

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, DECEMBER 9, 1997

SESSION OF 1997

181ST OF THE GENERAL ASSEMBLY

No. 65

HOUSE OF REPRESENTATIVES

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

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

PRAYER

REV. WILLIAM A. MILLER, Chaplain of the House of Representatives and pastor of United Methodist Church, Schaefferstown, Pennsylvania, offered the following prayer:

Our Father, You have made known Your authority and delivered Your orders for this day in Your holy law. You have given individuals authority to exercise leadership over us, and You have asked us to obey them and to pray for them. We now pray You will fill our leaders in government with zeal for the tasks delegated to them this day with understanding and concern. May each one of us serve You with pure, exemplary lives and thereby give those whom we lead the ideal to follow. Give wisdom to judge justly and compassion in our dealings with one another that we may follow Your leadership with a willing spirit.

Teach us, Father, to give and not count the cost, to fight and not to heed the wounds, to labor and not to ask for any reward except that of knowing that we do Your will. Fill us with love of truth and righteousness, and make us ever mindful of our calling to serve the people of our districts and of this State.

For this we ask in the name of our Lord God, the creator and preserver of all mankind. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Monday, December 8, 1997, will be postponed until printed. The Chair hears no objections.

SENATE MESSAGE

HOUSE BILL
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 836, PN 2073**, with information that the Senate has passed the same without amendment.

SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 1573, PN 2659**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

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
December 8, 1997

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Tuesday, January 6, 1998, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the Senate adjourns on January 6, 1998, it reconvene on Tuesday, January 20, 1998, 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 Tuesday, January 6, 1998, unless sooner recalled by the Speaker of the House of Representatives; and be it further

RESOLVED, That when the House of Representatives adjourns on January 6, 1998, it reconvene on Tuesday, January 20, 1998, 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.

GUESTS INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall of the House today, as the guest of Representative Phyllis Mundy, Emilio Talipan, Jr., who is serving as a guest page. Emilio is a junior at Wyoming Valley West High School. His father, Emilio Talipan, Sr., is here accompanying his son. Would the guests please rise.

Here today as the guest of Representative Peter Zug is Cindy Fake, who is the daughter of our Chaplain. She is seated here to the right of the Speaker on the rostrum. Ms. Fake, would you please rise.

And as guests of Representative Katie True, we are joined by her granddaughter's government and economics class from Donegal High School, Lancaster County. They are instructed by Mr. John Felix. Also as the guest of Representative True is Terry Youngblood, who is an intern for the Pennsylvania Family Institute. She is a graduate of Dallas Baptist University. These folks are seated in the gallery. Would they kindly acknowledge their presence by waving or standing up.

As the guests of Representative Ellen Bard of Montgomery County, there is a group of representatives of the Pennsylvania/Delaware Chapter of Landscape Architects. Hugh Cadzow, Carl Keleman, Jim Barnes, Dan DiMucci, and Sidney Kime are guests of Ms. Bard and are here in honor of the passage of the Landscape Architecture Month resolution. They are seated in the gallery. Would these folks please acknowledge their presence.

And here as the guest pages of Representative Allan Egolf are Anita Fleisher and Dustee-Lea Graeff. They are juniors at Newport High School. Would these folks please rise.

FILMING PERMISSION

The SPEAKER. The Chair wishes to advise the members that permission has been given to Joseph Hermitt of the Patriot-News to take still photographs on the floor. The Patriot-News is on the floor with a camera. Smile.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1801 By Representatives TRELLO, COLAFELLA, CARN, ITKIN, WALKO, SHANER, GEORGE, WOJNAROSKI, LEDERER, READSHAW, JOSEPHS, OLASZ, DeLUCA, HESS, STABACK, COY, DONATUCCI, BOYES, SERAFINI, ROEBUCK, YOUNGBLOOD, LAUGHLIN, HALUSKA, ALLEN, PISTELLA, THOMAS, BOSCOLA, RAMOS, GANNON, KENNEY, E. Z. TAYLOR, TRAVAGLIO, BELARDI, M. COHEN, WASHINGTON, ORIE, LUCYK, HORSEY and SAINATO

An Act requiring certain coverage in health insurance policies.

Referred to Committee on INSURANCE, December 9, 1997.

No. 1802 By Representatives DeLUCA, ROONEY, ORIE, BUNT, ITKIN, GEORGE, COY, BOSCOLA, PESCI, MARKOSEK, LAUGHLIN, OLASZ, GIGLIOTTI, TRELLO, EVANS, TANGRETTI, TRICH, CURRY, BELARDI, YOUNGBLOOD, LUCYK, MANDERINO, MELIO, JOSEPHS, TIGUE, COLAFELLA, THOMAS, VAN HORNE and WALKO

An Act requiring nursing homes to submit information annually to the Department of Health; requiring the Department of Health to place certain information on the Internet; and providing for certain duties of the Department of Health and the Department of Aging.

Referred to Committee on AGING AND YOUTH, December 9, 1997.

No. 1803 By Representatives L. I. COHEN, BELARDI, LAUGHLIN, GEORGE, HERMAN, MYERS, NAILOR, ALLEN, COY, SATHER, ITKIN, STERN, HALUSKA, KENNEY, BAKER, MUNDY, GRUPPO, C. WILLIAMS, YOUNGBLOOD, ARGALL, M. COHEN, J. TAYLOR, BOSCOLA, TRELLO, STABACK, PISTELLA, JOSEPHS, MELIO, E. Z. TAYLOR, BELFANTI, SEMMEL, RAMOS, CURRY and HORSEY

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

Referred to Committee on HEALTH AND HUMAN SERVICES, December 9, 1997.

No. 2040 By Representatives LUCYK, CARONE, TULLI, PESCI, LAUGHLIN, KAISER, TRELLO, COY, ALLEN, BELFANTI, DALEY, BELARDI, CURRY, TIGUE, STABACK and ROONEY

An Act requiring the Department of Transportation to establish complete rest areas within certain intervals on all interstate highways within this Commonwealth.

Referred to Committee on TOURISM AND RECREATIONAL DEVELOPMENT, December 9, 1997.

No. 2041 By Representatives LUCYK, PESCI, LAUGHLIN, TRELLO, BELFANTI, DALEY, MUNDY, TIGUE and ROONEY

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for residency status at institutions of the State System of Higher Education.

Referred to Committee on EDUCATION, December 9, 1997.

No. 2042 By Representatives LUCYK, PESCI, SATHER, LAUGHLIN, KAISER, TRELLO, ALLEN, BELFANTI, FAIRCHILD, DALEY, BELARDI, GODSHALL, E. Z. TAYLOR, BOSCOLA, TIGUE, STABACK and ROONEY

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for qualifications of Adjutant General, Deputy Adjutant General and Assistant Adjutant General.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, December 9, 1997.

No. 2043 By Representatives L. I. COHEN, BELARDI, LAUGHLIN, GEORGE, DeWEESE, COY, TIGUE, ITKIN, MUNDY, BATTISTO, C. WILLIAMS, GRUPPO, YOUNGBLOOD, M. COHEN, TRELLO, STABACK, STURLA, CORRIGAN, JOSEPHS, E. Z. TAYLOR and HORSEY

An Act amending the act of July 1, 1937 (P.L.2681, No.537), referred to as the Explosives Manufacture, Storage and Possession Law, providing for identification taggants; imposing a penalty; and making editorial changes.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, December 9, 1997.

No. 2044 By Representatives LLOYD, ITKIN, FICHTER, NAILOR, LUCYK, DeWEESE, BOSCOLA, BELFANTI, CARONE, SATHER, TULLI, PESCI, LEDERER, OLASZ, TANGRETTI, TRELLO, SANTONI, EVANS, M. N. WRIGHT, ROBINSON, YEWIC, DRUCE, JOSEPHS, BELARDI, MELIO, CURRY, CASORIO, COWELL, MANDERINO, McNAUGHTON, TIGUE, STABACK, DeLUCA, M. COHEN, BLAUM, MUNDY, WALKO, HALUSKA, C. WILLIAMS, SURRA, BROWNE, STERN and MAHER

An Act providing for restrictions on future employment of the Insurance Commissioner, deputy commissioners and certain other employees of the Insurance Department.

Referred to Committee on INSURANCE, December 9, 1997.

No. 2045 By Representatives CORPORA, MAYERNIK, PISTELLA, READSHAW, WALKO, TRELLO, OLASZ, KAISER, RUBLEY, BOSCOLA, SCRIMENTI, HENNESSEY, GORDNER, WOGAN, MELIO, DALLY, KELLER, LAUGHLIN, MARKOSEK, TRAVAGLIO, CASORIO, TIGUE, DeLUCA, CLARK, PETRARCA, SAINATO, M. COHEN, STABACK, TRUE, ROONEY, SCHRODER and MAHER

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for body piercing or branding of minors.

Referred to Committee on JUDICIARY, December 9, 1997.

No. 2046 By Representatives MASLAND, FICHTER, BAKER, NAILOR, WAUGH, DEMPSEY, FAIRCHILD, McCALL, BELARDI, BENNINGHOFF, CLARK, PISTELLA, B. SMITH, YOUNGBLOOD, E. Z. TAYLOR, HERSHEY, MELIO, DALLY, SEMMEL, RUBLEY, PETRONE, HENNESSEY, EGOLF, CARONE, VANCE and SAYLOR

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for cost of tuition and for manner of fixing tuition.

Referred to Committee on EDUCATION, December 9, 1997.

No. 2047 By Representatives COWELL, STAIRS, STURLA, SCHULER, BATTISTO, PLATTS, KIRKLAND, CARONE, CURRY, C. WILLIAMS, MUNDY, SANTONI, ROBINSON, TULLI, DeWEESE, ITKIN, BARRAR, MANDERINO, M. COHEN, PIPPY, MARKOSEK, LEVDANSKY, BELARDI, MICOZZIE, YOUNGBLOOD, BELFANTI, COY, PISTELLA, READSHAW, TIGUE, TRELLO, WALKO, OLASZ, PESCI, MELIO, TRICH, McCALL, LUCYK, COLAFELLA, SHANER, LAUGHLIN, VAN HORNE, GIGLIOTTI, JAROLIN, TANGRETTI, CALTAGIRONE, JOSEPHS, HALUSKA, STABACK, CORRIGAN, SCRIMENTI, SAINATO, TRAVAGLIO, CASORIO, THOMAS and RIEGER

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for payments on account of pupils enrolled in special education programs.

Referred to Committee on EDUCATION, December 9, 1997.

No. 2048 By Representatives PHILLIPS, M. COHEN, GEIST, GEORGE, STERN, BROWN, BELARDI, BAKER, SATHER, HALUSKA, McGILL, READSHAW, SCHRODER, ROSS, TRAVAGLIO, BELFANTI, HERSHEY, E. Z. TAYLOR, WILT, BUNT, TRELLO, FAIRCHILD, SURRA, BISHOP, YEWIC, THOMAS, LEVDANSKY, ROHRER and LAUGHLIN

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

Referred to Committee on HEALTH AND HUMAN SERVICES, December 9, 1997.

No. 2049 By Representatives PHILLIPS, STABACK, LYNCH, ORIE, LAUGHLIN, TRELLO, ALLEN, ZIMMERMAN, FAIRCHILD, YOUNGBLOOD and SAYLOR

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for definitions pertaining to snowmobiles.

Referred to Committee on TRANSPORTATION, December 9, 1997.

No. 2050 By Representatives STRITTMATTER, BROWN, COLAIZZO, STERN, TANGRETTI, SCHULER, BOSCOLA, BELFANTI, HERMAN, TRELLO, HENNESSEY, DALEY, HERSHEY, BELARDI, McCALL, McNAUGHTON, BATTISTO, E. Z. TAYLOR, YOUNGBLOOD, DeLUCA, SAINATO, M. COHEN, MAHER and ZIMMERMAN

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the control of alarm devices and automatic dialing devices.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, December 9, 1997.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HB 836, PN 2073

An Act amending the act of December 17, 1986 (P.L. 1693, No.202), known as the New Home Construction Local Tax Abatement Act, further providing for the procedure for obtaining an exemption.

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

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the gentleman, Mr. Snyder, the Republican whip, for the purpose of taking leaves of absence. The gentleman requests leave for the gentleman from Lancaster, Mr. ARMSTRONG, for today's session. Without objection, the leave will be granted.

The Chair recognizes the Democratic whip, Mr. Itkin, who requests leave for the gentleman from Philadelphia, Mr. JAMES, and the lady from Philadelphia, Ms. WASHINGTON, both for today's session. Without objection, leaves will be granted. The Chair hears no objection, and the leaves, accordingly, are granted.

MASTER ROLL CALL

The SPEAKER. The Chair is about to take today's master roll call. The members will proceed to vote.

The following roll call was recorded:

PRESENT-197

Adolph	Druce	Maitland	Schroder
Allen	Eachus	Major	Schuler
Argall	Egolf	Manderino	Scrimenti
Baker	Evans	Markosek	Semmel
Bard	Fairchild	Marsico	Serafini
Barley	Fargo	Masland	Seyfert
Barrar	Feese	Mayernik	Shaner
Battisto	Fichter	McCall	Smith, B.
Bebko-Jones	Fleagle	McGeehan	Smith, S. H.
Belardi	Flick	McGill	Snyder, D. W.
Belfanti	Gannon	McIlhattan	Staback
Benninghoff	Geist	McNaughton	Stairs
Birmelin	George	Melio	Steelman
Bishop	Gigliotti	Michlovic	Steil
Blaum	Gladeck	Micozzie	Stern
Boscola	Godshall	Miller	Stetter
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
Chadwick	Hess	Petrone	Trich
Civera	Horsey	Phillips	True
Clark	Hutchinson	Pippy	Tulli

Clymer	Itkin	Pistella	Vance
Cohen, L. I.	Jadlowiec	Platts	Van Horne
Cohen, M.	Jarolin	Preston	Veon
Colaella	Josephs	Ramos	Vitali
Colaizzo	Kaiser	Raymond	Walko
Cornell	Keller	Readshaw	Waugh
Corpora	Kenney	Reber	Williams, A. H.
Corrigan	Kirkland	Reinard	Williams, C.
Cowell	Krebs	Rieger	Wilt
Coy	LaGrotta	Roberts	Wogan
Curry	Laughlin	Robinson	Wojnaroski
Daley	Lawless	Roebuck	Wright, M. N.
Dally	Lederer	Rohrer	Yewcic
DeLuca	Leh	Rooney	Youngblood
Dempsey	Lescovitz	Ross	Zimmerman
Dent	Levdansky	Rubley	Zug
Dermody	Lloyd	Sainato	
DeWeese	Lucyk	Santoni	Ryan, Speaker
DiGirolamo	Lynch	Sather	
Donatucci	Maher	Saylor	

ADDITIONS-0

NOT VOTING-0

EXCUSED-4

Armstrong Cawley James Washington

The SPEAKER. Will the members please take their seats; will members please take their seats. Sergeant at Arms, would you ask this group conferring on the side to break up.

The Chair at this time requests the majority chairman of the Veterans Affairs and Emergency Preparedness Committee to temporarily preside. Mr. Hershey.

**THE SPEAKER PRO TEMPORE
(ARTHUR D. HERSHEY) PRESIDING**

**MAJ. GEN. JAMES W. MAC VAY
PRESENTED**

The SPEAKER pro tempore. Thank you, Mr. Speaker.

Today it is my privilege to introduce Maj. Gen. James Mac Vay, the Adjutant General of the Pennsylvania National Guard.

The Pennsylvania National Guard is celebrating its 250th anniversary this year. Therefore, we felt it would be appropriate for General Mac Vay to address this body and give us an inspirational update on the Guard's 250 years of great success, as well as I would like to present the general with a copy of HR 65, which was adopted by this body on March 11 of this year.

HR 65 pays tribute to the Pennsylvania National Guard and congratulates this fine organization on the celebration of its 250th anniversary.

General Mac Vay, thank you for your dedication to this great Commonwealth, and, General, I would like to present this resolution and ask you to make some remarks.

MAJOR GENERAL MAC VAY. Thank you very much, Mr. Chairman.

Mr. Speaker, the distinguished members of the House of Representatives of the Commonwealth of Pennsylvania, ladies and gentlemen:

I am deeply honored to stand before you and represent the 23,000 great men and women of your Pennsylvania Army and Air National Guard on this our 250th anniversary of service to the United States of America in war and to the people of the Commonwealth of Pennsylvania in countless occasions of disasters and emergencies.

I am proud and honored to report to you that your National Guard remains the second largest Guard in the nation and is well on its way to being the largest of our organized militia in the United States. I can report to you that our 28th Infantry Division is objectively and unarguably the most ready of all eight National Guard Divisions, and I can report to you that for the past 2 years and up until just about 2 months ago, your National Guard was the most mobilized of all of the States in support of peacekeeping operations in Bosnia-Herzegovina.

I can report to you that, as of 3 weeks ago, the 28th Infantry Division will remain as one of only three of the existing eight National Guard Divisions entirely in the Commonwealth of Pennsylvania while others lose force structure, reorganize into something else, or downsize. This means, quite simply, that no city, town, or other community will lose the presence of a National Guard unit as a result of downsizing. It is a great victory.

Our great commanders, their officers and noncommissioned officers, and the superb young men and women of the Pennsylvania National Guard have won this long and protracted fight to keep force structure in Pennsylvania. They did so because of their dedication, their intensity towards training and recruiting, and their ability to respond to the call of their country over the past 2 years to Bosnia-Herzegovina with only 2 weeks, on average, advance notice.

Our air traffic controllers — then from State College, Pennsylvania, now from Johnstown — and our combat communications squadron from Fort Indiantown Gap of the Pennsylvania Air National Guard were the first to deploy, just 4 days before Christmas in 1995. They were quickly followed by a statewide volunteer 40-man field artillery fire support team that responded with 1 week's notice to Tuzla in Bosnia; by our great 213th Area Support Group from Allentown to Tazar, Hungary; by a 40-person, great young men and women, from our Personnel and Finance Battalions to Germany, to Croatia, to Sarajevo, and to Bosnia; and by, again, a great Target Acquisition Battery from York, Pennsylvania, to provide anti-field-artillery protection in Sarajevo; and finally, by a highly qualified group of 21 officers out of our 28th Infantry Division to take over the headquarters of the European Command's night-shift Crisis Action Team in Heidelberg, Germany — and those great warriors will be coming back this Friday, and I will fly to Atlanta on your behalf to greet them back to the United States of America — by still again air traffic controllers and combat communications personnel to Tazar, Hungary; and finally, just last month the call-up of our 193d Special Operations Wing, the most mobilized unit in the Pennsylvania National Guard, with just 24 hours' notice, to perform a highly classified mission based out of Brindisi, Italy.

Now, all of these great Pennsylvania guardsmen performed splendidly. They deployed without degrading the readiness of their parent units at home, which also remain ready for mobilization at a short notice. They did so while their brothers and sisters in their home units continued to train, continued to respond to State

emergency, and then continued to respond to more than 2,000 volunteer community action projects at home.

I am very proud to report to you that not one soldier or airman, not one, asked to be excused. I am very proud to report to you that not one employer, not one, asked for an employee to be excused. And I am proud to stand here in this great hall of the people as a public servant of the citizens of the Commonwealth of Pennsylvania, who continue to demonstrate extraordinary patriotism as they so long have over the past 250 years of service, your National Guard, and you deserve, as representatives of the people, to be extremely proud as well.

And how proud Dr. Benjamin Franklin would be, the brilliant and pragmatic founder of the Pennsylvania Guard, at how well our Guard has advanced. From the winter at Valley Forge, Brandywine, and Trenton, through every conflict that America has faced up through and including Desert Shield and Desert Storm, to our outstanding deployments in Bosnia, his guardsmen, my guardsmen, your guardsmen, and the guardsmen of the Commonwealth of Pennsylvania continue to shine.

The future of this great command is assured — no, it will even advance further. Units will remain in the 97 communities and 5 air bases in Pennsylvania; the Guard will continue to bring over \$300 million annually to the Commonwealth; it will continue to be an economic boon to this great State, but more importantly, it will be here when America needs it; it will be here in times of emergency when the people of Pennsylvania need it.

Our active commitment to the people of Pennsylvania in the areas of volunteer service directed at counter drug operations and prevention, environmental projects, providing medical care and engineer support in hazard mitigation, in sponsoring youth groups and role modeling, and many other functions will continue and continue aggressively.

I stand before you apparently proud, apparently boasting, apparently confident in our soldiers and airmen, and I am, but we could not have achieved what has been achieved without the support of the people of this great Commonwealth. We could not have risen to such heights without the staunch support of our great veterans organizations in Pennsylvania which continue to aggressively support us at this very moment. We could not have gotten here without the support of some great Governors, commanders in chief of the Guard, Governors like my current Governor, Commander in Chief Gov. Tom Ridge, a combat soldier who knows the needs of our soldiers and airmen and never fails to provide moral and material support when needed. And we could have never risen to such success and glory without the support of great patriotic men and women who have sought out careers in public service such as you. I thank you for that, and I thank you for your great support of our Guard and the great working staffs that you have that work with my staff in ensuring that we do what is right for Pennsylvania and for the Guard.

The young men and women who serve today are the greatest with whom I have ever served in 41 years. These are bright kids; these are great kids; these are caring kids; they are dedicated; they are sharp, devoted, dependable, and intelligent. More than 250 of the future of America join our ranks every month. Ladies and gentlemen, I assure you, America of the future — Pennsylvania of the future — could not be in better hands.

