

Section 6301 (relating to corruption of minors).

Section 6312 (relating to sexual abuse of children).

On the question,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

The SPEAKER. The gentleman, Mr. Blaum, withdraws that amendment.

On the question recurring,

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



Mr. VEON offered the following amendment No. A0160:

Amend Sec. 2, page 2, line 21, by inserting after "SECTIONS"  
301(b),

Amend Sec. 2, page 2, by inserting between lines 23 and 24  
Section 301. Duties of department and area agencies on aging.  
\* \* \*

(b) [Staff training.—The] Staffing for prevention of abuse.—

(1) The department shall establish minimum standards of training and experience which protective services providers funded by the department shall be required to follow in the selection and assignment of staff for the provision of protective services.

(2) Long-term care facilities, as defined under the act of July 19, 1979 (P.L. 130, No. 48), known as the Health Care Facilities Act, shall maintain two and one-half hours of general nursing care per each 24-hour period for each patient in the facility. The department shall enforce this provision.  
\* \* \*

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes Mr. Veon.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, if you read the language of the amendment, I think that some members would suggest that we are attempting to deal with some minor details and minutia of the law that governs how many nurses we ought to have in nursing homes in the State of Pennsylvania, and I would like to characterize my amendment as simply as I can.

The intent or the intention of this amendment is to increase the number of nursing hours and, ultimately, the number of nurses that take care of the elderly in nursing homes in the State of Pennsylvania. The Ridge administration over the last year, I think, as some of us are well aware, has made some significant changes to the way nursing homes are reimbursed in Pennsylvania, and there has been a lot of debate and discussion within the nursing-home industry about whether those changes are positive or negative.

The one change that I have taken issue with is the change to reduce the number of nursing hours required in the nursing homes, and to make a long story short, they reduced it to 2.3 hours. In my amendment, what I would attempt to do is make it 2.5 hours, and ultimately, my belief is that we would require more nurses at the nursing home.

I know that some members on both sides of the aisle over the last few years had participated in a program that I did, and that program was to literally go to nursing homes to meet with the staff, to in some cases even work right alongside with the staff. And I think that any one of us who took that opportunity over the last few years to go into those nursing homes would immediately recognize that there is a tremendous staff shortage in most nursing homes on most shifts on any given day, and that ultimately, I really would like the legislature, I hope, to speak on this issue and set stronger standards for the number of nurses that we have in nursing homes in the State of Pennsylvania, and I would ask for an affirmative vote.

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

Mrs. VANCE. Thank you, Mr. Speaker.

As a former charge nurse in a nursing home, I have an intense and longtime interest in this issue. I rise to oppose this amendment for the following reasons.

First of all, the way the amendment is drafted, the Department of Aging is responsible for doing this, and so we are calling into effect the lottery funds. There is already in place that the Department of Health can increase the number of nursing personnel if it is indicated by the need for the welfare, health, or safety of the patients.

We have many questions about what is general nursing care. We have many different levels now. In fact, we have 44 different levels. So exactly what are we talking about? I think that the ability to change the number of nurses in a home is already existing, and I think what we are really talking about in the proposed amendment is a labor-management dispute, and I think this is something not to be resolved.

We are here to talk about preventing abuse in the elderly, and I ask for a negative vote.

The SPEAKER. The Chair thanks the lady.

On the question, does the gentleman, Mr. Veon, desire further recognition?

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, I know that the gentlelady, Representative Vance, has put a lot of time and effort into this issue and really has done a good job of bringing this issue, her particular issue, to the floor.

I just want to say again that I understand that her desire in this bill is to prevent abuse in nursing homes, and that part of the abuse in nursing homes, in my opinion anyhow, over the last 4 or 5 years, in some cases, is a direct result of lack of adequate care in those nursing homes. And I really do believe that it is a role of this legislature to determine, for the administration and ultimately for the nursing homes that we license under a law that this legislature passes, to determine what kind of quality care we are going to have there, and I just have a sincere and firm belief that part of that quality-care equation ought to be how many nurses we have in these nursing homes.

I think this is a legitimate issue for this legislature and would ask for an affirmative vote. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The lady, Mrs. Vance, for the second time on the issue.

Mrs. VANCE. Just as a quick repeat, Mr. Speaker, thank you.

The number of nurses does not prevent abuse. What we have to have is this legislation which puts into effect that one must report abuse. This is talking about mandatory reporting of abuse with whistle-blower protection.

I thank you and ask for a negative vote.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—101

Battisto	Donatucci	Lucyk	Sainato
Bebko-Jones	Eachus	Manderino	Santoni
Belardi	Evans	Markosek	Scrimenti
Belfanti	George	Mayernik	Shaner
Bishop	Gigliotti	McCall	Staback

Blaum	Gordner	McGeehan	Steelman
Boscola	Gruitza	Melio	Stetler
Butkovitz	Haluska	Michlovic	Sturla
Buxton	Hanna	Mihalich	Surra
Caltagirone	Hasay	Mundy	Tangretti
Cappabianca	Horsey	Myers	Thomas
Carn	Itkin	Olasz	Tigue
Casorio	James	Oliver	Travaglio
Cawley	Jarolin	Pesci	Trello
Cohen, M.	Josephs	Petrarca	Trich
Colaifella	Kaiser	Petrone	Van Home
Colaizzo	Keller	Pistella	Veon
Corpora	Kirkland	Preston	Vitali
Corrigan	LaGrotta	Ramos	Walko
Cowell	Laughlin	Readshaw	Washington
Coy	Lawless	Rieger	Williams, A. H.
Curry	Lederer	Roberts	Williams, C.
Daley	Lescovitz	Robinson	Wojnaroski
DeLuca	Levdansky	Roebuck	Yewcic
Dermody	Lloyd	Rooney	Youngblood
DeWeese			

NAYS-102

Adolph	Druce	Major	Schuler
Allen	Egolf	Marsico	Semmel
Argall	Fairchild	Masland	Serafini
Armstrong	Fargo	McGill	Seyfert
Baker	Feese	McIlhatten	Smith, B.
Bard	Fichter	McNaughton	Smith, S. H.
Barley	Fleagle	Micozzie	Snyder, D. W.
Barrar	Flick	Miller	Stairs
Benninghoff	Gannon	Nailor	Steil
Birmelin	Geist	Nickol	Stern
Boyes	Gladeck	O'Brien	Stevenson
Brown	Godshall	Orie	Strittmatter
Browne	Gruppo	Perzel	Taylor, E. Z.
Bunt	Habay	Pettit	Taylor, J.
Carone	Harhart	Phillips	True
Chadwick	Hennessey	Pippy	Tulli
Civera	Herman	Platts	Vance
Clark	Hershey	Raymond	Waugh
Clymer	Hess	Reber	Wilt
Cohen, L. I.	Hutchinson	Reinard	Wogan
Conti	Jadlowiec	Rohrer	Wright, M. N.
Cornell	Kenney	Ross	Zimmerman
Dally	Krebs	Rubley	Zug
Dempsey	Leh	Sather	
Dent	Lynch	Saylor	Ryan, Speaker
DiGirolamo	Maitland	Schroder	

NOT VOTING-0

EXCUSED-0

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 as amended?

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS-203

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

NAYS-0

NOT VOTING-0

EXCUSED-0

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

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

\* \* \*

The House proceeded to third consideration of **HB 89, PN 267**, entitled:

An Act providing for supervision of child-care facilities; conferring powers and duties on the Department of Public Welfare; and making a repeal.

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

Ms. **WASHINGTON** offered the following amendment No. **A0137**:

Amend Sec. 301, page 3, line 6, by inserting after "APPROPRIATE."  
The department shall annually inspect at least 25% of all registered family day-care homes.

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

The **SPEAKER**. The Chair recognizes the lady, Ms. Washington.

Ms. **WASHINGTON**. Thank you, Mr. Speaker.

Amendment 0137 requires the Department of Public Welfare to annually inspect at least 25 percent of all family day-care homes.

Currently, there are 3,860 registered family day-care homes in our State. However—

The **SPEAKER**. The lady will yield.

Would the sound technician— Would the lady get closer to that microphone.

Ms. **WASHINGTON**. Yes, Mr. Speaker.

The **SPEAKER**. Very good; thank you.

Ms. **WASHINGTON**. Thank you, Mr. Speaker.

Amendment 0137 to **HB 89** requires the Department of Public Welfare to annually inspect at least 25 percent of all family day-care homes.

Currently, there are 3,860 registered family day-care homes in our State. However, the Public Welfare Code as currently written does not require the department to inspect these homes annually. The department is authorized to inspect the homes on a random-sample basis. This random sampling typically has been 5 percent of the homes. At this rate, this means that a family day-care home is only inspected once every 20 years. My recommendation is for the State to inspect at least 25 percent of these homes every year, which means that every home would be inspected at least once every 4 years and not every 20 years.

There are about 27,000 children unrelated to family day-care providers who are currently receiving child care in these homes, not counting the provider's own children and children who are relatives of the provider.

Last session, the House members adopted the same amendment to Mr. Godshall's previous day-care bill, **HB 2191**, which resembles the bill we are discussing today, **HB 89**. That amendment to require annual inspections for 25 percent of all day-care homes was adopted with strong bipartisan support — a vote of 177 to 19. This fiscal note that was provided to me at this time indicates the annual cost to be \$289,000 to the department for

additional staff and related travel and support expenses to fulfill this amendment.

Mr. Speaker, I ask that my colleagues on both sides of the aisle support this amendment because it is important to me, because I had a grandson who died in a family day-care facility, a facility that had been in existence for over 20 years and had never been inspected. So this is real personal to me, so I ask your support.

The **SPEAKER**. The gentleman, Mr. Godshall.

Mr. **GODSHALL**. Thank you, Mr. Speaker.

I rise to oppose this amendment.

I have talked to **DPW**, the Department of Public Welfare, on this issue. Presently, they are doing about 10 percent of these homes on a yearly basis. Every time there is a complaint on any one of these homes, the Department of Public Welfare goes out and checks that home. They feel that what they are doing is adequate, that we can hire a multitude more of inspectors, but basically what they are doing now is sufficient for inspection of these individual homes.

So we are talking about the homes, at this point, that have children in from four to six. There are four to six in number, and they are in somebody's individual home. If there is any kind of complaint at all — a family member, whoever — **DPW** goes out and checks. Other than that, they do about 10 percent of these homes in a given year.

I ask for the defeat of this amendment.

Ms. **WASHINGTON**. Mr. Speaker, that is one in 10 years—

The **SPEAKER**. The lady will yield. The lady has not been recognized.

Ms. **WASHINGTON**. I am sorry, Mr. Speaker.

The **SPEAKER**. The gentleman, Mr. Blaum.

Mr. **BLAUM**. Thank you, Mr. Speaker.

Mr. Speaker, we are here today with the Godshall bill, which is a great piece of legislation which passed last session, and when it did pass the House last session it had this amendment in it, because this bill is about safety for kids in these day-care facilities. And I really take issue; I do not believe that the Department of Welfare even gets near 10 percent of inspections in these types of facilities, and that is what a large part of this bill is about.

What we have to remember is, with Representative Washington's amendment, it means that only a quarter of all of these facilities will be inspected, that it will take 4 years before all of these family day-care facilities receive a visit from an inspector. Mr. Speaker, we are not even asking for— In this amendment, they are not even unannounced.

So this is a reasonable amendment. It should be adopted. It was last session by the House in an overwhelming vote, and I would ask that the members approve Representative Washington's amendment.

The **SPEAKER**. Ms. Washington, would you like to be recognized now or last ?

Ms. **WASHINGTON**. Last.

The **SPEAKER**. The lady, Ms. Manderino.

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

I, too, rise briefly to support the Washington amendment.

I understood the explanation given by one of the prior speakers as to why he is opposed, but if you really sit there and think about the numbers, I hope that you will realize that the Washington amendment makes a lot of practical sense.

Even assuming that the department is now doing 10 percent and not 5 percent inspections, we are still talking about, given the current number of slots, a visit, on average, once every 10 years. Compound that with the increased budget proposal — which I applaud the Governor, by the way, for having made for this coming fiscal year — the increased demand that we are going to have for child care, the increased number of child-care slots that the State is going to have to provide and be responsible for overseeing, and you will see that number expand exponentially, and to have those slots be expanded in light of the very low level of inspection and compliance we have in this State now is a shame.

Finally, while the gentleman is correct that if you call with a complaint you will get an inspection, unfortunately, often that is after the fact. Often the complaint comes after a horrendous incident has happened. Whether it is a horrendous incident like Representative Washington spoke of where, sadly, her grandchild did not live as a result of the incident, or it is incidents that we have had in the Pittsburgh or Philadelphia area where children also lost their lives because of the neglect at a family day-care or other day-care home, to allow that to continue to happen, I think, is a shame. To ask for some reasonable enforcement by our department at a rate that will really help prevent these things happening in the future really makes a lot of sense.

I think we should support Representative Washington's amendment and support it unanimously. Thank you.

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

Mr. GODSHALL. Thank you, Mr. Speaker.

I know this is a difficult argument, and as I said before, we did confer with the Department of Public Welfare, who felt that this amendment was not necessary. They have the opportunity now of going in and doing the inspections. They are doing about 10 percent, plus anyone that they have a complaint over.

However, in light of what is happening here — yes, as I did before — I will reluctantly agree to this amendment. I am not saying that it is not a good amendment, but I am not sure that it is cost effective. I guess if it saves a few lives, it will be cost effective. But also, I am not sure what is going to happen over in the Senate. The bill that we have before us today is the one that was approved in the Senate, by the administration, and by this House. So I will agree to this amendment.

The SPEAKER. The Chair thanks the gentleman.

Does the lady, Ms. Bishop, desire recognition?

Ms. BISHOP. Thank you, Mr. Speaker.

Mr. Speaker, I, too, rise to support the Washington amendment.

Even 25 percent of the homes being inspected in the Philadelphia area is not enough. And it is true that they are doing about 10 percent, and oftentimes when you call them, they will go out and check a house. But as one of the previous speakers said, whenever they go out to check, it is always too late; it is as a result of some life having been lost. And it is important that we put into law something that will start to save some of the children's lives that are in these day cares, and I believe that amendment would be on the way. It will not be all we need, but it certainly will take us far from where we are.

So I ask everyone to please support the Washington amendment. Thank you.

The SPEAKER. The gentleman, Mr. Trello.

Mr. TRELLO. Mr. Speaker, I, too, rise to support the amendment.

I do not think we in this General Assembly, as responsible citizens, can put a price tag on the health, safety, and welfare of our children in these nursing homes. They are talking about 10 percent. The lady is talking about 25 percent. Why do we not inspect them all? I mean, they answer all the complaints. That is after the fact; that is after the fact. That is after a child dies or gets seriously injured. Why can we not have a system here on prevention rather than acting on something after the fact?

I think it is a very good amendment, one that we as responsible legislators should be concerned about, and we should vote "yes" for this amendment. Thank you, Mr. Speaker.

The SPEAKER. On the question, Ms. Washington? Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—203

Adolph	Donatucci	Maitland	Saylor
Allen	Druce	Major	Schroder
Argall	Eachus	Manderino	Schuler
Armstrong	Egolf	Markosek	Scrimenti
Baker	Evans	Marsico	Semmel
Bard	Fairchild	Masland	Serafini
Barley	Fargo	Mayernik	Seyfert
Barrar	Feese	McCall	Shaner
Battisto	Fichter	McGeehan	Smith. B.
Bebko-Jones	Fleagle	McGill	Smith. S. H.
Belardi	Flick	McIlhattan	Snyder. D. W.
Belfanti	Gannon	McNaughton	Staback
Benninghoff	Geist	Melio	Stairs
Birmelin	George	Michlovic	Steelman
Bishop	Gigliotti	Micozzie	Steil
Blaum	Gladeck	Mihalich	Stern
Boscota	Godshall	Miller	Stetler
Boyes	Gordner	Mundy	Stevenson
Brown	Gruitza	Myers	Strittmatter
Browne	Gruppo	Nailor	Sturla
Bunt	Habay	Nickol	Surra
Butkovitz	Haluska	O'Brien	Tangretti
Buxton	Hanna	Olasz	Taylor. E. Z.
Caltagirone	Harhart	Oliver	Taylor. J.
Cappabianca	Hasay	Orie	Thomas
Cam	Hennessey	Perzel	Tigue
Carone	Herman	Pesci	Travaglio
Casorio	Hershey	Petrarca	Trello
Cawley	Hess	Petrone	Trich
Chadwick	Horsey	Pettit	True
Civera	Hutchinson	Phillips	Tulli
Clark	Itkin	Pippy	Vance
Clymer	Jadlowiec	Pistella	Van Horne
Cohen. L. I.	James	Platts	Veon
Cohen. M.	Jarolin	Preston	Vitali
Colafella	Josephs	Ramos	Walko
Colaizzo	Kaiser	Raymond	Washington
Conti	Keller	Readshaw	Waugh
Cornell	Kenney	Reber	Williams. A. H.
Corpora	Kirkland	Reinard	Williams. C.
Corrigan	Krebs	Rieger	Wilt
Cowell	LaGrotta	Roberts	Wogan
Coy	Laughlin	Robinson	Wojnaroski
Curry	Lawless	Roebuck	Wright. M. N.
Daley	Lederer	Rohrer	Yewcic
Dally	Leh	Rooney	Youngblood
DeLuca	Lescovitz	Ross	Zimmerman
Dempsey	Levdansky	Ruble	Zug

Dent	Lloyd	Sainato	
Dermody	Lucyk	Santoni	Ryan,
DeWeese	Lynch	Sather	Speaker
DiGirolamo			

NAYS-0

NOT VOTING-0

EXCUSED-0

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?

Ms. WASHINGTON offered the following amendment No. A0173:

Amend Title, page 1, line 3. by inserting after "Welfare;" making an appropriation:

Amend Bill, page 7. by inserting between lines 14 and 15 Section 5101. Appropriation.

The sum of \$187,000, or as much thereof as may be necessary, is hereby appropriated to the Department of Public Welfare for the fiscal year July 1, 1996, to June 30, 1997, for additional staff for inspecting child day-care programs.

Amend Sec. 5101, page 7, line 15. by striking out "5101" and inserting 5102

Amend Sec. 5102, page 7, line 19. by striking out "5102" and inserting 5103

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

The SPEAKER. On the amendment, the Chair recognizes the lady, Ms. Washington.

Ms. WASHINGTON. Thank you, Mr. Speaker.

Amendment A0173 to HB 89 provides for an appropriation of \$187,000 to the Department of Public Welfare for the purpose of hiring additional inspectors for day-care programs.

Currently the department has a staff complement of 49 individuals who license day-care centers and group day-care homes. Of that number, seven staff are used for random visits and complaint visits to family day-care homes. With additional funding, I believe that the State can do a more effective job following up on inspections in all day-care programs.

There are a total of 7,816 day-care programs that are subject to some type of inspection and approval by the Department of Public Welfare. This includes 3,334 centers, 622 group day-care homes, and 3,860 family day-care homes. These statistics come from the Department of Public Welfare and are based on data from December 1996.

The annual cost for this expansion would be \$748,000. Since the amendment covers the remaining 4 months of the 1996-97 fiscal year, I am proposing that we appropriate \$187,000 to begin the hiring of the needed inspectors.

I hope that my colleagues on both sides of the aisle will join me and give me a positive vote on this amendment. Thank you.

The SPEAKER. The gentleman, Mr. Godshall.

Mr. GODSHALL. Again, the Department of Welfare feels they have adequate inspectors, but I am not going to oppose this amendment.

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

The following roll call was recorded:

YEAS-203

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

NAYS-0

NOT VOTING-0

EXCUSED-0

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

On the question recurring,

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

Mr. **BLAUM** offered the following amendment No. **A0144**:

Amend Bill, page 7, by inserting between lines 9 and 10 Section 305. Criminal and child abuse history.

An individual who directly provides child care services which are subsidized by Federal or Commonwealth funds but who is not otherwise subject to approval or licensure under Article IX or X of the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, shall submit to the department criminal and child abuse history information as set forth in 23 Pa.C.S. § 6344(b) (relating to information relating to prospective child-care personnel). The department shall refuse to authorize the use of Federal or Commonwealth funds for child care if the department verifies that any of the following apply to an individual providing the child care:

(1) The individual is named in the Statewide central register of child abuse as the perpetrator of a "founded report" or a "founded report for school employee," as defined in 23 Pa.C.S. § 6303 (relating to definitions), for an action which took place within the five-year period immediately preceding verification under this section.

(2) *The individual has been convicted of an offense set forth in 23 Pa.C.S. § 6344(c).*  
Amend Sec. 305, page 7, line 10, by striking out "305" and inserting 306

On the question,

Will the House agree to the amendment?

#### AMENDMENT WITHDRAWN

The **SPEAKER**. On the Blaum amendment, the Chair recognizes the gentleman.

Mr. **BLAUM**. Thank you, Mr. Speaker.

Mr. Speaker, I believe I am withdrawing the amendment A0144, replacing it with A0175, which is just a technical correction in that amendment.

On the question recurring,

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

Mr. **BLAUM** offered the following amendment No. **A0175**:

Amend Sec. 304, page 7, line 5, by inserting after "EMPLOYEE"  
: or

Amend Sec. 304, page 7, lines 6 and 7, by striking out all of said lines  
Amend Bill, page 7, by inserting between lines 9 and 10

Section 305. Criminal and child abuse history.

An individual who directly provides child care services which are subsidized by Federal or Commonwealth funds but who is not otherwise subject to approval or licensure under Article IX or X of the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, shall submit to the department criminal and child abuse history information as set forth in 23 Pa.C.S. § 6344(b) (relating to information relating to prospective child-care personnel). The department shall refuse to authorize the use of Federal or Commonwealth funds for child care if the

department verifies that any of the following apply to an individual providing the child care:

(1) The individual is named in the Statewide central register of child abuse as the perpetrator of a "founded report" or a "founded report for school employee," as defined in 23 Pa.C.S. § 6303 (relating to definitions).

(2) The individual has been convicted of an offense set forth in 23 Pa.C.S. § 6344(c).

Amend Sec. 305, page 7, line 10, by striking out "305" and inserting 306

On the question,

Will the House agree to the amendment?

The **SPEAKER**. The Chair recognizes the gentleman, Mr. Blaum.

Mr. **BLAUM**. Thank you, Mr. Speaker.

Mr. Speaker, amendment A0175, what it calls for is that workers who would go to work in unregulated day-care facilities would have to get a child abuse clearance background check as well as a criminal background check before they would be eligible to work in these unregulated facilities. That is with three or less, three or fewer, children who are unrelated to the caregiver. So you could have an unregulated day-care facility with, you know, five or six children as long as at least no more than three were unrelated to the caregiver.

The money that is providing this day care does come from Federal and Commonwealth funds, and if we are going to be supplying the dollars, I think therefore we have an implicit responsibility to guarantee to the parents who would drop their children off on a daily basis at an unregulated family day-care facility to at least ensure that the people working there had passed the child abuse clearance background checks and the criminal background checks.

So I would ask the members for an affirmative vote on this amendment, Mr. Speaker.

The **SPEAKER**. The gentleman, Mr. Godshall.

Mr. **GODSHALL**. Thank you, Mr. Speaker.

This amendment would have a serious impact on possibly your family, your neighbors, and your friends.

Presently choices available to low-income families, what they have as choices as far as day care is usually another family member — a mother, an aunt, a grandmother — or a neighbor. There are transportation problems. We are talking about a neighbor and a relative care facility, which is usually one to three children.

What we are saying with this amendment is, even though your mother cared for your children for the last 10 years, your mother is going to have to go and get a criminal and child abuse background check, both of them. If this is what we want, we can affect approximately — possibly would be affecting 300,000 people in this State.

DPW has said to me and to others that there has been no problem, no problem at all, with a neighbor or relative care facility. But subjecting every one of these people who does it — whether it is your grandmother, as I said, your mother, your aunt, or whoever — you are going to ask them to get this background check.

Well, what is this going to do? With the amount of people that are involved here, it is going to create a massive backlog.

One of the things that it could have a real serious effect on is welfare reform as we know it today. A lot of these people are required to take jobs. A lot of the jobs that a lot of these people probably will take are to provide a neighbor or relative care facility. This is what they can do. But they are going to have to do it today or tomorrow. They are not going to have to do it 3, 4, 5, or 6 months down the road. And if you are going to require approximately, as I said, up to 300,000 people to do these background checks, you are going to have a tremendous backlog.

Presently, presently, we have to meet a Federal statutory requirement. Failure to meet, for temporary assistance for needy families, work participation rates, under new welfare reform, could result in penalties to the State of Pennsylvania totaling \$36 million. If we are going to cause a problem with welfare reform, this is one of the ways that we are going to do it.

I ask for a negative vote on this amendment.

The SPEAKER. The Chair thanks the gentleman.