Thank you for honoring us on this our 250th birthday. Thank you for your past support; thank you for your concern, for your loyalty to our young soldiers and air men and women of our Guard, and especially for having chosen to serve Pennsylvania as dedicated members of this great body.

Please remember the members of our Armed Forces who are serving overseas today at this holiday season.

God bless you for your service, the people of this great Commonwealth, and the United States of America.

Thank you so much for having me here today. Happy holidays.

THE SPEAKER (MATTHEW J. RYAN) PRESIDING

The SPEAKER. The House will be temporarily at ease to allow our guests to leave the floor.

COURTNEY VANDERGRIFT PRESENTED

The SPEAKER. I am breaking one of my own rules today for good reason. A young lady from Representative McCall's district recently won an AMVETS essay contest for an essay on why it is important to vote, and Mr. McCall and I had a conversation in which he requested that this young lady be permitted to address us. My first reaction was no, as usual, and as I kept talking to him and listening to the story of this young lady, I found that I was wrong.

And with that, I will recognize the gentleman, Mr. McCall.

Mr. McCALL. Thank you, Mr. Speaker.

Certainly I want to thank the Speaker for his indulgence, and I would like to also thank the members of this great body for their indulgence because I am going to introduce to you a very, very special young lady from my district.

But before I do that, I would like to introduce Courtney's parents, who are seated to the left of the Speaker, and if they will rise as I introduce them. First of all, we have Bill and Daveen Vandergrift — they are Courtney's parents — Victoria Vandergrift, her sister; Billy Vandergrift, her brother; and Mrs. Antoinette Collier, who is the principal at Sts. Peter and Paul Elementary School in Lehighton. Behind me with Courtney are Harry Mirra, who is the State commander of the AMVETS; Ken Cahill, who is the second vice commander of the AMVETS and the Pennsylvania AMVET of the Year; Gary Reph, who is the State executive director; and then locally, my two local AMVET commander and adjutant — Charles Uhler, who is the commander, and Randy Rabenold, who is the adjutant of the post.

As I said to the members, it is a very, very special young lady, Courtney Vandergrift, that I present to you today, and I think, you know, every now and then we have State champions, we are fortunate to be introduced to State champions in this House, and we are fortunate, on a very rare occasion, to meet a national champion, and today I present to you a young lady who not only was a local winner but was a State champion and was one of those very rare national champions. Courtney won a national contest on why it is important to vote.

I think it is incumbent upon us to pay attention to what Courtney has to say as I introduce her here today. She would like to read to the members of the House chamber her national winning essay. Courtney.

The SPEAKER. If Courtney will allow me first. Just a moment, Courtney.

The House will come to order.

Ms. VANDERGRIFT: "Why Is It Important To Vote?" Voting important? Yes, of course. Voting is one of the most powerful forms of expression. It promotes the preferences and interests of the American people. When you vote, representatives are chosen to help us govern our cities, States, and countries. Through voting, the voice of one person unites with several others and our interests can be heard loudly. This is democracy. Democracy is a system of government where the people make the laws.

In the United States of America, democracy gives us freedom. This is what makes us a strong country. Freedom gives us the right to enjoy all of our privileges such as freedom of speech, religion, press, and assembly. It gives us the right to enjoy the right to life, liberty, and the pursuit of happiness. Freedom also gives us the privilege to vote.

Voting is not only a privilege, it is also a necessity. Without voting, we would then be under the command of one person's ideas and unable to express our own beliefs. This would be upsetting to me. I love my freedom to be unique. So be strong, be free, be united, and be unique. Vote.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 728, PN 2664 (Amended)

By Rep. GANNON

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for unlawful restraint, for false imprisonment and for obscenity; and further providing for sentences for offenses against minors.

JUDICIARY.

HB 1635, PN 2037

By Rep. GANNON

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for payment of certain tax liens when forfeited real property is sold.

JUDICIARY.

HB 1979, PN 2553

By Rep. GANNON

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for 20-years limitation.

JUDICIARY.

CALENDAR

BILL ON SECOND CONSIDERATION

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

SB 577, PN 1475.

BILLS ON THIRD CONSIDERATION

BILLS PASSED OVER

The SPEAKER. The balance of the bills on page 1 are over.

* * *

The House proceeded to third consideration of HB 1480, PN 1770, entitled:

An Act amending Title 54 (Names) of the Pennsylvania Consolidated Statutes, adding and changing definitions; making classifications; and providing for registrability and application for registration, duration and renewal, for cancellation for damages for fraudulent registration, for infringement, for injury to business or reputation and for remedies.

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

Mr. CASORIO offered the following amendment No. A4962:

Amend Title, page 1, line 2, by inserting after "Statutes," regulating court approval for change of name for persons convicted of felonies;

Amend Sec. 1, page 1, line 10, by inserting after "Sections" 701, 702,

Amend Sec. 1, page 1, by inserting between lines 12 and 13 § 701. Court approval required for change of name.

(a) General rule.—It shall be unlawful for any person to assume a name different from the name by which such person is and has been known, unless such change in name is made pursuant to proceedings in court as provided by this chapter.

(b) Informal change of name.—Notwithstanding subsection (a), a person may at any time adopt and use any name if such name is used consistently, nonfraudulently and exclusively. The adoption of such name shall not however be in contravention of the prohibitions contained in section 702(b) (relating to change by order of court).

§ 702. Change by order of court.

(a) General rule.—The court of common pleas of any county may by order change the name of any person resident in the county.

(b) Convicted felons.—

(1) The court may order a change of name for a person convicted of a felony, subject to provisions of paragraph (2), if:

(i) at least two calendar years have elapsed from the date of completion of a person's sentence and that person is not subject to the probation or parole jurisdiction of any court, county probation agency or the Pennsylvania Board of Probation and Parole; or

(ii) the person has been pardoned.

(2) The court may not order a change of name for a person convicted of murder, voluntary manslaughter, rape, involuntary deviate sexual intercourse, statutory sexual assault, sexual assault, aggravated indecent assault, robbery as defined in 18 Pa.C.S. § 3701(a)(1)(i) (relating to robbery), aggravated assault as defined in 18 Pa.C.S. § 2702(a)(1) or (2) (relating to aggravated assault), arson as defined in 18 Pa.C.S. § 3301(a) (relating to arson and related offenses), kidnapping or robbery of a motor vehicle, or criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed above, or an equivalent crime under the laws of this Commonwealth in effect at the time of the commission of that offense, or an equivalent crime in another jurisdiction.

(3) The court shall notify the Office of Attorney General, the Pennsylvania State Police and the office of the district attorney of the

county in which the person resides when a change of name for a person convicted of a felony has been ordered. The Pennsylvania State Police, upon receipt of this notice, shall include the change of name information in the central repository as provided for in 18 Pa.C.S. Ch. 91 (relating to criminal history record information).

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 gentleman, Mr. Casorio.

Mr. CASORIO. Thank you, Mr. Speaker.

This amendment that I have would end the practice of sexual predators and convicted felons from legally having their name changed in the court of law. Currently, convicted sexual predators can avoid Megan's Law by having their name legally changed in court. Currently there is no requirement that the court look into their criminal background, only if they have bad credit or a debt.

This amendment protects seniors, it protects children, and it gives law enforcement throughout the Commonwealth another weapon.

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

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

The following roll call was recorded:

YEAS—197

Table listing names of members who voted 'YEAS' (197 total). Names include Adolph, Allen, Argall, Baker, Bard, Barley, Barrar, Battisto, Bebko-Jones, Belardi, Belfanti, Benninghoff, Birmelin, Bishop, Blaum, Boscola, Boyes, Brown, Browne, Bunt, Butkovitz, Buxton, Caltagirone, Cappabianca, Cam, Carone, Casorio, Chadwick, Civera, Clark, Clymer, Cohen, L. I., Cohen, M., Colafella, Colaizzo, Cornell, Corpora, Corrigan, Cowell, Druce, Eachus, Egolf, Evans, Fairchild, Fargo, Feese, Fichter, Fleagle, Flick, Gannon, Geist, George, Gigliotti, Gladeck, Godshall, Gordner, Gruitza, Gruppo, Habay, Haluska, Hanna, Harhart, Hasay, Hennessey, Herman, Hershey, Hess, Horsey, Hutchinson, Itkin, Jadowiec, Jarolin, Josephs, Kaiser, Keller, Kenney, Kirkland, Krebs, Maitland, Major, Manderino, Markosek, Marsico, Masland, Mayemik, McCall, McGeehan, McGill, McIlhattan, McNaughton, Melio, Michlovic, Micozzie, Miller, Mundy, Myers, Nailor, Nickol, O'Brien, Olasz, Oliver, Orié, Perzel, Pesci, Petrarca, Petrone, Phillips, Pippy, Pistella, Platts, Preston, Ramos, Raymond, Readshaw, Reber, Reinard, Rieger, Schroder, Schuler, Scrimenti, Semmel, Serafini, Seyfert, Shaner, Smith, B., Smith, S. H., Snyder, D. W., Staback, Stabler, Steelman, Steil, Stern, Stetler, Stevenson, Strittmatter, Sturla, Surra, Tangretti, Taylor, E. Z., Taylor, J., Thomas, Tigue, Travaglio, Trello, Trich, True, Tulli, Vance, Van Home, Veon, Vitali, Walko, Waugh, Williams, A. H., Williams, C., Wilt.

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

NAYS-0

NOT VOTING-0

EXCUSED-4

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

On the question,
Will the House agree to the bill on third consideration as amended?
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-197

Adolph	Druce	Maitland	Schroder
Allen	Eachus	Major	Schuler
Argall	Egolf	Manderino	Scrimenti
Baker	Evans	Markosek	Semmel
Bard	Fairchild	Marsico	Serafini
Barley	Fargo	Masland	Seyfert
Barrar	Feese	Mayernik	Shaner
Battisto	Fichter	McCall	Smith, B.
Bebko-Jones	Fleagle	McGeehan	Smith, S. H.
Belardi	Flick	McGill	Snyder, D. W.
Belfanti	Gannon	McIlhattan	Staback
Benninghoff	Geist	McNaughton	Stairs
Birmelin	George	Melio	Steelman
Bishop	Gigliotti	Michlovic	Steil
Blaum	Gladeck	Micozzie	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	Otasz	Taylor, E. Z.
Caltagirone	Harhart	Oliver	Taylor, J.
Cappabianca	Hasay	Orie	Thomas
Carn	Hennessey	Perzel	Tigue
Carone	Herman	Pesci	Travaglio
Casorio	Hershey	Petrarca	Trello
Chadwick	Hess	Petrone	Trich
Civera	Horsely	Phillips	True
Clark	Hutchinson	Pippy	Tulli
Clymer	Itkin	Pistella	Vance
Cohen, L. I.	Jadlowiec	Platts	Van Horne
Cohen, M.	Jarolin	Preston	Veon
Colafella	Josephs	Ramos	Vitali

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

NAYS-0

NOT VOTING-0

EXCUSED-4

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

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

DECISION OF CHAIR RESCINDED ON HB 1479

The SPEAKER. The Chair returns to page 1 of today's calendar and rescinds its announcement that HB 1479 was over for the day.

The House proceeded to third consideration of **HB 1479, PN 1769**, entitled:

An Act amending Title 15 (Corporations and Unincorporated Associations) of the Pennsylvania Consolidated Statutes, further providing for trademark fees.

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-197

Adolph	Druce	Maitland	Schroder
Allen	Eachus	Major	Schuler
Argall	Egolf	Manderino	Scrimenti
Baker	Evans	Markosek	Semmel
Bard	Fairchild	Marsico	Serafini
Barley	Fargo	Masland	Seyfert
Barrar	Feese	Mayernik	Shaner

Battisto	Fichter	McCall	Smith, B.
Bebko-Jones	Fleagle	McGeehan	Smith, S. H.
Belardi	Flick	McGill	Snyder, D. W.
Belfanti	Gannon	McIlhattan	Staback
Benninghoff	Geist	McNaughton	Stairs
Birmelin	George	Melio	Steelman
Bishop	Gigliotti	Michlovic	Steil
Blaum	Gladeck	Micozzie	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
Chadwick	Hess	Petrone	Trich
Civera	Horsey	Phillips	True
Clark	Hutchinson	Pippy	Tulli
Clymer	Itkin	Pistella	Vance
Cohen, L. I.	Jadlowiec	Platts	Van Horne
Cohen, M.	Jarolin	Preston	Veon
Colafiglia	Josephs	Ramos	Vitali
Colaizzo	Kaiser	Raymond	Walko
Cornell	Keiler	Readshaw	Wagh
Corpora	Kenney	Reber	Williams, A. H.
Corrigan	Kirkland	Reinard	Williams, C.
Cowell	Krebs	Rieger	Wilt
Coy	LaGrotta	Roberts	Wogan
Curry	Laughlin	Robinson	Wojnaroski
Daley	Lawless	Roebuck	Wright, M. N.
Dally	Lederer	Rohrer	Yewcic
DeLuca	Leh	Rooney	Youngblood
Dempsey	Lescovitz	Ross	Zimmerman
Dent	Levdansky	Rubley	Zug
Dermody	Lloyd	Sainato	
DeWeese	Lucyk	Santoni	Ryan,
DiGirolamo	Lynch	Sather	Speaker
Donatucci	Maher	Saylor	

NAYS-0

NOT VOTING-0

EXCUSED-4

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

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

BILLS PASSED OVER

The SPEAKER. The balance of the bills on page 2 - that is, SB 10, SB 95, and HB 1327 - are over, without objection. The Chair hears none.

All of the bills on page 3, page 4, page 5, and page 6 down to and excluding SB 492 are over. The Chair hears no objection.

BILL PASSED OVER TEMPORARILY

The SPEAKER. SB 492 is over temporarily.

BILLS PASSED OVER

The SPEAKER. Page 7. All the bills on page 7 are over.

BILL PASSED OVER TEMPORARILY

The SPEAKER. Page 8. SB 382 is over temporarily.

The House proceeded to third consideration of HB 1237, PN 1391, entitled:

An Act providing for open lands; invalidating prior actions; and making repeals.

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

Mr. GEORGE offered the following amendment No. A4767:

Amend Title, page 1, line 1, by inserting after "lands;"
establishing the Rail Trail Governing Board and
providing for its powers and duties;

Amend Bill, page 1, by inserting between lines 2 and 3

TABLE OF CONTENTS

- Chapter 1. Preliminary Provisions
 - Section 101. Short title.
- Chapter 3. Open Land
 - Section 301. Definitions.
 - Section 302. Relinquishment of jurisdiction.
 - Section 303. Settlements.
- Chapter 5. Rail Trail Governing Board
 - Section 501. Definitions.
 - Section 502. Rail Trail Governing Board.
 - Section 503. Powers and duties of board.
 - Section 504. Rights of parties to dispute resolution procedure.
 - Section 505. Powers and duties of department.
 - Section 506. Referral to taxing authority.
- Chapter 7. Miscellaneous Provisions
 - Section 701. Rescission.
 - Section 702. Repeals.
 - Section 703. Effective date.

Amend Bill, page 1, lines 5 through 8, by striking out all of said lines and inserting

CHAPTER 1

PRELIMINARY PROVISIONS

Section 101. Short title.

This act shall be known and may be cited as the Open Land and Rail Trail Governing Board Act.

CHAPTER 3
OPEN LAND

Section 301. Definitions.

Amend Sec. 2, page 1, line 9, by striking out "act" and inserting chapter

Amend Sec. 3, page 2, line 8, by striking out "3" and inserting 302

Amend Sec. 4, page 2, line 10, by striking out "4" and inserting 303

Amend Bill, page 3, line 15, by striking out all of said line and inserting

CHAPTER 5
RAIL TRAIL GOVERNING BOARD

Section 501. Definitions

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

"Board." The Rail Trail Governing Board established in section 502.

"Department." The Department of Conservation and Natural Resources of the Commonwealth.

"Public member." A person who is appointed to the Rail Trail Governing Board by the Governor and who holds no Federal, State or local appointed or elected government position.

"Rail trail." Railroad rights-of-way developed for public recreational trail use.

"Rail trail organization." A nonprofit organization which has acquired fee simple absolute title or any lesser interest in land, including easements and leaseholds of a rail trail.

"Secretary." The Secretary of the Department of Conservation and Natural Resources of the Commonwealth.

Section 502. Rail Trail Governing Board.

(a) Establishment.—The Rail Trail Governing Board is established in the Department of Conservation and Natural Resources. The board shall assist the department in administering the Rails to Trails Program established by the act of December 18, 1990 (P.L.748, No.188), known as the Rails to Trails Act, by providing oversight of the operations of rail trail organizations operating in this Commonwealth, including the provision of dispute resolution assistance. The department shall perform administrative support services for the board.

(b) Board composition.—The board shall consist of nine members. Two shall be members of the Senate appointed by the President pro tempore of the Senate and two shall be members of the House of Representatives appointed by the Speaker of the House of Representatives. In no case shall more than two members from either the Senate or the House of Representatives be from the same political party. The Governor shall appoint five public members, to be confirmed by a two-thirds vote of the Senate. Public members appointed under this subsection shall demonstrate knowledge of rail trail issues and be representative of the demographic composition of this Commonwealth.

(c) Terms of office.—The term of each public member shall be four years and the public member shall serve until a successor is appointed and qualifies in accordance with this section. For the public members first appointed to the board, two shall serve for four years, two shall serve for three years and one shall serve for two years. A public member shall serve no more than two consecutive terms, whether partial or full. A vacancy shall be filled for the balance of an unexpired term in the same manner as the original appointment.

(d) Votes.—No member of the board may delegate that member's vote to another person.

(e) Officers and rules.—The board shall elect a chairperson every four years from among the public members and may elect other officers and establish committees as it deems necessary. Business transacted by the board shall be conducted in accordance with the act of July 3, 1986 (P.L.388, No.84), known as the Sunshine Act.

(f) Meetings and hearings.—The board shall meet not fewer than three times annually at the call of the chairperson and hold dispute resolution hearings as necessary.

(g) Compensation.—Board members shall serve without compensation but shall be reimbursed for actual and reasonable expenses incurred in the performance of their official duties. Reimbursements shall be allocated from appropriations made to the department for general administration and operations.

Section 503. Powers and duties of board.

The board shall exercise the following powers and duties:

(1) Develop within one year of the effective date of this act general operating procedures for the board and for rail trail organizations, including, but not limited to, uniform rules regarding:

(i) Specific rail trail security requirements.

(ii) Specific rail trail maintenance requirements.

(iii) Specific rail trail public access requirements to include provision for the ready access of adjoining property owners without charge.

(2) Hear disputes that arise between a rail trail organization and adjacent property owners and to issue an impartial decision with the assistance of department counsel in accordance with 1 Pa. Code Part II (relating to the general rules of administrative practice and procedure).

(3) Prepare an annual report for the General Assembly, including recommendations for legislative action and regulatory change when needed and appropriate.

Section 504. Rights of parties to dispute resolution procedure.

All parties to the dispute resolution before the board:

(1) May be represented by counsel.

(2) May appeal the decision of the board to the local magistrate.

A decision of a local magistrate may be appealed to the court of common pleas for the county in which the property owner resides.

Section 505. Powers and duties of department.

The director of the department's Bureau of Recreation and Conservation shall serve as the executive director to the board and shall carry out the duties and responsibilities assigned by the board. There shall be employed by the bureau sufficient staff to carry out the activities of the board. Department counsel shall be available to assist the board in all dispute resolution cases and at the board's request.

Section 506. Referral to taxing authority.

The board shall refer any rail trail organization that charges a fee to adjoining property owners to the relevant taxing authority for a review of the rail trail organization's nonprofit status and possible liability for all roll-back taxes and accrued interest previously forgiven.

CHAPTER 7
MISCELLANEOUS PROVISIONS

Section 701. Rescission.

Amend Sec. 6, page 3, line 17, by striking out "6" and inserting 702

Amend Sec. 7, page 4, lines 9 and 10, by striking out all of said lines and inserting

Section 703. Effective date.

This act shall take effect as follows:

(1) Chapter 3 and sections 701 and 702 shall take effect in 180 days.

(2) Chapter 5 shall take effect in 90 days.

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

On the question,

Will the House agree to the amendment?

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

The gentleman, Mr. George, has been recognized on his amendments. Would he be good enough to explain them.

Mr. GEORGE. My apology to you, Mr. Speaker. This was not intentional. I was just trying to get it sorted out.

Mr. Speaker, what we are attempting to do, if I can get the attention of the membership—

The SPEAKER. Will the gentleman yield.

Conferences on the floor, please break up. Conferences in the vicinity of the gentleman, Mr. George, please be low-key.

Mr. George.

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, what this amendment does is what we as a body had insisted a couple of years ago when we passed the Rails to Trails Act, in that it simply insists, as the law did, that we establish the Rail Trail Governing Board, defining the power and duties of the board and the rights of parties to dispute the resolution procedure. Now, if we do not soon get this done, somebody is going to take issue with some of the moneys that have been handed over through these grants to the trails and recognize that we have long neglected to fulfill what the original law had insisted about.

Now, whether you are for the rails-to-trails has nothing to do with the amendment. The amendment simply fills that void that you had insisted upon at the time of the passage of the law. It does nothing to hurt the rails-to-trails; it does nothing to benefit. What it does is guarantee that we fulfill what we had not done in regard to the law's insistence. And, Mr. Speaker, with all of the contentious information coming forth, what better way would we have to deal with these problems other than putting together the board that will be appointed by the Governor, and members of the legislature will fill it, and we will proceed to do what the people have been insisting upon for a couple of years.

Now, I do not take issue with, there are some people happy about lands given back; there are some people very unhappy. These lands have been given back without any taxes. The lands were not and did not revert to the original owners, but that is not what this is about. This is simply to ask that we fulfill not only the recommendations and the insistence of the law we passed, but in reality, let this matter of rails-to-trails within that law run in the manner that it was supposed to by placing before the State and all of those that are involved in rails-to-trails a governing body that can assuredly resolve the regulations, put them in place, and resolve any arguments that will come forth in the future. That is all it does. It is good government; it is responsible government, and it is what the law insists upon.

Those of you that have had matters come up before you that you are not happy with in regard to what has been done by rails-to-trails or governmental bodies and such, Mr. Speaker, you surely will understand that had this been placed into law as we should have, these problems would not be with us today.

I ask that you support this amendment.

The SPEAKER. The gentleman, Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I certainly respectfully understand the problem that the previous speaker is trying to correct. However, putting a Rail Trail Governing Board into HB 1237 to me seems not appropriate at this time. Certainly it is an issue that the previous speaker has raised that we can look at perhaps at another day.

I would ask that we not support the amendment and vote against it. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question, the gentleman, Mr. George, for the second time on the question.

Mr. GEORGE. Mr. Speaker, I would be the last one to stand up and take issue with my colleague, Mr. Clymer, whom I have the utmost respect for. I can simply say, if it is going to be the purpose of this body that every time a bill comes up, somebody does not want an amendment in it, and that is the process that we utilize and the process that every one of you have done from time to time. It is a process in which you can put forth the type of language that will go into the law that you may not ever have had an opportunity or will get an opportunity to do so. This is a corrective procedure. It is not something to place any difficulty in front of us, but rather resolve.

I respectfully say to the gentleman, this bill will not hurt your bill; it will help it. Many people are interested in obeying what the law insisted upon, and this is it. Thank you.

The SPEAKER. The gentleman, Mr. Coy.

Mr. COY. Thank you, Mr. Speaker.

Mr. Speaker, I agree with the amendment, and I encourage members to vote for it. I do so on the premise that, simply stated, if the department had done its job in terms of setting up the rules and regulations for governing this procedure, we would not be faced with this amendment today. And what the amendment does is simply set up the framework of governance that needs to be done to guarantee that we will be dealing with and citizens across the Commonwealth can know that indeed the rails-to-trails programs are being run in an effective and up-to-date manner.

Had the department promulgated effective rules and regulations, again, we would not be here today. This bill simply puts in motion a form of governance to make sure that the lands which are being utilized by rails-to-trails, the lands that are being put under those conditions, are done so in a way which is fair and effective to the citizens of the State, to the local governments involved, and to all of us who are taxpayers.

So I encourage the adoption of the amendment. And I regret, candidly, that the department had not moved more forthrightly with regard to it, but in the absence of those regulations, the legislature is left with no other alternative than to act on its own, and I encourage an affirmative vote.

GUESTS INTRODUCED

The SPEAKER. Our former colleague, Joseph Conti, now Senator Conti, got homesick, and he returned here to the House bringing with him two guests: Bucks County commissioners Chairman Mike Fitzpatrick and Charles Martin. They are here today as the guests of the Bucks County delegation, seated to the left of the rostrum. Will the guests please rise.

CONSIDERATION OF HB 1237 CONTINUED

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

The following roll call was recorded:

YEAS—151

Baker	Evans	Manderino	Santoni
Bard	Fairchild	Markosek	Sather
Battisto	Fargo	Marsico	Schroder
Bebko-Jones	Feese	Masland	Scrimenti
Belardi	Fichter	Mayernik	Semmel
Belfanti	Gannon	McCall	Serafini
Benninghoff	George	McGeehan	Shaner
Bishop	Gigliotti	McGill	Smith, B.
Blaum	Gladeck	McIlhattan	Snyder, D. W.
Boscola	Godshall	McNaughton	Staback
Bunt	Gordner	Melio	Stairs
Butkovitz	Gruitza	Michlovic	Steelman
Buxton	Gruppo	Miller	Stern
Caltagirone	Habay	Mundy	Stetler
Cappabianca	Haluska	Myers	Stevenson
Carn	Hanna	Nailor	Sturla
Casorio	Harhart	O'Brien	Surra
Clark	Hasay	Olasz	Tangretti
Cohen, L. I.	Herman	Oliver	Taylor, J.
Cohen, M.	Hess	Orie	Thomas
Colaifella	Horsey	Pesci	Tigue
Colaizzo	Hutchinson	Petrarca	Travaglio
Cornell	Itkin	Petrone	Trello
Corpora	Jarolin	Phillips	Trich
Corrigan	Josephs	Pippy	Tulli
Cowell	Kaiser	Pistella	Vance
Coy	Keller	Preston	Van Horne
Curry	Kenney	Ramos	Veon
Daley	Kirkland	Readshaw	Vitali
Dally	Krebs	Reber	Walko
DeLuca	LaGrotta	Rieger	Williams, A. H.
Dempsey	Laughlin	Roberts	Williams, C.
Dent	Lederer	Robinson	Wilt
Dermody	Lescovitz	Roebuck	Wogan
DeWeese	Levdansky	Rooney	Wojnaroski
Donatucci	Lucyk	Ross	Yewcic
Eachus	Maher	Rubley	Youngblood
Egolf	Major	Sainato	

NAYS—44

Adolph	DiGirolamo	Micozzie	Steil
Allen	Druce	Nickol	Strittmatter
Argall	Fleagle	Perzel	Taylor, E. Z.
Barley	Flick	Platts	True
Barrar	Geist	Raymond	Waugh
Birmelin	Hennessey	Reinard	Wright, M. N.
Boyes	Hershey	Rohrer	Zimmerman
Brown	Jadlowiec	Saylor	Zug
Browne	Lawless	Schuler	
Chadwick	Lloyd	Seyfert	Ryan,
Civera	Lynch	Smith, S. H.	Speaker
Clymer	Maitland		

NOT VOTING—2

Carone	Leh
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EXCUSED—4

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

On the question,
Will the House agree to the bill on third consideration as amended?
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—191

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

NAYS—6

Lloyd	Nickol	Smith, S. H.	Waugh
Maitland	Platts		

NOT VOTING—0

EXCUSED—4

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

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

* * *

BILLS PASSED OVER

The SPEAKER. HB 1326 and SB 425 are over.

* * *

The House proceeded to third consideration of **SB 1160, PN 1434**, entitled:

An Act providing for the divestiture of airport property; imposing obligations on the Department of Transportation; and making an appropriation.

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?

The gentleman, Mr. Smith, desires recognition on this bill.
Mr. Smith.

Mr. B. SMITH. Thank you, Mr. Speaker.

This bill is a very important bill to central Pennsylvania, and most of the members of the central Pennsylvania Republican Caucus have sponsored an identical bill.

I have been serving in the legislature since 1981, and that is when I attended my first meetings on airport divestiture. Over the years there have been problems and power struggles on who would operate and what the authority would be. This time there is a great difference.

The counties of Dauphin, York, and Cumberland; the cities of York and Harrisburg; and Lower Swatara Township and Fairview Township have all agreed to this particular authority. We all view it as an economic opportunity for central Pennsylvania. The Commonwealth of Pennsylvania should not be in the airport business. SB 1160 will help the Commonwealth to get out of the airport business and give Harrisburg International Airport and the Capital City Airport great reason for optimism in the future.

I would urge all of your support for SB 1160. Thank you, Mr. Speaker.

The SPEAKER. The gentleman from Allegheny, Mr. Walko.

Mr. WALKO. Thank you, Mr. Speaker.

I rise in opposition to SB 1160 on final passage.

The people of Pennsylvania deserve more control over basic government services and functions and not less. The people of Pennsylvania deserve more accountability from their government with regard to basic government services, not less.

While authority board members are dedicated, well-intentioned individuals, and indeed, many of them are actually State Representatives, authorities on which they serve are one step removed from the voters. The voters cannot vote out authority board members for bad decisions. Voters cannot hold their feet to the fire like they can hold the feet of county commissioners to the fire. The voters cannot hold the feet of authority board members to the fire like they can hold city council members' feet to the fire or State Representatives' feet to the fire.

I stand against the proliferation of authorities in Pennsylvania, particularly when they deal with basic government services like airports and like many other functions. I stand against the delegation of governmental decisionmaking powers and duties to appointed authority board members. I believe, Mr. Speaker, that this continued proliferation of authorities in Pennsylvania is no less than an assault on democracy.

So I say, let us vote "no" on this bill and stand up for democracy. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Casorio, from Westmoreland County.

Mr. CASORIO. Thank you, Mr. Speaker.

I rise in opposition to SB 1160 and echo the comments of the gentleman from Allegheny County.

This is, aside from the authority standpoint, which is bad and which we know the voters of 11 southwestern Pennsylvania counties told us what they think of authorities, quite frankly, during the regional renaissance referendum, this is privatization, Mr. Speaker. This is privatization without regard to the folks that are employed; this is privatization without regard to Harrisburg International and Capital City being moneymaking ventures. Why must we privatize Commonwealth entities that are moneymakers? This goes in line with the administration's attempt to privatize the State stores. This is privatization attempts at the prison system.

Privatization for the sake of privatization, Mr. Speaker, is wrong; it is wrong. We know it and the folks that are employed there know it and the administration knows that.

The authority that will be established, who will police this authority, Mr. Speaker? Who will make up this authority? Who will have the jurisdiction whether to appoint authority members?

SB 1160 has a date of January 3, 1998, some 3 short weeks from now, as takeover date. Most bills that we pass on the House floor have a 60- or a 90-day period before the legislation becomes effective into law. We need to step back from SB 1160, take a look at this, not run it through the House just because it is the next to the last session day, and look at the consequences of privatizing a moneymaking entity of the Commonwealth of Pennsylvania.

I urge a "no" vote on SB 1160. Thank you, Mr. Speaker.

The SPEAKER. The gentleman from York, Mr. Nickol.

Mr. NICKOL. Thank you, Mr. Speaker.

As a member of the House from central Pennsylvania, I, as other members of the central Pennsylvania House delegation from both parties, have sat through innumerable meetings with regard to this legislation.

First of all, I would like to compliment the Department of Transportation for all their diligence throughout all these negotiations.

I would also like to commend the three counties involved, the two cities involved, and the two townships. They came together in cooperation to work this out in an area where the political

boundaries often separate us. They worked through a number of environmental concerns, concerns for the employees at these facilities, and operational concerns, and have come to agreement on all of them.

These airports represent a tremendous potential as an engine for economic development in our area of Pennsylvania. Right now, under management by the Commonwealth, they are not a central priority of the Department of Transportation; they are more of an afterthought. Management of this asset by SARAA (Susquehanna Area Regional Airport Authority), the authority formed by these political entities, will allow these two airports to live up to their economic development potential and create jobs in the future for central Pennsylvania.

I urge the members to support this legislation. Thank you.

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

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I urge support for SB 1160.

In 1981 the Pennsylvania Economy League study indicated that airport divestiture can be self-supporting, that it should be regionally owned and operated, and that a joint regional authority can provide the most responsive and effective management. This was again reaffirmed in a study by the same group in 1985.

And just to reemphasize what was said by the past speaker, this will provide an economic thrust for Pennsylvania; this will create jobs; this will help to move the economy forward. Airports play an important role in regional economies, and by the divestiture bill that we have before us, this will move the economies of those regions forward.

I again reiterate a "yes" vote. Thank you.

The SPEAKER. The gentleman, Mr. Lynch.

Mr. LYNCH. Thank you, Mr. Speaker.

I would just like to comment on some of the comments that were made on the other side of the aisle from the gentleman from Allegheny County where he indicated that divestiture of this property would be an assault on democracy and, you know, taking away a basic government function. I mean, I guess somewhere our Founding Fathers should have written in the Second Amendment, you know, the right to keep and bear arms and to fly.

I support this, and I strongly encourage everybody to vote for this. Thank you, Mr. Speaker.

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

Mr. B. SMITH. Thank you, Mr. Speaker.

I would like to point out in closing that there will be more accountability with an authority. The county commissioners appoint the authority members for each of the three counties. In addition, the township supervisors appoint the authority members for the townships, and finally, the city council appoints the members from the cities of York and Harrisburg.

Lastly, I would want to say that Capital City Airport, which is in my legislative district, lost over half a million dollars last year under its State operation. When privatization was discussed before, I was fearful about what would happen to Capital City Airport. It is a reliever airport by the FAA (Federal Aviation Administration) for Harrisburg International. I am certain that Capital City and Harrisburg International Airport will thrive under this new authority.

I urge all members to vote "yes." Thank you, Mr. Speaker.

The SPEAKER. The gentleman from Dauphin, Mr. Buxton.

Mr. BUXTON. Thank you, Mr. Speaker.

I rise to support SB 1160 and perhaps to set the record straight on some information that a previous speaker, probably uninformed about the work that went into this legislation, espoused to the House. First of all, the authority is already in place that will take over this airport on January 3, and they have been working on this proposal for over a year.

Secondly, a management team has already been put in place and is working with the current employees at the airport, of which every employee was offered a position at their current salary. There are currently no employee grievances or uprisings at the Harrisburg Airport. Everyone is satisfied as to the work that has gone into this conveyance, and I think that it is incumbent upon us here in the central Pennsylvania area to be involved in this conveyance because it is going to help tremendously the central Pennsylvania area with economic development.

I would encourage my colleagues on this side of the aisle as well as all colleagues in the House to support SB 1160. 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—174

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

NAYS—23

Belfanti	Keller	Myers	Trich
Bishop	Lederer	Oliver	Veon
Butkovitz	Levdansky	Petrarca	Walko
Casorio	Lucyk	Roberts	Wojnaroski
Dermody	McCall	Robinson	Youngblood
DeWeese	McGeehan	Thomas	

NOT VOTING—0

EXCUSED—4

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

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

* * *

BILL PASSED OVER

The SPEAKER. HB 1649 is over.

* * *

The House proceeded to third consideration of **HB 1633, PN 2035**, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, providing for the powers and duties of the Deputy Adjutant General for Veterans Affairs; and making a repeal.

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

The SPEAKER. The Chair recognizes the gentleman, Mr. Lucyk, who offers the following amendment, which the clerk will read.

Mr. Lucyk, it will be necessary for you to suspend the rules on this.

Mr. LUCYK. All right. Yes, Mr. Speaker. I do not want to do that right now, but I do have a comment on the bill. My amendment was not filed on time, so I will not offer that right now.

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 ?

The Chair recognizes the gentleman, Mr. Lucyk, on the bill. Mr. LUCYK. Thank you, Mr. Speaker.
And as I said previously, I had an amendment to this bill, but in reading it, I was a little late in getting the amendment filed, so I could not have it offered.

I am not recommending the House at this time to vote against this bill because I think it is a good bill and it outlines the duties of the new Deputy Adjutant General for Veterans Affairs. However, in going through the bill, I did make note, on page 6, paragraph (b), "Appointment," and it reads: "The Deputy Adjutant General for Veterans Affairs shall be selected and appointed as other Deputy Adjutants General...." That is the requirement. And if we go back to Title 51 of the Military Code, the Pennsylvania Military Code, it says that no Deputy Adjutant General shall be appointed who has not served as an officer in either the National Guard or the regular military forces for a period of 10 years. I really think that this eliminates a lot of people from appointment to this job.

The argument is made that the veterans deserve some protection from people being appointed to this job, but when I look around the Commonwealth and I look around this floor, I see veterans, combat-wounded veterans, such as Tom Michlovic, others on the floor, who were combat-wounded veterans, who belong to our major veterans organizations, who would be precluded from serving in this position because of this requirement. As a matter of fact, our own Governor, Tom Ridge, could not serve as Deputy Adjutant General for Veterans Affairs because he was an enlisted man in Vietnam.

I have a bill prepared to change this. As I said, I was late in offering my amendment, but I would ask the Veterans Affairs Committee to take a look at this and take a look at the bill changing this requirement.

I thank you, Mr. Speaker, for your indulgence.
The SPEAKER. The Chair thanks the gentleman.
The Chair recognizes the gentleman, Mr. Hershey.
Mr. HERSHEY. Thank you, Mr. Speaker.

I just want to make a response to the past comment. He is exactly right; Governor Ridge could not be appointed to this because he did not have 10 years of service, and we think that is necessary.

I ask the members to support the bill. 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—197

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

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

NAYS-0

NOT VOTING-0

EXCUSED-4

Armstrong Cawley James Washington

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

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

BILL ON FINAL PASSAGE

The House proceeded to consideration on final passage of **HB 1495, PN 2627**, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to sell and convey to James E. Hedglin and Cheryl Hedglin, husband and wife, certain surplus land situate in Sandy Creek Township, Venango County, Pennsylvania, to convey tracts of land and buildings, consisting of a portion of the former Laurelton Center, located in Hartley Township, Union County, Pennsylvania, to sell and convey to Smithfield Township certain land situate in the Township of Smithfield, Huntingdon County, to sell and convey to Philadelphia Suburban Water Company certain land situate in Newlin Township, Chester County and to sell and convey to ORIX Wilkinson Neshaminy Venture certain land situate in Bensalem Township, Bucks County; authorizing and directing the Department of General Services, with the approval of the Department of Environmental Protection and the

Governor, to sell and convey to Marc G. and Susan K. Springman, certain land situate in Old Lycoming Township, Lycoming County, Pennsylvania; and authorizing the Borough of Carlisle, Cumberland County, to sell and convey certain Project 70 lands free of Project 70 restrictions in return for use of the sale proceeds to assist the Central Pennsylvania Conservancy purchase a tract of land.

On the question recurring,
Shall the bill pass finally?

DECISION OF CHAIR RESCINDED

The SPEAKER. Without objection, the Chair rescinds its announcement that the bill has been agreed to for the third time.

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

Mr. TANGRETTI offered the following amendment No. **A5195**:

Amend Title, page 1, line 18, by striking out "AND"

Amend Title, page 1, line 22, by removing the period after "LAND" and inserting

; authorizing the release of Project 70 restrictions imposed on certain lands owned by Hempfield Township, Westmoreland County, in return for the imposition of Project 70 restrictions on certain lands to be conveyed to Hempfield Township from Robert E. and Ella J. Griffith; and authorizing certain lands to be conveyed to Robert E. and Ella J. Griffith.

Amend Bill, page 23, by inserting after line 30 Section 8. Hempfield Township, Westmoreland County.

(a) Pursuant to the requirements of section 20(b) of the act of June 22, 1964 (Sp.Sess., P.L.131, No.8), known as the Project 70 Land Acquisition and Borrowing Act, the General Assembly hereby authorizes the release of the restrictions imposed by section 20 of the Project 70 Land Acquisition and Borrowing Act, from the lands owned by the Township of Hempfield, Westmoreland County, and more particularly described in subsection (c) in exchange for the imposition of the section 20 restrictions on lands to be conveyed to the Township of Hempfield from Robert E. and Ella J. Griffith and more particularly described in subsection (d).

(b) The lands described in subsection (c) and owned by the Township of Hempfield, Westmoreland County, shall be free of the restrictions on use and alienation imposed by section 20 of the act of June 22, 1964 (Sp.Sess., P.L.131, No.8), known as the Project 70 Land Acquisition and Borrowing Act, upon the imposition of and recording of the Project 70 deed restrictions set forth in subsection (e) on the parcel of replacement land described in subsection (d) to be conveyed to the Township of Hempfield from Robert E. and Ella J. Griffith contemporaneously with the conveyance of land described in subsection (c).

(c) The parcel of land authorized to be released from restrictions is more particularly described as follows:

All that parcel of land located in Hempfield Township, Westmoreland County, Pennsylvania, described as follows:

Beginning at a point at the southwest corner of the parcel of land of Robert E. and Ella J. Griffith described in section 4, which

point is at or near the center of S.R. 1032; thence along the approximate center of S.R. 1032 south 19 degrees 00 minutes 19 seconds west 61.00 feet to a point in the approximate center of S.R. 1032; thence, along other land of Hempfield Township, north 74 degrees 17 minutes 40 seconds west 488.232 feet to a point at land now or formerly of William E. and Pamela M. Pershing; thence along the land of William E. and Pamela M. Pershing north 76 degrees 48 minutes east 125.989 feet to an oak tree; thence along other land of Robert E. and Ella J. Griffith south 74 degrees 17 minutes 40 seconds east 381.45 feet to the place of beginning.

Containing 0.6079 acres of land.

(d) The replacement parcel to be subject to restrictions in exchange for the parcel described in subsection (c) is more particularly described as follows:

All that certain tract or parcel of land situate in the Township of Hempfield, County of Westmoreland, Commonwealth of Pennsylvania, bounded and described as follows:

Beginning at a point at the northeast corner of the parcel of land of Hempfield Township described in subsection (c), which point is at or near the center of S.R. 1032; thence north 14 degrees 15 minutes east 100.00 feet to a telephone line on land of Robert E. and Ella J. Griffith; thence north 83 degrees 09 minutes 30 seconds east 112.44 feet to the approximate center line of S.R. 1032; thence south 40 degrees 00 minutes 00 seconds east 240.00 feet to a point at land of Hempfield Township; thence along the land of Hempfield Township north 75 degrees 45 minutes west 300.00 feet to the place of beginning.

Containing 0.604 acres of land.