Does the gentleman, Mr. Rooney, desire recognition? The gentleman is recognized.

Mr. ROONEY. Thank you, Mr. Speaker.

I have a great deal of admiration for my colleague, Mr. Godshall, but I can only believe that I misheard him when he suggested that what we are asking for are these background checks for low-income families, and then the analogy he used, I think, is the exception more than the rule.

Regardless of your means or your income, our children deserve, whether or not their families receive public assistance, to be ensured that when they are dropped off in the morning, they are going to be cared for in a safe environment by people who are qualified to care for those kids. That standard should be no different for any of us in this room; it should be no different for anybody from a low-income household.

So I would respectfully ask that the gentleman rethink his statements relative to low-income families, and I would ask my colleagues on both sides of the aisle just to do the right thing. It could be your kids — they would not be, but they could be — and think about that. Think about what it would feel like to drop your child off at a facility and have them cared for by somebody who did not pass a perfunctory background check.

I urge my colleagues on both sides for an affirmative vote on the Blaum amendment.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, I would like to interrogate the gentleman, Mr. Godshall.

The SPEAKER. The gentleman indicates he will stand for interrogation. You may begin.

Mr. LLOYD. Mr. Speaker, I am not familiar with all of the different categories, but am I correct that the people who are the targets of this amendment are people who have fewer than four children at a time?

Mr. GODSHALL. From one to three.

Mr. LLOYD. One to three. So fewer than four.

Now—

Mr. GODSHALL. And they are not licensed and registered; they are not licensed by the State of Pennsylvania or registered by the State of Pennsylvania.

Mr. LLOYD. Now, my question is that you said there are 300-and-some thousand providers like this in the Commonwealth. Is that correct?

Mr. GODSHALL. That was an estimate that was given.

Mr. LLOYD. And are those 300,000 people all providing services to someone who is getting a subsidy?

Mr. GODSHALL. The answer— Yes; they are low-income programs.

Mr. LLOYD. The reason I asked this is, I have familiarity in my hometown with people who do this kind of thing. I have an aunt who used to do that. I certainly was not aware that she was taking care of anyone's child who was getting any kind of a subsidy, and that is why I am just trying to get a handle on how broad this amendment really is.

You are saying that there are 300,000 providers who have at least one child who is getting subsidized day care. Is that correct?

Mr. GODSHALL. I do not think there is a direct handle on that. I was given a total, that it could affect up to 300,000 individuals.

Mr. LLOYD. And how is that money paid? Is that money paid to the parent, or is the money paid to the provider?

Mr. GODSHALL. To the parent.

Mr. LLOYD. To the parent.

And then when the parent gets the money, he has to report to the State how he spent that money?

Mr. GODSHALL. Yes, and they pay the provider.

Mr. LLOYD. And so presumably, if this amendment passed, the State would say, you are not allowed to spend the money with that particular provider because that provider has a bad criminal record.

Mr. GODSHALL. That is right, or does not have a background check. The way this amendment is written, if there is no background check, they cannot use that provider, whether they have been in business 20 years or 25, whether it is your aunt or your mother.

Mr. LLOYD. So that one of the alternatives that a provider would have, if he or she does not want to spend the money to get a background check, is just to stop taking people who are in subsidized day care.

Mr. GODSHALL. That is exactly right, and it would probably create a lot of hardship for a lot of people.

Mr. LLOYD. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman, Mr. Blaum, for the second time.

Mr. BLAUM. Thank you, Mr. Speaker.

Once again I ask the members for an affirmative vote.

Again, we are talking about family day-care facilities. When we talk about the number of three or four, what that is, is unrelated to the caregiver. There could be as many as eight or nine in a facility. And what the employees would have to do is to produce a child abuse background check as well as a criminal background check report.

These reports are easily obtained and at a relatively minimal cost of about \$10. Certainly, I do not believe that that is too much to ask to make sure that people who drop their children off are going to places where there is not somebody who has already been found to be a perpetrator of abuse or to have committed a crime. We just saw recently in the local papers here where somebody at one of our youth development centers was found to have done just that, in violation of a law which this chamber passed a few years ago, which was something good, which required those kinds of

checks, and they allowed this person to come in before that law was adopted, and everybody has a lot of egg on their face now because of it.

I think that this amendment is now before us, and we do not want to be there that day when something goes wrong but for the fact that we did not pass this amendment which required a particular worker to be researched to see if they had a child abuse background check. And if they do not, they can go to work in these facilities. If they do, I do not think there is anybody in this room who believes that they should be allowed to care for children, to be paid for by taxpayers' dollars, both Federal and State.

And it is the fact of those Federal and State dollars that brings me to the point of offering this amendment. If we are going to pay for it, we the taxpayers are going to pay for it, then I think we should at least insist that the people who provide this care to the children have not had a history of abuse or criminal activity, and I ask the members for an affirmative vote.

The SPEAKER. The Chair thanks the gentleman.

On the question, the gentleman, Mr. Godshall, for the second time.

Mr. GODSHALL. There are a number of things that have to be taken into consideration. When we did the elder bills, we required the background checks. I am not at all convinced that the State Police can handle, can begin to handle this kind of volume as far as background checks.

DPW has said time and time again to me that this type, the relative/neighbor care, has not been a problem in Pennsylvania. It has been with us for 50 to 100 years exactly the way it is. What do other States do as far as relative/neighbor care? New York? New Jersey? Maryland? None of them require background checks. For 100 years we have not required background checks in this field in Pennsylvania.

So I am asking for a negative vote.

And one other point; one other point: For a lot of families, for a lot of families, this type of relative/neighbor care is the only option that they have because of transportation problems. They have got to drop their daughter or son off at the neighbor's house. They have no other transportation.

So again I am asking for a negative vote on this amendment.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS-108

Bartisto	Donatucci	Markosek	Santoni
Bebko-Jones	Eachus	Mayernik	Schroder
Belardi	Evans	McCall	Scrimenti
Belfanti	George	McGeehan	Serafini
Bishop	Gigliotti	Melio	Shaner
Blaum	Gordner	Michlovic	Staback
Boscola	Gruitza	Mihalich	Steelman
Butkovitz	Habay	Mundy	Stetler
Buxton	Haluska	Myers	Sturla
Caltagirone	Hanna	Olasz	Surra
Cappabianca	Hasay	Oliver	Tangretti
Carn	Horsely	Pesci	Thomas
Casorio	Itkin	Petrarca	Tigue

Cawley	James	Petrone	Travaglio
Cohen, M.	Jarolin	Pettit	Trello
Colafrilla	Josephs	Pippy	Trich
Colaizzo	Kaiser	Pistella	Van Horne
Corpora	Keller	Platts	Veon
Corrigan	Kirkland	Preston	Vitali
Cowell	LaGrotta	Ramos	Walko
Coy	Laughlin	Readshaw	Washington
Curry	Lederer	Rieger	Williams, A. H.
Daley	Lescovitz	Roberts	Williams, C.
DeLuca	Levdansky	Robinson	Wogan
Dent	Lloyd	Roebuck	Wojnaroski
Dermody	Lucyk	Rooney	Yewcic
DeWeese	Manderino	Sainato	Youngblood

NAYS-94

Allen	Druce	Lynch	Schuler
Argall	Egolf	Maitland	Semmel
Armstrong	Fairchild	Major	Seyfert
Baker	Fargo	Marsico	Smith, B.
Bard	Feese	Masland	Smith, S. H.
Barley	Fichter	McGill	Snyder, D. W.
Barrar	Fleagle	McIlhattan	Stairs
Benninghoff	Flick	McNaughton	Steil
Birmelin	Gannon	Micozzie	Stern
Boyes	Geist	Miller	Stevenson
Brown	Gladeck	Nailor	Strittmatter
Browne	Godshall	Nickol	Taylor, E. Z.
Bunt	Gruppo	O'Brien	Taylor, J.
Carone	Harhart	Orie	True
Chadwick	Hennessey	Perzel	Tulli
Civera	Herman	Phillips	Vance
Clark	Hershey	Raymond	Waugh
Clymer	Hess	Reber	Wilt
Cohen, L. I.	Hutchinson	Reinard	Wright, M. N.
Conti	Jadlowiec	Rohrer	Zimmerman
Cornell	Kenney	Ross	Zug
Dally	Krebs	Rublely	
Dempsey	Lawless	Sather	Ryan, Speaker
DiGirolamo	Leh	Saylor	

NOT VOTING-1

Adolph

EXCUSED-0

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

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

Mr. VEON offered the following amendment No. A0157:

Amend Sec. 302, page 4, line 12, by inserting after "and"  
toll-free

Amend Sec. 302, page 4, lines 13 and 14, by striking out "additional information about the license" in line 13 and all of line 14 and inserting the following:

(i) Additional information about the license or certificate for the facility.

(ii) Free copies of the documents set forth under subparagraph (i).



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

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

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, we had been having a relatively minor disagreement with the gentleman, Mr. Godshall, over some of the language and what the intention was in this bill, and I think the gentleman, Mr. Godshall, has agreed that with just a couple of questions, we ought to be able to dispense of these amendments very quickly.

Mr. Speaker, it was my intention in my amendment to make sure that we had a toll-free telephone number and also that the consumers would be able to get free of charge from the Department of Public Welfare information such as license of certificate, recent on-site inspection report, any notice violations, et cetera. And that was my intention, Mr. Speaker, and my understanding is that that is the intention of the sponsor of the bill.

I would ask the gentleman, Mr. Godshall, if he could comment on that.

Mr. GODSHALL. That is exactly right. There is presently a toll-free telephone service in each of the regional offices, and the inspection reports, violations, et cetera, are to be made available to the public. In fact, we are asking, with this legislation, that all those reports are posted publicly in each facility. So the answer is yes.

AMENDMENT WITHDRAWN

Mr. VEON. I thank the gentleman and thank him for his work on this issue and appreciate his help in clarifying the language in this bill, and I would like to withdraw this amendment at this time. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally ?

The gentleman, Mr. DeLuca.

Mr. DeLUCA. Thank you, Mr. Speaker.

I just want to thank Representative Godshall for including my legislation that passed last year pertaining to criminal background checks for these family day-care centers. It will go a long way in securing safety for our children in the Commonwealth.

And I just want to thank you very much, Mr. Speaker. Thank you.

On the question recurring,

Shall the bill pass finally ?

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

YEAS—203

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

NAYS—0

NOT VOTING—0

EXCUSED—0

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

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

**RULES COMMITTEE MEETING**

The SPEAKER. The Chair recognizes the majority leader, who calls for an immediate meeting of the Rules Committee at his desk.

**RESOLUTIONS REPORTED FROM COMMITTEE**

**HR 45, PN 368** By Rep. PERZEL

A Resolution requesting the United States Department of Agriculture to initiate action to ensure a more stable and predictable Basic Formula Price.

RULES.

**HR 52, PN 452** By Rep. PERZEL

A Concurrent Resolution proclaiming the Kids Interacting Drug-free Coalition and the Teen Anti-drug Coalition as dynamic youth-empowerment educational models against alcohol, tobacco and other drugs; and encouraging all schools and school districts in this Commonwealth to enter into planning and commitment stages to implement these models within their schools and school districts.

RULES.

**SUPPLEMENTAL CALENDAR C**

**RESOLUTIONS**

Mr. BUNT called up **HR 45, PN 368**, entitled:

A Resolution requesting the United States Department of Agriculture to initiate action to ensure a more stable and predictable Basic Formula Price.

On the question,  
Will the House adopt the resolution ?

The following roll call was recorded:

**YEAS-203**

Adolph	Donatucci	Maitland	Saylor
Allen	Druce	Major	Schroder
Argall	Eachus	Manderino	Schuler
Armstrong	Egolf	Markosek	Scrimenti
Baker	Evans	Marsico	Semmel
Bard	Fairchild	Masland	Serafini
Barley	Fargo	Mayernik	Seyfert
Barrar	Feese	McCall	Shaner
Battisto	Fichter	McGeehan	Smith, B.
Bebko-Jones	Fleagle	McGill	Smith, S. H.
Belardi	Flick	McIlhattan	Snyder, D. W.
Belfanti	Gannon	McNaughton	Staback
Benninghoff	Geist	Melio	Stairs
Birmelin	George	Michlovic	Steelman
Bishop	Gigliotti	Micozzie	Steil
Blaum	Gladeck	Mihalich	Stern
Boscola	Godshall	Miller	Stetler
Boyes	Gordner	Mundy	Stevenson
Brown	Gruitza	Myers	Strittmatter
Browne	Gruppo	Nailor	Sturla
Bunt	Habasy	Nickol	Surra
Butkovitz	Haluska	O'Brien	Tangretti

Buxton	Hanna	Olasz	Taylor, E. Z.
Caltagirone	Harhart	Oliver	Taylor, J.
Cappabianca	Hasay	Orie	Thomas
Carn	Hennessey	Perzel	Tigue
Carone	Herman	Pesci	Travaglio
Casorio	Hershey	Petrarca	Trello
Cawley	Hess	Petrone	Trich
Chadwick	Horsey	Pettit	True
Civera	Hutchinson	Phillips	Tulli
Clark	Itkin	Pippy	Vance
Clymer	Jadlowiec	Pistella	Van Home
Cohen, L. I.	James	Platts	Veon
Cohen, M.	Jarolin	Preston	Vitali
Colafrilla	Josephs	Ramos	Walko
Colaizzo	Kaiser	Raymond	Washington
Conti	Keller	Readshaw	Waugh
Cornell	Kenney	Reber	Williams, A. H.
Corpora	Kirkland	Reinard	Williams, C.
Corrigan	Krebs	Rieger	Wilt
Cowell	LaGrotta	Roberts	Wogan
Coy	Laughlin	Robinson	Wojnaroski
Curry	Lawless	Roebuck	Wright, M. N.
Daley	Lederer	Rohrer	Yewcic
Dally	Leh	Rooney	Youngblood
DeLuca	Lescovitz	Ross	Zimmerman
Dempsey	Levdansky	Rubley	Zug
Dent	Lloyd	Sainato	
Dermody	Lucyk	Santoni	Ryan,
DeWeese	Lynch	Sather	Speaker
DiGirolamo			

NAYS-0

NOT VOTING-0

EXCUSED-0

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

\* \* \*

Mr. CAPPABIANCA called up **HR 52, PN 452**, entitled:

A Concurrent Resolution proclaiming the Kids Interacting Drug-free Coalition and the Teen Anti-drug Coalition as dynamic youth-empowerment educational models against alcohol, tobacco and other drugs; and encouraging all schools and school districts in this Commonwealth to enter into planning and commitment stages to implement these models within their schools and school districts.

On the question,  
Will the House adopt the resolution ?

The following roll call was recorded:

**YEAS-203**

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

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

NAYS-0

NOT VOTING-0

EXCUSED-0

The majority of the members elected to the House having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

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

**MOTION TO SUSPEND RULES**

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

Mr. PERZEL. Thank you, Mr. Speaker.

I move to suspend the rules of the House so that we might immediately consider HR 5 and also so that we can adopt a temporary rule stating that HR 5 is an unamendable resolution.

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

Mr. DeWEESE. Mr. Speaker ?  
The SPEAKER. The gentleman, Mr. DeWeese, is recognized.

Mr. DeWEESE. Would the Chair please state for the benefit of the membership exactly what it is that we are getting ready to vote upon ?

The SPEAKER. The motion before the House is a motion to suspend the rules, and if the rules are suspended, we would then be able to immediately consider HR 5 and adopt a temporary rule which states that that resolution is an unamendable resolution.

These words should be familiar to you.

Mr. DeWEESE. Mr. Speaker, I would like to move that we at least divide the motion that was made so that we can have two separate votes. I think the outcome will be the same, but it will be a clearer parliamentary process.

I would have one other question, Mr. Speaker.

The SPEAKER. At this time or—

Mr. DeWEESE. Yes. I think it would be appropriate at this time.

If we were to accede to the wishes of the majority leader, would it then in fact take 110 or 112 votes to suspend the rules later in the process ? It will not. Thank you.

The SPEAKER. You accept him as the Parliamentarian ?

Mr. DeWEESE. On that one.

The SPEAKER. Well, if you will, I will.

(Conference held at Speaker's podium.)

**MOTION WITHDRAWN**

The SPEAKER. The Chair recognizes the gentleman, Mr. Perzel, who withdraws his motion.

**RULES SUSPENDED**

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

Mr. SNYDER. Mr. Speaker, I move to suspend the rules of the House so that we might consider HR 5 today.

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

The SPEAKER. On the question of suspension of the rules, Mr. DeWeese.

Mr. DeWEESE. Mr. Speaker, I would ask for a negative vote on Mr. Snyder's motion.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS-120

Adolph	Egolf	Maitland	Saylor
Allen	Fairchild	Major	Schroder
Argall	Fargo	Marsico	Schuler
Armstrong	Feese	Masland	Semmel
Baker	Fichter	Mayernik	Serafini
Bard	Fleagle	McGeehan	Seyfert
Barley	Flick	McGill	Smith, B.
Barrar	Gannon	McIlhattan	Smith, S. H.

Benninghoff	Geist	McNaughton	Snyder, D. W.
Birmelin	Gladeck	Michlovic	Stairs
Boscola	Godshall	Micozzie	Steil
Boyes	Gruppo	Miller	Stern
Brown	Habay	Nailor	Stevenson
Browne	Hanna	Nickol	Strittmatter
Bunt	Harhart	O'Brien	Taylor, E. Z.
Butkovitz	Hasay	Orie	Taylor, J.
Cappabianca	Hennessey	Perzel	Tigue
Carone	Herman	Pettit	True
Cawley	Hershey	Phillips	Tulli
Chadwick	Hess	Pippy	Vance
Civera	Hutchinson	Pistella	Waugh
Clark	Jadlowiec	Platts	Williams, A. H.
Clymer	Kaiser	Raymond	Wilt
Cohen, L. I.	Keller	Readshaw	Wogan
Conti	Kenney	Reber	Wright, M. N.
Cornell	Krebs	Reinard	Zimmerman
Dally	Lawless	Rohrer	Zug
Dempsey	Lederer	Ross	
Dent	Leh	Rubley	Ryan,
DiGirolamo	Levdansky	Sather	Speaker
Druce	Lynch		

NAYS—83

Battisto	DeWeese	Markosek	Shaner
Bebko-Jones	Donatucci	McCall	Staback
Belardi	Eachus	Melio	Steelman
Belfanti	Evans	Mihalich	Stetler
Bishop	George	Mundy	Sturla
Blaum	Gigliotti	Myers	Surra
Buxton	Gordner	Olasz	Tangretti
Caltagirone	Gruitza	Oliver	Thomas
Carn	Haluska	Pesci	Travaglio
Casorio	Horsey	Petrarca	Trello
Cohen, M.	Itkin	Petrone	Trich
Colafiglia	James	Preston	Van Horne
Colaizzo	Jarolin	Ramos	Veon
Corpora	Josephs	Rieger	Vitali
Corrigan	Kirkland	Roberts	Walko
Cowell	LaGrotta	Robinson	Washington
Coy	Laughlin	Roebuck	Williams, C.
Curry	Lescovitz	Rooney	Wojnaroski
Daley	Lloyd	Sainato	Yewcic
DeLuca	Lucy	Santoni	Youngblood
Dermody	Manderino	Scrimenti	

NOT VOTING—0

EXCUSED—0

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

**RULES SUSPENDED**

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

Mr. SNYDER. Thank you, Mr. Speaker.

Mr. Speaker, I move to suspend the rules of the House so that we can adopt a temporary rule stating that HR 5 is an unamendable resolution.

On the question,

Will the House agree to the motion?

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

Mr. DeWEESE. Mr. Speaker, I would oppose the gentleman, Mr. Snyder.

Historically, from time to time we have had these opportunities, and the floor leaders, with the involvement of the Speaker, have been in agreement. In fact, 2 years ago or I should say 4 years ago—

The SPEAKER. What we have before the House now is a simple question of suspension of the rules. I think you are directing your comments to the next step.

Mr. DeWEESE. I am trying, Mr. Speaker, to buttress my reasoning against the suspension of the rules by indicating to the membership that historically there has been harmonious agreement between the dais and both floor leaders.

When Representative Itkin made an effort to suspend the rules during his experience as majority floor leader, there was an agreement that the senior members came to, and obviously, that agreement has not been reduplicated today. That is understandable; it cannot happen all the time, but that is why I would ask for a negative vote. Thank you.

**POINT OF ORDER**

Mr. LLOYD. Point of order, Mr. Speaker; point of order.

The SPEAKER. Will the gentleman, Mr. Lloyd, state his point of order.

Mr. LLOYD. Mr. Speaker, I would like to understand what the question is before the House.

If this motion to suspend the rules passes, does that automatically put into effect the special rule which the gentleman was discussing or does that require yet another vote?

The SPEAKER. It would require yet another vote:

Mr. LLOYD. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—117

Adolph	Druce	Maitland	Schroder
Allen	Egolf	Major	Schuler
Argall	Fairchild	Marsico	Semmel
Armstrong	Fargo	Masland	Serafini
Baker	Feese	Mayernik	Seyfert
Bard	Fichter	McGeehan	Smith, B.
Barley	Fleagle	McGill	Smith, S. H.
Barrar	Flick	McIlhattan	Snyder, D. W.
Benninghoff	Gannon	McNaughton	Stairs
Birmelin	Geist	Michlovic	Steil
Boscola	Gladeck	Micozzie	Stern
Boyes	Godshall	Miller	Stevenson
Brown	Gruppo	Nailor	Strittmatter
Browne	Habay	Nickol	Taylor, E. Z.
Bunt	Harhart	O'Brien	Taylor, J.
Butkovitz	Hasay	Orie	Tigue
Cappabianca	Hennessey	Perzel	True
Carone	Herman	Pettit	Tulli
Cawley	Hershey	Phillips	Vance
Chadwick	Hess	Pippy	Waugh
Civera	Hutchinson	Pistella	Williams, A. H.
Clark	Jadlowiec	Platts	Wilt
Clymer	Kaiser	Raymond	Wogan

Cohen, L. I.	Keller	Reber	Wright, M. N.
Conti	Kenney	Reinard	Zimmerman
Cornell	Krebs	Rohrer	Zug
Dally	Lawless	Ross	
Dempsey	Lederer	Rubley	Ryan.
Dent	Leh	Sather	Speaker
DiGirolamo	Lynch	Saylor	

NAYS—85

Battisto	Eachus	Markosek	Scrimenti
Bebko-Jones	Evans	McCall	Shaner
Belardi	George	Melio	Staback
Belfanti	Gigliotti	Mihalich	Steelman
Bishop	Gordner	Mundy	Stetler
Blaum	Gruitza	Myers	Sturla
Buxton	Haluska	Olasz	Surra
Caltagirone	Hanna	Oliver	Tangretti
Cam	Horsey	Pesci	Thomas
Casorio	Itkin	Petrarca	Travaglio
Cohen, M.	James	Petrone	Trello
Colaifella	Jarolin	Preston	Trich
Colaizzo	Josephs	Ramos	Van Horne
Corpora	Kirkland	Readshaw	Veon
Cowell	LaGrotta	Rieger	Vitali
Coy	Laughlin	Roberts	Walco
Curry	Lescovitz	Robinson	Washington
Daley	Levdansky	Roebuck	Williams, C.
DeLuca	Lloyd	Rooney	Wojnaroski
Dermody	Lucyk	Sainato	Yewcic
DeWeese	Manderino	Santoni	Youngblood
Donatucci			

NOT VOTING—1

Corrigan

EXCUSED—0

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

**TEMPORARY RULE ADOPTED**

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

Mr. PERZEL. Mr. Speaker, I move that we adopt a temporary rule to make HR 5 an unamendable resolution.

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

The SPEAKER. On that question, the gentleman, Mr. DeWeese.

Mr. DeWEESE. This is more repugnant than I recall.

Last night we corresponded with the Speaker and indicated that we had a series of amendments that we would like to inject into the process. It is a close minority, notwithstanding some of our travails — 104 to 99.

What you are doing by disallowing us from considering, if not injecting, some of our amendments is quite arbitrary and quite capricious and quite wrong for a deliberative Assembly. So I obviously cannot embrace this idea.

It should be noted that we are setting the stage to shackle and pinion the Democrats for the next biennium, and that will put us at

a severe disadvantage when it comes to our prevailing wage debate and our school choice debate and a variety of other things that are near and dear to our constituency.

So obviously, I would ask that this not be sustained. Thank you. The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Lloyd.

Mr. LLOYD. Mr. Speaker, I am not sure whether this is debatable or not, so I am not sure whether I should be asking a parliamentary inquiry of the Chair or whether I should be interrogating—

The SPEAKER. No. The gentleman is in order.

Mr. LLOYD. Then I would like to interrogate the maker of the motion.

The SPEAKER. The gentleman is prepared to be interrogated. You may proceed.