(e) The deed restrictions to be transferred to the parcel described in subsection (d) shall read as follows:

This indenture is given to provide land for recreation, conservation and historical purposes as said purposes are defined in the act of June 22, 1964 (Sp.Sess., P.L.131, No.8), known as the Project 70 Land Acquisition and Borrowing Act.

(f) The township of Hempfield, Westmoreland County, is hereby authorized to convey the premises described in subsection (c) to Robert E. and Ella J. Griffith in exchange for the premises described in subsection (d).

Amend Sec. 8, page 24, line 1, by striking out "8" and inserting 9

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

The SPEAKER. The Chair recognizes the gentleman, Mr. Tangretti, on the amendment. The gentleman may proceed.

Mr. TANGRETTI. Thank you, Mr. Speaker.

Mr. Speaker, this is merely a transfer of property of Project 70 in Hempfield Township in exchange for an equal amount with the same restrictions of a neighboring property owner whose property was affected by this park. All parties are agreed, and I believe it is an agreed-to amendment.

And I would like to take this opportunity as well, Mr. Speaker, to thank Chairman Clymer for all of his help in getting and correcting a drafting error from yesterday's amendment. It is very much appreciated. Thank you.

The SPEAKER. The gentleman, Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I support the amendment.

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

The following roll call was recorded:

YEAS—197

Adolph	Druce	Maitland	Schroder
Allen	Eachus	Major	Schuler
Argall	Egolf	Manderino	Scrimenti
Baker	Evans	Markosek	Semmel
Bard	Fairchild	Marsico	Serafini
Barley	Fargo	Masland	Seyfert
Barrar	Feese	Mayernik	Shaner
Battisto	Fichter	McCall	Smith, B.
Bebko-Jones	Fleagle	McGeehan	Smith, S. H.
Belardi	Flick	McGill	Snyder, D. W.
Belfanti	Gannon	McIlhattan	Staback
Benninghoff	Geist	McNaughton	Stairs
Birmelin	George	Melio	Steelman
Bishop	Gigliotti	Michlovic	Steil
Blaum	Gladeck	Micozzie	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
Chadwick	Hess	Petrone	Trich
Civera	Horsey	Phillips	True
Clark	Hutchinson	Pippy	Tulli
Clymer	Itkin	Pistella	Vance
Cohen, L. I.	Jadlowiec	Platts	Van Horne
Cohen, M.	Jarolin	Preston	Veon
Colaella	Josephs	Ramos	Vitali
Colaizzo	Kaiser	Raymond	Walko
Cornell	Keller	Readshaw	Waugh
Corpora	Kenney	Reber	Williams, A. H.
Corrigan	Kirkland	Reinard	Williams, C.
Cowell	Krebs	Rieger	Wilt
Coy	LaGrotta	Roberts	Wogan
Curry	Laughlin	Robinson	Wojnaroski
Daley	Lawless	Roebuck	Wright, M. N.
Dally	Lederer	Rohrer	Yewcic
DeLuca	Leh	Rooney	Youngblood
Dempsey	Lescovitz	Ross	Zimmerman
Dent	Levdansky	Rubley	Zug
Dermody	Lloyd	Sainato	
DeWeese	Lucyk	Santoni	Ryan,
DiGirolamo	Lynch	Sather	Speaker
Donatucci	Maher	Saylor	

NAYS—0

NOT VOTING—0

EXCUSED—4

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

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

RULES SUSPENDED

The SPEAKER. The Chair recognizes the lady, Mrs. Miller, who has an amendment to offer, but it will be necessary to suspend the rules.

Mrs. MILLER. Thank you, Mr. Speaker.

I would like to move to suspend the rules in order to offer amendment 5196 to this legislation.

The SPEAKER. The lady, Mrs. Miller, moves that the rules of the House be suspended to permit the offering of amendment A5196.

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

The SPEAKER. On the question of suspension of the rules, the majority leader yields to the lady, Mrs. Miller, on that question.

Mrs. MILLER. Thank you, Mr. Speaker.

A brief explanation of this amendment is that it will ensure that the lands, the farmlands, that are part of the land conveyance at Laurelton Center will be done in accordance with Act 159 of 1982, making sure that there is a deed restriction in place that would restrict the use to agricultural/open space.

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

The following roll call was recorded:

YEAS—197

Adolph	Druce	Maitland	Schroder
Allen	Eachus	Major	Schuler
Argall	Egolf	Manderino	Scrimenti
Baker	Evans	Markosek	Semmel
Bard	Fairchild	Marsico	Serafini
Barley	Fargo	Masland	Seyfert
Barrar	Feece	Mayernik	Shaner
Battisto	Fichter	McCall	Smith, B.
Bebko-Jones	Fleagle	McGeehan	Smith, S. H.
Belardi	Flick	McGill	Snyder, D. W.
Belfanti	Gannon	McIlhattan	Staback
Benninghoff	Geist	McNaughton	Stairs
Birmelin	George	Melio	Steelman
Bishop	Gigliotti	Michlovic	Steil
Blaum	Gladeck	Micozzie	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.
Caitagirone	Harhart	Oliver	Taylor, J.
Cappabianca	Hasay	Oric	Thomas
Carn	Hennessey	Perzel	Tigue
Carone	Herman	Pesci	Travaglio
Casorio	Hershey	Petrarca	Trello
Chadwick	Hess	Petrone	Trich
Civera	Horsley	Phillips	True
Clark	Hutchinson	Pippy	Tulli
Clymer	Itkin	Pistella	Vance
Cohen, L. I.	Jadlowiec	Platts	Van Horne

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

NAYS—0

NOT VOTING—0

EXCUSED—4

Armstrong	Cawley	James	Washington
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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.

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

Mrs. MILLER offered the following amendment No. A5196:

Amend Sec. 2, page 11, by inserting between lines 27 and 28

(h) That portion of the conveyance authorized by this section currently subject to the provision of the act of June 18, 1982 (P.L.549, No.159), entitled "An act providing for the administration of certain Commonwealth farmland within the Department of Agriculture," shall continue to be subject to the restrictions provided for in that act and a restrictive covenant limiting the uses of such property to agricultural/open space uses shall be placed in the deed.

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

The SPEAKER. The Chair recognizes the lady, Mrs. Miller, on amendment A5196.

Mrs. MILLER. Thank you, Mr. Speaker.

I just encourage all of my colleagues here on the House floor to vote in support of this amendment. It has been discussed with the Department of General Services, with Representative Fairchild, and also with Senator Helfrick, who represents this area in the Senate, and again, I just ask for your support.

The SPEAKER. The gentleman, Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I support the amendment.

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

The following roll call was recorded:

YEAS-197

Adolph	Druce	Maitland	Schroder
Allen	Eachus	Major	Schuler
Argall	Egolf	Manderino	Scrimenti
Baker	Evans	Markosek	Semmel
Bard	Fairchild	Marsico	Serafini
Barley	Fargo	Masland	Seyfert
Barrar	Feese	Mayernik	Shaner
Battisto	Fichter	McCall	Smith, B.
Bebko-Jones	Fleagle	McGeehan	Smith, S. H.
Belardi	Flick	McGill	Snyder, D. W.
Belfanti	Gannon	McIlhattan	Staback
Benninghoff	Geist	McNaughton	Stairs
Birmelin	George	Meliò	Steelman
Bishop	Gigliotti	Michlovic	Steil
Blaum	Gladeck	Micozzie	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
Chadwick	Hess	Petrone	Trich
Civera	Horsey	Phillips	True
Clark	Hutchinson	Pippy	Tulli
Clymer	Itkin	Pistella	Vance
Cohen, L. I.	Jadlowiec	Platts	Van Horne
Cohen, M.	Jarolin	Preston	Veon
Colaifella	Josephs	Ramos	Vitali
Colaizzo	Kaiser	Raymond	Walko
Cornell	Keller	Readshaw	Waugh
Corpora	Kenney	Reber	Williams, A. H.
Corrigan	Kirkland	Reinard	Williams, C.
Cowell	Krebs	Rieger	Wilt
Coy	LaGrotta	Roberts	Wogan
Curry	Laughlin	Robinson	Wojnaroski
Daley	Lawless	Roebuck	Wright, M. N.
Dally	Lederer	Rohrer	Yewcic
DeLuca	Leh	Rooney	Youngblood
Dempsey	Lescovitz	Ross	Zimmerman
Dent	Levdansky	Rubley	Zug
Dermody	Lloyd	Sainato	
DeWeese	Lucyk	Santoni	Ryan,
DiGirolamo	Lynch	Sather	Speaker
Donatucci	Maher	Saylor	

NAYS-0

NOT VOTING-0

EXCUSED-4

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

On the question 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-197

Adolph	Druce	Maitland	Schroder
Allen	Eachus	Major	Schuler
Argall	Egolf	Manderino	Scrimenti
Baker	Evans	Markosek	Semmel
Bard	Fairchild	Marsico	Serafini
Barley	Fargo	Masland	Seyfert
Barrar	Feese	Mayernik	Shaner
Battisto	Fichter	McCall	Smith, B.
Bebko-Jones	Fleagle	McGeehan	Smith, S. H.
Belardi	Flick	McGill	Snyder, D. W.
Belfanti	Gannon	McIlhattan	Staback
Benninghoff	Geist	McNaughton	Stairs
Birmelin	George	Meliò	Steelman
Bishop	Gigliotti	Michlovic	Steil
Blaum	Gladeck	Micozzie	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
Chadwick	Hess	Petrone	Trich
Civera	Horsey	Phillips	True
Clark	Hutchinson	Pippy	Tulli
Clymer	Itkin	Pistella	Vance
Cohen, L. I.	Jadlowiec	Platts	Van Horne
Cohen, M.	Jarolin	Preston	Veon
Colaifella	Josephs	Ramos	Vitali
Colaizzo	Kaiser	Raymond	Walko
Cornell	Keller	Readshaw	Waugh
Corpora	Kenney	Reber	Williams, A. H.
Corrigan	Kirkland	Reinard	Williams, C.
Cowell	Krebs	Rieger	Wilt
Coy	LaGrotta	Roberts	Wogan
Curry	Laughlin	Robinson	Wojnaroski
Daley	Lawless	Roebuck	Wright, M. N.
Dally	Lederer	Rohrer	Yewcic
DeLuca	Leh	Rooney	Youngblood
Dempsey	Lescovitz	Ross	Zimmerman
Dent	Levdansky	Rubley	Zug
Dermody	Lloyd	Sainato	
DeWeese	Lucyk	Santoni	Ryan,
DiGirolamo	Lynch	Sather	Speaker
Donatucci	Maher	Saylor	

NAYS-0

NOT VOTING-0

EXCUSED-4

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

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

GUESTS INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall of the House today, as the guests of Representative Todd Platts, Bobby Salathe, a student at the Janus School in Mount Joy, who is serving as a guest page; and Meredith Golden, a student at Central York High School, and Tony Giberti, a student at Dallastown Area High School. Would these guests of Representative Platts please rise.

BILLS REMOVED FROM TABLE

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

HB 53;
HB 66; and
HB 1788.

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

BILLS RECOMMENDED

The SPEAKER. The gentleman, Mr. Perzel, is recognized.
Mr. PERZEL. Mr. Speaker, I move that the following bills be recommitted to the Committee on Appropriations:

HB 53;
HB 66; and
HB 1788.

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

VOTE CORRECTION

The SPEAKER. The Chair recognizes the gentleman, Mr. Leh.
Mr. LEH. Mr. Speaker, would it be appropriate at this time to correct the record?

The SPEAKER. It would. We are waiting now for a moment or two for instructions from the leadership.

Mr. Leh.

Mr. LEH. Okay. Yes, Mr. Speaker.

On HB 1237, amendment 4767, the George amendment, I was recorded as not voting. I wish to be recorded in the affirmative.

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

Mr. LEH. Thank you.

SUBCOMMITTEE MEETING

The SPEAKER. Are there any announcements? The Chair recognizes the lady, Ms. Carone.

Ms. CARONE. Thank you, Mr. Speaker.

It is my understanding that we will be through session close to 1 o'clock, so I would like to call the Subcommittee on Higher Education to have a short committee meeting in room 39, East Wing, at 2:30. Thank you. At 2:30, room 39, East Wing.

The SPEAKER. The Chair thanks the lady.

RULES SUSPENDED

The SPEAKER. The Chair returns to page 8 of today's calendar, SB 382, PN 1522.

The Chair recognizes the gentleman, Mr. Markosek. Mr. Markosek, it is necessary for you to suspend the rules if you wish SB 382 to be considered immediately.

Mr. Markosek.

Mr. MARKOSEK. Thank you, Mr. Speaker.

I rise to make a motion to suspend the rules so that we can bring up SB 382 with no amendments. Thank you, Mr. Speaker — immediately.

The SPEAKER. On the question of the motion of the gentleman, Mr. Markosek, which is to suspend the rules of the House to permit the immediate consideration of SB 382 without amendment.

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

(Members proceeded to vote.)

VOTE STRICKEN

The SPEAKER. The clerk will strike the board.

Mr. Trello.

Mr. TRELLO. Mr. Speaker, could I have the sponsor of this motion indicate to this General Assembly what his motion does? Is it a motion that would disallow any—

The SPEAKER. The question before the House is to suspend the rules to permit the immediate consideration of SB 382 without amendment. SB 382 was not on the voting schedule and, without a suspension of the rules, could not otherwise be considered. The only purpose of the suspension of the rules is to allow it to be considered, because it was not on the voting schedule. The idea of doing it without amendments is Mr. Markosek's idea, which is self-explanatory.

Mr. TRELLO. In other words, if I wanted to make a motion to suspend the rules to offer an amendment, would this disallow me from doing that?

The SPEAKER. The subsequent suspension of the rules to offer an amendment probably, not probably, would carry, and you would be permitted to offer the amendment.

Mr. TRELLO. I would be permitted. Thank you, Mr. Speaker.

The SPEAKER. Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

Will the maker of the motion stand for brief interrogation?

The SPEAKER. No; this is a suspension of the rules. The gentleman, Mr. DeWeese, may debate this or the floor leaders may debate it, and it would be inappropriate to interrogate under our rules.

PARLIAMENTARY INQUIRY

The SPEAKER. Mr. Pistella.

Mr. PISTELLA. Thank you, Mr. Speaker.

Would it be appropriate to raise a point of order at this point, Mr. Speaker?

The SPEAKER. Well, I do not know. What is the point of order?

Mr. PISTELLA. A parliamentary inquiry.

I have an amendment that I would like to offer to SB 382. My question of the Speaker would be, should this motion be adopted, would the status of SB 382 then be that I could not offer my amendment?

The SPEAKER. The Speaker answered that question in response to a query by the gentleman, Mr. Trello, and that is, you could move to suspend the rules to offer your amendment.

Mr. PISTELLA. Oh. Thank you very much. I apologize, Mr. Speaker.

PARLIAMENTARY INQUIRY

Mr. DeWEESE. Mr. Speaker?

The SPEAKER. Mr. DeWeese.

Mr. DeWEESE. Point of parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DeWEESE. Our caucus is quite confused on this matter, and I was going to ask if it were possible for us to at least caucus on it before we addressed it later in the day.

The SPEAKER. Mr. Cohen met with me, and I sent him over to the majority leader's desk, and I believe he is consulting with them now on that point.

(Conference held.)

The SPEAKER. The House will come to order; the House will come to order.

Before the lights went out was a motion to suspend the rules of the House to permit the immediate consideration of SB 382 without amendments. It is the intention of the Chair, after conferring with representatives of both leaderships, to run this vote, which is up on the board, and at the conclusion of this vote to break for half an hour to give the Democrat Caucus an opportunity to meet. They have requested a half-hour caucus.

Before the House right now is the motion to suspend the rules of the House to permit the immediate consideration of SB 382 without amendment. On that question, and it is debatable; it is debatable only by the two floor leaders or their designees.

PARLIAMENTARY INQUIRY

The SPEAKER. Mr. Vitali, for what purpose do you rise?

Mr. VITALI. Parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. VITALI. Would a motion to postpone be in order at this point?

The SPEAKER. The gentleman, Mr. Vitali, under Mason's Manual, section 282.4 — pardon me; section 282.6 — a motion to suspend the rules may not be postponed.

Mr. VITALI. A further parliamentary inquiry, Mr. Speaker.

Would a motion to adjourn be appropriate at this time?

The SPEAKER. A motion to adjourn would be in order.

MOTION TO ADJOURN

Mr. VITALI. Mr. Speaker, then at this time I would move that the House be adjourned until tomorrow at 11 a.m.

On the question,

Will the House agree to the motion?

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

Mr. PERZEL. Thank you, Mr. Speaker.

Mr. Speaker, I would strongly support not adjourning at this point in time, getting on with the vote that was before us, and then getting to caucus so we can come back for final passage.

The SPEAKER. On the question raised by the gentleman, Mr. Vitali, those in favor of the motion to adjourn will vote "aye"—

Mr. VITALI. Mr. Speaker?

The SPEAKER. This is not debatable, Mr. Vitali, except by the floor leaders.

PARLIAMENTARY INQUIRY

The SPEAKER. Mr. DeWeese.

Mr. DeWEESE. Mr. Speaker, one question, a parliamentary inquiry again, because I think it deals with adjournment.

What is the motion that we will be dealing with if this motion to adjourn fails, because I think that will enlighten many members.

The SPEAKER. The motion that is before the House is to suspend the rules to permit the immediate consideration of SB 382, PN 1522, without amendment, and I have prior rulings outstanding, or as a response to parliamentary inquiries by Mr. Trello I have indicated that amendments can be made notwithstanding that motion if the rules were suspended.

Mr. DeWEESE. Mr. Speaker, in other words, the exercise, the parliamentary exercise, that we would go through would be somewhat more strenuous than a normal amendment procedure, because then a suspension of the rules would have to take place with 110 or 111 members—

The SPEAKER. I am not going to guess at that; I do not know.

Mr. DeWEESE. Thank you, Mr. Speaker.

On the motion to adjourn, we are, Mr. Speaker, going to be here tomorrow, and we are going to potentially be here late tomorrow. This proposal—

The SPEAKER. The gentleman will yield.

Please. Conferences, please break up, or at least be quiet.

Mr. DeWeese.

Mr. DeWEESE. This is not a motion, Mr. Speaker, that we would like to make or support, but again, the parliamentary legerdemain that the majority party foists upon us with some

regularity does give some impetus for an idealistic perspective to say, yes, it is time to adjourn and come back tomorrow so that we can have some more time, so that we can talk to people about the sheriff's office reorganization that is imminent in front of this House. Many of us found out about it 5 minutes ago.

So under those circumstances, and I realize the votes are probably there to sustain more work this afternoon, I would concur with the gentleman, Mr. Vitali, and approve and vote in favor of his motion to adjourn.

The SPEAKER. Mr. Perzel.

Mr. PERZEL. Thank you, Mr. Speaker.

Mr. Speaker, I am hurt. Mr. Markosek is not a member of the Republican side of the aisle, although he is welcome to come over. We do have one empty seat, and we would be glad to take him. But it was a Democrat motion that was made, Mr. Speaker, so I think that it was an error to say that it was the majority party imposing its will on the minority party.

I would oppose the motion.

The SPEAKER. On the question, Mr. DeWeese.

Mr. DeWEESE. I do not want to discuss the merits of the issue. The majority leader is obviously correct that a member of our side made the motion. I am saying that many of us were not aware and we wanted a recess to discuss this or a caucus and then come back and vote on a suspension. I accept the tactics that have been deployed against us, but again, those tactics are what initiate, in my view, the motion that Mr. Vitali has made to adjourn.

The SPEAKER. On the question raised by the gentleman, Mr. Vitali, the motion to adjourn, those in favor of adjournment until tomorrow morning at 11 a.m. will vote "aye"; those who oppose adjournment will vote in the negative.

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

The following roll call was recorded:

YEAS—73

Battisto	DeWeese	Lucyk	Scrimenti
Bebko-Jones	Donatucci	Manderino	Shaner
Belardi	Eachus	McCall	Staback
Belfanti	Evans	Melio	Steelman
Bishop	George	Mundy	Stetler
Blaum	Gigliotti	Myers	Sturla
Caltagirone	Gordner	Olasz	Surra
Cappabianca	Gruitza	Pesci	Tangretti
Carn	Hanna	Petrarca	Thomas
Casorio	Itkin	Petrone	Travaglio
Cohen, M.	Jarolin	Pistella	Trello
Colafrella	Josephs	Ramos	Trich
Colaizzo	Kirkland	Rieger	Veon
Corpora	Krebs	Roberts	Vitali
Cowell	Laughlin	Robinson	Walko
Coy	Lescovitz	Roebuck	Williams, A. H.
Curry	Levdansky	Rooney	Wojnaroski
Daley	Lloyd	Santoni	Yewcic
Dermody			

NAYS—123

Adolph	Fargo	Major	Schroder
Allen	Feese	Markosek	Schuler
Argall	Fichter	Marsico	Semmel
Baker	Fleagle	Masland	Serafini
Bard	Flick	Mayernik	Seyfert

Barley	Gannon	McGeehan	Smith, B.
Barrar	Geist	McGill	Smith, S. H.
Benninghoff	Gladeck	McIlhattan	Snyder, D. W.
Birmelin	Godshall	McNaughton	Stairs
Boscola	Gruppo	Michlovic	Steil
Boyes	Habay	Micozzie	Stern
Brown	Haluska	Miller	Stevenson
Browne	Harhart	Nailor	Strittmatter
Bunt	Hasay	Nickol	Taylor, E. Z.
Butkovitz	Hennessey	O'Brien	Taylor, J.
Buxton	Herman	Oliver	Tigue
Carone	Hershey	Perzel	True
Chadwick	Hess	Phillips	Tulli
Civera	Horsey	Pippy	Vance
Clark	Hutchinson	Platts	Van Horne
Clymer	Jadlowiec	Preston	Waugh
Cohen, L. I.	Kaiser	Raymond	Williams, C.
Cornell	Keller	Readshaw	Wilt
Corrigan	Kenney	Reber	Wogan
Dally	LaGrotta	Reinard	Wright, M. N.
DeLuca	Lawless	Rohrer	Youngblood
Dempsey	Lederer	Ross	Zimmerman
Dent	Leh	Rubley	Zug
DiGirolamo	Lynch	Sainato	
Druce	Maher	Sather	Ryan,
Egolf	Maitland	Saylor	Speaker
Fairchild			

NOT VOTING—1

Orie

EXCUSED—4

Armstrong Cawley James Washington

Less than the majority having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

PARLIAMENTARY INQUIRY

The SPEAKER. The question recurs, will the House suspend its rules— Mr. Vitali.

Mr. VITALI. Parliamentary inquiry, Mr. Speaker.

Would a motion to recommit be in order at this time ?

The SPEAKER. What is before the House right now is a motion to suspend the rules. That being the case, there is no bill in a position to be recommitted, and a motion to suspend may, of course, not be recommitted.

Mr. VITALI. A further inquiry, Mr. Speaker.

If this motion succeeds, would at that time a motion to recommit be in order ?

The SPEAKER. At the moment, that is a moot question. Why do we not wait until the outcome of the vote.

Mr. VITALI. Thank you, Mr. Speaker.

The SPEAKER. The lady, Miss Orie.

Miss ORIE. Mr. Speaker, I rise because my button is not working — legitimately not working.

The SPEAKER. When it comes time to record the vote, if the lady would rise in place and signal by thumbs up or thumbs down, we will record it up here.

Miss ORIE. Okay.

VOTE CORRECTION

Miss ORIE. Mr. Speaker, on the last motion, I would like the record to reflect that my vote was a "no."

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

PARLIAMENTARY INQUIRY

The SPEAKER. Mr. Sturla. Is your button not working?

Mr. STURLA. No, Mr. Speaker, just a parliamentary inquiry.

If the motion to suspend the rules succeeds, is it my understanding that because part of that motion was to not have any amendments, that amendments that were filed in a timely fashion that would otherwise be able to be run with the bill if it were just being brought up, that those amendments would now take 111 votes to suspend the rules in order for those amendments to be offered, even though they were filed in a timely manner? Is that correct?

The SPEAKER. Yes.

Mr. STURLA. And otherwise, if the motion was just to bring it up without the caveat of there being no amendments, that it would only require 102 votes for those to pass, but they would have a guaranteed right to be able to be offered on the floor. Is that correct?

The SPEAKER. There is a motion— If the motion carries, it will require 111 votes to have your amendments considered.

Mr. STURLA. All right. Mr. Speaker, would a comment be in order at this point in time?

The SPEAKER. No.

Mr. STURLA. Thank you, Mr. Speaker.

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

(Members proceeded to vote.)

Mr. DeWEESE. Mr. Speaker? Mr. Speaker? Mr. Speaker, a point of clarification.

The SPEAKER. There is nothing before the House but the taking of the roll at this point.

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

The following roll call was recorded:

YEAS-119

Table listing names of members who voted 'YEAS' (119 total). Includes Adolph, Allen, Argall, Baker, Bard, Barley, Barrar, Benninghoff, Birmelin, Boscola, Boyes, Brown, Browne, Fairchild, Fargo, Feese, Fichter, Fleagle, Flick, Gannon, Geist, George, Gladeck, Godshall, Gruppo, Habay, Maher, Maitland, Major, Markosek, Marsico, Masland, Mayernik, McGeehan, McGill, McIlhattan, McNaughton, Micozzie, Miller, Schroder, Schuler, Semmel, Serafini, Seyfert, Shaner, Smith, B., Smith, S. H., Snyder, D. W., Stairs, Stern, Stevenson, Strittmatter.

Table listing names of members who voted 'NAYS' (78 total). Includes Bunt, Butkovitz, Buxton, Caltagirone, Cappabianca, Chadwick, Civera, Clark, Clymer, Cohen, L. I., Cornell, Corrigan, Dally, Dempsey, Dent, DiGirolamo, Druce, Egolf, Harhart, Hasay, Hennessey, Herman, Hershey, Hess, Horsey, Hutchinson, Jadlovec, Jarolin, Kaiser, Keller, Kenney, Lawless, Lederer, Leh, Lynch, Nailor, Nickol, O'Brien, Oliver, Orie, Perzel, Phillips, Platts, Raymond, Readshaw, Reinard, Rohrer, Ross, Rubley, Sainato, Sather, Saylor, Taylor, E. Z., Taylor, J., Thomas, Tighe, True, Tulli, Vance, Waugh, Wilt, Wogan, Wright, M. N., Youngblood, Zimmerman, Ryan, Speaker.

NAYS-78

Table listing names of members who voted 'NAYS' (78 total). Includes Battisto, Bebko-Jones, Belardi, Belfanti, Bishop, Blaum, Carn, Carone, Casorio, Cohen, M., Colafella, Colaizzo, Corpora, Cowell, Coy, Curry, Daley, DeLuca, Dermody, DeWeese, Donatucci, Eachus, Evans, Gigliotti, Gordner, Gruitza, Haluska, Hanna, Itkin, Josephs, Kirkland, Krebs, LaGrotta, Laughlin, Lescovitz, Levdansky, Lloyd, Lucyk, Manderino, McCall, Melio, Michlovic, Mundy, Myers, Olasz, Pesci, Petrarca, Petrone, Pippy, Pistella, Preston, Ramos, Reber, Rieger, Roberts, Robinson, Roebuck, Rooney, Santoni, Scrimenti, Staback, Steelman, Steil, Stetler, Sturla, Surra, Tangretti, Travaglio, Trello, Trich, Van Horne, Veon, Vitali, Walko, Williams, A. H., Williams, C., Wojnaroski, Yewcic.

NOT VOTING-0

EXCUSED-4

Table listing names of members who were 'NOT VOTING' (0) or 'EXCUSED' (4). Includes Armstrong, Cawley, James, Washington.

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.

The SPEAKER. The majority necessary to suspend the rules having voted in the affirmative, the rules are suspended, and SB—

Miss Orie, before I announce the vote, because you have explained beforehand that your switch has been malfunctioning, what was your vote that time, in the affirmative or negative?

Miss ORIE. In the affirmative.

The SPEAKER. It is recorded in the negative, so your machine obviously is not working properly, and under those circumstances, the final vote would be 119 affirmatives and 78 negative votes.

The majority necessary to suspend the rules having voted in the affirmative, the rules are suspended, and SB 382 may be immediately considered without amendments.

Will the majority leader come to the desk. Mr. DeWeese.

(Conference held at Speaker's podium.)

DEMOCRATIC CAUCUS

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

Mr. DeWEESE. Mr. Speaker, thank you.

At the recess — for a half hour — I would request that our caucus be well attended. I would specifically request that the Allegheny County delegation on both sides of this issue attend unanimously and help us to understand some of the dynamics at work here. The sheriff's office in Allegheny County is being restructured with very little debate and in a comparatively preemptory manner.

So I would politely admonish all my colleagues to attend caucus. I think it will be exceptionally worthwhile, and I think one-half hour will be fine. Thank you, Mr. Speaker.

The SPEAKER. Mr. Preston, do you desire recognition?

Mr. PRESTON. Not yet.

The SPEAKER. Thank you.

It is my understanding that the Republican Caucus is not meeting during this half hour. I have been asked to ask them to be here promptly on the floor at 1:30, and we will begin promptly at 1:30.

RECESS

The SPEAKER. This House will now stand in recess until 1:30.

AFTER RECESS

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

EDUCATION COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Westmoreland County, Mr. Stairs.

Mr. STAIRS. Thank you, Mr. Speaker.

I wish to announce that tomorrow at 9:30, between the caucuses, we want to have an Education meeting in room 60, East Wing, and the bill we are going to be taking up will be pesticide notification. Thank you, Mr. Speaker.

GUESTS INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall of the House today, as the guest of Representative Carole Rubley, from Chester County, Mr. John Grauer. He is the president of the Chesterbrook Civic Association and is seated to the left of the Speaker. Mr. Grauer.

The Chair is pleased to welcome, from Waynesboro, Mr. Joseph Krebs. He is the guest of Representative Pat Fleagle and is acting in the capacity of a guest page today. Joe, would you please stand up.

ANNOUNCEMENT BY MS. CARONE

The SPEAKER. The lady, Ms. Carone.

Ms. CARONE. Thank you, Mr. Speaker.

Due to the fact that we are still in session, I am canceling the subcommittee meeting on Higher Education for 2:30. We will attempt to meet after the full Education Committee meeting tomorrow morning. The full Education Committee meeting, I understand, is scheduled for 9:30 and should not be a long meeting, and then we will continue the subcommittee meeting in room 60. Thank you.

The SPEAKER. The Chair thanks the lady.

CALENDAR CONTINUED**BILL ON THIRD CONSIDERATION**

The House proceeded to third consideration of **SB 382, PN 1522**, entitled:

An Act amending the act of July 28, 1953 (P.L. 723, No. 230), entitled the Second Class County Code, providing for the appointment and promotion of employees in the office of sheriff in counties of the second class; prohibiting certain political activity by employees of the sheriff's office in counties of the second class; further providing for definitions and for payment to retirement fund; providing for retirement eligibility, for allowance and for alternate contract procedure to adapt reuse of jail facilities; providing counties of the second class A with the power to make grants to townships, boroughs and nonprofit organizations for parks, recreation areas, open space projects and such other outdoor projects and for historic and museum projects; and making a repeal.

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?

On that question, the Chair recognizes the gentleman from Allegheny County, Mr. Preston.

Mr. PRESTON. Thank you, Mr. Speaker.

SB 382, I think, is a good bill. There are some problems that I have had with it. For the record, I would like to be able to explain it, because personally I feel that this House and this body are about truth, honesty, and integrity, and personally, I, Joe Preston, do not like to be lied to.

Yesterday, the chairman of Appropriations, the majority chairman of the Appropriations Committee, offered an amendment on behalf of Mr. Dave Mayernik. During the discourse of that amendment, the gentleman led me to believe that the sheriff's department of Allegheny County and the sheriff-elect himself, who is also currently employed there as the deputy sheriff, were for this amendment. In that context, we had a vote within the committee of which, during the committee, all of the majority Republican members voted for the amendment and all the Democrats voted against it.

Part of the problem was that in the Appropriations Committee, we usually do have a consent calendar, unless someone disagrees, but when we had this amendment in front of us and raised the

questions on what we were going to do to change the whole department of Allegheny County's sheriff's department, again Mr. Mayernik led me to believe that the sheriffs and the deputy sheriffs were for this. Well, we voted for it, because it was unusual to see an amendment of this context that had nothing to do with an appropriation within committee to be brought up, and why, unfortunately as I had addressed in my own caucus, that Mr. Mayernik did not ask anybody from his own delegation to even offer it on his behalf; instead, he went to the Republican Party and asked someone to offer it for him, *I did not understand it.*

And there are still questions about the issue about civil service that I have raised very sincerely, because when we become a competitive civil service department as far as a sheriff is concerned, it seems to me that a sheriff ought to be able to have some form of choice. But Mr. Mayernik will probably argue that they are police officers, and yes, in a sense we have given them that title. However, as of yet, none of the county sheriffs perform on a day-to-day basis that of what a foot patrol, a normal patrol, or any other police officer is concerned. They do have rights to be able to arrest, but I do not see them performing day-to-day operations as far as a police officer is concerned. To me, they are officers of the court, and they perform the different duties that a judge asks them to be able to do. Well, during this context, it also occurs to me whether or not other employees will be made civil service, whether it is as far as clerks are concerned.

Now, sometime currently under this system, they will be able to pick all the way from any of those who score over 70 percent, and to me, sometimes there are different people who have different backgrounds that give the choice as far as being able to make arrests, making different investigations or involved with fire, bringing other different things that the sheriff has that chance to be able to pick from. Mr. Mayernik's situation will stop that and say that he has to pick the top one out of three.

I can understand the gentleman's concern. Every department across this State may have different problems. I would have preferred to let us make something uniform, and if we are going to make sheriffs police officers and make them have the standards that we should have, we should have done it with every department across this State as far as sheriffs are concerned.

But again, my biggest concern was, I attended a committee meeting, and then this morning I had a call from the sheriff who told me he was not for this. When the newspaper called him, he was not aware of this. He told me, "Representative Preston, if I was going to lobby on behalf of a particular something in relationship to the sheriff's department, I would have written a letter about it." Then this morning I had four deputy sheriffs come to my office saying that they were not for this.

Now, Mr. Mayernik has always been very diligent in trying to make our sheriff's department truly professional, but my biggest concern to me personally was that I went to a committee meeting, I heard one statement; the next day I heard another. I really do not appreciate it. I think I was being used. I think it has created a problem, and that is why we are having a problem on the floor of the House. It is not an Allegheny County problem. To me, in all honesty, it is a problem about integrity.

Thank you, Mr. Speaker.

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

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, although I do not agree with the part of the bill pertaining to the civil service for the Allegheny County deputy sheriffs, I think this bill is very important and must be moved.

Allegheny County is facing a \$35- to \$40-million deficit next year, and a lot of the employees will be facing layoffs. As a matter of fact, a lot of them are getting an early Christmas present this week. Yesterday we laid off 30 county police officers who went through the academy, were on. It is my understanding by the end of the week there will be another 50 maintenance individuals laid off.

What this bill does, and I want to commend the bipartisan support on behalf of the Allegheny County delegation, both the Republicans and Democrats, for working on behalf of the two issues that I consider very important, three issues that I consider very important, and that is reducing the age requirement back to where it was in 1984, from 65 to 60, and permitting the vesting rights to be reduced to 8 years. As we know, in private industry, private industry today, vesting is mainly around 6 years' time. This will enable the commissioners to have an opportunity to give the employees, the older employees, a chance to retire and keep the younger employees who are going to have more time to work for the county, more productive time to work for the county, to keep them. It also gives us an opportunity, the county commissioners are talking about creating an airport authority, which we have no power to stop, but we do protect the employees by permitting them, if the authority is granted, permitting them to stay in the pension plan.

Now, the commissioners, all three commissioners, are on board with these three issues, and that is why I rise to support SB 382, mainly to give a lot of the employees a Christmas present by the end of the year, knowing that they could take their pension instead of being out of work.

And again I want to thank the Republican members of Allegheny County and the Democratic members for cosponsoring the legislation that I introduced on behalf of the employees. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Olasz.

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

This bill, as amended yesterday in the Appropriations Committee, completely alters the employment practices of the Allegheny County sheriff's office.

The quiet is deafening in here, Mr. Speaker.

Thank you very much, Mr. Speaker.

Were there public hearings held on this issue? No. Was the current sheriff or the sheriff-elect invited to contribute to this process? No. Has the House reviewed the employment procedures in the sheriffs' offices in the other 66 counties to determine whether Allegheny County is being singled out? No. That is right, Mr. Speaker, and I can tell you why Allegheny County is being singled out. If this House plans to review employment practices and political-participation issues associated with the county row offices, then we should do it as a whole, for all 67 counties.

Unfortunately, what we have here today demonstrates a political maneuvering of one man. One man is telling all the Representatives of 67 counties what is best for them. Ask him, and he will tell you. Ask yourself why. Why is this coming before us today without any public hearings, without any public comment, without soliciting views from the Allegheny County sheriff's

office, without reviewing the practices in row offices of other counties? Personal agendas and personal political motivations are the answers to the, quote, "whys."

I strongly urge my colleagues to consider the repercussions of supporting this bill today. While I am in accord with Representative DeLuca's pleas for the county employees, the next time something like this occurs, it may be with the reorganization affecting one of your counties.

As I said before, this bill and the motivations behind it stink worse than the New York subway on a 100-degree day with 100 percent humidity during rush hour after the electricity has been off for 3 hours. Think about it long and hard, because your county could be next. Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

MOTION TO SUSPEND RULES

The SPEAKER. The gentleman, Mr. Trello.

Mr. TRELLO. Mr. Speaker, I respectfully rise to ask for a suspension of the rules for the purpose of offering an amendment.

The SPEAKER. The gentleman, Mr. Trello, moves that the rules of the House be suspended to permit him to offer amendment number—

Mr. TRELLO. A5198.

The SPEAKER. 51—

Mr. TRELLO. 98.

The SPEAKER. 5198.

On the question,

Will the House agree to the motion?

The SPEAKER. On the question of suspension of the rules, the Democratic floor leader yields to the gentleman, Mr. Trello.

Mr. TRELLO. Thank you, Mr. Speaker.

Mr. Speaker, in the Appropriations Committee yesterday, they offered an amendment that would change the way the Allegheny County sheriff's department operates. I stand here today not to disagree with those amendments that were put in there but to indicate to the members of this General Assembly that an amendment of that magnitude should be a freestanding piece of legislation that would allow the sheriff's department of Allegheny County to have some input in those changes.

We have had a sheriff in Allegheny County by the name of Eugene L. Coon for 28 years, and to my knowledge, Gene Coon is the only sheriff in the United States of America that has been commended twice by receiving a national award commending him for his duties as sheriff of Allegheny County, and for that reason and that reason alone I think that Mr. Coon, who is still the sheriff, should have some input on those changes.

And furthermore, Mr. Speaker, several months ago this General Assembly passed legislation that would allow Allegheny County to have home rule. The reason for that passage of that legislation was to make sure that we did not piecemeal any changes in Allegheny County, that it would be done on a uniform basis with a county executive. This General Assembly voted overwhelmingly to give that authority to Allegheny County. Now today, we are coming here today with that amendment asking Allegheny County to piecemeal changes in a certain department.

Mr. Speaker, I will probably agree with some of those changes, in fact most of those changes, that the amendment calls for in this bill. But with all due respect to the county sheriff's office in Allegheny County, I firmly believe that this body should allow the sheriff's department in Allegheny County to have some input on those changes, and I think the prime sponsor of that amendment should be introducing a freestanding piece of legislation—

The SPEAKER. The gentleman will yield.

The gentleman is fully debating what he is hoping to suspend the rules to be permitted to do. This is going beyond what is permitted.

Mr. TRELLO. Oh; thank you, Mr. Speaker.

Mr. Speaker, what my amendment does, really, is take that language out of SB 382 with the hopes that the prime sponsor of that amendment will draft a freestanding bill for the sole purpose of the sheriff's department of Allegheny County having some input on those changes.

The SPEAKER. Thank you.

On the question, the majority leader.

Mr. PERZEL. Thank you, Mr. Speaker.

I will keep this brief.

We just voted a few moments ago to not have any amendments to this bill, so I would urge the members to vote "no" on the suspension of the rules.

The SPEAKER. Will the gentleman yield; will the gentleman yield.

There is an— I cannot even politely call it an undercurrent of noise. It is more than an undercurrent.

Mr. Perzel, would you repeat yourself, please.

Mr. PERZEL. I would urge a "no" vote, Mr. Speaker.

The SPEAKER. That was short. Thank you.

On the question—

Mr. TRELLO. Mr. Speaker?

The SPEAKER. Mr. Trello. Now, you are not permitted to debate your amendment. The question is, may you suspend the rules? That is the question you have raised.

Mr. TRELLO. Mr. Speaker, I would like to ask the members of this General Assembly to support this amendment for the sole purpose of a freestanding bill being introduced to allow the county sheriff's office in Allegheny County and all of the county commissioners and elected officials, people of responsibility in Allegheny County, to have some input in this direction of changing the government.

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

The SPEAKER. Thank you.

On the question of suspension of the rules, those in favor of suspension will vote "aye"; opposed, "no."

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—89

Battisto	Donatucci	McCall	Santoni
Bebko-Jones	Eachus	Melio	Scrimenti
Belardi	Evans	Michlovic	Shaner
Belfanti	George	Mundy	Staback
Bishop	Gigliotti	Myers	Steelman

Blaum	Gordner	Nailor	Stetler
Buxton	Gruitza	Olasz	Sturla
Caltagirone	Haluska	Orie	Surra
Cappabianca	Hanna	Pesci	Tangretti
Carn	Itkin	Petrarca	Thomas
Casorio	Jarolin	Petrone	Tigue
Cohen, M.	Josephs	Pippy	Travaglio
Colafrilla	Kirkland	Pistella	Trello
Colaizzo	LaGrotta	Preston	Trich
Corpora	Laughlin	Ramos	Van Horne
Corrigan	Lawless	Readshaw	Veon
Cowell	Lescovitz	Rieger	Vitali
Coy	Levdansky	Roberts	Walco
Curry	Lloyd	Robinson	Williams, A. H.
Daley	Lucyk	Roebuck	Williams, C.
DeLuca	Maher	Rooney	Wojnaroski
Dermody	Manderino	Sainato	Youngblood
DeWeese			

NAYS-107

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

NOT VOTING-1

Keller

EXCUSED-4

Armstrong	Cawley	James	Washington
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Less than a majority of the members required by the rules having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

On the question recurring,
Shall the bill pass finally?