Mr. LLOYD. Mr. Speaker, what I want to understand is, this is unamendable. This resolution, if this temporary rule is adopted, is unamendable by any amendment. Is that correct?

Mr. PERZEL. Unless someone suspends the rules, yes.

Mr. LLOYD. And it would be possible for all of us who have amendments to offer those amendments if we can suspend the rules.

Mr. PERZEL. Correct.

Mr. LLOYD. So this temporary rule, unlike the budget rule, for example, does not require some extraordinary majority to suspend.

Mr. PERZEL. No; 102.

Mr. LLOYD. 102. Thank you, Mr. Speaker.

The SPEAKER. On the question, Mr. Cohen.

Mr. COHEN. Mr. Speaker, we are asked to support the abolition of our right in the next few minutes to offer amendments without a suspension of the rules, and it is hard for me to understand why we are doing so. The majority party is still going to be the majority party whether we vote on motions to suspend the rules or whether we vote on amendments as such.

The procedure for dealing with suspension of the rules is awkward, cumbersome, confusing. I see no reason why we have to do a series of votes on motions to suspend the rules when we can be voting on the amendments themselves. It adds nothing to the process. It creates the need for duplicative votes. It wastes our time. I see no reason why we should have this temporary rule. Let us go on. We have the amendments prepared. Some amendments are agreed to by the Republican Party; some are not. Let us debate the amendments on their merits, each and every one of them, without going through the charade of moving to suspend the rules dozens of times.

I would urge a “no” vote on this temporary rule.

The SPEAKER. The gentleman, Mr. DeWeese.

Mr. DeWEESE. For the record and for my brothers and sisters in the Grand Old Party, except for the perplexity that came into our debate, our private colloquies, regarding taking the committees from 10 up to 11 and from 14 to 15, a couple of weeks ago I was in 100-percent agreement with the dais and with my counterparts in the pit. Obviously, the seniority facet of today’s discussion is somewhat new, but when Ivan stood here at this podium 4 years ago, there was an arrangement among the leaders, and there was an arrangement among the leaders almost this time. But other than the fact that we could not come to any definitive agreement — and that was no calamitous intersection — on 11 and 15 versus 10 and 14, we were all in agreement.

So this rules fight, in my view, at least 60 or 70 or 80 of us on this side of the aisle would have been very willing to have identified with some of the traditional people in your cadre, some of the eminence grise, some of the old guard, but today the avant-garde has somehow enticed your command tent, and we will get on with business here in a moment.

But I wanted you to know, rank and file, worthy rank and file, that 60 or 70 of us would have joined — 86 is probably our high watermark, chairman — would have joined with some of your traditionalists, and we would have avoided some of this confusion today. Thank you.

The SPEAKER. On the question, the gentleman, Mr. Perzel.

Mr. PERZEL. Mr. Speaker, I have before me the debate from 1993 on the floor of the House where the other side of the aisle — and I am not going to read it — a majority party at that point in time, did exactly what we are about to do right now, Mr. Speaker. It was okay in 1993, and then we did it again in 1995, and we are doing it again in 1997.

It has been done before, it has been used before, and we are using it again today, Mr. Speaker.

Mr. DeWEESE. Mr. Speaker, respectfully, there is one incandescent difference—

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

Mr. DeWEESE. —between this melancholy moment right now and that moment of cooperation that my worthy colleague, the majority leader, just described.

In the chapter that he hearkens back to, there was an agreement at the very highest elected levels of the caucuses. Today there is no agreement. There was an agreement among the traditionalists, and I look across the way and I see them. I have seen them, my friends, at Saucon and Laurel and at the Tavern on the Hill. There is a camaraderie that today's confusion will not sunder.

But notwithstanding today's events, in 1993 the incident that my worthy foe has described was agreed to by great phalanxes on both sides, supported by people at the highest levels. Different story — absolutely night and day, black and white, left and right, up and down. So your argument is vacuous and fallacious, sir.

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

The following roll call was recorded:

YEAS-117

Adolph	Druce	Maitland	Saylor
Allen	Egolf	Major	Schroder
Argall	Fairchild	Marsico	Schuler
Armstrong	Fargo	Masland	Semmel
Baker	Feese	Mayernik	Serafini
Bard	Fichter	McGeehan	Seyfert
Barley	Fleagle	McGill	Smith, B.
Barrar	Flick	McIlhattan	Smith, S. H.
Benninghoff	Gannon	McNaughton	Snyder, D. W.
Birmelin	Geist	Michlovic	Stairs
Boscola	Gladeck	Micozzie	Steil
Boyes	Godshall	Miller	Stern
Brown	Gruppo	Nailor	Stevenson
Browne	Habay	Nickol	Strittmatter
Bunt	Harhart	O'Brien	Taylor, E. Z.
Butkovitz	Hasay	Orie	Taylor, J.
Cappabianca	Hennessey	Perzel	Tigue

Carone	Herman	Pettit	True
Cawley	Hershey	Phillips	Tulli
Chadwick	Hess	Pippy	Vance
Civara	Hutchinson	Pistella	Waugh
Clark	Jadlowiec	Platts	Wilt
Clymer	Kaiser	Raymond	Wogan
Cohen, L. I.	Keller	Readshaw	Wright, M. N.
Conti	Kenney	Reber	Zimmerman
Cornell	Krebs	Reinard	Zug
Dally	Lawless	Rohrer	
Dempsey	Lederer	Ross	Ryan.
Dent	Leh	Rubley	Speaker
DiGirolamo	Lynch	Sather	

NAYS-85

Battisto	Donatucci	Manderino	Scrimenti
Bebko-Jones	Eachus	Markosek	Shaner
Belardi	Evans	McCall	Staback
Belfanti	George	Melio	Steelman
Bishop	Gigliotti	Mihalich	Stetler
Blaum	Gordner	Mundy	Sturla
Buxton	Gruitza	Myers	Surra
Caltagirone	Haluska	Olasz	Tangretti
Cam	Hanna	Oliver	Thomas
Casorio	Horsey	Pesci	Travaglio
Cohen, M.	Itkin	Petrarca	Trello
Colafella	James	Petrone	Trich
Colaizzo	Jarolin	Preston	Van Horne
Corpora	Josephs	Ramos	Veon
Corrigan	Kirkland	Rieger	Vitali
Cowell	LaGrotta	Roberts	Walko
Coy	Laughlin	Robinson	Washington
Curry	Lescovitz	Roebuck	Williams, C.
Daley	Levdansky	Rooney	Wojnaroski
DeLuca	Lloyd	Sainato	Yewcic
Dermody	Lucyk	Santoni	Youngblood
DeWeese			

NOT VOTING-1

Williams, A. H.

EXCUSED-0

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

SUPPLEMENTAL CALENDAR B

RESOLUTION

Mr. PERZEL called up HR 5, PN 517, entitled:

A Resolution amending certain Rules of the House.

On the question,  
Will the House adopt the resolution?

The SPEAKER. The House will be at ease until these materials are distributed.

Mr. DeWeese.

Mr. DeWEESE. Politely, what is being distributed since nothing is before the body other than the resolution which we—

The SPEAKER. It is my understanding that amendments are going to be offered, and they are being distributed. I was under the impression—

Mr. DeWEESE. I thought this was unamendable.

The SPEAKER. Pardon me; pardon me.

I was under the impression that the House rule itself had not been distributed at the time I declared the House to be at ease. I have since found out that they had been distributed, and they are now distributing amendments, and I am suggesting that anyone who is offering amendments should see to it that they are reproduced and distributed in accordance with the rules.

**RULES SUSPENDED**

The SPEAKER. The House will come to order.

The Chair recognizes the gentleman, Mr. Tigue.

Mr. TIGUE. Mr. Speaker, I move that the rules of the House be suspended to permit me to offer an amendment to HR 5.

On the question,

Will the House agree to the motion ?

The SPEAKER. On that question of suspension, the Chair recognizes the gentleman, Mr. Tigue.

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, I ask that we suspend the temporary rule for the offering of amendment A0181.

The SPEAKER. On the question of suspension of the rules, those in favor of suspension—

Mr. DeWEESE. I have a question.

The SPEAKER. The gentleman, Mr. DeWeese, on the question of suspension of the rules for the offering of an amendment. This is not on the amendment.

Mr. DeWeese.

Mr. DeWEESE. I do not have a question. I would just oppose the motion.

On the question recurring,

Will the House agree to the motion ?

The following roll call was recorded:

**YEAS—122**

Adolph	Fairchild	Marsico	Schuler
Allen	Fargo	Mayernik	Semmel
Argall	Feese	McGeehan	Serafini
Armstrong	Fichter	McGill	Seyfert
Baker	Fleagle	McIlhattan	Smith. B.
Bard	Flick	McNaughton	Smith. S. H.
Barley	Gannon	Michlovic	Snyder. D. W.
Barrar	Geist	Micozzie	Stairs
Benninghoff	Gladeck	Miller	Stern
Birmelin	Godshall	Nailor	Stevenson
Boscola	Gruppo	Nickol	Strittmatter
Boyes	Habay	O'Brien	Taylor. E. Z.
Brown	Harhart	Orie	Taylor. J.
Browne	Hasay	Perzel	Thomas
Bunt	Hennessey	Pesci	Tigue
Butkovitz	Herman	Pettit	Trello
Cappabianca	Hershey	Phillips	True
Cawley	Hess	Pippy	Tulli
Chadwick	Horsey	Pistella	Vance
Civera	Hutchinson	Raymond	Waugh

Clark	Jadlowiec	Readshaw	Williams, A. H.
Clymer	Kaiser	Reber	Wilt
Cohen, L. I.	Keller	Reinard	Wogan
Conti	Kenney	Roberts	Wojnaroski
Cornell	Lawless	Robinson	Wright, M. N.
Dally	Lederer	Rohrer	Youngblood
Dempsey	Leh	Ross	Zimmerman
Dent	Levdansky	Rublely	Zug
DiGirolamo	Lynch	Sather	
Druce	Maitland	Saylor	Ryan,
Egolf	Major	Schroder	Speaker

**NAYS—81**

Battisto	Dermody	Lloyd	Sainato
Bebko-Jones	DeWeese	Lucyk	Santoni
Belardi	Donatucci	Manderino	Scrimenti
Belfanti	Eachus	Markosek	Shaner
Bishop	Evans	Masland	Staback
Blaum	George	McCall	Steelman
Buxton	Gigliotti	Melio	Steil
Caltagirone	Gordner	Mihalich	Stetler
Cam	Gruitza	Mundy	Sturla
Carone	Haluska	Myers	Surra
Casorio	Hanna	Olasz	Tangretti
Cohen, M.	Itkin	Oliver	Travaglio
Colaifella	James	Petrarca	Trich
Colaizzo	Jarolin	Petrone	Van Horne
Corpora	Josephs	Platts	Veon
Corrigan	Kirkland	Preston	Vitali
Cowell	Krebs	Ramos	Walko
Coy	LaGrotta	Rieger	Washington
Curry	Laughlin	Roebuck	Williams, C.
Daley	Lescovitz	Rooney	Yewcic
DeLuca			

**NOT VOTING—0**

**EXCUSED—0**

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

On the question recurring,

Will the House adopt the resolution ?

Mr. TIGUE offered the following amendment No. **A0181**:

Amend Fourth Resolve Clause (Rule 43), page 7, by inserting between lines 14 and 15

~~Except for members who decline a chairmanship or minority chairmanship in writing or who are barred from serving as a chairman or minority chairman under this rule, the chairmanship and minority chairmanship of each standing committee except the Appropriations Committee shall be limited only to the members of the applicable caucus with the most seniority as members of their respective caucus. Whenever there are more caucus members with equal seniority than available chairmanships or minority chairmanships for that caucus, the selection of a chairman or minority chairman from among such caucus members shall be in the discretion of the appointing authority. The appointing authority may designate the standing committee to which he shall appoint a member as chairman or minority chairman without regard to seniority. The Speaker and the Floor Leader, Whip, Caucus Chairman, Caucus Secretary, Caucus Administrator and Policy Chairman of the majority party and minority party shall not be eligible to serve as chairman or minority chairman of any standing committee and no member may serve as chairman or minority chairman of more than one standing committee.~~

Any chairmanship or minority chairmanship held by a member who fails to meet the requirements of this rule shall become vacant by automatic operation of this rule. If the appointing authority fails to make an appointment of a chairman or minority chairman prior to the organizational meeting of a standing committee or fails to fill a vacancy within seven calendar days after it occurs, such position shall be deemed to remain vacant in violation of this rule. Whenever a chairmanship or minority chairmanship becomes vacant or remains vacant in violation of this rule, the member of the applicable caucus who meets the requirements of this rule shall automatically fill the vacancy and, if there are two or more such eligible caucus members for any such vacancy or vacancies, they shall be filled from among such eligible members through a lottery to be conducted under the supervision of the Chief Clerk after giving notice of the time and place thereof to all eligible members, to the Speaker, to the Majority Leader and to the Minority Leader.

Nothing in this rule shall prohibit the appointing authority from transferring a member from the chairmanship or minority chairmanship of a standing committee to the chairmanship or minority chairmanship of another standing committee.

Whenever the appointment of a chairman or minority chairman will cause the applicable caucus to exceed its permissible allocation of members on a standing committee, the appointing authority shall make a temporary transfer of an eligible committee member to the standing committee vacated by the member appointed as chairman or minority chairman until a regular committee appointment can be made in accordance with the rules of the House. If the Speaker or Minority Leader fails to make a temporary transfer within seven calendar days after such appointment, the committee member with the least seniority, who is eligible for transfer, shall be automatically transferred to the committee vacated by the newly appointed chairman or minority chairman and, if more than one committee member is eligible for such transfer, the transfer shall be implemented through a lottery conducted under the supervision of the Chief Clerk.

On the question,

Will the House agree to the amendment?

The SPEAKER. On the question of the amendment, the Chair recognizes the gentleman, Mr. Tigie.

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, I am offering an amendment to change rule 43 of our rules.

My amendment would put into rules what has been the unwritten rule here since I have been elected and we just recently sort of abandoned, and that would allow senior members to be appointed committee chairmen based on seniority. This amendment will still allow the appointing authority, whether it is the Speaker for the majority or the minority leader, the flexibility of choosing within a particular class who would get the first committees, et cetera, or what committees they would serve on.

In addition, the rule addresses, if there is a problem that the rule is not adhered to, where the members of a committee or the members of a class who are eligible for a committee chairmanship, if they are not appointed in due time by the appointing authority, they will be selected by lottery. Thank you, Mr. Speaker.

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

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the amendment.

When I graduated from the University of Scranton, two things I wanted to do was teach government and American history and run for Wilkes-Barre City Council. I wanted to do those two things

because I wanted to tell people about the giants I read about, and I also wanted to enter public service and do the kind of things they did.

In 1980, I came to this House of Representatives and found out that there were some giants here. I was honored to be a colleague and enjoyed watching them do the leadership and the job which had to be done on both sides of the aisle. There were days when you would pay admission to watch two leaders on both sides of this aisle debate issues. And while they disagreed on a great many things, one thing they always agreed on was maintaining the integrity of this institution. They would never, ever, ever have reached into another caucus to try and manipulate or tell the leadership of a particular caucus how to do their business.

I know what is going to happen here today, and I have a great deal of respect for everybody on this floor, but it should not happen.

And there is a saying, what goes around comes around. Well, let me say this: I pledge that if the situation is ever reversed — ever reversed — I will never agree, and my leadership wants to do what is about to happen here today, I will never do to the members of the other side of the aisle, the other caucus, the Republican Caucus, what is going to happen here.

I know that the Speaker is very good at going back in old Journals and finding quotes that leaders past have used, and I hope someday that he can remind me of my statements today, because I repeat, I will never agree to do to the Republican Caucus what perhaps the Republican Caucus has agreed to do to the Democratic Caucus today.

It is not in the best interest of the people of Pennsylvania and the people we represent, and I take not a small measure of consolation; indeed, I take a great deal of consolation in the fact that I know sometimes you gotta do what you gotta do. And I do take consolation in the fact that I know a great many of you are very sick about this vote, and that means a great deal.

Thank you, Mr. Speaker, and I ask the members for a negative vote.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the majority leader.

Mr. PERZEL. Thank you, Mr. Speaker.

I am not going to get involved in this debate, but I do have before me the budget in 1993 that Mr. Blaum voted for that took money out of our appropriation and put it into their appropriation, Mr. Speaker. So I am very pleased that he would never get involved in anything we do on our side of the aisle, and I am glad he said that for the future, Mr. Speaker, but in the past, he has done it.

The SPEAKER. The gentleman, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

I rise in opposition to the Tigie amendment.

I think strict adherence to the seniority system is guaranteed to do at least one thing, and that is guarantee incompetent committee chairmen. I think under the adherence to the strict seniority system — Mr. Speaker, may I have some order?

The SPEAKER. The gentleman, Mr. Vitali.

Mr. VITALI. Mr. Speaker, under the current system, we have committee chairmen who do not even show up for session. We have clearly unqualified committee chairmen under the strict adherence of the seniority system, and that system should not be perpetuated in written rule. It is wrong. It makes as much sense to



appoint committee chairmen on the basis of seniority as it does to appoint as State Representative or State Senator the oldest person in the district. It just has no basis in fact, no basis in logic.

Equally wrong — equally wrong — Mr. Speaker, is the practice of using your discretion in appointing chairmanships to further and consolidate your own political power and to remove and punish clearly qualified committee chairmen to consolidate political power. That is wrong, too. Mr. Speaker, some balance, not the Tigie amendment but some balance between the two positions has to be reached.

I ask for a “no” vote on the Tigie amendment because I will be moving to suspend the rules for the consideration of another amendment—

The SPEAKER. The gentleman is out—

Mr. VITALI. —which will try to balance those two positions.

The SPEAKER. The gentleman is out of order.

The question before the House is the Tigie amendment, not what you may or may not offer at some later date.

Mr. VITALI. Mr. Speaker, I am just trying to inform—

The SPEAKER. That does not matter what you are trying to do.

Mr. VITALI. —the members that there will be an alternative—

The SPEAKER. The gentleman is out of order. You are talking about the rules. The rules restrict your debate to what is before the House, which is the Tigie amendment, not what you may offer later today.

Mr. VITALI. I close, Mr. Speaker, by simply saying that we see what we are getting with a strict adherence to the seniority system. We know there are problems. Let us try something else. If it does not work, then we can go back.

Thank you. I ask for a “no” vote.

The SPEAKER. The gentleman, Mr. Gordner.

Mr. GORDNER. Thank you, Mr. Speaker.

Maybe unbeknownst to my leadership, I was undecided on this issue maybe until just a few moments ago. I think there are good arguments for the seniority system; there are good arguments in regard to appointing people for other reasons including merit.

But I was thinking about what goes on down in Congress. I wonder what they do in Congress. I wonder what the new Republican majority, led by Newt Gingrich, does down there, and it came to my mind of a Congressman from our area by the name of Congressman Joe McDade. Congressman Joe McDade has been in Congress for many years as a senior member of the Republican Party and he is not a chairman of a committee in the House in Congress. Now, I realize that he had some problems a few years back, and I think those have now been resolved, but even now that they have been resolved, he is still not a chairman of a committee basically because of the reasoning and rationale of Speaker Newt Gingrich, who has not appointed him chairman. Now, there must be some reasons for that. I assume that Speaker Gingrich has some good reasons, but he apparently has sufficient reasons to decide not to name him as a chairman.

So I am thinking, to my colleagues on this side, if it makes sense to Speaker Gingrich for various reasons, then I am not quite sure why we are doing what we may be doing here on that same subject.

And so I make that point to my colleagues, and I think for that reason I am going to be a “no” vote on the Tigie amendment.

The SPEAKER. The gentleman, Mr. Trello.

Mr. TRELLO. Mr. Speaker, I have been around here a long time, and I have gotten to know chairmen from both sides of the aisle. It is agreed that we are not all graduates of Harvard or Columbia or Yale or Notre Dame, but I have seen, I have seen something happen to the men and women that, finally through the seniority system, become chairmen. All of a sudden they are more diligent in their duties as a Representative and as a chairman, and they work very, very hard. So in my opinion, you do not have to be a Rhodes scholar to be a good, effective chairman.

In all my years up here and from both sides of the aisle, I never dealt with a chairman of a committee that, in my opinion, did not do an excellent job. So I think the men and women that run committees here do an excellent job. And the remarks of one of the members that said that some of the chairmen are not competent and this is no good, it just reminds me of what the late Jim Manderino said when somebody made that remark: “Sounds like a guy that has no seniority at all,” and I think that is the case.

Mr. Speaker, let the chips fall where they may. Thank you.

The SPEAKER. The gentleman, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

I am reminded of a couple things in regard to this debate. First, in terms of appointment as a committee chairman, in 1980 I was eligible to be appointed committee chairman, and Jim Manderino told me that if I wanted to be chairman of the Agriculture Committee, he would recommend me for that because I had more seniority than Ken Cole. Now, I decided that Ken Cole was infinitely superior in terms of knowledge of agriculture than I was, and I never was really certain whether Manderino felt that I would accept, whether he offered me the chairmanship of Agriculture knowing I would reject it, and I often wondered what would have happened if I said, “Okay, Jim, I’ll take Agriculture.” But under this rule, I, who had one little, tiny farm in my legislative district, which was more a tax dodge than a real farm — it had like about two cows, five chickens; whatever the minimum number of animals needed to qualify as a farm under Pennsylvania tax law, that is what the property in my district had — I would have had an absolute right under this amendment to be chairman of the Agriculture Committee, and I am not sure that that would be a good idea.

I first got service in government exactly 30 years ago, in 1967, when I was a congressional intern in Washington, and at that time in Washington the big evil that President Johnson was struggling with, that large numbers of people all over the country were struggling with, that was featured daily in newspapers in Washington and throughout the country, the big evil that was perceived was the evil of the seniority system. An awful lot of people who were not particularly competent, not particularly responsive, and in a few cases, not particularly honest, were locked into positions of power, and it was very, very difficult either to get rid of them or to work around them. They created a lot of difficulties. And over the last 30 years there have been various efforts, first in 1974 by the Democratic Caucus to require a caucus vote “yes” or “no” on each appointed chairman who would fit in by the seniority system — a fair number of people over the years were rejected by the caucus as not being the best available people to be committee chairmen — and then most recently by the Republicans who took over in 1994 and promptly got rid of the seniority system and instituted other changes.

The seniority system, where it is applied, has not worked particularly well. Now this, to Mr. Tigue's credit, this amendment is not as rigid a seniority system as existed in Washington, but it is getting pretty close. And I do not really know what happens, say, if the chairman of the Education Committee does not report out a school-choice bill or some other bill and the Speaker of the House chooses to make him the chairman of the Veterans Affairs and Emergency Preparedness Committee instead, as he is allowed to under this rule. I am not sure what happens. Does everybody say, well, that is reasonable because it is provided for in the rule, or do we have a new rule saying that a chairman cannot be removed for refusing to report a bill out?

The seniority system does offer, as Fred Trello pointed out, does offer a guarantee. From an individual career point of view, the seniority system works, but from a point of view actually of responsiveness as an institution, the seniority system has a lot of problems, especially when it is etched in stone. And this does not totally etch it in stone, but it comes very, very close to it, and I am not certain what happens when the day comes when a chairman is transferred from a committee where he is influential and important and given a committee where he has very little significance after this kind of thinking gets entrenched.

So I would urge a "no" vote against this amendment.

The SPEAKER. The gentleman, Mr. Michlovic.

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Mr. Speaker, the irony of ironies: I was appointed to the Agriculture Committee, too. I have one farm in my district, too. But the difference with myself and the gentleman who just spoke was 20 or so years ago when he was offered the chairmanship of the committee by then leader Mr. Manderino, appropriately offering it to him on the basis of his seniority, I was not offered, given that offer. And it is not that I do not respect the Agriculture Committee. I went to my first meeting; I was extremely impressed with the amount of work they are doing, the good work they are doing, and the variety of issues. And if after today's vote I am still somehow on that committee, I will work on that committee diligently and to the best of my abilities, as with any committee, because they are all important, and I admire and respect all the members who work on them.

But the gentleman did not point out in his address, at least as we were told about in our caucus, that he was part of the leadership that has denied that offer that Jim Manderino made to him some 20 years ago. In fact, we were told by our leader that all of the leaders agreed and actually have voted to deny members in our caucus chairmanships they rightly deserve by virtue of their seniority. And everybody on this floor knows this story already, but I am saying this because I want the people of Pennsylvania who may be watching us to know that this is a lot more than has been told here and the impression given here that somehow the majority on that side of the aisle — Republican — is somehow trampling on the rights of the minority — the Democrats — over on this side of the aisle. In fact, I thank my Republican colleagues for their support on this. They and many members of my side of the aisle have come to me and expressed how sorry they were to see this action happen to me and to other members of this caucus and that how it was undeserved in my case and in the other cases.