The SPEAKER. The gentleman, Mr. Pistella, is recognized.
Mr. PISTELLA. Thank you, Mr. Speaker.

I would like to take a moment, if I could, Mr. Speaker, and try to frame this particular issue for the benefit of the members, particularly those that are not from Allegheny County.

If you look at the history of SB 382, it began its life in the Senate as an attempt to deal with the retirement provisions in Allegheny County. During the legislative process, those retirement provisions were lowering the age of retirement to 60 years of age, and the required 10 years' service to become vested was lowered to 8 years of service. If you look at PN 1522, SB 382, starting on page 16, you will see those provisions outlined for the next two or three pages.

Now, I have been contacted some time ago by a category of employees that would now be covered by this section that were seeking to have a lower retirement age. Those were the probation officers in Allegheny County. As a result of that, I introduced legislation that many members from Allegheny County cosponsored, a few members from outside of Allegheny County cosponsored, that would lower the retirement age for probation officers to 55 years of age. The rationale and justification for lowering the retirement age of those employees is because of the dangerous, hazardous way that they must work with their clients.

MOTION TO SUSPEND RULES

Mr. PISTELLA. What I would like to do is ask the members of the legislature now to suspend the rules of the House for the purpose of my offering amendment A5222, which will institute into this particular bill, SB 382, and only that portion of the bill that I have outlined for you. It will affect no other portion of it. It will not affect amendments that were inserted in the Appropriations Committee that deal with civil service for the sheriff's office in Allegheny County, and it will not affect the other retirement provisions that are included for all of the other employees that would work for Allegheny County at their respective positions.

What I would like to do now then is make a motion that the House suspend its rules for the purpose of my being able to offer amendment A5222 to lower the retirement age for probation officers in second-class counties to 55 years of age. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Pistella, moves that the rules of the House be suspended to permit the offering of amendment A5222, which he has briefly described.

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

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

Mr. SNYDER. Thank you, Mr. Speaker.

Mr. Speaker, again we ask for a "no" vote on suspension. Thank you.

The SPEAKER. On the question, Mr. Pistella, you have described it. Thank you.

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

The following roll call was recorded:

YEAS-97

Battisto	Evans	Masland	Santoni
Bebko-Jones	George	McCall	Scrimenti
Belardi	Gigliotti	McGeehan	Shaner
Belfanti	Gordner	Melio	Staback
Bishop	Gruitza	Michlovic	Steelman
Blaum	Habay	Mundy	Stetler
Butkovitz	Haluska	Myers	Stevenson
Buxton	Hanna	Olasz	Sturla
Caltagirone	Horsely	Oliver	Surra
Cappabianca	Itkin	Orie	Tangretti
Cam	Jarolin	Pesci	Thomas
Casorio	Josephs	Petrarca	Tigue
Cohen, M.	Keller	Petrone	Travaglio
Colafrilla	Kirkland	Pippy	Trello
Colaizzo	LaGrotta	Pistella	Trich
Corpora	Laughlin	Preston	Van Home
Cowell	Lawless	Ramos	Veon
Coy	Lederer	Readshaw	Vitali
Curry	Lescovitz	Rieger	Walko
Daley	Levdansky	Roberts	Williams, A. H.
DeLuca	Lloyd	Robinson	Williams, C.
Dermody	Lucyk	Roebuck	Wojnaroski
DeWeese	Maher	Rooney	Yewcic
Donatucci	Manderino	Sainato	Youngblood
Eachus			

NAYS-98

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

NOT VOTING-2

Boscola	Kaiser
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EXCUSED-4

Armstrong	Cawley	James	Washington
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The SPEAKER. The Chair recognizes the gentleman from Allegheny County, Mr. Walko.

Mr. WALKO. Thank you, Mr. Speaker.

I will reluctantly vote for SB 382, but I want it upon the record one of my very deep concerns about the legislation as amended in the Appropriations Committee. Far-reaching legislation was added by amendment there which will substantially change the way in which the sheriff's department is operated in Allegheny County, and I want it to be known by my colleagues and also by the State Senate that the sheriff's office of Allegheny County is an extremely professionally run, well-run, excellent department.

I, as a private-practicing attorney, had interaction with the sheriff's office before I became a State Representative. They provide security in the family division and criminal division of the Court of Common Pleas of Allegheny County. Always polite; always on the job; always effective in the way they dealt with criminal defendants, with the families of defendants, with the families of victims — a very well-run operation regarding the criminal division. With regard to the family division, very sensitive of the great issues, the interaction between spouses and their children in often a very tense and difficult time. Never once did I see one deputy operate in less than a very excellent professional manner.

Now, I have heard that there are those who have been disgruntled, maybe not getting a promotion or not getting a pay raise. Now, I did not hear about those who got the pay raise instead, nor about those who got the promotion. I would prefer that there be a discussion on this. Since there cannot be, I wanted to express my feelings concerning the professionalism of the sheriff's office in Allegheny County.

Thank you very much, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Petrone.

Mr. PETRONE. Thank you, Mr. Speaker.

Mr. Speaker, I need to speak on SB 382. I think it should be returned to its committee from whence it came for major surgery.

It is inconceivable for anybody in this room to introduce legislation to change the operation of a department without consulting with the newly elected head of that department who will be running it for the next 4 years. I happen to have a very close and intimate relationship with the present sheriff from Allegheny County and perhaps every one of its 100-plus members. I do not know any of them that are supporting this and for any reason.

This is something that should be done after very careful deliberation, after careful scrutiny, and after looking at the long-term effects. This will serve to create dissension in Allegheny County, and if that is what you members want to do, you are going to do it by voting for this bill. This is not the way to modify or improve a department.

MOTION TO RECOMMIT

Mr. PETRONE. I ask that this bill be recommitted. I would like to make a motion to recommit the bill, Mr. Speaker, to the Local Government Committee, from whence it came, for long and careful deliberation.

The SPEAKER. The gentleman, Mr. Petrone, moves that SB 382 be recommitted to the Committee on Local Government.

Less than a majority of the members required by the rules having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

On the question recurring,
Shall the bill pass finally?

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

The SPEAKER. On the question, the Chair recognizes the majority whip, Mr. Snyder.

Mr. SNYDER. Thank you, Mr. Speaker.

Mr. Speaker, we know what the issue is. I do not think there is any point in recommitting this bill. I would ask for a "no" vote on recommitment.

The SPEAKER. The gentleman, Mr. DeLuca.

Mr. DeLUCA. Thank you, Mr. Speaker.

I also rise to oppose the recommitment motion.

This bill is too important for the employees of Allegheny County to be recommitment. Although I am, too, opposed to the part that was stuck in pertaining to the Allegheny County sheriff's department, the employees, the 500 or more employees who are going to be furloughed by the end of this year and the budget problems we have in Allegheny County, we cannot afford to recommit this bill.

Therefore, I would oppose the motion to recommit. Thank you.

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

The following roll call was recorded:

YEAS-72

- | | | | |
|-------------|-----------|-----------|--------------|
| Battisto | Curry | Levdansky | Santoni |
| Bebko-Jones | Daley | Lloyd | Scrimenti |
| Belardi | Dermody | Manderino | Staback |
| Belfanti | DeWeese | McCall | Steelman |
| Bishop | Donatucci | McGeehan | Stetler |
| Blaum | Eachus | Melio | Sturla |
| Buxton | George | Michlovic | Surra |
| Caltagirone | Gordner | Mundy | Tangretti |
| Cappabianca | Gruitza | Olasz | Tigue |
| Carn | Haluska | Pesci | Travaglio |
| Casorio | Hanna | Petrone | Trello |
| Cohen, M. | Itkin | Pistella | Trich |
| Colafella | Jarolin | Preston | Van Home |
| Colaizzo | Josephs | Ramos | Veon |
| Corpora | Kirkland | Rieger | Vitali |
| Corrigan | LaGrotta | Roberts | Walko |
| Cowell | Laughlin | Robinson | Williams, C. |
| Coy | Lescovitz | Rooney | Wojnaroski |

NAYS-123

- | | | | |
|-------------|------------|------------|---------------|
| Adolph | Fichter | Markosek | Schuler |
| Allen | Fleagle | Marsico | Semmel |
| Argall | Flick | Masland | Serafini |
| Baker | Gannon | Mayernik | Seyfert |
| Bard | Geist | McGill | Shaner |
| Barley | Gigliotti | McIlhattan | Smith, B. |
| Barrar | Gladeck | McNaughton | Smith, S. H. |
| Benninghoff | Godshall | Micozzie | Snyder, D. W. |
| Birmelin | Gruppo | Miller | Stairs |
| Boscola | Habay | Myers | Steil |
| Boyes | Harhart | Nailor | Stern |
| Brown | Hasay | Nickol | Stevenson |
| Browne | Hennessey | O'Brien | Strittmatter |
| Bunt | Herman | Oliver | Taylor, E. Z. |
| Butkovitz | Hershey | Orie | Taylor, J. |
| Carone | Hess | Perzel | Thomas |
| Chadwick | Horshey | Phillips | True |
| Civera | Hutchinson | Pippy | Tulli |
| Clark | Jadlowiec | Platts | Vance |
| Clymer | Kaiser | Raymond | Waugh |

- | | | | |
|--------------|----------|----------|------------------|
| Cohen, L. I. | Keller | Readshaw | Williams, A. H. |
| Cornell | Kenney | Reber | Wilt |
| Dally | Krebs | Reinard | Wogan |
| Dempsey | Lawless | Roebuck | Wright, M. N. |
| Dent | Lederer | Rohrer | Yewcic |
| DiGirolamo | Leh | Ross | Youngblood |
| Druce | Lucyk | Rubley | Zimmerman |
| Egolf | Lynch | Sainato | Zug |
| Evans | Maher | Sather | |
| Fairchild | Maitland | Saylor | Ryan,
Speaker |
| Fargo | Major | Schroder | |
| Feese | | | |

NOT VOTING-2

- | | |
|--------|----------|
| DeLuca | Petrarca |
|--------|----------|

EXCUSED-4

- | | | | |
|-----------|--------|-------|------------|
| Armstrong | Cawley | James | Washington |
|-----------|--------|-------|------------|

Less than the majority having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

VOTE CORRECTION

The SPEAKER. Mr. DeLuca.

Mr. DeLUCA. Mr. Speaker, my switch did not work, and I was "no" on this vote, and I think I would agree with Jane Orie, Representative Orie, the switches are not working, but I did press that switch.

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

There is something wrong with the Allegheny County switches today.

MOTION TO ADJOURN

The SPEAKER. Mr. Petrone. Mr. Petrone, was your switch working ?

Mr. PETRONE. Thank you, Mr. Speaker.

Mr. Speaker, I make a motion that this House adjourn sine die.

The SPEAKER. The gentleman, Mr. Petrone, has moved that this House adjourn sine die. For the benefit of the members and for the benefit of Mr. Petrone, that means we adjourn for the balance of our term.

Mr. PETRONE. All right. I apologize, Mr. Speaker. In the heat of the moment.

I make a motion that we adjourn till tomorrow at 11 a.m.

The SPEAKER. On the question of adjournment till tomorrow at 11 a.m. — Mr. Petrone ? Mr. Petrone, 11 a.m. ? — those in favor of adjournment will vote "aye"; opposed, "no."

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

The following roll call was recorded:

YEAS-65

Battisto	Dermody	McCall	Scrimenti
Bebko-Jones	DeWeese	McGeehan	Staback
Belardi	Donatucci	Melio	Steelman
Belfanti	Evans	Mundy	Stetler
Bishop	George	Olasz	Sturla
Blaum	Gordner	Pesci	Surra
Caltagirone	Gruitza	Petrarca	Tangretti
Cappabianca	Haluska	Petrone	Tigue
Cam	Itkin	Pistella	Travaglio
Casorio	Jarolin	Preston	Trello
Cohen, M.	Kirkland	Reber	Trich
Colaizzo	LaGrotta	Rieger	Van Home
Corpora	Lescovitz	Robinson	Vitali
Cowell	Lloyd	Roebuck	Walko
Coy	Lucyk	Rooney	Williams, A. H.
Curry	Manderino	Santoni	Yewcic
Daley			

NAYS-131

Adolph	Fargo	Maher	Saylor
Allen	Feese	Maitland	Schroder
Argall	Fichter	Major	Schuler
Baker	Fleagle	Markosek	Semmel
Bard	Flick	Marsico	Serafini
Barley	Gannon	Masland	Seyfert
Barrar	Geist	Mayernik	Shaner
Benninghoff	Gigliotti	McGill	Smith, B.
Birmelin	Gladeck	McIlhattan	Smith, S. H.
Boscola	Godshall	McNaughton	Snyder, D. W.
Boyes	Gruppo	Michlovic	Stairs
Brown	Habay	Micozzie	Steil
Browne	Hanna	Miller	Stern
Bunt	Harhart	Myers	Stevenson
Butkovitz	Hasay	Nailor	Strittmatter
Buxton	Hennessey	Nickol	Taylor, E. Z.
Carone	Herman	O'Brien	Taylor, J.
Chadwick	Hershey	Oliver	Thomas
Civera	Hess	Orie	True
Clark	Horsey	Perzel	Tulli
Clymer	Hutchinson	Phillips	Vance
Cohen, L. I.	Jadlowiec	Pippy	Waugh
Colafella	Josephs	Platts	Williams, C.
Cornell	Kaiser	Ramos	Wilt
Corrigan	Keller	Raymond	Wogan
Daly	Kenney	Readshaw	Wojnaroski
DeLuca	Krebs	Reinard	Wright, M. N.
Dempsey	Laughlin	Roberts	Youngblood
Dent	Lawless	Rohrer	Zimmerman
DiGirolamo	Lederer	Ross	Zug
Druce	Leh	Rubley	
Eachus	Levdansky	Sainato	Ryan,
Egolf	Lynch	Sather	Speaker
Fairchild			

NOT VOTING-1

Veon

EXCUSED-4

Armstrong	Cawley	James	Washington
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Less than the majority having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

CONSIDERATION OF SB 382 CONTINUED

On the question recurring,
Shall the bill pass finally?

The SPEAKER. The Chair recognizes the gentleman, Mr. Markosek, and then Mr. Cowell, then Mr. Mayernik.

PARLIAMENTARY INQUIRY

The SPEAKER. Mr. Markosek.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, point of parliamentary inquiry, please.

The SPEAKER. The gentleman will state it.

Mr. MARKOSEK. Mr. Speaker, I would like to make a brief announcement under unanimous consent and then be recognized to speak on the bill. Is that okay?

The SPEAKER. I believe I know what your announcement is. Does it have to do with a sick member?

Mr. MARKOSEK. I am sorry, Mr. Speaker; I did not hear you.

The SPEAKER. Does it have to do with a sick member?

Mr. MARKOSEK. Yes, sir.

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

ANNOUNCEMENT BY MR. MARKOSEK

Mr. MARKOSEK. Thank you, Mr. Speaker.

Really, two points. One is, my switch is working. The second point is, Mr. Speaker, that for the members that are not aware, we have a big Christmas card over here at the bill desk for Gaynor Cawley that we would like everybody that wants to to sign, and Tom Tigue has been gracious enough to agree to deliver it back to Gaynor when he goes back this week.

That ends the personal privilege or unanimous consent, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

CONSIDERATION OF SB 382 CONTINUED

Mr. MARKOSEK. May I be recognized on the bill?

The SPEAKER. The gentleman is in order.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Just very briefly, I rise in favor of SB 382 for a couple of brief reasons.

One is because it includes the language of my good friend and colleague, Representative DeLuca, who worked very hard to get the changes in the pension for those particular Allegheny County employees that are affected by that. I favor that, and it is something that I am glad is in this bill and stays in this bill.

The other thing is, and I also support the bill because of the language effected by my good friend and colleague, Representative Mayernik, that will bring good government and an antipatronage feeling back to the sheriff's office in Allegheny County, where we will have a system now where those who score the highest on the test relative to civil service will be considered for the jobs and will not be passed over. I think this is a long time in coming and very good language and it is something that we should have done a long time ago, and I think all of us

from Allegheny County, if we took this back and put it in a newsletter or in the media or went to a public meeting and explained it to our constituents, they almost unanimously would tell us to vote for this. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Cowell.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I do not know that there is much sensibility left in this chamber about the integrity of our legislative process, but if there is any that remains, then we should all be offended by the manner in which this bill has been presented to us today. So many of the rules that we approved, so many of the protections that we provide to ensure that there is legislative and public scrutiny of ideas that we consider before they become law, are violated by the process that brought us this bill this afternoon.

The Appropriations Committee inserted very substantial, very controversial language into this bill yesterday, while it was supposed to have a bill to consider a fiscal note. Now, again and again, we have allowed the Appropriations Committee to step outside of that box, and we have, at one time or another, given approval to substantial amendments, but we ought to remember that every time that happens, it cripples each of us a bit more, and that is what happened with this bill yesterday.

We also ought to keep in mind that the Constitution says something about 3 days' notice, 3 days' reading for every bill. Now, technically, that again has been adhered to, but the idea was that all of us, and more importantly, all of the public ought to have some advance notice before we take up an issue, particularly one that is very substantial and perhaps somewhat controversial, and even though some might say we have even done this with a budget, everybody knew a budget was coming. There is language in this bill that, for whatever reason, there was no prior notice to anybody, and so again, on that principle, we violate the integrity, we undermine the integrity of the legislative process.

One of the other rules that so many people in this chamber fought for, particularly some folks on the other side, was language in our rules that would make sure that every member had 24 hours' notice before we would vote on a bill, so that they would know the issue and that they would have a real opportunity to offer amendments, and because it was convenient to some folks today, we did away with that protection. We have told Representatives Trello and Pistella and others who filed amendments in a timely fashion, if this were indeed to be considered tomorrow, as it is supposed to, with the 24-hour notice, we told them, so much for the protection that some people got up and debated for on the floor of this House last year and a couple of years ago.

Every time we undermine one of these protections because it is convenient for the moment, we undermine the process, and we position ourselves, every time we support this kind of undermining, we position ourselves to be the next one who is violated, when some majority here decides that it is convenient to do that.

So, Mr. Speaker, whether you like the language in this bill or do not like it, the Appropriations Committee should not have really been dealing with such a substantial, new idea, and we should not violate the protection for ourselves and the public by saying, you are not going to have really due notice to respond and react, and we should not violate the right that we gave to ourselves, and that is 24-hour notice and the right to offer amendments.

Mr. Speaker, in terms of the substance of this amendment — this language in the bill, I should say; the amendment that was approved by the Appropriations Committee — if there was really a chance to debate it, as Representative Trello wants to do with his amendment, it probably would be pointed out that in many respects that violates all the arguments that we make around here about local control, and it violates an awful lot of the arguments made around here about treating everybody alike, not picking on Allegheny County or tomorrow picking on Dauphin County or tomorrow picking on Philadelphia County. How do we so easily, without debate and without really wanting to invite public scrutiny and public comment, how do we so easily go down this path?

Mr. Speaker, I have been around here a fairly long period of time, and I have seen this kind of thing, at least pieces of it, happen in the past, and it is usually evidence of some legislative cowardice where people do not want their idea really subjected to the test of public scrutiny and legislative debate. That is why we end up with all these shortcuts. It is wrong, Mr. Speaker. Regardless of whether you like the language or dislike the language in this bill, it is wrong to do it this way.

I understand Representative DeLuca's comments that there are a number of issues in here that demand attention this week, demand attention before the end of this fiscal year, and because this is our last week here, they demand attention by tomorrow.

Mr. Speaker, if nothing else, we cannot undo what the Appropriations Committee did, we cannot undo a number of things that are defects, in my opinion, to this process, but at least we can give Mr. Trello and anybody else who chooses to do so the opportunity that we argued that the rules ought to provide; that is an opportunity to have 24 hours' notice and offer an amendment and have their amendment debated. That purpose can be accomplished if we would deal with this issue tomorrow rather than today.

MOTION TO PLACE BILL ON FINAL PASSAGE POSTPONED CALENDAR

Mr. COWELL. So, Mr. Speaker, so that we can at least protect some of the rights that so many people here fought for, let us put off debate until tomorrow, and for that purpose I would offer the motion that SB 382 be put on the final passage postponed calendar.

The SPEAKER. The gentleman, Mr. Cowell, moves that SB 382 be placed on the final passage postponed calendar.

On the question,

Will the House agree to the motion?

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. Perzel.

Mr. PERZEL. We oppose the motion, Mr. Speaker.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—89

Battisto	DeWeese	Manderino	Santoni
Bebko-Jones	Donatucci	McCall	Scrimenti
Belardi	Eachus	McGeehan	Shaner
Belfanti	George	Melio	Staback
Bishop	Gigliotti	Michlovic	Steelman
Blaum	Gordner	Mundy	Stetler
Buxton	Gruitza	Myers	Sturia
Caltagirone	Haluska	Olasz	Surra
Cappabianca	Hanna	Oliver	Tangretti
Carn	Itkin	Pesci	Thomas
Carone	Jarolin	Petrarca	Tigue
Casorio	Josephs	Petrone	Travaglio
Cohen, M.	Keller	Pippy	Trello
Colafranca	Kirkland	Pistella	Trich
Colaizzo	Krebs	Preston	Van Horne
Corpora	LaGrotta	Ramos	Veon
Corrigan	Laughlin	Rieger	Vitali
Cowell	Lederer	Roberts	Walko
Coy	Lescovitz	Robinson	Williams, A. H.
Curry	Levdansky	Roebuck	Williams, C.
Daley	Lloyd	Rooney	Wojnaroski
DeLuca	Lucy	Sainato	Youngblood

NAYS—107

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

NOT VOTING—1

Boyes

EXCUSED—4

Armstrong	Cawley	James	Washington
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Less than the majority having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

On the question recurring,
Shall the bill pass finally?

The SPEAKER. The Chair recognizes the gentleman, Mr. Itkin. Mr. ITKIN. Thank you very much, Mr. Speaker.

I wonder if there is anyone else in this chamber that has caught the irony of this event here today, and I would like the members to recall that just some 7 months ago, this House voted for Allegheny County's self-determination. Even those of us who opposed the bill that set home rule rolling could not argue against the concept of self-determination for a county on the other side of the State.

Today this House is thumbing its nose at the people of Allegheny County. We are telling them that, in effect, that home-rule vote was a sham, and we are signaling a return to the good old days, where Allegheny County and the other counties were marionettes and Harrisburg was pulling our strings.

This amendment is anti-self-determination, and what is really nuts is that this amendment collides directly with the home-rule-charter draft that Allegheny County is considering right now. This charter draft would require a unified personnel system, a civil service system for new Allegheny County employees. But lo and behold, this amendment, if it is adopted, already puts a special kind of civil service in just one county office. And if the two differ in any way, if the county charter is in disagreement with the State statute, then the county cannot do anything about it, and home rule is, for all intents and purposes, a gross sham.

Now, we have adopted this law, and it supersedes the county's wishes, and any differences between the two cannot be reconciled, so county employees in neighboring offices would be treated differently. Suddenly Allegheny County does not have a unified personnel system; it has a disunified system, with some employees, in the words of George Orwell, more equal than others.

To my friends and colleagues across the aisle, I say, stop and think about your vote. If you truly believe in self-determination, then do not support this amendment. We in Allegheny County are well on the way to creating a unified personnel system, based on merit principles. This amendment establishes a substantial detour on that road.

In essence, I am asking the House today, do not tread on Allegheny County's determination. Give home rule a chance. A vote for this bill is a vote against Allegheny County home rule. Thank you.

The SPEAKER. The gentleman, Mr. Petrone, for the second time on the issue. Mr. Petrone.

Mr. PETRONE. Thank you, Mr. Speaker.

I apologize for the delay. I know time is precious. Thank you for the opportunity to speak again.

I cannot say things any better than Representative Cowell said them regarding this piece of legislation. This is a tragic mistake to proceed with this, on this course. Many of the things in this bill are not bad ideas and should be advanced, but the key components that were put in without discussion that changed the sheriff's department in Allegheny County should not be allowed to proceed on this basis.

Mr. Cowell very eloquently explained the reasoning. I hope good sense will prevail. There is nothing that can be said to make this sweet. It stinks, Mr. Speaker; short, it stinks to do it this way.

MOTION TO ADJOURN

Mr. PETRONE. When I asked for an adjournment, I mistakenly said "sine die"; I was incorrect. I wanted to say that I would like this House to adjourn until the first day of session, January 20, 1998. Thank you, Mr. Speaker.

The SPEAKER. The Chair apologizes to the gentleman for not listening more attentively, perhaps. Did you just make a motion, or was that an explanation of your interpretation of "sine die"?

Mr. PETRONE. I made a motion to adjourn until January 20, the first day of session, 1998.

The SPEAKER. Thank you.

That is an improper motion, because under the Constitution, we are required to meet on the first Tuesday of each year.

Mr. PETRONE. Thank you for the clarification on the Constitution, Mr. Speaker. Then I do make the motion that we adjourn until the first Tuesday, January 6, 1998. Thank you.

The SPEAKER. The gentleman, Mr. Petrone, moves that this House do now adjourn until the first Tuesday of January, that being January 6, 1998, at 12 noon. Mr. Petrone, is 12 noon satisfactory?

Mr. PETRONE. That is fine, Mr. Speaker. Thank you. Oh, my colleagues have suggested 1 o'clock.

The SPEAKER. No. The Constitution suggests 12.

Mr. PETRONE. I trust your judgment, Mr. Speaker, as I have for the last 17 years. Thank you.

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

The SPEAKER. On the question, the gentleman, Mr. Perzel. Mr. PERZEL. Mr. Speaker, I will keep it brief. We oppose the motion, Mr. Speaker.

The SPEAKER. On the question of adjournment until January 6, 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-39

Battisto	DeWeese	Pistella	Sturla
Bebko-Jones	Donatucci	Preston	Surra
Belfanti	Evans	Rieger	Tangretti
Caltagirone	Kirkland	Robinson	Travaglio
Cappabianca	Krebs	Roebuck	Trello
Casorio	LaGrotta	Rooney	Trich
Cohen, M.	Lucyk	Santoni	Veon
Colaizzo	Manderino	Scrimenti	Vitali
Curry	Olasz	Steelman	Walko
Dermody	Petrone	Stetler	

NAYS-155

Adolph	Fargo	Maher	Sather
Allen	Feese	Maitland	Saylor
Argall	Fichter	Major	Schroder
Baker	Fleagle	Markosek	Schuler
Bard	Flick	Marsico	Semmel
Barley	Gannon	Masland	Serafini
Barrar	Geist	Mayemik	Seyfert
Belardi	George	McCall	Shaner

Benninghoff	Gigliotti	McGeehan	Smith, B.
Birmelin	Gladeck	McGill	Smith, S. H.
Blaum	Godshall	McIlhattan	Snyder, D. W.
Boscola	Gordner	McNaughton	Staback
Boyes	Gruitza	Melio	Stairs
Brown	Gruppo	Michlovic	Steil
Browne	Habay	Micozzie	Stern
Bunt	Haluska	Miller	Stevenson
Butkovitz	Hanna	Mundy	Strittmatter
Buxton	Harhart	Myers	Taylor, E. Z.
Carone	Hasay	Nailor	Taylor, J.
Chadwick	Hennessey	Nickol	Thomas
Civera	Herman	O'Brien	Tigue
Clark	Hershey	Oliver	True
Clymer	Hess	Orie	Tulli
Cohen, L. I.	Horsey	Perzel	Vance
Colafella	Hutchinson	Pesci	Van Horne
Cornell	Itkin	Petrarca	Waugh
Corpora	Jadlowiec	Phillips	Williams, A. H.
Corrigan	Jarolin	Pippy	Williams, C.
Cowell	Josephs	Platts	Wilt
Coy	Kaiser	Ramos	Wogan
Daley	Keller	Raymond	Wojnaroski
Dally	Kenney	Readshaw	Wright, M. N.
DeLuca	Laughlin	Reber	Yewcic
Dempsey	Lawless	Reinard	Youngblood
Dent	Lederer	Roberts	Zimmerman
DiGirolamo	Leh	Rohrer	Zug
Druce	Levdansky	Ross	
Eachus	Lloyd	Rubley	Ryan, Speaker
Egolf	Lynch	Sainato	
Fairchild			

NOT VOTING-3

Bishop	Carn	Lescovitz
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EXCUSED-4

Armstrong	Cawley	James	Washington
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Less than the majority having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

CONSIDERATION OF SB 382 CONTINUED

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Kaiser.

Mr. KAISER. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of SB 382.

Allegheny County is facing a deficit next year, and the pension fund is solid. This legislation will enable those individuals who work for the county to retire early, which will mean that the county will be able to save money on those employees.

I also support this legislation because it will inject civil service into the sheriff's department. The Pennsylvania State Police, the city of Pittsburgh, and all of the police departments in Allegheny County have civil service. I think civil service levels the playing field for all those individuals who want to become a sheriff and also for those who want to be promoted, and I think that is most important.

So I ask for your support on SB 382. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I am not sure whom to address, but I would like to interrogate someone about the amendment that was inserted. Should I be interrogating Representative Barley, who inserted it in the Appropriations Committee, or Representative Mayernik, for whom I understand the amendment was offered?

The SPEAKER. Does anyone care to stand for interrogation?

The gentleman, Mr. Mayernik, appears prepared to stand for interrogation. You may begin.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I understand the concern about patronage in any system, and I guess the concern I have is in going with a strict "whoever gets the highest score gets the job," unless I know what the test is all about, and so I guess I have some questions for you about the test that we are now going to hire from in Allegheny County, based on whoever gets the highest score on the test.

Does the test in any way test for communication skills with other members on the force?

Mr. MAYERNIK. On page 3, line 10, section (D), "CIVIL SERVICE EXAMINATIONS TO TEST APPLICANTS SHALL RELATE TO SUCH MATTERS AND INCLUDE SUCH INQUIRIES AS WILL FAIRLY TEST THE MERITS AND FITNESS OF THE PERSONS EXAMINED TO DISCHARGE THE DUTIES OF EMPLOYMENT." That is existing language in the Second Class County Code for the county police officers. I am not reinventing the wheel, but I am applying the existing language for county police to the deputy sheriffs, sir.

Mr. STURLA. I guess my question is, does the test as it stands include any test of whether a person has the ability to communicate with other fellow officers or to lead other fellow officers or has displayed any skill in leading other fellow officers?

Mr. MAYERNIK. It would be my reading of the prior statute that the Civil Service Commission would be under requirement to make applicable, proper inquiries to the qualifications, so that would be yes.

Mr. STURLA. So is this test strictly a written test? Is it a partially verbal test? Is there an interview process with the test?

Mr. MAYERNIK. That is an area that is presently decided by the Civil Service Commission and will continue to be decided by the Civil Service Commission in existing capacity, sir. I am not familiar with what exactly the Civil Service Commission is doing or has done in the past, but we are not changing that portion of the law.

Mr. STURLA. But currently, if I simply get a 70 on the civil service test, that shows that I am at least qualified to a certain level as far as what we tested for, even though we are not sure what it is that we tested for, but then the elected official, the county sheriff, then gets to make an additional determination to decide whether or not the person perhaps has people skills, whether they have leadership skills, whether they have other things that may not be tested in the Civil Service Commission exam. Is that correct?

Mr. MAYERNIK. He makes more than additional determination; he picks from anywhere on the list. If there are 500 people who took the test and 500 passed, instead of taking the most qualified, the most competent, the person that should get the job on merit, regardless of race, creed, political affiliation, he can pick the last person on the list and bypass the most qualified.

Mr. STURLA. Mr. Speaker, I do not want decisions to be made on race, creed, or political persuasion. My concern is that the decision not be able to be made based on the person's ability to work with other officers, to lead other officers, and I am not sure, without an explanation of what the test tests, I do not know how you make that determination.

I guess in applying it to the private sector, it would seem that if we followed the same procedure in the private sector, that you would have to hire whoever walked in with the highest, for instance, SAT (scholastic aptitude test) scores or the highest LSAT (law school admission test) scores or whoever scored the highest on the bar exam is who would get hired at the law office. It would seem that that does not necessarily test a person's ability to practice law or to, you know, sell widgets or to do whatever, and a lot of times people evaluate people on their people skills, their leadership skills, and it seems that we are taking that ability away from an elected official in the county office.

I mean, are there any assurances that you can give me that all these leadership skills are tested for on the civil service exam? I mean, you say you do not know what is on the civil service exam, but you are sure it must be there.

Mr. MAYERNIK. As I, again, read the language in section (D), "...SUCH MATTERS AND INCLUDE SUCH INQUIRIES AS WILL FAIRLY TEST THE MERITS AND FITNESS OF THE PERSONS EXAMINED TO DISCHARGE THE DUTIES OF EMPLOYMENT," if it is necessary to have oral skills or people skills or whatever skills necessary for that specific position, I am confident that our Civil Service Commission will be testing for those issues.

Mr. STURLA. Mr. Speaker, is there anything that tests for whether a person has racist beliefs or not in the civil service exam?

Mr. MAYERNIK. I am not familiar with that section of the civil service exam, and I am not addressing that in this issue, in this bill.

Mr. STURLA. Well, I mean, my concern is, if it is not tested for and yet the elected official may know that somebody has racist leanings, that if he scored the highest on the test, well, that does not matter; they still have to hire him. Is that true?

Mr. MAYERNIK. Not necessarily. There can be a disqualification process. If somebody is not— And let me read in another section here, if I may.

Each applicant must be certified from "...BODILY OR MENTAL DEFECTS, DEFORMITY OR DISEASE THAT MIGHT INCAPACITATE HIM OR HER FROM THE DISCHARGE OF THE DUTIES OF THE POSITION DESIRED IN THE SHERIFF'S DEPARTMENT."

I think that that would probably be part of looking at the person overall. It is possible to disqualify people for not having the appropriate fundamental requirements, as we just stated in this part of the law.

Mr. STURLA. So then under what you are saying is that this current practice that is currently going on would be allowed if you could just say that, you know, somebody you did not believe was qualified for other reasons. Is that correct?

Mr. MAYERNIK. I think that as lawmakers it is necessary that if somebody is not qualified and it is obvious that they are so blatantly prejudiced or skewed to one side or the other and that is indicated in the examination — there is a psychological

examination, by the way, that is given to the sheriff's office — then that would exclude them.

Mr. STURLA. That is part of the civil service exam?

Mr. MAYERNIK. That is part of the existing practice and is practiced in hiring of all civil servants for police officers, because we do not want somebody that goes off on a tangent carrying a badge and a gun and enforcing the law.

Mr. STURLA. Thank you, Mr. Speaker.

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

Mr. ITKIN. Mr. Speaker, would the gentleman from Allegheny County, Mr. Mayernik, stand for a brief interrogation?

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

Mr. ITKIN. Mr. Speaker, did you vote for HB 329, Act 12, which became the basis for the home-rule charter in Allegheny County?

The SPEAKER. Will the gentleman yield.

I am not sure that that is an appropriate question on interrogation, Mr. Itkin.

Mr. ITKIN. Well, if the gentleman does not care to answer it, he obviously is free to do so. He is—

The SPEAKER. No. It is not a question of whether he is ready to answer it; it is a question as to whether or not I am ready to allow it to be asked. We ordinarily do not permit the questioning of anybody's vote, and that is one of the rules of this House. I would ask you to abide by it.

Mr. ITKIN. Mr. Speaker, it is a matter of public record.

The SPEAKER. Well, then why do you not read the record.

Mr. ITKIN. Mr. Speaker, then I will rephrase the question in terms of a comment.

Mr. Speaker, I believe that you voted for HB 329, which became Act 12, which set into motion the home-rule charter, home rule for Allegheny County.

Now, Mr. Speaker, let us suppose in May of this year—

Mr. MAYERNIK. Mr. Speaker, point of order.

I believe he is asking a question. A question has not been asked yet.

Mr. ITKIN. All right. I will ask a question.

Mr. MAYERNIK. Thank you.

Mr. ITKIN. In the event that the home-rule charter passes in May of 1998, which is when it is scheduled to be put for a vote, and, Mr. Speaker, as a member of this body, subsequent to that date, you decide that there are changes in Allegheny County government that you feel strongly about, is it your intention to come to this General Assembly and seek to overrule the county charter?

Mr. MAYERNIK. I believe you are referring to the home-rule charter that our caucus took a position against and one that you spearheaded against, and I find it perplexing that you ask me a question on my position when you are against it, yet you stand here today to espouse the position of home-rule charter when you have been traveling the county, Governor Itkin, to torpedo the bill and home-rule charter. It is very perplexing to me. So could you ask me that question again of how you are supporting home-rule charter?

Mr. ITKIN. Mr. Speaker, so you refuse to answer the question—

Mr. MAYERNIK. No, I do not—

Mr. ITKIN. —which leads me to believe that subsequent to the adoption of a home-rule charter in Allegheny County, whenever you feel it is appropriate to come to the floor of this House and work your deal, you will do it, in spite of what the people of Allegheny County say.

Mr. Speaker, your silence is deafening.

Mr. MAYERNIK. Well, if you give me a chance to answer, I will be happy to.

The SPEAKER. We are coming into a season of peace.

Mr. MAYERNIK. I just find it amazing how clairvoyant you are today and how puristic you are when I have learned those lessons from you, the master teacher of the caucus that I sit in.

And the answer is, I will not mess with existing law that is in statute and voted on by referendum of the people of Allegheny County, and once the people have spoken, I will abide by those rules of the people. Until then, we have a duty and obligation in this chamber, as elected Representatives, to change the law, to fine-tune it, to tweak it, to do what is necessary to formulate the law for the people of the Commonwealth, and, Governor Itkin, you know better than anyone else. Thank you.

Mr. ITKIN. Mr. Speaker, I am very curious; I mean, when I sought to get revisions in the draft of the county charter, and let me tell you, Mr. Speaker—

The SPEAKER. Gentlemen, both of you, the remarks are at best premature with Mr. Itkin, and the remarks of Mr. Itkin, I think, are off the subject, so I am going to ask the two of you to come back onto this subject that is before the House and forget everything else; come back to this subject. No personalities; no what is going to be; just what is, what is before us today, please.

Mr. ITKIN. I agree, Mr. Speaker.

Thank you very much, Mr. Speaker. I appreciate your comments.

Mr. MAYERNIK. I would still like to make one comment, if I could. I would like—

Mr. ITKIN. I have the floor, Mr. Speaker.

The SPEAKER. Please. The gentleman, Mr. Itkin, has the floor.

Mr. ITKIN. Thank you, Mr. Speaker.

Let me say, I have a right to be here today, because whatever we do here is going to constrain, is going to constrain the charter provisions that are now being enacted in Allegheny County. Part of the statute talks about that any provision inconsistent with any statute heretofore enacted by the General Assembly affecting the rights, benefits, or working conditions of any employee of a political subdivision of the Commonwealth, and that is right to point, right to point. If we pass this today, we are further going to hamstring Allegheny County in what it can or cannot do. Now, whether you agree with what Allegheny County is planning to do or not planning to do, at least if you believe in the concept of local determination, local home rule, then you should vote "no" on this proposition and seek to have this particular amendment deleted.

If the Representative was really concerned about what the locals thought, he should have gone to one of the five hearings which are now being conducted on the charter and seek to get his position incorporated into the charter. I mean, that is where it ought to go. He should seek to have the Charter Drafting Committee adapt this provision not in statute but in the charter of Allegheny County.

I cannot be more insistent that we in the General Assembly are overstepping our bounds after passing Act 12 and saying to Allegheny County, go to it, make your own home rule, you can

govern yourselves, and then come back just a few months later and say, well, we do not like what is going on and we are going to do something different.

Mr. Speaker, I hope that this House comes to its senses; I hope that this House will vote its conscience and do the right thing. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Trello, for the second time.

Mr. TRELLO. Mr. Speaker, I just made a call and talked to one of the solicitors in Allegheny County and was told that there is no Civil Service Commission in Allegheny County. It is called, it is called the Human Resources Committee. Now, the language in this amendment, I do not know, maybe somebody can indicate to me that "Human Resources" and "Civil Service" are one and the same, or are they different? Does this bill have to contain "Human Resources" rather than "Civil Service"? I would like to get an explanation, because the solicitor indicated to me that the Civil Service Commission was abolished a number of years ago and it is now the Human Resources Committee. Is this amendment drafted in error, or is—

The SPEAKER. The gentleman, Mr. Perzel.

Mr. PERZEL. Mr. Speaker, the gentleman has just stated the legislative intent, and I would like to thank him for pointing that out, so that is for the record.

Mr. TRELLO. I did not hear what the gentleman said, Mr. Speaker.

Well, what I am trying to say, Mr. Speaker, is, since the Civil Service Commission — and I am not saying this to debate the bill, defeat or anything; in all sincerity, I want to make sure that the language is correct — since there is no Civil Service Commission, since it was abolished a number of years ago or several years ago — I did not recall what he said about the number of years, but it is no longer Civil Service; it is called Human Relations Committee — I wonder if somebody could maybe give me some input on whether this amendment is meaningless now, since there is no Civil Service Commission. And you know, I could go back to a freestanding bill where we could get the proper language dealing with this subject.

The SPEAKER. The gentleman, Mr. Mayernik, is responding to your interrogation.

Mr. MAYERNIK. Thank you, Mr. Speaker.

The term he used for "Human Relations" or whatever it might be, the Civil Service Commission, by process and procedure and precedence over the last several years, has been conducting the test. The statute has not been changed accordingly, but by precedence and solicitors permitting it to happen permit that to go on. So the legislative intent of the sponsor of the amendment today — and I appreciate Representative Trello pointing it out — is clearly to permit the Civil Service Commission and the new term that it is called to continue their activities administering this test that they have been doing for the last 7 or 8 years. So it is clearly the legislative intent, and I thank the gentleman for the point of clarification.

Mr. TRELLO. Well, Mr. Speaker, my question to the prime sponsor is, if he knew that, why did he not put the proper language in the amendment?

Mr. MAYERNIK. Apparently, sometimes when we draft it, the drafting lawyers might overlook things, but since the precedence has already been stated—

Mr. TRELLO. Well, I know that when lawyers are involved, there are different strokes for different folks. Maybe you are allowed to use the language that you feel is appropriate, but in all sincerity, Mr. Speaker, since the Civil Service Commission was abolished, then the proper language in this bill would be the Human Relations Commission.

Mr. MAYERNIK. Is the gentleman suggesting then that everybody that has been hired under civil service for the last 7 years should now be terminated from their position because that commission was de facto and should not have been in existence, so they do not have the coverage of civil service? Is that what you are suggesting?