So I want the people of Pennsylvania to know that this is about individual members' rights. This is about an issue of the right of association between members that I may choose to associate with,

that I may choose to group myself with and belong to. And there are always cliques and caucuses within any group of people, and we have them on our side of the aisle and you certainly also have them on your side of the aisle, and as a group, we — we who represent people — have to respect the rights of association with those groups, and we should not be penalized by taking our seniority away.

Our seniority is important to every one of us who has gone through the wars and battles back home and has survived them once, twice, 3 times, 5 times, 10 times, however many, and as you gain that seniority, you become a more proud member of this august body, I believe. And I think the gentleman, Mr. Vitali, was wrong. The seniority system does not set up incompetent leaders; it sets up experienced leaders, and that is what that whole system is about.

And so this vote today on the seniority system is a very telling moment, I think, in our history. Some members have chosen to label it as reaching into the affairs of the other caucus. I know all of you have misgivings about this vote as I would, too, but I think it is very important for you to understand that you have to protect my right not to be penalized for whom I associate with here. If we do not respect that right, we do not deserve to sit here and vote on these issues that come before us.

When we go back to our districts, we are elected to come up here and be independent and to vote the way we vote, to think the way we vote, and that is why we are elected, and if we cannot do that under pain of penalty from our leadership or members of our caucus and we are restricted from doing that, then I think we do the job less well.

So I am going to support the Tigue amendment. To me, it is a very important and critical vote because it involves me, but I hope I have the courage and the will, and I hope I do not have the opportunity, but I would hope that if this ever happens to another member, that I have the courage not only to vote but to vociferously defend that member's right and protect him from the subjugation of a majority that is penalizing him or her because of their conduct, their associations, on this floor and off of it. Thank you.

The SPEAKER. The gentleman, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Will the maker of the amendment rise for brief interrogation?

The SPEAKER. The gentleman indicates he will stand for interrogation. You may begin.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, this deals with seniority of chairmanships, and I am curious as to how it relates to HR 5, in particular, language on page 5 that refers to select committees and the rules governing them being similar to standing committees. Would the seniority system also apply to chairmen of select committees?

Mr. TIGUE. No, Mr. Speaker. This rule applies, under rule 43, only to the 22 standing committees.

Mr. STURLA. Thank you, Mr. Speaker.

If I could be recognized for a brief comment then?

The SPEAKER. The gentleman is recognized.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, while I disagree with the Tigue amendment, given the language in HR 5 that deals with standing committees and the ability of the Speaker to, for what I consider bad reasons but also perhaps good reasons, be able to circumvent the standing

committee system with select committees, actually this amendment probably is not as egregious as it could be, because when you get one of those committee chairmen like Mr. Vitali believes we have sometimes, I am sure that given his relationship with the Speaker, being from the same county, he will be able to go to you and get you to appoint him as the chairman of a select committee, and he will be able to circumvent that seniority system.

So actually, while it appears that we are actually doing something with this amendment that I do not necessarily agree with, it will always be able to be circumvented by the Speaker, and so it is really not quite as bad as it seems. Thank you, Mr. Speaker.

The SPEAKER. He should be your guy on the Hill.

The gentleman, Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, as I sat here and I thought about this issue, I am really left with a variety of feelings, because I think it is ironic that when we consider that we have almost 300,000 people without health insurance, when we consider the number of people who are unemployed in the Commonwealth of Pennsylvania, and when we consider the issues that we need to deal with, for us to get to this point is a sad day in the history of the Commonwealth, and I am going to tell you why it is sad.

I remember 9 years ago coming to this body, and I remember as I walked onto the floor of the House, the first thing that I was confronted with was how Representative Evans was punished because he wanted to put 20,000 additional dollars for children and youth in Philadelphia County, how when he put up a vote, by the time he got back to his office, he did not have staff and they were talking about taking his furniture out, all because he did not want to go along with the status quo.

Mr. Speaker, I have come to the conclusion that without rules, without some process, abuse will be massive, and I think that we are not here today supporting the Tigue amendment because we want to reach into one caucus' ability to do what needs to be done. I am not here supporting the Tigue amendment because I want to make a personal statement to this member or to that member. I am here supporting the Tigue amendment because no rules has led us to the point where we are, and when I say no rules, anytime any man or woman has the capacity to punish at will regardless of whether or not conduct requires that level of punishment and even when people have the power to punish, there should be some understanding or some guidelines as to what will be tantamount to punishment.

It is fundamentally wrong for anyone — for anyone — just as it was wrong to separate people based on race, religion, or punish people because of their sex or their gender, it is fundamentally wrong to take this process and concentrate on using it to punish people rather than using it to try and provide jobs for the unemployed, housing for the homeless, and food for those who are hungry. And while the Tigue amendment might not stop this process, it at least puts in place some rules that all 203 of us will be familiar with as to the process of appointing committee chairpersons.

So it is not about — for me — it is not about who; it is about what. It is about taking a step. And I remember something Chairman James always is saying to members, and that is, where you sit back and keep your mouth shut, anything will happen. And I am saying that it is time and I made a promise to the people that I represent, and that promise is that I do not care whether it is

Democrat, Republican; I do not care whether it is Consumer, because I remember in this last Governor election, there was a party that cast a whole bunch of votes I did not even know existed. But it is not about party when it comes down to what is right and what is wrong, and it is right to have some process in place that we all understand that will govern our relationship with one another and will govern our participation in this august body.

And anybody that says that in 1997 we need to continue this practice of, if I like Chairman James, then he gets everything, and if I do not like him, I can have the ability to make life just as difficult as possible for him, regardless of the fact that there are 58,000-plus constituents that are depending on him to represent them. He should never be stifled in his ability to represent those 58,000-plus people.

Mr. Speaker and every member on both sides of the aisle, put up a "yes" vote for the Tigue amendment. Thank you.

The SPEAKER. The gentleman, Mr. Jarolin.

Mr. JAROLIN. Thank you, Mr. Speaker.

You know, I am one of the committee chairmen that we are discussing here today. I happen to be the chairman of the Game and Fish Committee. In all my years, which is going on 15 in Harrisburg, I have never heard any member ask to be the chairman of the Game and Fish Committee. All of a sudden out of the clear blue sky, you know, we are penalizing the members that were faithful to the leadership and faithful to the House of Representatives.

I remember Mr. Perzel — Representative Perzel, the leader — and Mr. Ryan, the Speaker, where you ruled your caucus with an iron hand. I remember I made a mistake one time with the Speaker. It was corrected, but he as much as told me, you follow the leadership or you do not get a darn thing. Mr. Perzel, if somebody called you names in the background, walked up to you and said, I am running against you in the next election for leadership, says you are no darn good, would you forget that? I doubt it. You rule with an iron hand.

We turned around — And I believe Mr. DeWeese respects that quality that you have, respects the quality that the Speaker has. I do not believe that there has ever been an interference in the opposing caucuses; at this particular time there is. The Speaker and Mr. Perzel, I am now going to ask you, we need help. Thank you.

The SPEAKER. The gentleman, Mr. Vitali, for the second time on the issue.

Mr. VITALI. Thank you, Mr. Speaker.

When I listened to —

The SPEAKER. The gentleman will yield.

Mr. Jarolin, would you come to the rostrum, please?

Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

I again rise in opposition to the Tigue amendment.

When I hear the words of Representative Michlovic, I think of the legal maxim that good facts make bad law, because I have been on committees with Representative Michlovic, and I know he is a chairman of the highest caliber, and in my earlier remarks when I talked about abusing power for political purposes, I thought of the removal of Representative Michlovic. But the problem here is, if we try to shape our rules, the good facts of the Michlovic case, if we try to shape our rules to deal with that situation, we are creating a bad law, bad rules, for the House as a whole. We are perpetuating and creating the situation where people who are not

the best people to be chairmen will be chairmen by reason of their longevity.

I would submit to this House that the problem in the situation we are dealing with, the problem, if you do not like the results you are getting in this current chairmanship appointment, the problem is not with the rule but with the people applying the rule. The problem, and if you do not like the result, it is not this Tigie amendment you vote for but it is the vote you take with regard to the people who are applying current law.

I listened to Representative Michlovic and I listened to some others who have been up here a long time, and the word was not used but the feeling was created that they put in their time and there is almost this sense of entitlement — I have been here; the fair thing to do is give me my chairmanship. Well, we have to remember, it is really not about us; it is really about the people of Pennsylvania, and it is really about creating a system that is going to generate laws that are going to best benefit them, even if it is to our detriment, even if it is unfair to us. And I would submit to you that what we should be looking for — and I think we should give due deference to seniority, because experience is important, and experience is an important factor, and experience is what we get with many years in the House — but what we should be looking for when we are choosing committee chairmanship is we should be looking for hard work; we should be looking for a knowledge of the law; we should be looking for motivation; we should be looking for vision. We should be looking for those chairmen, whether they are the oldest people or not, who are going to create and move the best legislation that is best for the people of this State. That is what we should be looking for when we are voting on committee chairmen, and I submit to you that the Tigie amendment prevents that. So therefore, I would urge you to reject the Tigie amendment. Thank you very much.

The SPEAKER. The gentleman, Mr. Masland.

Mr. MASLAND. Thank you, Mr. Speaker.

I rise in opposition to the Tigie amendment, and let me state my reasons very briefly.

I do not oppose it out of deference to the Democratic leadership. Make no mistakes, I will ask for and receive no favors from them — have not, will not. I do not rise out of preference for an unwritten code of conduct. Basically, I rise today with great reticence to say, look at what we are doing, and do we really need to go this way? Must we codify, must we reduce to writing, something which I do not think should be there to begin with?

Now, I can say that, Mr. Speaker, because I am not going to be around here long enough no matter how you decide who the committee chairmen are to be one. It just will not happen. But when I look at what happened with the Democrat leadership, with the Democrat committee chairmen, I am deeply troubled. Last session I had the opportunity to serve for the first time on the Local Government Committee, and I was tremendously impressed with the gentleman — and I do mean gentleman — Mr. Pistella, because under very difficult situations with the Republican chairman, that man did as much to run the committee as anybody did on our side. A perfect gentleman; you will never know one better. He is no longer a chairman. Go figure. That is wrong. That stinks. But this is not a question of personalities. Ultimately, for me, it is a matter of principle. I do not think this is something we should do. That is why I will oppose it. Thank you.

The SPEAKER. The gentleman, Mr. Mihalich.

Mr. MIHALICH. Thank you, Mr. Speaker.

I noticed that one very small and possibly very minor aspect of the Tigie amendment deals with the lottery to fill vacancies. And at first blush, I thought, is that not kind of crazy to put things in the lottery? Then I started thinking about a program I saw last week. The title of the program is “No Job for a Lady.” It is a BBC (British Broadcasting Corporation) serial production which comes on once a week. It is about a lady who becomes elected to the Parliament, and it talks about her trials and travails of being a new female member of Parliament. And in the last episode, they talked about how they determined how the freshmen would get any one bill of their choosing on the agenda. And then I did a little researching, and I talked to some people who knew the system, and they said, yes, it was true. The freshmen would go into a lottery, and if their name were pulled, they would get a number which would assign their priority as to which one of their bills would be considered by the full House. So at least other people in other countries think about lotteries in terms of administration.

But if we are going to rely upon lotteries to any degree, let us make it universal. Let us use the Pennsylvania Lottery somehow and let everybody be in there to play.

With that, I guess you might interpret that I am not in favor of the Tigie amendment, and I am not. I think people have to have leaders — whether they be our leaders, Democrat or Republican leaders or the Speaker — that have to have some latitude. And if you do not like their leadership, you know what you can do — you can get rid of them. And I think that is the solution there, and I do not believe, if we had the capacity, we should tie Speaker Ryan’s hands or the majority or the minority leader’s hands in any respect. And if you want to carry this through to the nth degree, then do as I said, almost facetiously — put it on the Pennsylvania Lottery. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The remarks I am about to make do not apply to the gentleman, Mr. Mihalich. I want to make that clear.

But in the course of the remarks today, from time to time, different members’ names have been used, and we really should not do that. So I am going to ask you to be careful as you make remarks not to mention the names of other members, other than, of course, Mr. Tigie. You can, of course, call it the Tigie amendment. But other than that, you should not be referring to other members by name.

Mr. Krebs.

Mr. KREBS. Thank you, Mr. Speaker.

I rise in opposition to the Tigie amendment.

I want to quote a previous speaker from Allegheny County who said that it was about individual rights. I do not think it is about individual rights; I think it is about the public’s right to have a good legislative process. And whenever you create a system that is absolute — and what we are doing here is a seniority system that is absolute — I think you have a problem, because when you create that type of system, you take away the fear of failure from a committee chairman. That means they have no reason to perform, because they have no fear of being removed from a chairmanship. They may be shuffled. We may have chairmanship shuffling, but we will not have the fear that causes a person to go out there and do a better job.

I think that what is fatally flawed about this seniority proposal is not the seniority — I know you have to have some type of rules in order that we have some predictable behavior and we can run this place — but when you say that a person is going to be a chairman no matter what, I think it is fatally flawed, because there should be some provision that if there is nonperformance, that person could be removed.

And until you correct that proposal, I am going to oppose the Tigie amendment.

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

Mr. JAMES. Thank you, Mr. Speaker.

I just want to make it clear, Mr. Speaker, since Representative Thomas had quoted me on something, that I wanted to make it clear that I am opposing the Tigie amendment.

Mr. Speaker, I respect seniority; I also respect leadership. And I think that what we have here is that this is no more than just an indirect procedural vote or a direct procedural vote that someone is trying to circumvent. I think that we elected leaders here in our caucus and our caucus leaders decided to do what they decided to do because of their reasons, and I think we should not take that away from them because of this and then make an absolute seniority rule.

So in that case, Mr. Speaker, I just want to make sure that I am on record to say that I am opposed to the Tigie amendment, but out of all due respect, I do respect seniority, but I also respect leadership and that we have to have in leadership a team effort. Thank you.

The SPEAKER. The gentleman, Mr. Evans.

Mr. EVANS. Thank you, Mr. Speaker.

Mr. Speaker, I would not normally have risen on this, but my name was brought up, and since you indicated names were mentioned, I wanted to correct the record.

The gentleman who brought up my name, you are correct that there was an action that was taken by the former majority leader regarding an action I had taken, and the Speaker remembers the action I had taken, because at that time all the Republicans had voted one way and I had voted with the Republicans. And I recall when I voted with the Republicans, I went to that gentleman's office and I sat in that gentleman's office, and he said to me, he said, "You know, one day you'll be here where I'm sitting at, and when you want to second-guess my decisionmaking, then that's the day you need to run for this particular position." And I sat back and looked at him and said to him, "You're correct." I did not bring that to the House floor. I did not come to the House floor and say on the House floor, change the rules because I had been treated unfair. He was the majority leader. I had accepted his judgment. I may not have agreed with him in what I was arguing about in terms of an issue, but I had accepted his judgment.

The gentleman from Lebanon made another good point, because I strongly believe in competition and performance. Seven years ago I ran for this position as chairman of the Appropriations Committee, because I am of the opinion, if you had my opinion, all chairmanships should be elected, because when I started out, when I started out running for this particular position, it was a very competitive race. As a matter of fact, some of the people on this side of the aisle, we were really in a knockdown, shovel, push-and-shove, and I was fortunate enough to win that election. I had that same competition last time around, and I won the

election again. I believe, if you do your job and not just try to hold on to your job, the reality of it is, it will pay off.

So I agree that the only thing we are doing is institutionalizing the lack of accountability. I would be the first one to say that we are missing that accountability, because there was some former chairman, Mr. Speaker, when I first got elected and Democrats were in the minority — and I will not say this gentleman's name because he is not around; he was a Republican; it was the Consumer Affairs Committee — we never, ever, ever, ever, ever had a committee meeting, and there was nothing we could do about it. Because he had the position, there was nothing we could do about it and he was insulated from anybody making a change.

So we should be clear, for those who argue the principle; let us be clear: This is politics; this is really politics.

I guess if I was sitting on that side of the aisle, I would do the same thing that he is doing, because the gentleman who is sitting on that side of the aisle says, I got an opportunity to divide this caucus; I got an opportunity to put a wedge in this caucus. I would do the same thing. I would sit back, I would sit back and say, let this caucus eat itself alive.

That is what I would do. That is politics. I understand that. I do not agree with it, because my good friend here, he is always telling me about institution, institution, fraternity, fraternity, and I do not agree with him when he says that, because even though he argues fraternity, fraternity, institution, institution, there are some people on that side of the aisle who do not operate the same way he operates. I keep telling him that. He does not listen to me, but I tell him that they do not operate the same way you operate. When you raise that flag and you say, this is all for the institution, guess what? This is politics on that side of the aisle. That is hard-ball politics. This has nothing to do with principle. This has nothing to do with merit. This has all to do with politics.

Now, I understand that, because the day that Jim Manderino fired my staff person, I understood that that was politics. I understood that. I understood that it was nothing personal; he was not directing it at me. He said that "I'm in charge of this caucus, I'm the one who makes the calls, and the bottom line is, if you don't like it, you run against me." That is what he said to me.

So I am just saying to you that we got options. Herman Mihalich understands those options, and forgive me, Mr. Speaker, for mentioning his name, but he understands those options.

We had an election. Many people like it or do not like it — we won the election. That is the way it works — we won the election. Two years from now, there is another election. All of us will put our names up, and you either will vote for us or you will not vote for us; you either will put us in or you will kick us out.

So in the case of the majority chairman of Appropriations who sits over there, he and I have to do our job, because if we do not do our job, we are not going to be in these positions. And that is the way it should be. We all should be accountable, we all should perform, and if we do not perform, we should not be in these jobs.

So I am saying to you that, no, this is not about seniority; no, this is not about principle; no, this is not about the institution — this is simply about politics. That is what this simply is about.

So I would rather for people to stand up and stop saying to me about principle and institution and say, look; Minority Leader, I am going to get you, because I did not like what took place inside your caucus, so I am going to come to the floor, and since I do not

like what took place in your caucus, I am going to figure out another way to get you; that is what I am going to figure out. And I understand that. I understand that that is the way the game is played, because there were many times that a number of us could have walked on that side of the aisle and made a deal. But there is a difference between Democrats and Republicans; there is a difference between Democrats and Republicans.

And I do not blame the majority leader. I understand his position. He has to govern, he has to run this, and he has to keep his numbers together, and if he can gain some numbers over here, why not? It is a freebie. He does not have to give up anything.

So I am saying to you, it is not about principle; it is not about institution — it is about politics. I am against the Tigie amendment. Thank you very much.

The SPEAKER. The Chair recognizes the lady, Ms. Carone.

Ms. CARONE. Thank you, Mr. Speaker.

I rise in opposition to the Tigie amendment, and it is certainly not because I do not treasure the folks on the other side who found some problems in the Democrat Caucus.

I am arguing that in the capitalist world, the free enterprise world, in major businesses and corporations, we do not promote people based on seniority and how many years you have been there; they try to promote people based upon ability. Seniority alone just does not make it.

Some of us argue about tenure; people are secure in their teaching positions or they get to be able to be the chairman of a department in a public school all because of seniority. If the rule does not make sense outside the House, it does not make a lot of sense inside the House. We are making a wonderful cocoon for some folks to be able to stay as chairmen when they should not.

I have read the language in the Tigie amendment, and I do not understand how a chairman who may not be doing his or her job well cannot be removed by the leader, and we elect our leaders to make those important decisions.

We are talking about performance, we are talking about doing good things for Pennsylvania, and that means we need good leaders, and I ask you for a “no” on the Tigie amendment.

The SPEAKER. On the question, the Chair recognizes the gentleman, Mr. Blaum, for the second time.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, I once again rise in opposition and did not intend to and I hope you excuse me for mentioning the member’s name, but it was not until I think the wisdom of Al Masland came out—

The SPEAKER. The gentleman will yield. No, I do not forgive you.

Mr. BLAUM. Okay. I am sorry.

The SPEAKER. You are not to use other names on the floor, really.

Mr. BLAUM. Well, it was done in honor, Mr. Speaker, and I think in a very positive way, that perhaps maybe a foregone conclusion is not so foregone; maybe we do not have to do this. I stood here and said that if it ever came up in the future, that if the roles were ever reversed, I would stand in the way of my leadership if they decided that they were going to reach into the Republican Caucus and do this and I would not let that happen, not because it is politics, and I disagree with the gentleman, Mr. Evans, on this. I think it is about this institution — I really do — and I think all of us should stand up. I think the gentleman from the center part of the State and the lady from western Pennsylvania

stand up and approach it from a very reform-minded way, as does the gentleman from Delaware. But there are other members who may approach it from the point of view of maintaining the integrity of this institution. That is what is important to me. I would hope that we do that.

When we bring our bills and amendments to the floor of the House, there is a give-and-take here that I think we all enjoy, there is debate that goes on, and there is the battle, and then the score goes up on the board. The big vote was cast in November. We are not going to win many battles here, but you must let us put our best team on the field. If you do not let that happen, if you do not let that happen, then your victories are going to be a little bit hollow. Let us put the best people forward, and let us go at it on the issues like we did today, on the issues that we will do in the near future, and if you are successful, I think your program is better for it.

I hope that this is not a foregone conclusion. I hope that maybe we came here thinking this amendment was going to pass, but perhaps after we heard the debate, maybe some minds were changed, that, hey, we do not have to wait until the future to stop something like this from happening again; maybe we can stop it right here today, with a coalition of people approaching this issue from various points of view; maybe we can vote “no” on this amendment and stop it before it ever gets started.

Thank you, Mr. Speaker, and I urge members from all persuasions to vote “no” on this very important amendment.

#### FORMER MEMBER WELCOMED

The SPEAKER. The Chair is pleased to welcome to the hall of the House, located in the top aisle of the balcony, Senator Wozniak.

#### CONSIDERATION OF HR 5 CONTINUED

The SPEAKER. The gentleman, Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

And I am sure the gentleman is happy to be in the Senate on this date, especially being a Democrat.

Mr. Speaker, I did not plan on speaking on this issue either, but I began to incessantly take down some notes over the course of the past few speakers, and my concern about the Tigie amendment is the overall, entire issue of how this makes the majority party a supermajority.

We have already seen in the resolution previously adopted that a supermajority will be needed to get an amendment on the floor if it is not added in committee. At some point today, 112 or 114 votes will be needed to suspend the rules, and perhaps that will be the case the rest of this session. In my opinion, that disenfranchises 60,000 residents of Northumberland, Columbia, and Montour Counties from suspending rules on issues that might affect the working class or a bill on abortion or insurance reform or privatization—

The SPEAKER. The gentleman will yield.

The matter before the House at the moment is the Tigie amendment, not—

Mr. BELFANTI. I understand and I am getting to it — very shortly; one more sentence.

The SPEAKER. I dare you to get there in one sentence.

Mr. BELFANTI. Okay. I will skip that sentence.

Eighty-six, 83, 80 members of our caucus believe we are being disenfranchised. Our constituents are being disenfranchised by what we are doing here today with the Tigie amendment.

How is that?

Had we returned in the majority, Mr. Speaker, we were told point-blank by a small minority of our colleagues — many of them, most of them, all of them that I consider to be friends of mine — that that dozen or so people would forge an alliance with the GOP and thwart the election held in our caucus for whom we cared or whom we chose to be the Speaker of this House.

And, Mr. Speaker, we were told, by and large, that the GOP would then have the lion's share — even if we were successful, which we were not, in returning in the majority — have the lion's share of the say of who would run this chamber. That is unprecedented in the long history of this chamber, which precedes the U.S. Congress by a hundred years. I have never heard of a caucus electing a Speaker and having the will of the vast majority of that caucus being superseded by a small minority forging an alliance with the defeated minority from the November election.

And, Mr. Speaker, I would like to remind you that last session, on at least one occasion, two or three of the members of your side of the aisle toyed, at least, with the idea of replacing you as Speaker on an issue that they were unhappy about. And it would have been very easy for Bill DeWeese or Ivan Itkin or Bob Belfanti—

The SPEAKER. Could the gentleman get back on that road that was going to lead him to the Tigie amendment.

Mr. BELFANTI. My point, Mr. Speaker, is on point.

It would have taken our caucus, 101 of us, to join with 2 or 3 of your members to remove you as Speaker, and that is something that would be against the tradition of this chamber, and the Tigie amendment is in that same grain. Mr. Speaker, if the Tigie amendment is adopted, the will of the vast majority of our caucus who choose to elect our leaders, whose job it is to appoint the committee chairmen, will be completely thwarted. It will in effect allow the majority to superimpose its will on our caucus forevermore — for the end, at least, of this session.

Again, in the 300-year history of this chamber, I know of no such time where a sitting leader of either chamber was precluded from naming committee chairmen that he and the majority members of the respective caucus felt were deserving of that merit.