Mr. TRELLO. Mr. Speaker, I am not suggesting anything at all, absolutely nothing. I am just indicating to you the conversation I had with a solicitor in Allegheny County indicating that there is no Civil Service Commission; it is the Human Relations Commission. This amendment was drafted dealing with the Civil Service Commission, which we do not have in Allegheny County; it is the Human Resources Committee. I am not directing my remarks or suggesting anything. I am just bringing to light what is an actual fact for Allegheny County and questioning whether maybe this amendment might be drafted in error; that is all. I am not trying to do anything underhanded here or anything or stop anything, but the information that I received is that there is no Civil Service Commission in Allegheny County, and I would be willing to wait till he gets it redrafted and offer it again. I mean, I have no problem with that. I just want to correct something that I feel is wrong, like we always do when there is a technical error or an error in any amendment. Many of the men and women here get up and offer amendments to correct a technical problem that we have with a bill, and that is all I am doing, is indicating that there might be a technical error in the drafting of this amendment, since we do not have a Civil Service Commission; we have a Human Resources Commission. That is all I am doing, Mr. Speaker.

Yeah; redraft it, and we will take it up tomorrow.

Mr. PERZEL. Mr. Speaker?

The SPEAKER. Mr. Perzel.

Mr. PERZEL. Thank you, Mr. Speaker.

Mr. Speaker, at your suggestion, we called the Reference Bureau, and Mr. Trello is correct, but we can have a technical reprint if this is a problem, and that would be accepted.

Mr. DeWEESE. Mr. Speaker?

The SPEAKER. The House will stand at ease.

(Conference held at Speaker's podium.)

The SPEAKER. The House will come to order.

For what purpose does the gentleman, Mr. Petrone, rise?

Mr. PETRONE. Thank you, Mr. Speaker.

Mr. Speaker, I rise to question some other glowing errors in this legislation. I would like to point out for the members' perusal—

The SPEAKER. Will the gentleman yield.

Mr. PETRONE. Point of order, Mr. Speaker.

The SPEAKER. The gentleman has twice spoken on this subject.

Mr. PETRONE. Yes.

POINT OF ORDER

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

The SPEAKER. What is your point of order?

Mr. PETRONE. The point of order is, number one, that this legislation deals with pensions and should require an actuarial note. It does not have it. And secondly, it does not have a fiscal note, and anything of this magnitude should require the proper actuarial and fiscal note. Thank you, Mr. Speaker.

The SPEAKER. For the information of the gentleman, for the information of the gentleman, I know it has a fiscal note.

The question of the Human Relations Commission versus the Civil Service Commission, this question ended up on the Speaker's rostrum somehow, and in conjunction with staff from both sides, I had the Parliamentarian call the Reference Bureau to ask the Reference Bureau whether or not the Civil Service Commission was still in existence in Allegheny County or whether it was now called the Human Relations Service or Human Relations Commission, and Reference Bureau advises us, has advised Mr. Itkin and Mr. Edmiston and several of the members on this side, that it is still the Civil Service Commission in the law of the Commonwealth of Pennsylvania. And we can only speculate that they in Allegheny County may be calling it something else, but they are not doing it with the benefit of the law, statutory law.

Accordingly, Reference Bureau's draft of the amendments, in their judgment, is proper. That is why we called Reference Bureau, to really question why they would draft to Civil Service when in fact that was not the name of it, and Mr. Carl Mease looked into all of it and said that — looked into it again while we were standing here — and came up with that answer.

The other note that the gentleman, Mr. Petrone, questioned was received by the House and was read across the desk yesterday, Mr. Petrone. So both an actuarial note and a fiscal note are available on this amendment.

Mr. PETRONE. Okay. Thank you, Mr. Speaker.

But I understand, under the rules of the House, they should be attached; they are supposed to be attached to the bill and amendment.

The SPEAKER. I do not believe that is an exact reading of the rules.

Mr. PETRONE. Okay. Under page 21 of the rules, section (7), "Any bill proposing any change relative to the retirement system of the Commonwealth or any political subdivision thereof, funded in whole or in part out of the public funds of the Commonwealth or any political subdivision, shall have attached to it an actuarial note."

The SPEAKER. And that is why it was read across the desk yesterday. If you like, I will attach it to anything you like it attached to.

Mr. PETRONE. It should be attached before we receive the—

The SPEAKER. Thank you; thank you.

Mr. Trello, you, too, have spoken twice on this.

Mr. TRELLO. Well, no, Mr. Speaker. I was speaking at the time you called the House at ease.

The SPEAKER. You are accurate; that is correct.

Mr. TRELLO. In other words, Mr. Speaker, what you are, not you, but what the Reference Bureau is telling us is that Allegheny County needs a State law to abolish their Civil Service Commission?

The SPEAKER. No. I think what they are saying is, the law that we are attempting to, by amendment, to amend today is being done by a proper amendment directed to the proper sections of the code and identifying the proper agencies that would be affected by the change, and those agencies, if we, the legislature, want them called something other than Civil Service Commission, we have to change that code. If in fact Allegheny County — I am making this up now — if in fact Allegheny County calls them something else, they are not doing that with the benefit of a change of the law; they are doing that on their own.

Mr. TRELLO. In other words, a rose is a rose is a rose by any other name.

Well, Mr. Speaker, my intention was not to disrupt anything. I just got the information that we did not have a Civil Service Commission—

The SPEAKER. It was interesting.

Mr. TRELLO. —and I was sincere in my remarks that the amendment might have been drafted in error, and I thank the Speaker.

The SPEAKER. No; I appreciate and approve of the gentleman's conduct in connection with this.

Mr. TRELLO. Thank you, Mr. Speaker.

The SPEAKER. And I ask that the House come to order.

The Chair is about to recognize the Democratic floor leader, who is the last speaker on this subject.

The conference on the side aisle will please break up.

The gentleman, Mr. DeWeese.

Mr. DeWEESE. Thank you, Mr. Speaker.

Just an observation. I think the measure will advance, but my remarks are most poignantly directed to the new hard chargers from Allegheny County on the Republican side of the aisle. They came up here not too long ago from Allegheny County and talked about CompAC 21 (Committee to Prepare Allegheny County for the 21st Century), the reorganization of Allegheny County's government that my colleague, the Democratic whip, so articulately pronounced a few moments ago.

They came up here and said that the Allegheny County board that was appointed by us would be in charge of reinventing government in Allegheny County, a general effort put together by academics and government officials and union officials, men and women from the legal and business communities, and all of a sudden, all of a sudden a certain niche in that governmental apparatus was complained about or found fault with by one of our colleagues, and the Allegheny County Republican delegation, to quote the inimitable Gaynor Cawley, caved in like a cheap Kmart table.

Allegheny County government, CompAC 21, probably the most important effort toward home rule in Pennsylvania in 50 years, is being debated by academics, as I said, and union and business leaders, men and women from Allegheny County, as we speak, tonight, in Pittsburgh, and here you are taking a butcher knife, not a scalpel, you are taking a butcher knife to the process and saying that the sheriff's office is going to be handled one way and everything else is conceivably going to be handled some other way. It does not make sense.

As I relinquish the microphone — and I do understand this bill contains more, Mr. Speaker, than just the facet of the proposal dealing with the Allegheny County sheriff's office — the most telling factor to me, as I go to my seat and make my vote, is the absolute hypocrisy of the Republican side of the aisle. For years and years and years in the image of Newt Gingrich, you talked about government mandates, you lamented government mandates, you moaned about the long arm of the State government interceding in local affairs, and now what are you doing? You are interceding in local affairs. It does not make sense.

All, all of you are political people, should be proud to be political people, should be proud to be a part of the greatest political process ever conceived or projected, and inherently in politics, Mr. Speaker — and I want, I want some of my friends on the backbenches from Philadelphia to hear my remarks — is an ostensibly antiquated concept called political patronage, political patronage. Only 2 or 3 percent of government jobs are political patronage in the modern world, Mr. Speaker. About 97 percent of all jobs out there are either civil service or government employee unions; only 3 percent of the jobs are patronage. And what are we doing tonight? What are we political people doing tonight? What have you asseverated tonight? That you are going to get rid of 150 more patronage jobs in western Pennsylvania.

So my remarks are maybe tintured with some idealism that we should not be interceding with a government mandate out of Harrisburg and telling Allegheny County what to do, especially after you all voted for CompAC 21. But to any of you who have any inherent political instincts left upwelling within your perspective, you are lacerating one of the last vestiges of political patronage in Allegheny County, and I think, I think that is lamentable. The political process from Andrew Jackson's spoils system until tonight has succeeded rather well, and by your actions tonight, you are further debilitating a very, very dynamic process.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Perzel.

Mr. PERZEL. Thank you, Mr. Speaker.

But all afternoon we have seemed to have gotten lost on what this bill is about. There are only four provisions. One of them is to make conformity for the pension and to make sure that there is not a two-tier system for vesting; number two, Mr. Speaker, the employees of Allegheny County will be allowed to continue at the airport with their retirement, Mr. Speaker; number three, the provision to fix up the county jail; and number four, to take the patronage system and make it civil service for the sheriffs of Allegheny County. That is all it is, Mr. Speaker; that simple.

I would urge a "yes" vote.

The SPEAKER. Mr. Cowell.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I would like to ask — I would assume it would be Mr. Mayernik — a question, just one question.

The SPEAKER. Mr. Mayernik indicates he will stand for interrogation.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I am looking to language in the bill on page 7, lines 4 through 8, and as I read it, well, what it says is, "NOTWITHSTANDING ANYTHING IN THIS SECTION OR ANY OTHER ACT TO THE CONTRARY, NO PERSON SHALL BE DEEMED INELIGIBLE FOR THE OFFICE OF SCHOOL

DIRECTOR SOLELY ON THE BASIS THAT SUCH PERSON'S POLITICAL ACTIVITIES ARE OTHERWISE RESTRICTED UNDER THIS SECTION." I interpret that to mean that this language is intended to allow a person to serve as a school director?

Mr. MAYERNIK. That is correct, Mr. Speaker. If I may clarify that, I am not reinventing the wheel with this language. I had drafted that language identical to the language in Act 10 of 1989, which is legislation that passed this House of Representatives on two occasions unanimously and is applicable to the State civil servants in this Commonwealth. I did not change it other than to make it applicable to Allegheny County, so that is existing law for our present civil servants in Allegheny County, and that is what is in the law.

Mr. COWELL. Mr. Speaker, I do not know what the context of that other statutory language might happen to be, but I do have before me the context for this particular provision, and while the language in paragraph (D) says, "...NO PERSON SHALL BE DEEMED INELIGIBLE FOR THE OFFICE OF SCHOOL DIRECTOR..." there still is a lot of other language in the bill that prohibits an individual from engaging in any political activity. It seems to me the effect of all of this language, the language in paragraph (D) on page 7 in the context of all the other prohibitions, is that a person is eligible to serve as a school director but they are seriously limited from actually campaigning for that office. Is that your intent or is there something here that would lead to a different interpretation?

Mr. MAYERNIK. If you read throughout the bill, you will see that it indicates the words "partisan politics," "partisan office," and as you and I know, the school board is a nonpartisan position because you can file in both parties.

And I, too, had questioned that initially when reading section 905.2 of political activity under Act 10 of 1989, and I will share this with you, Mr. Speaker. This is a bill that was HB 162, sponsored by our good colleague, who is no longer with us, Representative Linton, and it passed this House on two occasions unanimously, and you had voted for it, and I have the record here in 1989 on two occasions, and I just wonder why the issue was not raised in 1989.

Mr. COWELL. Mr. Speaker, we are living in the present. So in terms of the language that is before us in 1997, it seems to me — and I invite your response to this question — it would seem to me that if by definition — that is, the language throughout the bill that speaks to partisan elections — if by definition a school board election was not covered, then the language in paragraph (D) actually would be unnecessary, and it seems that for some reason the language in paragraph (D) was deemed to be necessary, so it was inserted to say that individuals, despite everything else in the bill, they would be eligible to at least serve in the office of school director. Would you respond, please.

Mr. MAYERNIK. That is correct. They can serve in the position of a nonpartisan office as school board director, and that is existing State civil service law for our civil servants.

Mr. COWELL. Well, Mr. Speaker, that was not the question. The question was, if the language found elsewhere in this proposed legislation that speaks to partisan elections, by definition, does not apply to a school board election, then why is the language in paragraph (D) necessary at all? It seems that whoever wrote this

decided that it was not, by definition, excluded and this specific exclusion language was required.

Mr. MAYERNIK. I believe the language does not apply to school board members as outlined in the language as we passed in HB 162.

Mr. COWELL. So, Mr. Speaker, then at best the language in paragraph (D) is unnecessary and creates a confusing issue.

But let me go back to what the speaker indicated he believes, and that is, a school board election is not a partisan election. My understanding is that individuals file to run for the office of school director just as they file to run for any other elected office — they circulate petitions as a member of a particular party or as an independent. What is different is that they may circulate petitions for at least two parties, but that does not, by definition, make the office of school director or the election for a school director a nonpartisan election. Individuals are still subject to a primary election. They are nominated by a Republican or a Democratic or some other party. How, under the language in the bill, does that qualify as a nonpartisan election?

Mr. MAYERNIK. I believe the past history, practice, and precedence has been set that we in the General Assembly and the electorate have defined “nonpartisan” as those offices being district justice, judges, school board members, whenever you can file in both parties. I am not reinventing the definition of “nonpartisan.” Its past practices and precedence has been set, and I am just adhering to that concept today.

Mr. COWELL. Well, thank you, Mr. Speaker.

Mr. Speaker, if I might be recognized for a very quick remark then.

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, just briefly, this is another example why we should not be in this hurry-up mode to sneak through this kind of legislation before anybody has a chance to read it, scrutinize it, and really be sure of what we are passing.

We may well be doing something that has the effect of telling people who happen to work uniquely, uniquely, in the office of the sheriff of Allegheny County and only those people that they cannot really run for the office of school director. They can serve; it says they are eligible to serve, but everything else in the bill seems to say that they cannot run in a partisan election; they cannot run as a Republican candidate for the school board or a Democratic candidate for the school board; they cannot run in a primary; they cannot run in a general election. Why would we tell these folks, why would we defend language that says, it is okay, you can serve if you get appointed or somehow you can serve if you get elected, but you cannot campaign for the office and you cannot participate in this political process?

Again, I think it is an example of sloppy language. At least we ought to have a chance overnight to be looking at this stuff. At least we should have given Representative Trello and others an opportunity to offer their amendments.

Mr. Speaker, this is a mistake. Mr. Speaker, this again processwise undermines the integrity of this House. It leads to sloppy legislation, sloppy laws.

I would urge that we defeat this since we have refused to allow members and the public the courtesy and the right to have at least 24 hours to review this and the right to debate amendments to

change and to improve the provisions of the legislation. Thank you, Mr. Speaker.

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

Mr. ITKIN. Mr. Speaker?

The SPEAKER. The gentleman has spoken twice on the subject.

PARLIAMENTARY INQUIRY

Mr. ITKIN. Mr. Speaker, a point of parliamentary order.

The SPEAKER. The gentleman will state it; the gentleman will state it.

Mr. ITKIN. Mr. Speaker, we are questioning the validity of the actuarial note. We do not see a proper actuarial note before this House, and as you know, that is a violation of State law.

The SPEAKER. The Chair is in receipt, from the Commonwealth of Pennsylvania Public Employee Retirement Commission, of 4, 5, 6 pages of correspondence addressed to:

The Honorable John E. Barley, Chairman
House Appropriations Committee
House of Representatives
245 Main Capitol
Harrisburg, PA 17120-2020

Re: Actuarial Note for Amendment 4987 to
Senate Bill 382, Printer’s Number 1515

Dear Representative Barley:

And in addition to everything else, it shows a copy going to you, Mr. Itkin, as well as a number of other — as well as all of the leaders, both sides of the aisle, Republican and Democrat, have copies of this, and I have found that it is a good actuarial note.

It is my understanding, Mr. Itkin, that you may have looked at the wrong note.

Mr. ITKIN. Mr. Speaker, I apologize if I am in error. Would you just ask the House to be at ease for 30 seconds so we can clarify this thing?

The SPEAKER. 29, 28, 27....

Mr. ITKIN. Mr. Speaker?

The SPEAKER. The gentleman, Mr. Itkin.

Mr. ITKIN. Mr. Speaker, we believe that the actuarial note is proper, and we accept its provisions. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,
Shall the bill pass finally?

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

YEAS—124

Adolph	Fargo	Masland	Serafini
Allen	Feese	Mayermik	Seyfert
Argall	Fichter	McGeehan	Shaner
Baker	Fleagle	McGill	Smith, B.
Bard	Flick	McIlhattan	Smith, S. H.
Barley	Gannon	McNaughton	Snyder, D. W.
Barrar	Geist	Micozzie	Stairs
Benninghoff	Gigliotti	Miller	Stern

Birmelin	Gladeck	Nailor	Stevenson
Boscola	Godshall	Nickol	Strittmatter
Boyes	Gruppo	O'Brien	Taylor, E. Z.
Brown	Habay	Olasz	Taylor, J.
Browne	Hárhart	Oliver	Trello
Bunt	Hasay	Orie	Trich
Butkovitz	Hennessey	Perzel	True
Chadwick	Herman	Phillips	Tulli
Civera	Hershey	Pippy	Vance
Clark	Hess	Platts	Walko
Clymer	Horsey	Raymond	Waugh
Cohen, L. I.	Hutchinson	Readshaw	Williams, A. H.
Cornell	Jadlowiec	Reber	Wilt
Daley	Jarolin	Rieger	Wogan
Dally	Kaiser	Roberts	Wojnaroski
DeLuca	Keller	Ross	Wright, M. N.
Dempsey	Kenney	Rubley	Yewcic
Dent	Lederer	Sainato	Youngblood
Dermody	Lynch	Sather	Zimmerman
DiGirolamo	Maher	Saylor	Zug
Donatucci	Maitland	Schroder	
Druce	Major	Schuler	Ryan,
Evans	Markosek	Semmel	Speaker
Fairchild	Marsico		

NAYS-71

Battisto	Curry	Levdansky	Rooney
Bebko-Jones	DeWeese	Lloyd	Santoni
Belardi	Eachus	Lucyk	Scrimenti
Belfanti	Egolf	Manderino	Staback
Bishop	George	McCall	Steelman
Blaum	Gordner	Melio	Steil
Buxton	Gruitza	Michlovic	Stetler
Caltagirone	Haluska	Mundy	Sturla
Cappabianca	Hanna	Myers	Surra
Carone	Itkin	Pesci	Tangretti
Casorio	Josephs	Petrarca	Thomas
Cohen, M.	Kirkland	Petrone	Tigue
Colafiglia	Krebs	Pistella	Travaglio
Colaizzo	LaGrotta	Preston	Van Horne
Corpora	Laughlin	Reinard	Veon
Corrigan	Lawless	Robinson	Vitali
Cowell	Leh	Roebuck	Williams, C.
Coy	Lescovitz	Rohrer	

NOT VOTING-2

Cam	Ramos
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EXCUSED-4

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

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

The SPEAKER. There will be no more roll-call votes today.

Mr. DeWEESE. Mr. Speaker?

The SPEAKER. Mr. DeWeese.

Mr. DeWEESE. Could I interrogate, on a matter of schedule, the majority leader for a moment?

The SPEAKER. Tomorrow will be a full voting day.

CONSUMER AFFAIRS
COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Philadelphia County, Mr. Wogan.

Mr. WOGAN. Thank you, Mr. Speaker.

There will be an immediate though hopefully brief meeting of the Consumer Affairs Committee in the rear of the hall of the House.

The SPEAKER. The Chair thanks the gentleman.

REPUBLICAN CAUCUS

The SPEAKER. Any further announcements?

Mr. FARGO. Yes. Thank you, Mr. Speaker.

There will be, as we announced before in the caucus room, a caucus tomorrow morning at 9 o'clock. Please be there.

The SPEAKER. Republicans will caucus at 9 a.m. tomorrow; Republicans will caucus at 9 a.m.

DEMOCRATIC CAUCUS

The SPEAKER. Mr. Cohen.

Mr. COHEN. Mr. Speaker, the Democrats will caucus at 10 a.m. tomorrow morning.

The SPEAKER. The Chair thanks the gentleman.

Republicans at 9 a.m.; the Democrats will caucus at 10.

Any further announcements?

VOTE CORRECTIONS

The SPEAKER. The gentleman, Mr. Ramos.

Mr. RAMOS. Mr. Speaker, I was unable to cast my vote. I would like the record to show an affirmative vote for SB 382.

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

Mr. RAMOS. Thank you.

The SPEAKER. The gentleman, Mr. Tigue.

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, I would like to indicate a change in my vote on the Markosek motion to suspend the rules. It should have been in the negative.

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

The gentleman, Mr. Cappabianca.

Mr. CAPPABIANCA. On the Markosek motion to suspend the rules, I would like to change my vote from a positive to a negative vote, sir.

The SPEAKER. Would the gentleman repeat that.

Mr. CAPPABIANCA. On the Markosek motion, Mr. Speaker, to suspend the rules, I would like to change my vote from a "yes" to a "no."

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

ADJOURNMENT

The SPEAKER. Does the Democratic floor leader have any further business? Mr. DeWeese?

Any further announcements? Any corrections of the record?

Hearing none, the Chair recognizes the lady from Allegheny County, Miss Orié.

Miss ORIE. Mr. Speaker, I move that this House do now adjourn until Wednesday, December 10, 1997, at 11 a.m., e.s.t., unless sooner recalled by the Chair.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 4:28 p.m., e.s.t., the House adjourned.