Now, I am a product of the seniority system. I waited my time, and I was not appointed chairman out of class, and I probably would have been upset if I was passed over, and I am sure the four or five individuals who are leading this charge on this amendment are upset. I do not blame them. I would be upset as well. But the fact remains that the reason for this all happening is that they were very outspoken and up-front with us that they were going to elect a Speaker not to the choosing of our majority but to their own choosing.

Again, Mr. Speaker, I think that this entire process disenfranchises 60,000 people in my district. If the majority leader has his say on this amendment, if he allows this to occur and dislodges the tradition of this chamber and turns this institution and the Democratic Caucus on its head, then I think that we need to be prepared for some other things to occur here.

I trust that the 80-or-so members of my caucus who believe that the issues affecting workers' lives over egos and personality

differences will stand tall at some point during this session, because if this amendment passes and some of these other rule changes take place, the time will come when even the 13 or 16 or 20 of us that vote with the Republicans on this amendment are going to find that an issue that is important to them is not going to be kicked out of committee because the bill happens to be in a committee that is now chaired by someone who is in the minority on all of these issues, or maybe some of these issues, with no allegiance to the majority of our caucus. And I trust that when that time comes and some of these 16 feel that disenfranchisement and bleed profusely because of an issue or philosophy that is important to them that does not get the attention of this House because it does not come out of a committee because the committee is chaired by someone who is upset about these proceedings, then I hope at that point, when the majority leader needs 40 votes for a gas tax for the Governor, I hope he can count on those 16 or 13, some of whom have never put up a tough vote. And I hope, when it is time for us to vote on nonpreferred appropriations later this year, that those 13, 14, 15, or 16 Democrats that you are counting on today, you can count on for nonpreferreds, because I hope that the 75 or 80 of us who believe what is going on here today is wrong will stand firm, even if we are for the gas tax or even if we are for an appropriation for Penn State University, I hope we will stand strong and say, we are not providing more than 13 or 16 votes to you on any issue until these rules are rescinded.

Thank you, Mr. Speaker.

The SPEAKER. On the question, Mr. DeWeese.

Mr. DeWEESE. "...He...hates the slime that sticks on filthy deeds." "Othello."

A long time ago, I was in my twenties and the Speaker was in his forties, and a group of young hellions — amongst them yours truly and, crazily enough, a handful of my aggrieved colleagues — as a minority party tried to inject into the rules a provision where the chairmen would have to be voted on by the caucuses; a yes-or-no, up-and-down vote. I think it was May 2, 1979. I was wrong, and the gentleman at the dais was right.

And in those times long ago, when institutional dynamics were different, 169 individuals, on both sides of the aisle, marched out and decided, as the gentleman from Carlisle, the gentleman from Wilkes-Barre, and the inimitable reformer, good guy, from Delaware had indicated earlier, they thought that there should not be a hard, ironclad rule.

In fact, at that time the majority leader of the House, the Honorable Matthew Ryan, said — and I quote from our Journal — when Representative Joe Hoeffel tried to shove into the rules an adamant rule that was unyielding, "It is your problem; it is within the scope of your responsibility to take care of your own caucus by its own rules, and I would like to reserve that right to our caucus.

"We have as opponents, so to speak, political opponents, jealously guarded over the years the right to self-determine the conduct of our respective caucuses."

Those words are so delectable I need to repeat them again.

"We have as opponents, so to speak, political opponents, jealously guarded over the years" — it is almost iambic pentameter; it is almost Shakespearean — "over the years the right to self-determine the conduct of our respective caucuses."

Alfred, Lord Tennyson, the poet laureate of England, once said that the great world spins forever through the ringing grooves of change. Some of these folks have been spinning a lot lately.

I am going on with my quote from 1979: "...we did not as the majority party" way back "in 1973...attempt to impose our will on you.... ...because the majority party elects its speaker, and if the majority party is satisfied..." with the speaker and who they select for their committee chairmen, I think that should be okay and self-determination should prevail. I believe that is the philosophy that generally governs most other legislatures. Matthew Ryan, 1979.

That was the year of Three Mile Island. I do not know whether there was any connection, but we got hammered. There were 22 of us, and I was just as inspired and fire-breathing as the young man from Delaware County, who continually makes us adhere to our idealism.

And then speaking of idealism, the inimitable K. Leroy Irvis went to the microphone. He was ready to admonish me and my brothers, and I might add — and there is some irony, and there should be some irony in everything in life — my worthy colleague Representative Michlovic, the Honorable Frank Pistella from South Pacific Avenue, and my colleague from Erie, the Honorable Italo Cappabianca, along with Ron Cowell and myself were blistered by Mr. Irvis when he said, and I quote, "When the time comes when one of you young women or young men becomes speaker of this House, I hope you will remember what I have said to you," agreeing with Mr. Ryan. "You are going to find out the same way as the President of the United States has found out — it is one thing being elected; it is another thing to govern."

Paterfamilias; paterfamilias. It is a wonderful Latin term that has been transmogrified into English all by itself; no changes — paterfamilias. George Washington was a paterfamilias, father of the family. He was our national paterfamilias. Lincoln, during the Civil War, was a paterfamilias. W.E.B. Du Bois was a paterfamilias, father of the family. At the dais resides the embodiment of what I thought was a paterfamilias, a father of the family, a guardian of the sacred flame.

James Madison once said that the great danger is that the majority may not respect the rights of the minority. The minority of our caucus today, in what I would perceive to be a comparatively unsavory allegiance with the majority party, is thwarting our internal elections. As the gentleman from Mount Carmel said not too long ago, our team prevailed with a sizable margin in most of the races and with more robust and competitive races in others, but we prevailed. Then approximately 80 percent of our team has not gainsaid these comparatively aggressive measures that were taken relative to the postponement of a chairmanship until the next term for reasons that have already been said.

But it is absolutely not the responsibility of the man in the pit or his colleagues, notwithstanding those wonderful recollections of, as I said earlier, of Laurel and Saucon and the Tavern on the Hill. It is not anyone's fault there.

The Representative from Philadelphia, the distinguished chairman of the Appropriations Committee, was right. It is politics. It is bald; it is unabated; it is unrelenting; it is omnipresent; it is political, but it could have been thwarted; it could have been thwarted by a paterfamilias. It could have been thwarted by an

overarching institutional concern. It could have been thwarted, should have been thwarted, needed to have been thwarted.

These words were not said in a hollow fashion in 1979. They came from the pit, and the pit has elevated to the dais. Where is the reckoning? The dais. Who is answerable? The dais.

On October 19, 1781, Gen. Charles O'Hara left the fortifications at Yorktown and he handed his sword to Benjamin Lincoln. This would not seem too unusual except for the fact that Cornwallis was in charge of the British Army. He had been thwarted; he had been defeated. It was not a good day for Cornwallis. He sent his number two from the fortifications to do his dirty work. The high commander, Cornwallis, was unbesmirched and in full regalia in his British robes, but Charles O'Hara allowed the British ensign to fall, and that great battle was concluded. I guess those were different times, different maxims, different punctilios.

When I was privileged to be at the dais — and it is interesting that the gentleman from Carlisle has spoken; he is almost entirely accurate in his assessments of his recollections, except we did share a pizza one time long ago — but I tried, either with a 3-wood or a piece of scrod, to engender some camaraderie, to engender some camaraderie and familiarity. I wanted that, and I think, especially if the younger members, the distinguished new colleague from West Point and others, if they will ask around to some of the graybeards in their ranks, they will know that again and again and again I tried to engender some sort of familiar rapport with both sides of the aisle. I made a very aggressive effort to sit down and break bread and to be a part of the overall fraternity.

When it came time for the dais to come to the pit and we talked about the press gallery, I identified with the institution and with the man at the dais. When it came time to discussing our health club and the pyrotechnics that will inherently be conjoined with that project, I identified with our institution; I identified with the dais.

The SPEAKER. If I may, if you are going to take shots at me, I would ask the lady, Mrs. Vance, to take the Chair and allow me to go down below.

Mr. DeWEESE. I would welcome that, Mr. Speaker.

### THE SPEAKER PRO TEMPORE (PATRICIA H. VANCE) PRESIDING

The SPEAKER pro tempore. Could we have order, please. Could I have your attention.

The gentleman may proceed.

Mr. DeWEESE. When it came time to working on these rules, as I said earlier today, with the exception of moving from 10 to 11 and from 14 to 15, I felt very comfortable identifying with the dais, with the institution, with our traditions.

And as the gentleman from Northumberland, the chairman on the Democratic side of the Labor Relations Committee, indicated, during some of the tumult on the other side of the aisle when now Senator Piccola was campaigning hell-for-leather within your ranks and it was a 49-49 vote, this kind of mischief, this kind of perfidy never entered my mind.

So why, why are we sacrificing our institution? Twenty-one years I have been in this hall, and the worthy Speaker, who commands the dais, has been here a lot longer, in the leadership ranks 27 years — 27 years — paterfamilias; paterfamilias of the



House. I will take the hit, but it was a unanimous decision on the part of the seven leaders to do what we did, and we were elected to lead.

Newt Gingrich, when he was elected, decided that several committee chairmen had not been helpful to him, and he called them into his office and he said, you guys – because they were all men at that time, and I assume they still are – you guys are going to be – since they were very staid Republicans, I am sure they still are – you guys are going to be committee chairmen, but it is going to be 2 years from today. As the gentleman from Columbia County has already pointed out, the gentleman, Mr. McDade, in the Federal Congress, notwithstanding his stupendous seniority, is not a member of the committee chairmen ranks there.

Once this happens, once this is concluded – and it is a foregone conclusion, notwithstanding some of the incipient ebullience of some of my members who think that due to a couple idealistic voices on the other side, there is a chance for passage; we are counters and we know better – but this whole thing; as I told one of my freshman colleagues last night at the AFL-CIO event, every one of these committee assignments that we have made on our side is going to have to be done again. If this takes place, Mr. Jarolin, et al, Mr. McCall, all of these assignments are like the set of dominos.

So this is a very disruptive exercise that you are perpetrating upon us. All the committees will be redone, and what is to say, what is to say that next year, next month, 2 years from now that the Republican panjandrums do not come here to the floor and say, well, vice chairmen are going to be done by a such-and-such rule or subcommittee chairmen are going to be done by such-and-such a rule?

Elected leaders need to have some flexibility, and that has been a hallmark of the gentleman at the dais; that has been a hallmark of our predecessors, politically, lineally. Strong and robust Manderino, the erudite and spiritual Irvis, swashbuckling and natty and brilliant Fineman, people that I have been privileged to serve with, they were institutionally oriented to the core, and until very recently, 24 hours ago, I could not fathom that paterfamilias was not going to allow our institutional integrity to endure.

We probably will never return to those days. Webster and Clay and Calhoun and Thomas Hart Benton are probably a mid-19th century ideal, and as most ideals are, they probably were not without their fault in those days. But many of us in this room, many of us in this room, especially those of us from 40 up, remember the leadership days of Lyndon Johnson, and Sam Rayburn, and Everett Dirksen, and of course we all remember Bob Dole, Bob Michel, Tip O'Neill, Sam Hayes. If Sam were in the pit, this would not be happening; this would not be happening.

In closing, Madam Speaker, I have been told that during the electric deregulation debate, I had promised cooperation, and I did not. It is emphatically off the mark. I did not get involved in that issue. I voted against it, and it prevailed with a handsome number. I have been told that our involvement during the gas tax controversy was a mark that allowed some of this mischief to be perpetrated.

In 1991 we stayed here until August 5 to realize the most significant tax effort of the Casey administration, and as far as I am concerned, the gas tax effort is the most significant tax effort of the Ridge administration. And without knowing your votes as you knew ours in 1991, we were supposed to engender the

enthusiasm to deliver X amount of votes between 8 or 9 at night and 3 or 4 or 5 or 6 in the morning with a bill not even being crafted yet finally in the Senate. That was given to me as a reason for this kind of mischief. And just yesterday the policy chairman and I tried one last time to thwart this, but to no avail.

Nothing noble or honorable resides in this effort of the majority to intercede against us today. Abraham Lincoln said that force is all-conquering but its victories are not long-lived.

Paterfamilias, guardian of the sacred flame, our relationships will never be the same.

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

Mr. RYAN. Thank you, Madam Speaker.

I, of course, had no intention when the day started of making any remarks, and as I stand before you right now, it is my intention to limit my remarks.

I had a great deal of trouble – and probably everybody in this room knows it – I had a great deal of trouble reviewing these rules, as I do every 2 years have a great deal of trouble reviewing rules and making changes in the rules. I had a tremendous amount of trouble with the rule that is before us. I was in our caucus yesterday and made comments about it, but I guess as much as anything – and I am for it right now – I guess as much as anything, it was really the history of what has taken place that brought me to the point of being for it.

I listened to the gentleman across the way poke some fun at me about 1979 with statements I made. He neglected to advance the clock to 1986 when, on bended knee and long epistle, he went to the then leader of his caucus demanding to be made the chairman of the Judiciary Committee solely because he deserved it based on seniority, and that is so. And I do not blame him for that. That is the way it worked then. Our caucus works that way. I think the Democrat Caucus and the Republican Caucus has always worked that way.

I was quite surprised to learn just 2 years ago, I think, or 4 years ago that the Democrat Caucus did not work on a seniority basis; quite surprised. I did not know it. After 35 years, I did not know seniority did not count in your caucus. It always counted in our caucus. I have no recollection in 35 years of any of our members being passed over who were senior members for a position of being chairman of a committee who rated it on a seniority basis.

The amendment that is before you, as I looked it over, I see that Mr. DeWeese or myself, as the existing Speaker and floor leader, the appointing authority, we are not caught to the extent that every single person has to be appointed to a given committee but rather we have some leeway. We can appoint to such committees as we see fit. If there are more members than there are committees, there are going to be disappointed members, and we know that and the members should know that.

There is a history of invading the caucuses. It has been stated that the Democratic leaders, all of them, voted to cut the Republican Caucus funds by \$2 million here about 4 years ago or 6 years ago – I am not sure just when it was – and Mr. Itkin several months after that happened made us whole, and that was probably the brightest, smartest thing that a leader, either side, has done in some years.

We have done a lot of other things in anticipation of this year, and I think credit should be shared. Bill DeWeese, your leader – and I am addressing myself to the Democrats – your leader

suggested several years ago — and I forget just when it was; it may be when he was Speaker — that he wanted to put small computers, laptop computers, on the floor, and we are looking into that. In fact, I do not know whether he is going to cancel the reservation, but the two of us are going out to Sacramento and look at them next week or the following week. I guess I will have to fly by myself or he will expect me to pay his share.

We have done a lot together. We are working on other projects, as we should be as leaders, for the betterment of this House. We have provisions in these rules — and I do not pretend to know these rules as well as others — that are for the betterment of all, agreed to by both sides.

There is a requirement put on the Speaker of the House — and I allowed this to happen to myself — requiring me to call a special election within 10 days of a vacancy. Now, politically, that is the dumbest thing a Speaker can do, but I think it is progressive and I think it is fair, and the election must be called — you can read the details; it varies a little bit — but it must be called within 10 days for a period more than 60 days but in or around the next municipal or general election. You can read those times, but it is really the next election as long as the next election is at least 60 days away.

These are things that are good about the rules, and this, too, makes sense about the rules. I think the reason it makes sense — and I am going to offend the gentleman, Mr. DeWeese, right now — is because what has been going on, in my judgment, in that caucus is wrong.

I keep hearing Newt Gingrich. You are holding him up as some kind of a hero, but I daresay that at Scott's tonight everybody will be knocking him — Newt Gingrich did this and Newt Gingrich does that. We are not Newt Gingrich and neither are you. We are right here. Newt Gingrich did not appoint certain people as chairmen. We are not going to appoint them as chairmen of the most important committees if we do not want to, but that is not what brought this whole problem to us.

We did not have an indictment that brought a problem to us. We are not over here because five of our members were indicted. I think what incensed so many of our people is five people who are good, respectable members were passed over for no reason. A man, a man — and this is I guess what bothers me, Mr. Minority Leader, and this one is going to hurt a little bit — over the years, the two of us walked back and forth whistling the Marine Corps Hymn, and as you are whistling the Marine Corps Hymn and you are clubbing the only real decorated hero of the Marine Corps that is in this body by passing him over for some alleged offense, which I suspect is a personal affront rather than some inadequacy as a chairman—

Mr. DeWEESE. Madam Speaker, I think the gentleman has gone beyond the pale.

The SPEAKER pro tempore. If the gentleman would cease. Mr. Ryan has the floor.

Mr. RYAN. These are the things, in any event — I will come off that — but these are the things that have stirred us up. We see no reason other than pettiness for what has taken place. We think it brings some shame on this institution; we honestly do. We think it is wrong. We think like Michlovic thinks. We think like some of the others think who maybe did not take the floor today, who are afraid of retribution, who have talked to us. And why would they not be afraid of retribution? You have seen the retribution take place. You have seen people lose committee chairmanships, and

that is wrong, and somewhere along the way the father has to protect the children. That is part of it. And maybe that is the role we have to take today, because what has been going on is wrong, and you have broken the spirit of this House with this conduct. You have broken the traditions of this House.

I would like to hear, if I am wrong, I would like to hear going back in history of the people who have been passed over for chairmanships prior to the existing leaderships, during my tenure at least, and I am not going back into history with some of the others, but it just did not happen in my memory; it just did not happen. Now, people were passed over who wanted to be passed over. Tom Gannon, he is here. He was passed over because he wanted to be in charge of our computer committee, so he did not take a committee. Some of our other people have said, well, I would rather do something else than take that particular committee. They have been passed over, but they agreed to it. But other than that, seniority meant something, and pettiness did not. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair again recognizes the gentleman, Mr. DeWeese.

Mr. DeWEESE. I am not going to contest the honorable gentleman. I am only going to share two or three quick observations about a couple of points.

My fundamental motivation vis-a-vis what he just said is that whether he is right or wrong, it is not his call.

We had an election over here. Our team prevailed. Our leadership, seven of us, sat in a room and made a unanimous decision to postpone the chairmanships for one term. Nobody, and notwithstanding what he emoted, can say that seniority has not been a fundamental factor in our process. My own, who are 95 percent of all the appointments that I have made since I have been the appointing authority, have been by seniority — 95 percent. So it is not fair for the gentleman to say that he found out a short time ago that seniority did not count over on this side. It does count — 95 percent of mine.

He did use the word, his word, not my own, but terminology that we all understand, “invading” the caucus. He said he did not like to invade it, but it was his verb or participle — “invading” the caucus.

And vis-a-vis my own history in 1986, but since I believe in seniority, except in rare instances when some members might be trying to take out a Speaker — in fact, that is the only incidence; that is the only incidence — that is my criteria for what our leadership team did. If we had had 102, we were not assured that a handful of our senior folks were going to be with us, so we made a decision to postpone their chairmanships. It is not all that arcane. Why your team has to intercede on ours, I guess like Dwight said, you have the numbers.

But in 1986 — and for all of you nonlawyers, I hope you will respond favorably — the Judiciary chairmanship came open. A man ran for judge and prevailed; I was the most senior person by almost a year — I had come in a special election 10 years earlier — and some of the lawyers in the leadership ranks decided that they would pass me by because I was not a lawyer. A gentleman from Clearfield, the hardscrabble, rough-and-tumble chairman of our Conservation Committee, and the late great Russell Letterman and Tom Fee and Benny Dombrowski from Erie went into the Speaker's office. They were all bereft of legal training, and so was

I, but we all had something in common that the next fellow down the line did not have in common: we just supported the big pay-raise vote.

There has to be some subjectivity. You folks do not have any right to do this to us.

The SPEAKER pro tempore. Those in favor of the amendment will vote "aye"—

Mr. TIGUE. Madam Speaker?

The SPEAKER pro tempore. Does the gentleman, Mr. Tigie, wish to be recognized?

Mr. TIGUE. Yes, Madam Speaker.

The SPEAKER pro tempore. You may proceed.

Mr. TIGUE. What I just heard caused me to rise. Most people in this chamber think we should just vote this now, but I cannot let go what was just said.

Mr. Ryan did not come into our caucus. This was initiated by me and other members with their support.

The Democratic leader says only in rare circumstances does this happen and this is the first time it occurred. That is absolutely false. Ask Mr. Michlovic. It has been used for intimidation because Mr. Michlovic voted for Mr. Itkin and not for Mr. DeWeese. This happened when Mr. DeWeese was elevated to Speaker, by a unanimous vote of all of us on this side.

Since I was elected, seniority has been the rule. It was not in our House rules; it was not in our caucus rules. I am not a lawyer, but it can be viewed as common law or precedence. It is interesting when the chairman of the Labor Relations Committee gets up and he does not agree with seniority. Let him tell that to the AFL-CIO.

It is interesting when people stand up and come up with the argument of competency and performance. You heard the gentleman, Mr. Masland, from Carlisle talk about one of the gentlemen who was removed as chairman. He was one of the most competent people in this House. These people were not removed as chairmen or passed over or whatever because they were incompetent. Seniority was not a problem before. All of these people who get up and are opposed to seniority, I never heard them opposed to it before — until this year, because they are intimidated. They are fearful.

This is not about the Republicans reaching into the Democratic Caucus. No, Madam Speaker; it is not. This is about fairness. There is flexibility to do things, and we all received a memo from one of our colleagues saying about how he thought that seniority was important and to give flexibility to the leaders. That is why the amendment is drafted the way it is. But let us not pretend that we are telling the public that we have done things based on performance and abilities; we have not. This is a political institution; I understand that. But even in politics, when you go too far, you are going to get resistance, and this is one of those times.

This is not about protecting Tom Tigie or anyone else. This is a House rule; this is not a caucus rule. Is seniority the greatest system in the world? No, but I do not know of any other system that is better. And I have sat down with people who wanted to change rules over and over for the last 6 or 7 years, and I have not heard a better idea. There have been ideas purported. Surely the people who are opposed to this idea did not support the other ideas.

And we started bringing up history. Let us go back to 1993. In 1993 the Democratic Caucus unanimously voted for Mr. DeWeese as Speaker. Shortly after that there were a number of us — some of

whom are on the other side right now — in our caucus who wanted to change rules for a better process for the House, and what happened? There was a rule to adopt the rules so that no one could make any amendments and do what we are talking about doing today. But beyond that, this same gentleman who criticized someone during the last election went to the newspapers with accounts of members who had the nerve to vote to do something about rules. That is what this is about. That is what this is about.

You cannot dehumanize members because you want to or you have the authority. I believe in playing by the rules. In fact, I am an official in basketball and football. I think every institution should have rules, but if the rules are abused, if the rules do not do to the people under those rules what should be done, those rules should be changed. That is why we are here. Every bill we pass, we change a rule; every amendment we offer, we change a rule, because we see that there is a problem with that rule, and that is why we are here today.

Mr. DeWeese talked about Yorktown. I am talking about Pennsylvania in 1997. I will not, I will not stand and let anyone — anyone — intimidate me or try to intimidate someone else if I think it is unfair.

Leadership needs tools to do certain things, and they have those tools. The day after our caucus election, I was told by a member that he was going to lose his chairmanship. He did not make the mistake of running against anyone in our caucus; he said he would probably support me. That was his sin. That is why I am involved in this, because I feel somewhat responsible.

We can allow ourselves to stand here on this floor and tell the public what we want them to hear, but each one of us knows the reason for this rule change — because of unfairness, because of an abuse of power — and when that happens, Madam Speaker, it is incumbent upon us to change the rules. Thank you.

The SPEAKER pro tempore. Those in favor of the amendment will vote "aye"—

Mr. DeWEESE. Madam Speaker? Madam Speaker?

The SPEAKER pro tempore. Does the gentleman wish to be recognized again?

Mr. DeWEESE. Yes; I do.

The SPEAKER pro tempore. You may proceed.

Mr. DeWEESE. This is serious debate, maybe the most serious of our 2-year experience, but I find it necessary to make a few explanations.

In 1993 when I was privileged to be Speaker, I appointed the gentleman, Mr. Michlovic, chairman of the Tourism Committee. The gentleman, Mr. Itkin, and I had clashed in 1988. Five years later I made him a chairman. I want that to be on the record — 1995; you are correct.

I want to read an unusual correspondence, Madam Speaker:

October 8, 1996

Dear Colleague:

A committee chairman appointed by the Speaker must be approved by a secret ballot vote by a majority of the members of the committee. If a committee chairman does not receive the majority approval of his or her committee members, the Speaker shall appoint a new chairman for said committee.

The goal of this effort will be that the seniority system does not assure quality leadership:...

Let me repeat that:

...the seniority system does not assure quality leadership; in fact, members who continue to be reelected are often from noncompetitive districts; they simply wait out the years to reach seniority status.

Signed, Tom Tigue.

On October 8, 1996, he denigrates the seniority system; today, he apotheosizes the seniority system.

Evans — excuse me, Madam Speaker; the chairman from Philadelphia — was right. Fundamentally, incontrovertibly, irrevocably, it is politics. And I commend the man in the pit. Deft and dexterous, adroit and savvy, and numerically superior, you are going to hold the day. We will have our say; you will have your way, but institutionally — institutionally — this is wrong.

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

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

Mr. THOMAS. Thank you, Mr. Speaker.

I am going to make this very quick.

Number one, we brought ourselves to this point.

Number two, on this whole question of politics, now, I had supported my caucus chairman before I even came to Harrisburg. He came to Philadelphia one day, and I supported him, and I do not even know what I was supporting. I have been there each and every time.

I stand in support of the Tigue amendment, not because of raw, unadulterated politics, although I probably should, because if you want to apply raw, unadulterated political principles, those principles say that if you have got the juice, then you run it. But no, the time has run out for us to operate without some guidelines in terms of how we are going to operate.

For 9 years I have sat back and I have seen people humiliated in public, humiliated in the House. I have seen people literally denigrated for no other reason than whom they walk with or whom they did not talk to. I have even seen a former member sit up here for my entire 9 years denigrate whomever he wanted to denigrate and kept getting promotions, from chairmanship to chairmanship to chairmanship, all because he had a relationship with somebody.

Well, I am here to represent the constituents of the 181st Legislative District and ultimately Philadelphia County, and I do not have time to be playing those games or to sit back any longer and allow those games to be played on anybody, whether you are white, black, yellow, green, or brown. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—118

Adolph	Egolf	Major	Schroder
Allen	Fairchild	Marsico	Schuler
Argall	Fargo	Mayernik	Semmel
Armstrong	Feese	McGeehan	Serafini
Baker	Fichter	McGill	Seyfert
Bard	Fleagle	McIlhattan	Smith, S. H.
Barley	Flick	McNaughton	Snyder, D. W.
Barrar	Gannon	Michlovic	Stairs
Benninghoff	Geist	Micozzie	Stern
Birmelin	Gladeck	Miller	Stevenson
Boscola	Gruppo	Nailor	Strittmatter
Boyes	Habay	Nickol	Taylor, E. Z.
Brown	Harhart	O'Brien	Taylor, J.
Browne	Hasay	Orie	Thomas
Bunt	Hennessey	Perzel	Tigue
Butkovitz	Herman	Pesci	True
Cappabianca	Hershey	Pettit	Tulli
Cawley	Hess	Phillips	Vance
Chadwick	Horsey	Pippy	Waugh
Civera	Hutchinson	Pistella	Williams, A. H.
Clark	Jadlowiec	Raymond	Will
Clymer	Kaiser	Readshaw	Wogan
Cohen, L. I.	Keller	Reber	Wojnaroski
Conti	Kenney	Reinard	Wright, M. N.
Corneli	Lawless	Roberts	Youngblood
Corrigan	Lederer	Rohrer	Zimmerman
Dally	Leh	Ross	Zug
Dempsey	Levdansky	Rubley	
DiGirolamo	Lynch	Sather	Ryan, Speaker
Druce	Maitland	Saylor	

NAYS—84

Battisto	Dermody	Lloyd	Sainato
Bebko-Jones	DeWeese	Lucyk	Santoni
Belardi	Donatucci	Manderino	Scrimenti
Belfanti	Eachus	Markosek	Shaner
Bishop	Evans	Masland	Smith, B.
Blaum	George	McCall	Staback
Buxton	Gigliotti	Melio	Steeffman
Caltagirone	Godshall	Mihalich	Steil
Carn	Gordner	Mundy	Stetler
Carone	Gruitza	Myers	Sturla
Casorio	Haluska	Olasz	Surra
Cohen, M.	Hanna	Oliver	Tangretti
Colafella	Itkin	Petrarca	Travaglio
Colaizzo	James	Petrone	Trich
Corpora	Jarolin	Platts	Van Horne
Cowell	Josephs	Preston	Veon
Coy	Kirkland	Ramos	Vitali
Curry	Krebs	Rieger	Walko
Daley	LaGrotta	Robinson	Washington
DeLuca	Laughlin	Roebuck	Williams, C.
Dent	Lescovitz	Rooney	Yewcic

NOT VOTING—1

Trello

EXCUSED—0

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 adopt the resolution as amended ?

The SPEAKER. The gentleman from Philadelphia, Mr. Cohen, for the purpose of making a motion.

Mr. COHEN. Mr. Speaker, in passing the Tigue amendment, we have cast a very strong, very historic vote in terms of how this institution functions 10 years from now, 20 years from now, 50 years from now, after all of us are not only gone but dead. What we have done today will be very significant. And the question is, is there any middle course where we could have—

The SPEAKER. The gentleman will yield.

Prior to offering your amendment, it will be necessary for you to suspend the rules. You understand that.

Mr. COHEN. Yes, Mr. Speaker, but I am not yet ready to say that.

The SPEAKER. We will test you. You are testing me.

Mr. COHEN. Mr. Speaker, I seek to offer a middle ground, as Mr. DeWeese referred to, similar to but not identical to the proposal that was rejected in 1979 to require that those people appointed under the rule adopted at the suggestion of Mr. Tigue be voted on by secret ballot by each caucus. This would be similar to the provisions that have been in effect for a long time in Washington, D.C.

**MOTION TO SUSPEND RULES**

Mr. COHEN. In order to give us the chance to vote on setting up a system of accountability to each caucus of the committee chair — this is for the accountability which is now gone under the Tigue amendment — I move to suspend the rules in order to allow me to introduce an amendment.

The SPEAKER. The Chair thanks the gentleman.

The question before the House is that raised by the gentleman, Mr. Cohen, will the House suspend its rules to permit him to offer an amendment to HR 5?

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

The SPEAKER. On that question, the Chair recognizes the majority leader.

Mr. PERZEL. Thank you, Mr. Speaker.

We would oppose the motion to suspend the rules at this time.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

**YEAS—85**

Battisto	Donatucci	Manderino	Santoni
Bebko-Jones	Eachus	Markosek	Scrimenti
Belardi	Evans	McCall	Shaner
Belfanti	George	Melio	Staback
Bishop	Gigliotti	Mihalich	Steelman
Blaum	Gordner	Mundy	Stetler
Buxton	Gruitza	Myers	Sturla
Caltagirone	Haluska	Olasz	Surra
Cam	Hanna	Oliver	Tangretti
Casorio	Horsey	Pesci	Thomas
Cohen, M.	Itkin	Petrarca	Travaglio
Colafella	James	Petrone	Trello

Colaizzo	Jarolin	Preston	Trich
Corpora	Josephs	Ramos	Van Home
Corrigan	Kirkland	Readshaw	Veon
Cowell	LaGrotta	Rieger	Vitali
Coy	Laughlin	Roberts	Walko
Curry	Lescovitz	Robinson	Washington
Daley	Levdansky	Roebuck	Williams. C.
DeLuca	Lloyd	Rooney	Wojnaroski
Dermody	Lucyk	Sainato	Youngblood
DeWeese			

**NAYS—115**

Adolph	Egolf	Maitland	Schroder
Allen	Fairchild	Major	Schuler
Argall	Fargo	Marsico	Semmel
Armstrong	Feese	Masland	Serafini
Baker	Fichter	McGeehan	Seyfert
Bard	Fleagle	McGill	Smith, B.
Barley	Flick	McIlhattan	Smith, S. H.
Barrar	Gannon	McNaughton	Snyder, D. W.
Benninghoff	Geist	Michlovic	Stairs
Birmelin	Gladeck	Micozzie	Steil
Boscola	Godshall	Miller	Stern
Boyes	Gruppo	Nailor	Stevenson
Brown	Habay	Nickol	Strittmatter
Browne	Harhart	O'Brien	Taylor, E. Z.
Bunt	Hasay	Orie	Taylor, J.
Butkovitz	Hennessey	Perzel	Tigue
Cappabianca	Herman	Pettit	True
Cawley	Hershey	Phillips	Tulli
Chadwick	Hess	Pippy	Vance
Civera	Hutchinson	Pistella	Waugh
Clark	Jadlowiec	Platts	Wilt
Clymer	Kaiser	Raymond	Wogan
Cohen, L. I.	Keller	Reber	Wright, M. N.
Conti	Kenney	Reinard	Yewcic
Cornell	Krebs	Rohrer	Zimmerman
Dally	Lawless	Ross	Zug
Dempsey	Lederer	Rubleby	
Dent	Leh	Sather	Ryan,
DiGirolamo	Lynch	Saylor	Speaker
Druce			

**NOT VOTING—3**

Carone	Mayernik	Williams, A. H.
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**EXCUSED—0**

Less than a majority of the members elected to the House having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

On the question recurring,  
Will the House adopt the resolution as amended?

**MOTION TO SUSPEND RULES**

The SPEAKER. The Chair recognizes the gentleman, Mr. Sturla, who moves— May I make the motion?

Mr. STURLA. Mr. Speaker, if I could be recognized, please?

The SPEAKER. The Chair recognizes the gentleman.

Mr. STURLA. Mr. Speaker, it has been a recent practice of the House to put bills on the final passage calendar before they have actually been moved out of committee. I would like to make a motion to suspend the rules to allow an amendment that would change this practice and require that bills be moved out of

committee before they be put on the final passage calendar of the House.

The SPEAKER. The gentleman, Mr. Sturla, moves that the rules of the House be suspended to permit him to offer an amendment to HR 5.

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

The SPEAKER. On the question, the gentleman, Mr. Perzel.  
Mr. PERZEL. We would oppose the motion to suspend the rules, Mr. Speaker.

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

The following roll call was recorded:

YEAS—86

Battisto	Donatucci	Mayernik	Santoni
Bebko-Jones	Eachus	McCall	Scrimenti
Belardi	Evans	Melio	Shaner
Belfanti	George	Mihalich	Staback
Bishop	Gigliotti	Mundy	Steelman
Blaum	Gordner	Myers	Stetler
Buxton	Gruitza	Olasz	Sturla
Caltagirone	Haluska	Oliver	Surra
Carn	Hanna	Pesci	Tangretti
Casorio	Horsey	Petrarca	Thomas
Cohen, M.	Itkin	Petrone	Travaglio
Colafrèlla	James	Pistella	Trello
Colaizzo	Jarolin	Preston	Trich
Corpora	Josephs	Ramos	Van Horne
Corrigan	Kirkland	Readshaw	Veon
Cowell	LaGrotta	Rieger	Vitali
Coy	Laughlin	Roberts	Walko
Curry	Lescovitz	Robinson	Washington
Daley	Lloyd	Roebuck	Williams, C.
DeLuca	Lucyk	Rooney	Wojnaroski
Dermody	Manderino	Sainato	Youngblood
DeWeese	Markosek		

NAYS—116

Adolph	Druce	Lynch	Schroder
Allen	Egolf	Maitland	Schuler
Argall	Fairchild	Major	Semmel
Armstrong	Fargo	Marsico	Serafini
Baker	Feese	Masland	Seyfert
Bard	Fichter	McGeehan	Smith, B.
Barley	Fleagle	McGill	Smith, S. H.
Barrar	Flick	McIlhattan	Snyder, D. W.
Benninghoff	Gannon	McNaughton	Stairs
Birmelin	Geist	Michlovic	Steil
Boscola	Gladeck	Micozzie	Stern
Boyes	Godshall	Miller	Stevenson
Brown	Gruppo	Nailor	Strittmatter
Browne	Habay	Nickol	Taylor, E. Z.
Bunt	Harhart	O'Brien	Taylor, J.
Butkovitz	Hasay	Orie	Tigue
Cappabianca	Hennessey	Perzel	True
Carone	Herman	Pettit	Tulli
Cawley	Hershey	Phillips	Vance
Chadwick	Hess	Pippy	Waugh
Civera	Hutchinson	Platts	Wilt
Clark	Jadlowiec	Raymond	Wogan
Clymer	Kaiser	Reber	Wright, M. N.
Cohen, L. I.	Keller	Reinard	Yewcic
Conti	Kenney	Rohrer	Zimmerman
Cornell	Krebs	Ross	Zug

Dally	Lawless	Rublely	
Dempsey	Lederer	Sather	Ryan,
Dent	Leh	Saylor	Speaker
DiGirolamo	Levdansky		

NOT VOTING—1

Williams, A. H.

EXCUSED—0

Less than a majority of the members elected to the House having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

On the question recurring,  
Will the House adopt the resolution as amended ?

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

The current strict adherence to the seniority system in appointing committee chairs yields, as we discussed before, sometimes not the best committee chairmen. The current system, without any rule, sometimes yields to an abuse of power. I think there is a balance between the two, and I think that balance would be a rule which would allow each committee to approve of the committee chairman selection of their leaders; in other words, a rule which would allow the Republican members of a committee to ratify the committee chairman selection of the majority leader, and a rule which would allow the minority members of a committee to ratify the selection of the committee chairman by the minority leader. In this way, it is a balance between the two worlds so that we do retain power with the elected leader of the caucus, yet at the same time, chairmen who are clearly incompetent, chairmen who do not show up for meetings, chairmen who clearly do not have a command of the subject matter, can be vetoed by their committee, by the body whom they guide, the members of the committee.

Therefore, Mr. Speaker—

Mr. DeWEESE. Mr. Speaker? Mr. Speaker?

The SPEAKER. The gentleman, Mr. DeWeese.

Mr. DeWEESE. The gentleman from Delaware is entitled to be heard, sir. Thank you.

The SPEAKER. The conference in the vicinity of the gentleman, Mr. DeWeese, please break up. The conferences on the floor, please break up. Sergeant at Arms, clear the area in the rear of the House.

MOTION TO SUSPEND RULES

The SPEAKER. Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

I am suggesting a rule change that would empower rank-and-file members of the committees and to deal with the problems we have heard at both ends of the spectrum of the selection process. Therefore, I would move to suspend the House rules for immediate consideration of amendment 209, which would

allow the selection of committee chairmen to be ratified by the members of each individual committee.

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

The SPEAKER. The gentleman, Mr. Perzel.  
Mr. PERZEL. Thank you, Mr. Speaker.

I would oppose the motion to suspend the rules. I would ask all the members to join in with that.

The SPEAKER. On the question of the motion of the gentleman, Mr. Vitali, to suspend the rules to permit an amendment to HR 5, those in favor will vote "aye"; opposed, "no."

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

The following roll call was recorded:

YEAS-80

Battisto	Dermody	Lucyk	Shaner
Bebko-Jones	DeWeese	Manderino	Staback
Belardi	Eachus	Markosek	Steelman
Belfanti	Evans	McCall	Stetler
Bishop	George	Melio	Sturla
Boscola	Gigliotti	Mihalich	Surra
Buxton	Gordner	Mundy	Tangretti
Caltagirone	Gruitza	Myers	Thomas
Cam	Haluska	Olasz	Travaglio
Casorio	Hanna	Pesci	Trello
Cohen, M.	Horsey	Petrarca	Trich
Colafella	Itkin	Petrone	Van Home
Colaizzo	James	Preston	Veon
Corpora	Jarolin	Ramos	Vitali
Corrigan	Josephs	Roberts	Walko
Cowell	Kirkland	Roebuck	Washington
Coy	LaGrotta	Rooney	Williams, A. H.
Curry	Laughlin	Sainato	Williams, C.
Daley	Lescovitz	Santoni	Wojnaroski
DeLuca	Lloyd	Scrimenti	Youngblood

NAYS-123

Adolph	Egolf	Major	Sather
Allen	Fairchild	Marsico	Saylor
Argall	Fargo	Masland	Schroder
Armstrong	Feese	Mayernik	Schuler
Baker	Fichter	McGeehan	Semmel
Bard	Fleagle	McGill	Serafini
Barley	Flick	McIlhattan	Seyfert
Barar	Gannon	McNaughton	Smith, B.
Benninghoff	Geist	Michlovic	Smith, S. H.
Birmelin	Gladeck	Micozzie	Snyder, D. W.
Blaum	Godshall	Miller	Stairs
Boyes	Gruppo	Nailor	Steil
Brown	Habay	Nickol	Stem
Browne	Harhart	O'Brien	Stevenson
Bunt	Hasay	Oliver	Strittmatter
Butkovitz	Hennessey	Orie	Taylor, E. Z.
Cappabianca	Herman	Perzel	Taylor, J.
Carone	Hershey	Pettit	Tigue
Cawley	Hess	Phillips	True
Chadwick	Hutchinson	Pippy	Tulli
Civera	Jadlowiec	Pistella	Vance
Clark	Kaiser	Platts	Waugh
Clymer	Keller	Raymond	Wilt
Cohen, L. I.	Kenney	Readshaw	Wogan
Conti	Krebs	Reber	Wright, M. N.
Cornell	Lawless	Reinard	Yewcic
Dally	Lederer	Rieger	Zimmerman

Dempsey	Leh	Robinson	Zug
Dent	Levdansky	Rohrer	
DiGirolamo	Lynch	Ross	Ryan,
Donatucci	Maitland	Rubley	Speaker
Druce			

NOT VOTING-0

EXCUSED-0

Less than a majority of the members elected to the House having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

On the question recurring,  
Will the House adopt the resolution as amended?

The SPEAKER. The Chair recognizes the gentleman, Mr. Coy.  
Mr. COY. Thank you, Mr. Speaker.

Mr. Speaker, from time to time members have expressed a concern, and this is certainly not with respect only to the current Speaker, but from time to time everyone who has held the chair of Speaker has signed bills perhaps too early, without people having the opportunity to have a reconsideration motion filed. The amendment that I attempt to present to amend the rules would require 5 minutes, that before a Speaker signs a bill, a 5-minute lapse in time, so that members could have an opportunity to file a reconsideration motion.

The requirement would be made that the Speaker must announce 5 minutes ahead before he signs a bill. And it has nothing to do with the current Chair, because every Speaker that I can remember has done it, but I think this is simply an opportunity for people to participate and make sure that reconsideration motions be filed.

MOTION TO SUSPEND RULES

Mr. COY. Therefore, Mr. Speaker, I move that we suspend the rules so that I may offer this amendment to the rules. It is not bad.

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

The SPEAKER. The gentleman, Mr. Perzel.  
Mr. PERZEL. Thank you, Mr. Speaker.

I was a little confused about which Coy amendment it was, but I would oppose the motion to suspend the rules for this one, Mr. Speaker.

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

The following roll call was recorded:

YEAS-88

Battisto	Donatucci	Markosek	Santoni
Bebko-Jones	Eachus	Mayernik	Scrimenti
Belardi	Evans	McCall	Shaner
Belfanti	George	Melio	Staback

Bishop	Gigliotti	Michlovic	Steelman
Boscola	Gordner	Mihalich	Stetler
Buxton	Gruitza	Mundy	Sturla
Caltagirone	Haluska	Myers	Surra
Cam	Hanna	Olasz	Tangretti
Casorio	Horsey	Oliver	Thomas
Cohen, M.	Itkin	Pesci	Travaglio
Colafrilla	James	Petrarca	Trello
Colaizzo	Jarolin	Petrone	Trich
Corpora	Josephs	Preston	Van Horne
Corrigan	Kirkland	Ramos	Veon
Cowell	LaGrotta	Readshaw	Vitali
Coy	Laughlin	Rieger	Walko
Curry	Lescovitz	Roberts	Washington
Daley	Levdansky	Robinson	Williams, A. H.
DeLuca	Lloyd	Roebuck	Williams, C.
Dermody	Lucyk	Rooney	Wojnaroski
DeWeese	Manderino	Sainato	Youngblood

## NAYS—114

Adolph	DiGirolamo	Lynch	Schroder
Allen	Druce	Maitland	Schuler
Argall	Egolf	Major	Semmel
Armstrong	Fairchild	Marsico	Serafini
Baker	Fargo	Masland	Seyfert
Bard	Feese	McGeehan	Smith, B.
Barley	Fichter	McGill	Smith, S. H.
Barrar	Fleagle	McIlhattan	Snyder, D. W.
Benninghoff	Flick	McNaughton	Stairs
Birmelin	Gannon	Micozzie	Steil
Blaum	Geist	Miller	Stern
Boyes	Gladeck	Nailor	Stevenson
Brown	Godshall	Nickol	Strittmatter
Browne	Gruppo	O'Brien	Taylor, E. Z.
Bunt	Habay	Orie	Taylor, J.
Butkovitz	Harhart	Perzel	Tigue
Cappabianca	Hasay	Pettit	True
Carone	Hennessey	Phillips	Tulli
Cawley	Herman	Pippy	Vance
Chadwick	Hershey	Pistella	Waugh
Civera	Hess	Platts	Wilt
Clark	Hutchinson	Raymond	Wogan
Clymer	Jadlowiec	Reber	Wright, M. N.
Cohen, L. I.	Keller	Reinard	Yewcic
Conti	Kenney	Rohrer	Zimmerman
Cornell	Krebs	Ross	Zug
Dally	Lawless	Rubley	
Dempsey	Lederer	Sather	Ryan,
Dent	Leh	Saylor	Speaker

## NOT VOTING—1

Kaiser

## EXCUSED—0

Less than a majority of the members elected to the House having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

On the question recurring,  
Will the House adopt the resolution as amended?

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

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, this is a day that has been certainly very emotional and that the journals and the newspapers and so forth are going to be focused on the fight that we had over the issue of seniority, and I know that is important to everyone in here, but I think there is in this proposed rule a provision which is going to have a lot more impact on our constituents than what we debated for about 3 hours this afternoon.

Mr. Speaker, on page 13 of the resolution, on lines 13 through 18, is a change—

The SPEAKER. The gentleman is not in a position to debate his amendment at this time—

Mr. LLOYD. Mr. Speaker, I thought we had not changed the rule that allowed members to debate the resolution. If this is not the proper time, then recognize me at the proper time. I would be happy to yield and wait until that point.

The SPEAKER. Correct me if I am wrong, Mr. Lloyd. It is my understanding you are intending to suspend the rules to offer an amendment. Is that accurate?

Mr. LLOYD. Mr. Speaker, it was my understanding of the rules, and maybe I am wrong, that members had the opportunity to debate twice on a resolution. If at the conclusion of that debate a member wanted to move to suspend the rules, that was open to him. If he chose not to move to suspend the rules, that was also an option that he had. If this is not the proper time for that, then I would like to be recognized at that time.

The SPEAKER. The gentleman is in order.

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, the requirement for a supermajority on all future suspensions means that we are going to have to have 112 votes. Now, that might not be a bad idea when it comes to taking something out of order, or when it comes to moving up a bill a day earlier than it was originally supposed to be considered, or when it comes to suspending the rules on what some people think are trivial matters on some resolutions. But, Mr. Speaker, this rule is going to apply to amendments which would be offered to make changes in the Senate version of the bill or the Senate version as amended in the House Rules Committee.

Under this rule, when a bill comes back from the Senate totally emasculated from what it looked like when it left the House and includes things that a majority of this House had rejected, a motion to suspend the rules to take out that offensive amendment will now require 112 votes. Mr. Speaker, if a bill comes back from the Senate with an amendment and goes to the House Rules Committee and the House Rules Committee decides to put in an amendment which had been defeated on the floor of the House, to open up the bill to further amendment and take out that change will require 112 votes.

Now, members will remember back in the last session when we fought on medical assistance and we fought on workers' compensation, and you can push those arguments forward to this session when we will probably fight on charter schools and prevailing wage and unemployment compensation, and recognize that the effect of this rule is to mean that 111 members of this House can believe that a particular amendment should not be in the bill and could vote to suspend the rules — more than a majority — they would fail, and if this is a bill perceived to be a must-pass bill, an amendment which has minority support will become law.



**MOTION TO SUSPEND RULES**

Mr. LLOYD. Mr. Speaker, I think that is a very, very serious consequence, and I think what we ought to do is to make an exception to that supermajority requirement for those bills which are coming before us on concurrence in Senate amendments.

Mr. Speaker, for the purpose of doing that, I move to suspend the rules for the consideration of amendment A0225. Thank you, Mr. Speaker.

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

The SPEAKER. Mr. Perzel.

The question before the House is the motion of the gentleman, Mr. Lloyd, to suspend the House rules to permit him to offer an amendment.

Mr. PERZEL. I oppose the motion, Mr. Speaker.

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

The following roll call was recorded:

**YEAS—93**

Battisto	Donatucci	Markosek	Santoni
Bebko-Jones	Eachus	Mayernik	Scrimenti
Belardi	Evans	McCall	Shaner
Belfanti	Fairchild	Melio	Staback
Bishop	George	Michlovic	Steelman
Blaum	Gigliotti	Mihalich	Stetler
Boscola	Gordner	Mundy	Sturla
Buxton	Gruitza	Myers	Surra
Caltagirone	Haluska	Olasz	Tangretti
Cam	Hanna	Oliver	Thomas
Casorio	Horsey	Pesci	Travaglio
Cawley	Itkin	Petrarca	Trello
Cohen, M.	James	Petrone	Trich
Colafiglia	Jarolin	Pistella	Van Home
Colaizzo	Josephs	Preston	Veon
Corpora	Kirkland	Ramos	Vitali
Corigan	LaGrotta	Readshaw	Walko
Cowell	Laughlin	Rieger	Washington
Coy	Lescovitz	Roberts	Williams, A. H.
Curry	Levdansky	Robinson	Williams, C.
Daley	Lloyd	Roebuck	Wojnaroski
DeLuca	Lucyk	Rooney	Yewcic
Dermody	Manderino	Sainato	Youngblood
DeWeese			

**NAYS—109**

Adolph	Druce	Maitland	Schuler
Alien	Egolf	Major	Semmel
Argall	Fargo	Marsico	Serafini
Armstrong	Feese	Masland	Seyfert
Baker	Fichter	McGeehan	Smith, B.
Bard	Fleagle	McGill	Smith, S. H.
Barley	Flick	McIlhattan	Snyder, D. W.
Barrar	Gannon	McNaughton	Stairs
Benninghoff	Geist	Micozzie	Steil
Birmelin	Gladeck	Miller	Stern
Boyes	Godshall	Nailor	Stevenson
Brown	Gruppo	Nickol	Strittmatter
Browne	Habay	O'Brien	Taylor, E. Z.
Bunt	Harhart	Orie	Taylor, J.
Butkovitz	Hasay	Perzel	Tigue
Cappabianca	Hennessey	Pettit	True

Carone	Herman	Phillips	Tulli
Chadwick	Hershey	Pippy	Vance
Civera	Hess	Platts	Waugh
Clark	Hutchinson	Raymond	Wilt
Clymer	Jadlowiec	Reber	Wogan
Cohen, L. I.	Keller	Reinard	Wright, M. N.
Conti	Kenney	Rohrer	Zimmerman
Cornell	Krebs	Ross	Zug
Dally	Lawless	Rubley	
Dempsey	Lederer	Sather	Ryan, Speaker
Dent	Leh	Saylor	
DiGirolamo	Lynch	Schroder	

NOT VOTING—1

Kaiser

EXCUSED—0

Less than a majority of the members elected to the House having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

On the question recurring,  
Will the House adopt the resolution as amended ?

**PARLIAMENTARY INQUIRY**

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

Mr. VITALI. Thank you, Mr. Speaker.

A parliamentary inquiry.

I have five different amendments, and I want to do this in such a way that—

The SPEAKER. Will the gentleman come to the desk with the amendments.

(Conference held at Speaker's podium.)

**THE SPEAKER PRO TEMPORE  
(PATRICIA H. VANCE) PRESIDING**

The SPEAKER pro tempore. *Could we have some order in the House ?*

The Chair recognizes the gentleman, Mr. Vitali.

Mr. VITALI. Thank you, Madam Speaker.

With regard to HR 5, I stand in opposition of that resolution, and I would like to discuss a number of problems with HR 5.

In that resolution rule 45 does not give adequate notice of committee meetings. What a properly drafted resolution should do is give members at least 2 days' notice of committee meetings. A properly drafted rule, in my view, would give members 2 days' notice of committee meetings and at least 1 day to file amendments to that meeting.

I think we have all been in situations where we go to a committee meeting and a voluminous amendment is plopped in front of us and we have to consider it without being able to read it. The current resolution does not protect us against that. It also does not protect us against committee meetings off the floor. This is one problem with HR 5, and at the conclusion of my discussion, I will be making a motion in that regard.

Another problem with HR 5 is that it does not require, as I believe it should, that prior to voting on each bill, that the title or analysis of that bill be read. That has caused a problem, I know, with many members of errant votes.

Another problem with regard to HR 5 is somewhat of a technical problem, but with regard to rule 10, there is a question about what the scope should be on bills coming back from the Senate, House bills coming back from the Senate, on concurrence vote. That rule traditionally has been interpreted to be limited simply to debate on the Senate amendments, yet a problem with that is that when bills come back, they might come back a year after we voted on them. That problem could be remedied by a rule which would expand the scope of the debate to include the entire bill as well as the Senate amendment.

Mr. DeWEESE. Madam Speaker? Madam Speaker?

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

Mr. DeWEESE. The gentleman, Mr. Vitali, from Delaware is receiving absolutely no attention of the House. The presiding officer will please make certain that someone is listening.

The SPEAKER pro tempore. The gentleman is correct. Could we please have members in their seats.

Mr. VITALI. We are just about getting near the end.

Thank you. Thank you, Madam Speaker.

With regard to HR 5, it offers no protection with regard to the issue of the press gallery. The current rule gives the Speaker too broad of discretion with regard to where the press gallery should be.

The press, like them or not, has a responsibility, and they feel they can do their job best in the southeast corner of the building, where they have been traditionally to date. They feel, by being closer to the members, by seeing faces and so forth, by being where the action is when business concludes, they can do their job better. The House resolution as it stands does not give them adequate protection.

**MOTION TO SUSPEND RULES**

Mr. VITALI. For these reasons, Madam Speaker, I would like to make a series of motions, the first motion being a motion to suspend the rules for the immediate consideration of amendment 210. Amendment 210 would require that when a committee meeting is called, House members have to be notified by 12 noon on the second business day prior to the committee meeting, and amendment 210 also requires that any amendments considered at that committee meeting must be in your offices by 12 noon on the business day prior to the committee meeting.

In this way, members will be assured that they—

The SPEAKER pro tempore. Will the gentleman cease. He is not supposed to make an argument pro or con but merely to describe his proposed amendment. We have before us a suspension.

Mr. VITALI. Thank you.

That concludes my suspension motion on that point.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

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

Mr. PERZEL. We would oppose the motion to suspend, Madam Speaker.

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

The following roll call was recorded:

**YEAS—87**

Battisto	Donatucci	Mayernik	Scrimenti
Bebko-Jones	Eachus	McCall	Shaner
Belardi	Evans	Melio	Staback
Belfanti	George	Mihalich	Steelman
Bishop	Gigliotti	Mundy	Stetler
Boscola	Gordner	Myers	Sturla
Buxton	Gruitza	Olasz	Surra
Caltagirone	Haluska	Oliver	Tangretti
Carn	Hanna	Pesci	Thomas
Casorio	Horsey	Petrarca	Travaglio
Cohen, M.	Itkin	Petrone	Trello
Colafella	James	Pistella	Trich
Colaizzo	Jarolin	Preston	Van Home
Corpora	Josephs	Ramos	Veon
Corrigan	Kirkland	Readshaw	Vitali
Cowell	LaGrotta	Rieger	Walko
Coy	Laughlin	Roberts	Washington
Curry	Lescovitz	Robinson	Williams, A. H.
Daley	Lloyd	Roebuck	Williams, C.
DeLuca	Lucyk	Rooney	Wojnaroski
Dermoddy	Manderino	Sainato	Youngblood
DeWeese	Markosek	Santoni	

**NAYS—116**

Adolph	Druce	Lynch	Schroder
Allen	Egolf	Maitland	Schuler
Argall	Fairchild	Major	Semmel
Armstrong	Fargo	Marsico	Serafini
Baker	Feese	Masland	Seyfert
Bard	Fichter	McGeehan	Smith, B.
Barley	Fleagle	McGill	Smith, S. H.
Barrar	Flick	McIlhattan	Snyder, D. W.
Benninghoff	Gannon	McNaughton	Stairs
Birmelin	Geist	Michlovic	Steil
Blaum	Gladeck	Micozzie	Stern
Boyes	Godshall	Miller	Stevenson
Brown	Gruppo	Nailor	Strittmatter
Browne	Habay	Nickol	Taylor, E. Z.
Bunt	Harhart	O'Brien	Taylor, J.
Butkovitz	Hasay	Orie	Tigue
Cappabianca	Hennessey	Perzel	True
Carone	Herman	Pettit	Tulli
Cawley	Hershey	Phillips	Vance
Chadwick	Hess	Pippy	Waugh
Civera	Hutchinson	Platts	Wilt
Clark	Jadlowiec	Raymond	Wogan
Clymer	Kaiser	Reber	Wright, M. N.
Cohen, L. I.	Keller	Reinard	Yewcic
Conti	Kenney	Rohrer	Zimmerman
Cornell	Krebs	Ross	Zug
Dally	Lawless	Rubley	
Dempsey	Lederer	Sather	Ryan,
Dent	Leh	Saylor	Speaker
DiGirolamo	Levdansky		

**NOT VOTING—0**

**EXCUSED—0**

Less than a majority of the members elected to the House having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

On the question recurring,  
Will the House adopt the resolution as amended ?

**MOTION TO SUSPEND RULES**

The SPEAKER pro tempore. For what reason does the gentleman, Mr. Vitali, rise ?

Mr. VITALI. For the purpose of making a motion, Madam Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. VITALI. Madam Speaker, I would move to suspend the rules for the purpose of introducing amendment 207, and that amendment would require that prior to a bill being considered by the House, that its title or a brief analysis of that bill be read to the House.

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

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

Mr. PERZEL. I would oppose the motion, Madam Speaker.

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

The following roll call was recorded:

**YEAS—88**

Battisto	Donatucci	Mayernik	Scrimenti
Bebko-Jones	Eachus	McCall	Shaner
Belardi	Evans	Melio	Staback
Belfanti	George	Michlovic	Steelman
Bishop	Gigliotti	Mihalich	Stetler
Boscola	Gordner	Mundy	Sturla
Buxton	Gruitza	Myers	Surra
Caltagirone	Haiuska	Olasz	Tangretti
Cam	Hanna	Oliver	Thomas
Casorio	Horsey	Pesci	Travaglio
Cohen, M.	Itkin	Petrarca	Trello
Colafiglia	James	Petrone	Trich
Colaizzo	Jarolin	Preston	Van Horne
Corpora	Josephs	Ramos	Veon
Corrigan	Kirkland	Readshaw	Vitali
Cowell	LaGrotta	Rieger	Walko
Coy	Laughlin	Roberts	Washington
Curry	Lescovitz	Robinson	Williams, A. H.
Daley	Lloyd	Roebuck	Williams, C.
DeLuca	Lucyk	Rooney	Wojnarowski
Demody	Manderino	Sainato	Yewcic
DeWeese	Markosek	Santoni	Youngblood

**NAYS—115**

Adolph	Druce	Levdansky	Saylor
Allen	Egolf	Lynch	Schroder
Argall	Fairchild	Maitland	Schuler
Armstrong	Fargo	Major	Semmel
Baker	Feese	Marsico	Serafini
Bard	Fichter	Masland	Seyfert
Barley	Fleagle	McGeehan	Smith, B.
Barrar	Flick	McGill	Smith, S. H.

Benninghoff	Gannon	McIlhattan	Snyder, D. W.
Birmelin	Geist	McNaughton	Stairs
Blaum	Gladeck	Micozzie	Steil
Boyes	Godshall	Miller	Stern
Brown	Gruppo	Nailor	Stevenson
Browne	Habay	Nickol	Strittmatter
Bunt	Harhart	O'Brien	Taylor, E. Z.
Butkovitz	Hasay	Orie	Taylor, J.
Cappabianca	Hennessey	Perzel	Tigue
Carone	Herman	Pettit	True
Cawley	Hershey	Phillips	Tulli
Chadwick	Hess	Pippy	Vance
Civera	Hutchinson	Pistella	Waugh
Clark	Jadlowiec	Platts	Wilt
Clymer	Kaiser	Raymond	Wogan
Cohen, L. I.	Keller	Reber	Wright, M. N.
Conti	Kenney	Reinard	Zimmerman
Cornell	Krebs	Rohrer	Zug
Dally	Lawless	Ross	
Dempsey	Lederer	Rubley	Ryan,
Dent	Leh	Sather	Speaker
DiGirolamo			

NOT VOTING—0

EXCUSED—0

Less than a majority of the members elected to the House having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

On the question recurring,  
Will the House adopt the resolution as amended ?

**MOTION TO SUSPEND RULES**

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

Mr. VITALI. For the purpose of making a motion, Madam Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. VITALI. Thank you, Madam Speaker.

I would move that the rules be suspended for the immediate consideration of amendment 208, which would require that on bills coming back from the Senate on concurrence vote, that the scope of the debate be extended to include the entire bill and not just the amendment.

The SPEAKER pro tempore. There has been a motion to suspend the rules.

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

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

Mr. PERZEL. Thank you, Madam Speaker.  
I would oppose the motion.

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

The following roll call was recorded:

## YEAS—87

Battisto	DeWeese	Markosek	Shaner
Bebko-Jones	Donatucci	McCall	Staback
Belardi	Eachus	Melio	Steelman
Belfanti	Evans	Michlovic	Stetler
Bishop	George	Mihalich	Sturla
Blaum	Gigliotti	Mundy	Surra
Boscola	Gordner	Myers	Tangretti
Buxton	Gruitza	Olasz	Thomas
Caltagirone	Haluska	Oliver	Travaglio
Cam	Hanna	Pesci	Trello
Casorio	Horshey	Petrarca	Trich
Cohen, M.	Itkin	Petrone	Van Horne
Colaifella	James	Preston	Veon
Colaizzo	Jarolin	Ramos	Vitali
Corpora	Josephs	Rieger	Walko
Corrigan	Kirkland	Roberts	Washington
Cowell	LaGrotta	Robinson	Williams, A. H.
Coy	Laughlin	Roebuck	Williams, C.
Curry	Lescovitz	Rooney	Wojnarowski
Daley	Lloyd	Sainato	Yewcic
DeLuca	Lucyk	Santoni	Youngblood
Dermody	Manderino	Scrimenti	

## NAYS—116

Adolph	Egolf	Maitland	Saylor
Allen	Fairchild	Major	Schroder
Argall	Fargo	Marsico	Schuler
Armstrong	Feese	Masland	Semmel
Baker	Fichter	Mayermik	Serafini
Bard	Fleagle	McGeehan	Seyfert
Barley	Flick	McGill	Smith, B.
Barrar	Gannon	McIlhattan	Smith, S. H.
Benninghoff	Geist	McNaughton	Snyder, D. W.
Birmelin	Gladeck	Micozzie	Stairs
Boyes	Godshall	Miller	Steil
Brown	Gruppo	Nailor	Stern
Browne	Habay	Nickol	Stevenson
Bunt	Harhart	O'Brien	Strittmatter
Butkovitz	Hasay	Orie	Taylor, E. Z.
Cappabianca	Hennessey	Perzel	Taylor, J.
Carone	Herman	Pettit	Tigue
Cawley	Hershey	Phillips	True
Chadwick	Hess	Pippy	Tulli
Civera	Hutchinson	Pistella	Vance
Clark	Jadlowiec	Platts	Waugh
Clymer	Kaiser	Raymond	Wilt
Cohen, L. I.	Keller	Readshaw	Wogan
Conti	Kenney	Reber	Wright, M. N.
Cornell	Krebs	Reinard	Zimmerman
Dally	Lawless	Rohrer	Zug
Dempsey	Lederer	Ross	
Dent	Leh	Rubley	Ryan,
DiGirolamo	Levdansky	Sather	Speaker
Druce	Lynch		

## NOT VOTING—0

## EXCUSED—0

Less than a majority of the members elected to the House having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

On the question recurring,  
Will the House adopt the resolution as amended?

## MOTION TO SUSPEND RULES

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

Mr. VITALI. For the purpose of making a motion, Madam Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. VITALI. Madam Speaker, I would move that the House rules be suspended for the immediate consideration of amendment 214, which would restore the press gallery to its former location.

The SPEAKER pro tempore. There is a motion to suspend the rules.

On the question,

Will the House agree to the motion?

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

Mr. PERZEL. I would especially oppose that motion, Madam Speaker.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

## YEAS—86

Battisto	Donatucci	Mayernik	Shaner
Bebko-Jones	Eachus	McCall	Staback
Belardi	Evans	Melio	Steelman
Belfanti	George	Mihalich	Stetler
Bishop	Gigliotti	Mundy	Sturla
Boscola	Gordner	Myers	Surra
Buxton	Gruitza	Olasz	Tangretti
Caltagirone	Haluska	Oliver	Thomas
Cam	Hanna	Pesci	Travaglio
Casorio	Itkin	Petrarca	Trello
Cohen, M.	James	Petrone	Trich
Colaifella	Jarolin	Preston	Van Horne
Colaizzo	Josephs	Ramos	Veon
Corpora	Kirkland	Rieger	Vitali
Corrigan	LaGrotta	Roberts	Walko
Cowell	Laughlin	Robinson	Washington
Coy	Lescovitz	Roebuck	Williams, A. H.
Curry	Levdansky	Rooney	Williams, C.
Daley	Lloyd	Sainato	Wojnarowski
DeLuca	Lucyk	Santoni	Yewcic
Dermody	Manderino	Scrimenti	Youngblood
DeWeese	Markosek		

## NAYS—115

Adolph	Druce	Lynch	Saylor
Allen	Egolf	Maitland	Schroder
Argall	Fairchild	Major	Schuler
Armstrong	Fargo	Marsico	Semmel
Baker	Feese	Masland	Serafini
Bard	Fichter	McGeehan	Seyfert
Barley	Fleagle	McGill	Smith, B.
Barrar	Flick	McIlhattan	Smith, S. H.
Benninghoff	Gannon	McNaughton	Snyder, D. W.
Birmelin	Geist	Micozzie	Stairs
Blaum	Gladeck	Miller	Steil
Boyes	Godshall	Nailor	Stern
Brown	Gruppo	Nickol	Stevenson
Browne	Habay	O'Brien	Strittmatter
Bunt	Harhart	Orie	Taylor, E. Z.
Butkovitz	Hasay	Perzel	Taylor, J.

Cappabianca	Hennessey	Pettit	Tigue
Carone	Herman	Phillips	True
Cawley	Hershey	Pippy	Tulli
Chadwick	Hess	Pistella	Vance
Civera	Horsey	Platts	Waugh
Clark	Hutchinson	Raymond	Wilt
Clymer	Jadlowiec	Readshaw	Wogan
Cohen, L. I.	Keller	Reber	Wright, M. N.
Conti	Kenney	Reinard	Zimmerman
Cornell	Krebs	Rohrer	Zug
Dally	Lawless	Ross	
Dempsey	Lederer	Rubley	Ryan.
Dent	Leh	Sather	Speaker
DiGirolamo			

NOT VOTING-2

Kaiser Michlovic

EXCUSED-0

Less than a majority of the members elected to the House having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

On the question recurring,  
Will the House adopt the resolution as amended ?

MOTION TO SUSPEND RULES

The SPEAKER pro tempore. The Chair recognizes the lady from Indiana County, Ms. Steelman.

Ms. STEELMAN. Thank you, Madam Speaker.

I rise to move to suspend the rules in order to consider two amendments: A0187 and A0186.

The original purpose that brought members from both the Republican and Democratic sides of the aisle together to talk about rules reform was a desire to open up the process of creating legislation in the House and to provide members both with more rights and with more responsibilities for the control of the process. In the current changes that are proposed to the rules, most of the reforms that have been proposed are not to be seen. The purpose of these two amendments is to bring into the changes some of the reforms that we hoped to institute.

The first of these would be to change the way in which we amend legislation. Instead of making all of the amendments to a bill on third consideration and then immediately voting the sometimes copiously amended bill up or down, this change in the rules would cause us to make substantive amendments to bills on second consideration. If you look at the language, you may find it a little confusing, but I assure you, we would retain the power to make substantive amendments on second consideration; the following legislative day, on third consideration, only technical amendments would be permitted. This amendment to the rules is proposed on behalf of every member who, after a 5- or 6-hour session, has sat there wondering, what is it that I am about to vote on? If we made this change in the rules, we would know absolutely and finally what we were voting on third consideration.

The other amendment to the rules proposes that we adopt a form of automatic calendar, such as has been adopted by a number of other States. It would change the rules in such a way that any bill voted out of committee would be required to come to the floor

for a vote within 24 legislative days. And here again, I doubt very much that I am the only member who has ever seen a good bill come out of committee, languish, and die at the end of the session, without the members of the House having a chance to consider it on the merits.

I hope that you will move to suspend the rules in order to consider these two changes in our rules.

The SPEAKER pro tempore. On which amendment are you offering to suspend the rules, please ?

Ms. STEELMAN. We might as well do them in chronological order - A0186.

The SPEAKER pro tempore. The Representative has made a motion to suspend the rules.

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

The SPEAKER pro tempore. On the motion of suspension, the Chair recognizes the majority leader, Mr. Perzel.

Mr. PERZEL. Thank you, Madam Speaker.

I would oppose the motion.

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

The following roll call was recorded:

YEAS-86

Battisto	Donatucci	Mayernik	Scrimenti
Bebko-Jones	Eachus	McCall	Shaner
Belardi	Evans	Melio	Staback
Belfanti	George	Michlovic	Steelman
Bishop	Gigliotti	Mihalich	Stetler
Boscola	Gordner	Mundy	Sturla
Buxton	Gruitza	Myers	Surra
Caltagirone	Haluska	Olasz	Tangretti
Cam	Hanna	Oliver	Thomas
Casorio	Itkin	Pesci	Travaglio
Cohen, M.	James	Petrarca	Trello
Colafella	Jarolin	Petrone	Trich
Colaizzo	Josephs	Preston	Van Home
Corpora	Kirkland	Ramos	Veon
Corrigan	LaGrotta	Readshaw	Vitali
Cowell	Laughlin	Rieger	Walko
Coy	Lescovitz	Roberts	Washington
Curry	Levdansky	Robinson	Williams, A. H.
Daley	Lloyd	Rooney	Williams, C.
DeLuca	Lucyk	Sainato	Wojnaroski
Dermody	Manderino	Santoni	Youngblood
DeWeese	Markosek		

NAYS-114

Adolph	DiGirolamo	Lynch	Schroder
Allen	Druce	Maitland	Schuler
Argall	Egolf	Major	Semmel
Armstrong	Fairchild	Marsico	Serafini
Baker	Fargo	Masland	Seyfert
Bard	Feese	McGeehan	Smith, B.
Barley	Fichter	McGill	Smith, S. H.
Barrar	Fleagle	McIlhattan	Snyder, D. W.
Benninghoff	Flick	McNaughton	Stairs
Birmelin	Gannon	Micozzie	Steil
Blaum	Geist	Miller	Stern
Boyes	Gladeck	Nailor	Stevenson
Brown	Godshall	Nickol	Strittmatter
Browne	Gruppo	O'Brien	Taylor, E. Z.

Bunt	Habay	Orie	Taylor. J.
Butkovitz	Harhart	Perzel	Tigue
Cappabianca	Hasay	Pettit	True
Carone	Hennessey	Phillips	Tulli
Cawley	Herman	Pippy	Vance
Chadwick	Hershey	Pistella	Waugh
Civera	Hess	Platts	Wilt
Clark	Hutchinson	Raymond	Wogan
Clymer	Jadlowiec	Reber	Wright, M. N.
Cohen, L. I.	Kaiser	Reinard	Yewcic
Conti	Kenney	Rohrer	Zimmerman
Cornell	Krebs	Ross	Zug
Dally	Lawless	Rubley	
Dempsey	Lederer	Sather	Ryan,
Dent	Leh	Saylor	Speaker

## NOT VOTING—3

Horsely            Keller            Roebuck

## EXCUSED—0

Less than a majority of the members elected to the House having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

On the question recurring,  
Will the House adopt the resolution as amended?

## MOTION TO SUSPEND RULES

The SPEAKER pro tempore. The Representative makes a motion to suspend on amendment No. 187.

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

The SPEAKER pro tempore. On the motion to suspend, the Chair recognizes the majority leader, Mr. Perzel.  
Mr. PERZEL. We would oppose the motion, Madam Speaker.

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

The following roll call was recorded:

## YEAS—86

Battisto	Evans	McCall	Scrimenti
Belardi	George	Melio	Shaner
Belfanti	Gigliotti	Michlovic	Staback
Bishop	Gordner	Mihalich	Steelman
Boscola	Gruitza	Miller	Stetler
Buxton	Haluska	Mundy	Sturla
Caltagirone	Hanna	Myers	Surra
Cam	Horsely	Olasz	Tangretti
Casorio	Itkin	Oliver	Thomas
Cohen, M.	James	Pesci	Travaglio
Colafranca	Jarolin	Petrarca	Trello
Colaizzo	Josephs	Petrone	Trich
Corpora	Kirkland	Preston	Van Home
Corrigan	LaGrotta	Ramos	Veon
Cowell	Laughlin	Readshaw	Vitali
Coy	Lescovitz	Rieger	Walko
Curry	Levdansky	Roberts	Washington
DeLuca	Lloyd	Robinson	Williams, A. H.
Demody	Lucyk	Rooney	Williams, C.

DeWeese	Manderino	Sainato	Wojnaroski
Donatucci	Markosek	Santoni	Youngblood
Eachus	Mayernik		

## NAYS—115

Adolph	DiGirolamo	Leh	Schroder
Allen	Druce	Lynch	Schuler
Argall	Egolf	Maitland	Semmel
Armstrong	Fairchild	Major	Serafini
Baker	Fargo	Marsico	Seyfert
Bard	Feese	Masland	Smith, B.
Barley	Fichter	McGeehan	Smith, S. H.
Barrar	Fleagle	McGill	Snyder, D. W.
Benninghoff	Flick	McFlhattan	Stairs
Birmelin	Gannon	McNaughton	Steil
Blaum	Geist	Micozzie	Stern
Boyes	Gladeck	Nailor	Stevenson
Brown	Godshall	Nickol	Strittmatter
Browne	Gruppo	O'Brien	Taylor, E. Z.
Bunt	Habay	Orie	Taylor, J.
Butkovitz	Harhart	Perzel	Tigue
Cappabianca	Hasay	Pettit	True
Carone	Hennessey	Phillips	Tulli
Cawley	Herman	Pippy	Vance
Chadwick	Hershey	Pistella	Waugh
Civera	Hess	Platts	Wilt
Clark	Hutchinson	Raymond	Wogan
Clymer	Jadlowiec	Reber	Wright, M. N.
Cohen, L. I.	Kaiser	Reinard	Yewcic
Conti	Keller	Rohrer	Zimmerman
Cornell	Kenney	Ross	Zug
Daley	Krebs	Rubley	
Dally	Lawless	Sather	Ryan,
Dempsey	Lederer	Saylor	Speaker
Dent			

## NOT VOTING—2

Bebko-Jones      Roebuck

## EXCUSED—0

Less than a majority of the members elected to the House having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

On the question recurring,  
Will the House adopt the resolution as amended?

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

Mr. LESCOVITZ. Thank you, Madam Speaker.

Madam Speaker, since I can see the majority leader, Mr. Perzel, is continuing his effort to review rules by trying to have a select committee appointed under HR 8, I will withdraw my efforts to suspend rules and bring my concerns up to that particular committee and to Mr. Perzel.

The SPEAKER pro tempore. The Chair thanks the gentleman.  
Does the lady, Ms. Steelman, wish to be recognized? You may proceed.

Ms. STEELMAN. Thank you, Madam Speaker.

Obviously, the vote on the adoption of rules is a foregone conclusion, but I wanted to point out, especially to those members who are casting their first vote on the adoption of rules in this chamber, that what we are signing on to is, again, a system in

which authority and control over the progress of legislation is going to be in the hands almost entirely of leadership.

I do not know how many of you were disturbed by some of the language that was used earlier this afternoon as we talked about the seniority rule and about the way in which we heard leadership characterize itself as fatherly and us, the rank-and-file members, as children. Now, I do not know how every member here thinks of himself or herself, but I have not thought of myself as a child for a very long time. I came down here to act as an adult and to vote as an adult, and I resent and reject the attempt of leadership on either side of the aisle to impose on me a role that I have long outgrown.

The SPEAKER pro tempore. Will the lady cease for just one moment.

Could we have order, please. The Representative deserves to be heard. Could we please have order.

Ms. STEELMAN. Admittedly, considering the way that the House behaves itself sometimes, leadership might well have an explanation for its assumption that many of us have not yet left seventh grade.

But I hope that particularly those members who are entering their first term will think very seriously: Do you want to vote for these rules? Do you want to continue to declare yourself to be in the eyes of leadership a child who needs direction and guidance and control from those who are your superiors? If you do, then you should vote for these rules, because there is nothing in them that is going to give you a better chance to bring forward the issues that you think are important.

But if you think that you came down here to be an adult and to act as an adult and to represent your 59,000 constituents as an adult, then I regret to say, because I did participate in the negotiations on these rule changes and I had real hopes that we might be able to accomplish something this time, I have to say with regret that that hope has been deferred, and as the proverb says, "My heart is sick within," and I have to recommend that you vote against adopting these rules.

The SPEAKER pro tempore. The question is, will the House adopt the resolution as amended?

Mr. ITKIN. Madam Speaker?

The SPEAKER pro tempore. The Chair recognizes the Democrat whip, Mr. Itkin.

Mr. ITKIN. I know the evening is late, but I just wanted to remind the membership of what we are doing right now. We are voting on the adoption of rules as amended by Mr. Tigie.

So I just want to be clear, this is the rules vote. Members should vote accordingly.

Madam Speaker, I would encourage the members on my side of the aisle, at least — hopefully the other side of the aisle — to vote in the negative. Thank you very much.

### CONSTITUTIONAL POINT OF ORDER

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

Mr. MIHALICH. Thank you, Madam Speaker.

Madam Speaker, we are addressing HR 5?

I would like to raise the constitutionality of that resolution, especially that portion which calls for a supermajority. I would like to point out that that is in violation of Article III, section 4, of the

Pennsylvania Constitution, and for further clarification, you can refer to Mason's Manual, section 22, paragraph 2, and I would like to raise that point of constitutionality.

The constitutional provision is the one that requires us to operate by a majority vote, and a majority, madam, is not 55 percent; a majority is 50 percent plus one. I think that is clearly defined in the Constitution, and as I said, in Mason's Manual also.

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

The SPEAKER. Would the gentleman kindly point out the section of the Constitution he is referring to.

Mr. MIHALICH. I am referring to Article III, section 4. I think it might be the last sentence. I will look for you and find out.

The SPEAKER. When I read that section of the Constitution, it is headed "Bills," and we are dealing with a resolution.

Mr. MIHALICH. Mr. Speaker, we might cut the hairs as finely as we want. Nevertheless, I think the majority of voters or members here have an innate, inbred understanding that we do business in this House by a majority, and a majority is defined by 50 percent plus one, and that is the essence of my asking for a vote on constitutionality.

The SPEAKER. I understand what you are saying, but I also have some understanding of what the Constitution is attempting to say, and the Constitution is trying to say here that this section refers to "Bills." That is exactly what it says — "Bills."

Mr. MIHALICH. Do not the same rules apply to resolutions?

The SPEAKER. May I finish, please?

It deals with "Consideration of Bills." What we have before us now is a House resolution.

Now, if I may go a step further, rule 77, dealing with "Suspending and Changing Rules," talks about "Any rule of the House" — which is what this is — "which is not required by the Constitution, may be temporarily suspended at any time for a specific purpose..." by a vote of a majority or 55 percent. This is the element you are bringing into controversy.

Mr. MIHALICH. Yes. I also brought in Mason's Manual, section 22, paragraph 2.

The SPEAKER. And last, I refer to Mason's Manual where reference is made that in many legislative bodies, it is provided by rule — and again, this is a rule — that the standing rules may be suspended by a two-thirds vote. So for all of those reasons, I believe your objection is out of order.

Mr. MIHALICH. Mr. Speaker, if my objection has a founding of the interpretation of the Constitution by this body, Mason's Manual points out — and they use the word explicitly, "majority," and you have read that section just now, I am sure — which says that you cannot — I will read it for the benefit of the other members. "A majority does not have power to make a rule which cannot be modified or repealed by a majority." A majority is clear-cut; that is, 50 percent plus one. That is the first sentence, and if you go on to the last sentence, it further reinforces that.

Furthermore, Mr. Speaker, as you have pointed out many, many times, this House is the one that determines the constitutionality. So I insist that we take a vote on constitutionality on this issue.

The SPEAKER. I am advised by the Parliamentarian, and I agree with him, that the reference that you are referring to deals

with a modification as opposed to a change of the rules, and I quote, "Although rules of a prior legislative body, adopted temporarily until new rules are adopted, require a two-thirds vote for their amendment or suspension, new rules can be adopted by a majority vote."

Mr. MIHALICH. Mr. Speaker, however that might be, I think we are all adults and we are all members here of this body, and we have the right to declare something constitutional or unconstitutional. I have given you theory in Article III of the Constitution and also from Mason's Manual, which casts doubt upon using something other than a majority. I think on that basis, the members here are entitled to vote whether this is constitutional or not constitutional.

The SPEAKER. It is my judgment that there is no appropriate constitutional question raised. You are raising a question under the heading of "Bills," not rules. We are dealing with a rule.

Mr. MIHALICH. Do not the same rules apply to resolutions as to bills? This is a resolution.

The SPEAKER. We are dealing with the—

Mr. MIHALICH. HR 5.

The SPEAKER. —the question of suspension, not adoption, which Mason points out is different.

Mr. MIHALICH. My first question was whether we were debating HR 5. I was told that we were, and on the basis of that, I raised the constitutionality of that resolution based upon—

The SPEAKER. We are debating HR 5, and you raised the question of constitutionality, cited as your example, as I understand it, the question of the 55-percent requirement as being greater than a majority.

Mr. MIHALICH. May I read another section of rule 4? It says, "Questions involving the constitutionality of any matters shall be decided by the House," period.

The SPEAKER. Would you please repeat that? Just a moment.

Mr. MIHALICH. Rule 4—

The SPEAKER. Will the House please come to order.

Will the gentleman please read that.

Mr. MIHALICH. The third sentence in the paragraph under rule 4 says, "Questions involving the constitutionality of any matters" — I will repeat that — "any matters shall be decided by the House," period.

The SPEAKER. I think we could go on and on and on all night. I do not believe that this matter is appropriately raised. It is being raised under the heading of "Bills." You are required to point out the section of the Constitution, and you have pointed out a section that deals with bills. We do not have a bill before us.

Mr. MIHALICH. What is the rule, sir, that would countermand the language here that says "any matters," "any matters," *m-a-t-t-e-r-s*, and where does it say that you must agree that it is contrary to a certain part of the Constitution? What gives you that authority? The Constitution? Mason's Manual?

The SPEAKER. In the interest of civility, the question the gentleman raises is one of constitutionality.

Those who believe the matter to be constitutional will vote "aye"; those opposed will vote "no."

On the question,

Will the House sustain the constitutionality of the resolution?

The following roll call was recorded:

## YEAS—125

Adolph	DiGirolamo	Maitland	Sather
Allen	Druce	Major	Saylor
Argall	Egolf	Manderino	Schroder
Armstrong	Fairchild	Marsico	Schuler
Baker	Fargo	Masland	Scrimenti
Bard	Feese	Mayernik	Semmel
Barley	Fichter	McGeehan	Serafini
Barrar	Fleagle	McGill	Seyfert
Bebko-Jones	Flick	McIlhattan	Smith, B.
Benninghoff	Gannon	McNaughton	Smith, S. H.
Birmelin	Geist	Michlovic	Snyder, D. W.
Boyes	Gladeck	Micozzie	Stairs
Brown	Godshall	Miller	Steil
Browne	Gordner	Nailor	Stern
Bunt	Gruppo	Nickol	Stevenson
Butkovitz	Habay	O'Brien	Strittmatter
Cappabianca	Hanna	Orie	Taylor, E. Z.
Carone	Harhart	Perzel	Taylor, J.
Cawley	Hasay	Pesci	Tigue
Chadwick	Hennessey	Petrone	True
Civera	Herman	Pettit	Tulli
Clark	Hershey	Phillips	Vance
Clymer	Hess	Pippy	Waugh
Cohen, L. I.	Hutchinson	Pistella	Wilt
Conti	Jadlowiec	Platts	Wogan
Cornell	Kaiser	Raymond	Wright, M. N.
Corrigan	Keller	Reber	Zimmerman
Curry	Kenney	Reinard	Zug
Daley	Krebs	Robinson	
Dally	Lawless	Rohrer	Ryan,
Dempsey	Leh	Ross	Speaker
Dent	Lynch	Rublely	

## NAYS—76

Battisto	Donatucci	Lucyk	Staback
Belardi	Eachus	Markosek	Steelman
Belfanti	Evans	McCall	Stetler
Bishop	George	Melio	Sturla
Blaum	Gigliotti	Mihalich	Surra
Boscola	Gruitza	Mundy	Tangretti
Buxton	Haluska	Myers	Travaglio
Caltagirone	Horsey	Olasz	Trello
Carn	Itkin	Oliver	Trich
Casorio	James	Petrarca	Van Horne
Cohen, M.	Jarolin	Preston	Veon
Colafiglia	Josephs	Readshaw	Vitali
Colaizzo	Kirkland	Rieger	Walko
Corpora	LaGrotta	Roberts	Washington
Cowell	Laughlin	Roebuck	Williams, A. H.
Coy	Lederer	Rooney	Williams, C.
DeLuca	Lescovitz	Sainato	Wojnaroski
Dermody	Levdansky	Santoni	Yewcic
DeWeese	Lloyd	Shaner	Youngblood

## NOT VOTING—2

Ramos Thomas

## EXCUSED—0

The majority having voted in the affirmative, the question was determined in the affirmative and the constitutionality of the resolution was sustained.

On the question recurring,

Will the House adopt the resolution as amended?



**PARLIAMENTARY INQUIRY**

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

Mr. STURLA. Point of parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will please state it.

Mr. STURLA. Mr. Speaker, I have a question, and I did not get a chance to ask it before we voted on this.

My question is, I understand if Mr. Mihalich had been asking whether we needed a 55-percent vote to vote on this rule or whether we needed a 55-percent vote to vote on a resolution. My question is, it is my understanding, if we adopt this resolution, that in the future, in order to affect a bill on the floor of the House, it will require a 55-percent vote.

The SPEAKER. To affect a bill on the House—

Mr. STURLA. By suspending the rules to offer an amendment.

The SPEAKER. Oh. As of this moment, with this resolution moments old, I do not hold myself out as an expert yet, but I believe that is right. If you are going to attempt to suspend rules for amendments, it is going to require a 55-percent vote of the House. You will have to work out those mathematics.

Mr. STURLA. Then if I could ask a further question.

So in other words, in order to affect a bill, it will require more than a majority after this resolution passes.

The SPEAKER. Well, you can affect a bill — now, I am not trying to be smart — you can affect a bill by offering an amendment in the ordinary course of business, which is not 55 percent. It is a plain majority. You can affect a bill by passing it, by voting against it, which is a constitutional majority. You can move to recommit it, and on and on.

On the question recurring,

Will the House adopt the resolution as amended ?

The following roll call was recorded:

**YEAS—124**

Adolph	Egolf	Maitland	Saylor
Allen	Fairchild	Major	Schroder
Argall	Fargo	Marsico	Schuler
Armstrong	Feese	Masland	Semmel
Baker	Fichter	Mayernik	Serafini
Bard	Fleagle	McGeehan	Seyfert
Barley	Flick	McGill	Smith, B.
Barrar	Gannon	McIlhattan	Smith, S. H.
Benninghoff	Geist	McNaughton	Snyder, D. W.
Birmeiin	Gladeck	Mjchlovic	Stairs
Boscola	Godshall	Micozzie	Steil
Boyes	Gruppo	Miller	Stern
Brown	Habay	Nailor	Stevenson
Browne	Hanna	Nickol	Strittmatter
Bunt	Harhart	O'Brien	Taylor, E. Z.
Butkovitz	Hasay	Orie	Taylor, J.
Cappabianca	Hennessey	Perzel	Tigue
Carone	Herman	Pesci	True
Cawley	Hershey	Pettit	Tulli
Chadwick	Hess	Phillips	Vance
Civera	Horsely	Pippy	Waugh
Clark	Hutchinson	Pistella	Williams, A. H.
Clymer	Jadlowiec	Platts	Wilt
Cohen, L. I.	Kaiser	Raymond	Wogan
Conti	Keller	Readshaw	Wright, M. N.
Cornell	Kenny	Reber	Youngblood
Corrigan	Krebs	Reinard	Zimmerman
Dally	Lawless	Rohrer	Zug

Dempsey	Lederer	Ross	
Dent	Leh	Rubley	Ryan, Speaker
DiGirolamo	Levdansky	Sather	
Druce	Lynch		

**NAYS—79**

Battisto	DeWeese	Markosek	Shaner
Bebko-Jones	Donatucci	McCall	Staback
Belardi	Eachus	Melio	Steelman
Belfanti	Evans	Mihalich	Stetler
Bishop	George	Mundy	Sturla
Blaum	Gigliotti	Myers	Surra
Buxton	Gordner	Olasz	Tangretti
Caltagirone	Gruitza	Oliver	Thomas
Carn	Haluska	Petrarca	Travaglio
Casorio	Itkin	Petrone	Trello
Cohen, M.	James	Preston	Trich
Colaella	Jarolin	Ramos	Van Home
Colaizzo	Josephs	Rieger	Veon
Corpora	Kirkland	Roberts	Vitali
Cowell	LaGrotta	Robinson	Walko
Coy	Laughlin	Roebuck	Washington
Curry	Lescovitz	Rooney	Williams, C.
Daley	Lloyd	Sainato	Wojnaroski
DeLuca	Lucyk	Santoni	Yewcic
Demody	Manderino	Scrimenti	

**NOT VOTING—0**

**EXCUSED—0**

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

**INSURANCE COMMITTEE MEETING**

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Micozzie.

Mr. MICOZZIE. Mr. Speaker, the meeting for February 13, Thursday, at 10 o'clock, the location has been changed to room 40 of the East Wing.

**RULES SUSPENDED**

The SPEAKER. The Chair recognizes the majority leader.

Mr. PERZEL. Mr. Speaker, I would like to move to suspend the rules to bring up HR 8 immediately.

The SPEAKER. The majority leader moves that the rules of the House be suspended to permit the immediate consideration of HR 8.

On the question,

Will the House agree to the motion ?

The following roll call was recorded:

**YEAS—156**

Adolph	Egolf	Masland	Semmel
Allen	Fairchild	Mayernik	Serafini
Argall	Fargo	McGeehan	Seyfert
Armstrong	Feese	McGill	Smith, B.
Baker	Fichter	McIlhattan	Smith, S. H.
Bard	Fleagle	McNaughton	Snyder, D. W.

Barley	Flick	Michlovic	Staback
Barrar	Gannon	Micozzie	Stairs
Benninghoff	Geist	Miller	Steelman
Birmelin	Gigliotti	Myers	Steil
Bishop	Gladeck	Nailor	Stern
Blaum	Godshall	Nickol	Stetler
Boscola	Gruitza	O'Brien	Stevenson
Boyes	Gruppo	Olasz	Strittmatter
Brown	Habay	Orie	Tangretti
Browne	Hanna	Perzel	Taylor, E. Z.
Bunt	Harhart	Pesci	Taylor, J.
Butkovitz	Hasay	Petrarca	Thomas
Caltagirone	Hennessey	Petrone	Tigue
Cappabianca	Herman	Pettit	Trich
Carone	Hershey	Phillips	True
Cawley	Hess	Pippy	Tulli
Chadwick	Horsey	Pistella	Vance
Civera	Hutchinson	Platts	Van Horne
Clark	Jadlowiec	Preston	Vitali
Clymer	Kaiser	Ramos	Waugh
Cohen, L. I.	Keller	Raymond	Williams, A. H.
Conti	Kenney	Readshaw	Williams, C.
Cornell	Krebs	Reber	Wilt
Corrigan	Lawless	Reinard	Wogan
Cowell	Lederer	Robinson	Wojnaroski
Coy	Leh	Roebuck	Wright, M. N.
Daley	Levdansky	Rohrer	Yewcic
Dally	Lloyd	Ross	Youngblood
DeLuca	Lynch	Rubley	Zimmerman
Dempsey	Maitland	Sather	Zug
Dent	Major	Saylor	
Dermody	Manderino	Schroder	Ryan,
DiGirolamo	Markosek	Schuler	Speaker
Druce	Marsico		

NAYS-47

Battisto	DeWeese	LaGrotta	Sainato
Bebko-Jones	Donatucci	Laughlin	Santoni
Belardi	Eachus	Lescovitz	Scrimenti
Belfanti	Evans	Lucyk	Shaner
Buxton	George	McCall	Sturla
Carn	Gordner	Melio	Surra
Casorio	Haluska	Mihalich	Travaglio
Cohen, M.	Itkin	Mundy	Trello
Colaifella	James	Oliver	Veon
Colaizzo	Jarolin	Rieger	Walko
Corpora	Josephs	Roberts	Washington
Curry	Kirkland	Rooney	

NOT VOTING-0

EXCUSED-0

A majority of the members required by the rules having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

SUPPLEMENTAL CALENDAR D

RESOLUTION

Mr. PERZEL called up HR 8, PN 518, entitled:

A Resolution creating a select committee to review the rules of the House.

On the question,  
Will the House adopt the resolution ?

The following roll call was recorded:

YEAS-164

Adolph	Druce	Lynch	Saylor
Allen	Eachus	Maitland	Schroder
Argall	Egolf	Major	Schuler
Armstrong	Fairchild	Manderino	Scrimenti
Baker	Fargo	Markosek	Semmel
Bard	Feese	Marsico	Serafini
Barley	Fichter	Masland	Seyfert
Barrar	Fleagle	Mayernik	Smith, B.
Belardi	Flick	McCall	Smith, S. H.
Belfanti	Gannon	McGeehan	Snyder, D. W.
Benninghoff	Geist	McGill	Staback
Birmelin	Gigliotti	McIlhattan	Stairs
Blaum	Gladeck	McNaughton	Steelman
Boscola	Godshall	Michlovic	Steil
Boyes	Gordner	Micozzie	Stern
Brown	Gruitza	Miller	Stetler
Browne	Gruppo	Nailor	Stevenson
Bunt	Habay	Nickol	Strittmatter
Butkovitz	Hanna	O'Brien	Taylor, E. Z.
Caltagirone	Harhart	Olasz	Taylor, J.
Cappabianca	Hasay	Orie	Thomas
Carone	Hennessey	Perzel	Tigue
Cawley	Herman	Pesci	Trich
Chadwick	Hershey	Petrarca	True
Civera	Hess	Pettit	Tulli
Clark	Horsey	Phillips	Vance
Clymer	Hutchinson	Pippy	Van Horne
Cohen, L. I.	Itkin	Pistella	Vitali
Cohen, M.	Jadlowiec	Platts	Waugh
Colaifella	Kaiser	Ramos	Williams, C.
Conti	Keller	Raymond	Wilt
Cornell	Kenney	Readshaw	Wogan
Corpora	Krebs	Reber	Wojnaroski
Corrigan	LaGrotta	Reinard	Wright, M. N.
Cowell	Laughlin	Robinson	Yewcic
Coy	Lawless	Roebuck	Youngblood
Daley	Lederer	Rohrer	Zimmerman
Dally	Leh	Ross	Zug
DeLuca	Lescovitz	Rubley	
Dempsey	Levdansky	Sainato	Ryan,
Dent	Lloyd	Sather	Speaker
DiGirolamo	Lucyk		

NAYS-39

Battisto	Donatucci	Mundy	Sturla
Bebko-Jones	Evans	Myers	Surra
Bishop	George	Oliver	Tangretti
Buxton	Haluska	Petrone	Travaglio
Carn	James	Preston	Trello
Casorio	Jarolin	Rieger	Veon
Colaizzo	Josephs	Roberts	Walko
Curry	Kirkland	Rooney	Washington
Dermody	Melio	Santoni	Williams, A. H.
DeWeese	Mihalich	Shaner	

NOT VOTING-0

EXCUSED-0

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

The SPEAKER. There will be no further roll calls this evening.

**ANNOUNCEMENT BY MR. BARLEY**

The SPEAKER. The Chair recognizes Mr. Barley.

Mr. BARLEY. Thank you, Mr. Speaker.

I just wanted to make an announcement by way of a reminder to members of the Appropriations Committee that tomorrow at 1 p.m. we will be beginning the budget hearings and would hope that all members of the Appropriations Committee could be present for the hearings. Thank you.

The SPEAKER. For the benefit of the members, for the benefit of the members, tomorrow is a token session.

**BILL REMOVED FROM TABLE**

The SPEAKER. The Chair recognizes the majority leader.

Mr. PERZEL. Mr. Speaker, I move that HB 329 be removed from the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

**BILL RECOMMITTED**

The SPEAKER. The Chair recognizes the majority leader.

Mr. PERZEL. Mr. Speaker, I move that HB 329 be recommitted to the Committee on Appropriations.

On the question,

Will the House agree to the motion?

Motion was agreed to.

**VOTE CORRECTIONS**

The SPEAKER. The Chair recognizes the lady from Chester, Mrs. Rubley.

Mrs. RUBLEY. Thank you, Mr. Speaker.

I would like to correct the record.

On HB 89, amendment A0175, my vote was inaccurately recorded, and I would like to be recorded in the affirmative.

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

The lady from Montgomery, Ms. Bard.

Ms. BARD. Thank you, Mr. Speaker.

I would like to be recorded on HB 89, amendment 175, in the affirmative, please.

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

Any further corrections of the record?

**ADJOURNMENT**

The SPEAKER. Do the Republican or Democratic floor leaders have any announcements?

The Chair recognizes the gentleman from Luzerne County, Mr. Eachus.

Mr. EACHUS. Mr. Speaker, I move that this House do now adjourn until Wednesday, February 12, 1997, at 11 a.m., e.s.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 7:23 p.m., e.s.t., the House adjourned.